



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.04.1999
COM(1999)150 final

95/0029 (ACC)

Re-examined proposal for a

COUNCIL REGULATION (EC)

establishing common rules and procedures to apply
to shipments to certain non-OECD countries
of certain types of waste

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

On 8 February 1995, the Commission adopted a proposal for a Council Regulation establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste (COM(94)678 final – 95/0029(ACC)).

On 17 July 1997, the European Parliament delivered its opinion (O.J. C286, 22/09/97, p. 229)

On 29 April 1998, the Economic and Social Committee delivered its opinion (O.J. C214, 10/07/98, p. 74)

On 26 January 1998, the Commission adopted its amended proposal (COM (97)685 final – 95/0029(ACC)).

On 3 June 1998, the Council formally adopted its Common Position (EC) N° 48/98 (O.J. C333, 30/10/98, p.1)

On 9 February 1999, the European Parliament examined the Council Common Position, and approved it, subject to 7 amendments.

Pursuant to Article 189c(d) of the EC Treaty, the Commission submits the present re-examined proposal for a Council Regulation establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste. This re-examined proposal incorporates a number of the above mentioned-amendments of the European Parliament.

Amendments accepted by the Commission

Amendment 1 requests the Commission to inform countries covered by this Regulation on changes to Annexes A and B on a regular basis and the Commission will do so.

Amendments 3, 5 and 8, related to the wastes which may not be exported to ACP countries under Article 39 of the 4th ACP-EC Convention are acceptable, as recital 9 in the preamble of the Common Position of the Council is explicit enough on the issue, and adding an annex (Amendment 8), containing yet another list of wastes, could add confusion.

Amendment 4 is also acceptable, as its wording is similar to the wording of Article 17.3 of Council Regulation (EEC) N° 259/93.

Amendment 7 is acceptable, provided that Commission Regulation (EC) N° 2048/98 is explicitly mentioned together with Council Regulation (EC) N° 120/97. Commission Regulation (EC) 2048/98 of 6 November 1998 amends Annex V to Council Regulation (EEC) No 259/93.

Amendment partially accepted by the Commission

Concerning Amendment 6, the change of deadline for the periodic review is acceptable to the Commission. However, insofar as the consultation of the Parliament for the review process is concerned, the Commission cannot support it due to the fact that the Commission still favours Art. 113 as sole legal basis.

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establishing common rules and procedures to apply
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Common Position

Amended text

Recital 5a (new)

Whereas the Commission shall provide information to countries covered by this Regulation on changes to Annexes A and B on a regular basis;

Article 3

In accordance with Article 39 of the Fourth ACP-EC Convention, shipments of waste listed in Annex C to this Regulation to ACP countries are prohibited

(deleted)

Article 4(2) introduction

The Commission shall determine, in accordance with the procedure laid down in Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste¹, which of the control procedures shall apply, that is to say:

The Commission shall determine, in accordance with the procedure laid down in Article 18 of Council Directive 75/442/EEC of July 1975 on wastes¹, and in cooperation with the country concerned, which of the control procedures shall apply, that is to say:

Article 4(5)

The Commission shall, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, regularly review Annexes A, B and C of this Regulation, in order to bring them into line with the amendments made to the Annexes to Regulation (EEC) N° 259/93 or, in relation to said Annex C, any changes to Annexes I and II of the Basel Convention or to the Fourth ACP-EC Convention.

The Commission shall, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, regularly review Annexes A and B of this Regulation, in order to bring them into line with the amendments made to the Annexes to Regulation (EEC) N° 259/93.

¹ O.J. L194, 25/07/75, p. 39, Directive as last amended by Commission Decision 96/350/EC (O.J. L135, 06/06/96, p. 32)

Article 5

The control procedures established by this Regulation shall be subject to periodic review by the Commission and for the first time no later than 31 December 1998, taking into account the experience gained. If the results of the review lead to the conclusion that it would be appropriate, the Commission may, without prejudice to the provisions of Article 4, make new proposals to the Council.

The control procedures established by this Regulation shall be subject to periodic review by the Commission and for the first time no later than nine months following its publication in the Official Journal, taking into account the experience gained. If the results of the review lead to the conclusion that it would be appropriate, the Commission may, without prejudice to the provisions of Article 4, make new proposals to the Council.

Article 5a (new)

The Commission, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC shall, as soon as possible, review and amend this Regulation in order to bring it into line with Regulation N° 259/93 as modified by Regulation (EC) N° 120/97 and Commission Regulation (EC) N° 2048/98 as regards Annex V of the Regulation.

ANNEX C

Green list	Basel Convention	(deleted)
GA 150 waste and scrap of lead	Y 31	
GA 240 waste and scrap of cadmium	Y 26	
GA 270 waste and scrap of antimony	Y 27	
GA 290 waste and scrap of beryllium	Y 20	
GA 380 waste and scrap of thallium	Y 30	
GA 400 waste and scrap of selenium	Y 25	
GA 410 waste and scrap of tellurium	Y 28	

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DOCUMENTS

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