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EUROPEAN PARLIAMENT

SESSION DOCUMENTS

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C3-0066/91

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R E P O R T

of the Committee on the Environment, Public Health
and Consumer Protection

on the proposal from the Commission to the Council
for a decision on the conclusion, on behalf of the
Community, of the Convention on the Control of
Transboundary Movements of Hazardous Wastes and
their Disposal
(COM(90) 0362 final - C3-0299/90)

Rapporteur : Mr Ken COLLINS

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Adopted pursuant to Rule 116(2) of the Rules of Procedure

PE 145.365/fin.
Or. EN

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)



= Consultation procedure requiring a single reading



= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment



= Cooperation procedure (first reading)



= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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By letter of 17 September 1990 the Council consulted the European Parliament, pursuant to Articles 113 and 116 of the EEC Treaty, on the proposal for a Council decision on the conclusion, on behalf of the Community, of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

At the sitting of 8 October 1990 the President of Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the Committee responsible, and to the Committee on Transport and Tourism and the Committee on External Economic Relations for their opinions.

At its meeting of 17 October 1990, the Committee on the Environment, Public Health and Consumer Protection decided to apply the simplified procedure under Rule 116(2); the chairman was thus deemed to have been appointed rapporteur.

Having received no objections by 15 January 1991, the chairman declared the report adopted.

The opinion of the Committee on Transport and Tourism and the opinion of the Committee on External Economic Relations are attached to this report.

The report was tabled on 15 January 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the Commission proposal for a Council Decision on the conclusion, on behalf of the Community, of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The European Parliament,

- having regard to the Commission proposal to the Council (COM(90)0362 final),
 - having been consulted by the Council pursuant to Articles 113 and 116 of the EEC Treaty (C3-0299/90),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Transport and Tourism and the Committee on External Economic Relations (A3-UUU8/91),
1. Approves the Commission proposal in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 4. Instructs its President to forward this opinion to the Council and Commission.

EXPLANATORY STATEMENT

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (prepared under the auspices of the UN Environment Programme) was signed on 22 March 1989 by 35 countries, including eight EC Member States, and the Commission on behalf of the Community. The remaining Member States have either now signed the Convention or, according to the Commission, are now prepared to do so.

The Commission is now proposing a Council Decision whereby all Member States would take the measures necessary for the Community and the Member States to deposit their instruments of ratification, acceptance or approval "at the same time if possible and by 1 February 1991 at the latest". The Commission thus wishes for a clear indication of political support for the Basel Convention.

The Council would appear also to be seeking explicit endorsement from the European Parliament, since there is no legal obligation in Articles 113 and 116 of the EEC Treaty to consult the European Parliament on this proposal.

The Committee on the Environment, Public Health and Consumer Protection does not find the Basel Convention to be entirely satisfactory. Indeed, its own forthcoming resolution on a Community Strategy for Waste Management may well go considerably beyond the requirements of the Basel Convention. Moreover, the Fourth Lomé Convention of 15 December 1989, and in particular Article 39 thereof, is also much more restrictive than the Basel Convention. Lastly, the Commission itself, in its proposal for a Council Regulation on the supervision and control of shipments of waste within, into and out of the European Community (COM(90) 415) incorporates the Lomé IV requirements and thus is itself considerably more restrictive than the Basel Convention.

The essential argument behind the Commission proposal under consideration in this report is that the Basel Convention is a necessary first step; it is better than nothing, and is a basis for further refinements and developments.

For the moment the Committee on the Environment, Public Health and Consumer Protection is prepared to accept this argument and thus support the Commission proposal. The Committee is aware, however, of the danger that the Basel Convention could become "fossilized" in international law, and therefore warns against complacency in thinking that it constitutes the "end of the road" with respect to the control of transboundary movements of hazardous wastes.

EUROPEAN PARLIAMENT

OPINION

of the Committee on Transport and Tourism

Letter from the chairman of the committee to Mr COLLINS, Chairman of the Committee on the Environment, Public Health and Consumer Protection

Brussels, 28 November 1990

Subject: Proposal for a Council Decision on the conclusion, on behalf of the Community, of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (COM(90) 362 final - C3-299/90)

Dear Mr Collins,

The Committee on Transport and Tourism has been asked to give an opinion to your committee on the above proposal.

The Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was signed by the European Community and eight Member States in 1989. It will enter into force only when twenty states have deposited instruments of approval and ratification.

The Community and Member States are in a position to conclude the Convention by depositing their instruments of approval and ratification at the same time. The Commission proposes a Council Decision to secure this, requiring all Member States to inform the Commission by 1 January 1991 that they will ratify the Convention.

The Committee on Transport and Tourism welcomes the Convention's aim of ensuring more stringent control of transboundary movements of hazardous wastes, through determining procedures for import, export and transit. The Committee notes that the Convention is in line with Community policy on curtailing and controlling such shipments (Directive 84/631/EEC and amendments), though it goes further especially in prohibiting certain transfers.

Whilst considering that the transport of hazardous wastes should be limited as far as possible, through new production technologies which minimize waste by-products, through recycling and by disposing of waste close to its place of production, it considers that the essential transport of such wastes will be facilitated and made more efficient by the establishment of a strict worldwide system to replace the present mix of restrictive unilateral measures.

The Committee on Transport and Tourism, while approving the Commission proposal, stresses that careful consideration should be given to ensuring that the application of the provisions of the Convention does not conflict with the establishment and operation of the Single Market. The Community might, for example, be considered a single unit for the application of notifications and prohibitions.

Please consider this letter as constituting the opinion of the Committee on Transport and Tourism, as adopted at the meeting of 26-28 November 1990¹.

Yours sincerely,

(sgd) Rui AMARAL

¹ The following were present for the vote: Amaral, Chairman; Topmann, Vice-Chairman; Coimbra-Martins (for Schlechter), Lüttge, McIntosh, Mc-Millan-Scott, Müller, Romera i Alcazar, Sapena Granell, Schodruch and van der Waal.

OPINION

of the Committee on External Economic Relations

Letter from the Chairman of the committee to Mr COLLINS, Chairman of the Committee on the Environment, Public Health and Consumer Protection

Brussels, 29 November 1990

Subject: Proposal for a Council Decision on the conclusion, on behalf of the Community, of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
(COM)(90) 362 - C3-299/90

Dear Mr Chairman,

At its meeting of 28 and 29 November 1990 the Committee on External Economic Relations considered the proposal for a Council Decision on the conclusion, on behalf of the Community, of the Convention on the control of Transboundary Movements of Hazardous Wastes and their Disposal.

A convention on the control of transboundary movements of hazardous wastes and their disposal was signed in Basel on 22 March 1989 by 36 countries, including eight Member States of the Community, and by the Community itself. The remaining Member States have since also signed the convention or are ready to do so. In accordance with Article 25 the convention must enter into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

The Basel Convention was drawn up under the auspices of the UNEP by an ad hoc working party of legal and technical experts, with the assistance of the Commission and the Member States. One of the working party's meetings was co-sponsored by the Grand-Duchy of Luxembourg and the Commission. The activities of the working party were initially based on the Community arrangements for the notification and supervision of transfrontier shipments of dangerous wastes drawn up under Council Directives 84/631/EEC of 6 December 1984 and 86/279/EEC of 12 June 1986; and the result has been to mark a clear tightening up of these arrangements in favour of protection of the environment. Authorization to sign on behalf of the Community was given by Council decision of 21 March 1989.

The Commission hopes that the Community and its Member States will, in their respective areas of authority, conclude this convention by depositing their instruments of approval and ratification at the same time. To that end a decision will have to be adopted calling on all the Member States to inform the Commission not later than 1 January 1991 of their intention to ratify the convention.

Where the Community is concerned it is clear that the provisions of the Basel convention should be considered in the context of Article 8a of the EEC Treaty.

The measures laid down by the convention are standard mechanisms of international trade policy. However, the convention contains provisions not covered by Community powers, in particular Articles 9, 10, 13 and 14. The Council's decision consequently must take Articles 113 and 166 of the EEC Treaty as its legal basis.

Taken as a whole, these measures should help to prepare the way for a rapid entry into force at world level of rules making it possible to reduce and strictly control transfrontier movements of dangerous wastes representing major risks, in particular to developing countries.

The content of the convention broadly reflects Community rules already in existence drawn up under Directives 84/631/EEC and 86/279/EEC on the supervision and monitoring in the Community of cross-frontier shipments of dangerous wastes. However, it also adds the principle of the obligation on the exporter of wastes to reimport the wastes.

Moreover, it only authorizes waste exports when the country of origin has no adequate means of disposal; and it prohibits exports of wastes to countries not party to the convention, to Antarctica and to countries party to the convention that have prohibited waste imports.

Its implementation should be an impetus to the construction of new waste disposal installations and the development of clean technologies.

The chemical industry confederations attended the preparatory meetings leading up to the convention. They played a constructive part, showing that they do indeed understand that a strict world system will be preferable to a mixed bag of unilateral restrictions, and that the practice of diverting wastes from one site to another is damaging to their public image.

The Committee on External Economic Relations can only welcome efforts being made at the widest possible international level in the defence of the environment.

It consequently welcomes the conclusion on behalf of the Community of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the proposal for a Council decision on this subject.

Our committee has consequently decided to deliver a favourable opinion on this proposal and has instructed me to inform you accordingly by letter.

Yours sincerely,

Ben VISSER
draftsman of opinion

Willy DE CLERCQ

Present at the vote: De Clercq, Chairman; Stavrou, Vice-Chairman; Braun-Moser; Hindley; Izquierdo Rojo (for Magnani Noya), Lenz (for Lemmer), Peijs, Porto, Randzio-Plath, Tsimas