

COMMISSION OF THE EUROPEAN COMMUNITIES

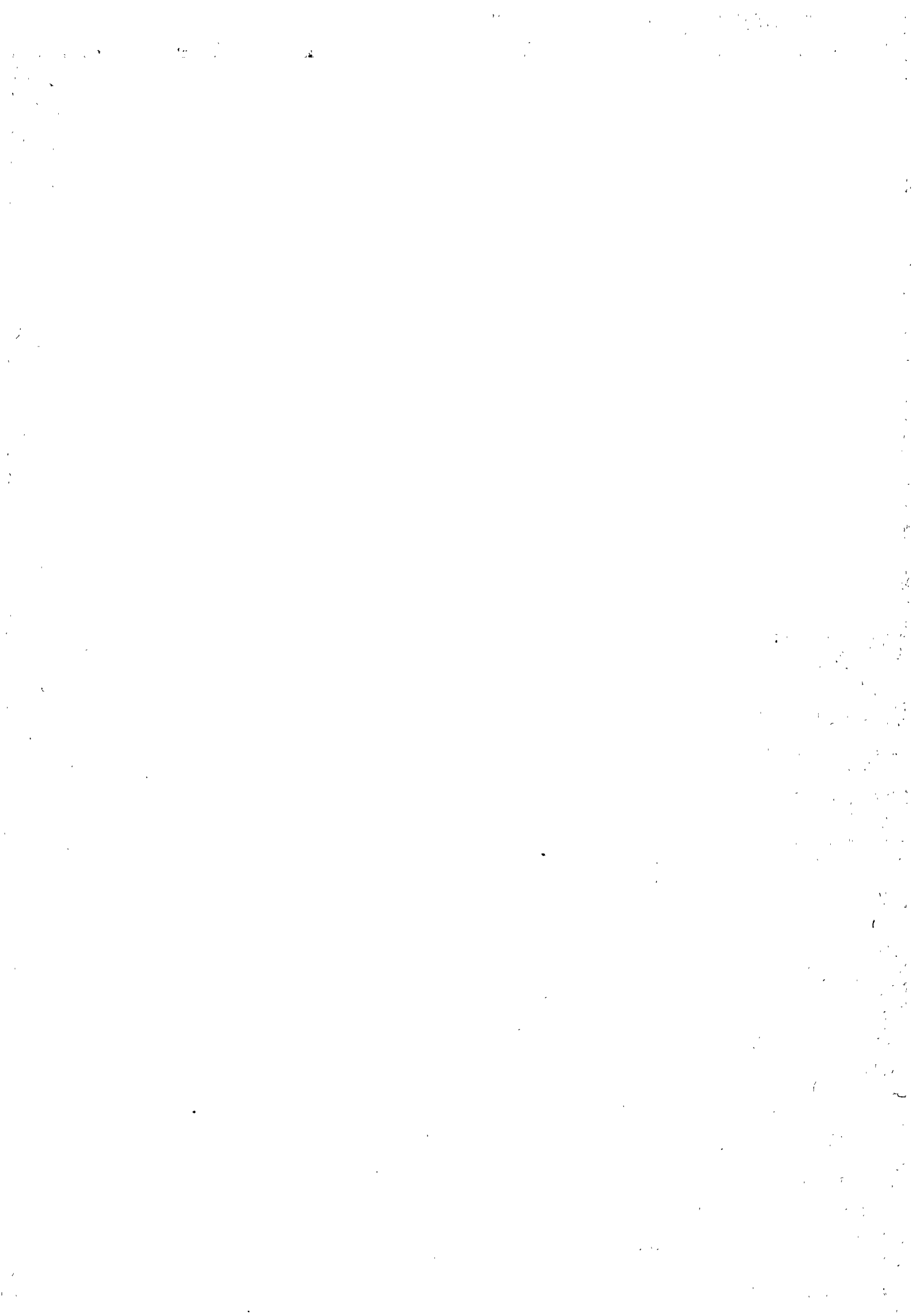
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Brussels, 9 March 1977.

AMENDMENTS TO PROPOSAL FOR A COUNCIL DIRECTIVE ON TOXIC AND DANGEROUS WASTE

(submitted to the Council by the Commission according to
article 149, paragraph 2 of the E.E.C. Treaty)

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AMENDMENTS TO PROPOSAL FOR A COUNCIL DIRECTIVE ON TOXIC
AND DANGEROUS WASTE

(submitted to the Council by the Commission according to
article 149, paragraph 2 of the E.E.C. Treaty)

In virtue of Article 149, par. 2 of the E.E.C. Treaty, the 3rd recital and articles 2, 4, 8, 9, 12 and 13 of the Commission's original proposal are amended as follows :

Original text
Recital 3

Whereas the essential objective of all provisions relating to toxic and dangerous waste disposal must be the protection of human health and the safeguarding of the environment against harmful effects caused by the collection of toxic and dangerous waste as well as its storage and tipping;

Article 2

The following shall be excluded from the scope of this Directive:

- (a) radioactive waste;
- (b) animal carcasses and the following agricultural waste: faecal matter and other substances used in farming;
- (c) explosive substances;
- (d) hospital waste;
- (e) waste waters, with the exception of waste in liquid form;
- (f) gaseous effluents emitted into the atmosphere;
- (g) other waste covered by specific Community rules.

Amended text
Recital 3

Whereas the essential objective of all provisions relating to toxic and dangerous waste disposal must be the protection of human and animal health and the safeguarding of the environment against harmful effects caused by the collection of toxic and dangerous waste as well as its storage and tipping;

Article 2

The following shall be excluded from the scope of this Directive:

- (a) - (d) unchanged
- (e) waste waters, with the exception of toxic and dangerous waste in liquid form;
- (f) - (g) unchanged

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Article 4

1. Member States shall take the necessary measures to ensure that toxic and dangerous waste is disposed of without endangering human health and without harming the environment, and in particular:

- without risk to water, air, soil and plants and animals;
- without causing a nuisance through noise or odours;
- without adversely affecting the countryside or places of special interest.

Paragraph 2 unchanged

Article 8

Any holder of toxic and dangerous waste who has not been granted an authorization pursuant to Article 7(1) shall place it at the disposal of the installations, establishments or undertakings referred to in Article 7(1).

Article 4

1. Member States shall take the necessary measures to ensure that toxic and dangerous waste is disposed of without endangering human and animal health and without harming the environment, and in particular:

- without risk to water, air, soil and plants (two words deleted);
- unchanged

- unchanged

Article 8

Any holder of toxic and dangerous waste who has not been granted an authorization pursuant to Article 7(1) shall keep it at the disposal of the installations, establishments or undertakings referred to in Article 7(1).

Article 9

Any holder of such waste who causes it to be disposed of by an installation, establishment or undertaking not authorized to dispose of it under Article 7(1) shall be jointly liable with that installation, establishment or undertaking, for any damage caused to a third party by the waste.

Article 12

1. The competent authorities shall be required to draw up and keep up to date special plans for the disposal of toxic and dangerous waste. The plans shall cover in particular:

- specialized treatment centres and sites;
- technical requirements;
- the type and quantity of waste to be disposed of;
- the persons authorized to dispose of toxic and dangerous waste;
- the methods of disposal.

The plans may also cover the estimated costs of the disposal operations.

Article 9

Any holder of such waste who keeps it at the disposal of an installation, establishment or undertaking not authorized to dispose of it under Article 7(1) shall be jointly liable with that installation, establishment or undertaking, for any damage caused to a third party by the waste.

Article 12

1. The competent authorities shall be required to draw up and keep up to date special plans for the disposal of toxic and dangerous waste. The plans shall cover in particular:

- specialized treatment centres and sites;
- storage locations;
- technical requirements;
- the type and quantity of waste to be disposed of;
- the persons authorized to dispose of toxic and dangerous waste;
- the methods of disposal.

The plans shall also cover the estimated costs of the disposal operations.

Paragraphs 2 and 3 unchanged

Article 13

In case of emergency or grave danger, the competent authorities may, after giving notice wherever possible to the holder, order that toxic and dangerous waste which is likely to constitute a threat to the population or the environment be transferred and, if need be, treated at a place to be stipulated by the said authorities.

Article 13

In case of emergency or grave danger, the competent authorities shall, after giving notice wherever possible to the holder, order that toxic and dangerous waste which is likely to constitute a threat to the population or the environment be transferred and, if need be, treated at a place to be stipulated by the said authorities.

