



European Communities

EUROPEAN PARLIAMENT

# SESSION DOCUMENTS

English Edition

19 December 1990

A3-0366/90

## R E P O R T

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

on a Community strategy on waste management

Rapporteur: Mr David BOWE

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

\*\*I = Cooperation procedure (first reading)

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

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

PE 144 175/fin  
Or. EN

C O N T E N T S

	<u>Page</u>
Procedural page .....	3
A. MOTION FOR A RESOLUTION .....	4
B. EXPLANATORY STATEMENT .....	10
<u>Annex:</u> Motion for a resolution B3-0466/89 .....	16
Opinion of the Committee on Legal Affairs and Citizens' Rights .....	17
Opinion of the Committee on Economic and Monetary Affairs and Industrial Policy .....	23

At its sitting of 11 December 1989 the President of the European Parliament announced that he had forwarded the motion for a resolution by Mr Ken COLLINS and others on a Community strategy on waste management (B3-0466/89), pursuant to Rule 63 of the Rules of Procedure, to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights for its opinion and at its sitting of 14 May 1990 to the Committee on Economic and Monetary Affairs and Industrial Policy for its opinion.

At its meeting of 9 November 1989 the committee decided to draw up a report and appointed Mr David BOWE rapporteur.

At its meetings of 28 June, 26 September, and 18 December 1990 the committee considered the draft report.

At the latter meeting it adopted the resolution unanimously

The following took part in the vote: Mr Collins (President), Mrs Schleicher, Sir James Scott-Hopkins, (vice-presidents) ; Mr Bowe (rapporteur), Mr Alber ; Mr Avgerinos ; Mrs Banotti ; Mrs Bjornvig ; Mr Cassidy (supp. Mr Simmonds) ; Mr Di Rupo ; Mr Florenz ; Mr Gaibisso ; Mr Garcia V. (supp. Mr Bertens) ; Mme Green ; Mr Hadjigeorgiou (supp. Mr Chanterie) ; Mrs Jackson Car. ; Mrs Jensen ; Mrs Llorca Vilaplana ; Mr Monnier-Besombes ; Mrs Oomen-Ruitjen ; Mr Partsch ; Mrs Pollack ; Mrs Roth-Behrendt ; Mr Schwartzenberg ; Mr Staes (supp. Mr Amendola) ; Mr Valverde Lopez ; Mr Vernier ; Mr Vertemati ; Mr Vittinghoff ; Mr Vohrer.

The opinions of the Committee on Legal Affairs and Citizens' Rights and the Committee on Economic and Monetary Affairs and Industrial Policy are annexed hereto.

The report was tabled on 19 December 1990

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

MOTION FOR A RESOLUTION

on a Community strategy on waste management

The European Parliament,

- having regard to the motion for a resolution tabled by Mr COLLINS and others on a Community strategy on waste management (B3-0466/89),
  - having regard to the Communication from the Commission to the Council and to Parliament on "A Community Strategy for Waste Management" (SEC(89) 934 final),
  - having regard to the report drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection by Mr IVERSEN (A2-0074/89 and Parliament's vote thereon<sup>1</sup>, on the proposals from the Commission to the Council for I. a directive amending Directive 75/442/EEC on waste and II. a directive on hazardous waste (COM(88) 391 final - C2-0164/88),
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Legal Affairs and Citizens' Rights and the Committee on Economic and Monetary Affairs and Industrial Policy (A3-0366/90),
- A. whereas the European Community does not yet have a clear and unambiguous strategy for waste management,
  - B. whereas the production of waste should, where possible, be prevented or reduced at source, particularly by the use of clean or low waste technologies and products,
  - C. whereas the European Community should be capable of handling, treating, recycling, re-using, or finally disposing of all the waste which it produces, in an environmentally safe manner ;
  - D. whereas policies for waste reduction in the European Community have not so far been effective,
  - E. mindful of the fact that local and regional authorities have an important role in final waste disposal,
1. Welcomes the Commission's Communication on "A Community Strategy for Waste Management";
  2. Considers that measures designed to prevent the production of waste at source, the recycling and re-use of waste, and the safe and environmentally acceptable final disposal of wastes are an essential feature of an efficient waste management system;

---

<sup>1</sup> OJ C 158 of 25 May 1989, pp. 232-244

3. Stresses that wastes cannot simply be considered as ordinary goods in the completed internal market, and that therefore controls over the movement of wastes will remain a feature of Community policy;
4. Considers that general exhortations to reduce waste volumes and promote recycling and re-use are ineffective;
5. Concludes therefore that clear targets for both waste reduction and for levels of recycling and re-use should be set and specific action taken both at the European Community level and by the individual Member States;
6. Calls on the EC Member States to draw up national and regional plans for waste management, which are in compliance with the principles and requirements of EEC waste directives;

WITH RESPECT TO THE AVAILABILITY OF DATA ON WASTES, WASTE TREATMENT & DISPOSAL

7. Reminds the EC Member States to comply with the obligations imposed on them by existing directives on waste to regularly transmit data and information on wastes to the Commission, and reminds the Commission to insist on these obligations;
8. Proposes that the Commission compile and maintain high quality data on the quantities and characteristics of agricultural, industrial and domestic wastes produced within the European Community, broken down by geographical area within each Member State, so that meaningful waste reduction targets may be established;
9. Proposes that the Commission compile and maintain high quality data on the availability and technical characteristics of waste treatment and disposal facilities used within each region, together with an analysis, by geographical area, of the quantities and characteristics of wastes:
  - (i) used in materials recovery/recycling;
  - (ii) incinerated with energy recovery,
  - (iii) incinerated without energy recovery,
  - (iv) disposed of in landfill sites,
10. Proposes that the Commission assist in the development of a standard methodology for the "cradle to grave" analysis of the energy and raw materials requirements and of the adverse environmental effects of industrial manufacturing and distribution systems and recycling operations, on the basis of which action can be taken to reduce requirements and to limit as far as possible from the outset the adverse effects on the environment, even after products have reached the disposal stage;

11. Calls upon the Commission to propose a Directive requiring an environmental audit to be attached to the annual accounts of all public companies and summarised in their annual reports, this audit to include the consumption of raw materials, the energy required for manufacture and distribution, the pollution of air, water and soil through emissions and discharges, and the final disposal of industrial and product waste;
12. Calls on the Commission to urge the Member States to encourage private companies to introduce in-house environmental protection systems, geared to the systematic collection of environmental data in industry, as the basis for a responsible policy towards the working environment ;

WITH RESPECT TO WASTE PREVENTION

13. Considers that sound waste management practices should be incorporated into the regulations and codes of practice governing the design and development stages of industrial plant, processes, equipment, and products; that production should be dependent on the availability of safe methods of subsequent treatment or disposal; and calls upon the Commission to incorporate these proposals in a new or extended Directive on Environmental Impact Assessment for industrial and manufacturing plants;
14. Supports the funding of research and demonstration projects in clean technologies with the Action by the Community on the Environment (ACE) programme, but believes that this deserves further development and a higher level of funding by its inclusion in a more general funding system for the environment;
15. Supports the European Information Network on Environmental Technologies (NETT), and urges the further development of this network, particularly with respect to the diffusion of innovations to small and medium sized enterprises;
16. Considers that it must be possible to ban products that have highly damaging effects at the disposal stage ;
17. Considers that a clear, well designed, and regularly reviewed system of environmental impact labelling ("eco-labelling") for products is an essential element in the Community's waste management strategy;
18. Invites the Commission, therefore, to come forward with clear and specific proposals for such a system of product labelling, which will take into account the cradle to grave life of products in the form of a logo that is clear to the consumer and easily recognizable;
19. Proposes that the Commission should develop proposals for fiscal incentives and taxation measures designed to penalise the excessive production of wastes, and to reward environmentally sound production techniques and products, as well as recycling and re-use;

20. Insists, nonetheless, that the Commission should exercise caution in developing systems which attempt to quantify in monetary terms the costs and benefits of particular technological options, since such assessments typically include implicit social and cultural judgements which must be subjected to open critical public debate;
21. Calls for waste disposal charges that cover the full cost of the operation, on the 'polluter pays" principle, to provide a greater incentive for waste prevention;

#### WITH RESPECT TO WASTE RECYCLING AND RE-USE

22. Believes that waste recycling and re-use schemes need a degree of public support, at least in their early stages of development;
23. Proposes, therefore, that the Commission should propose a Directive on Waste Recycling and Re-use, in which the emphasis should be on economic and fiscal instruments, setting out appropriate simplified procedures for encouraging waste recycling and re-use, and which would require the use of minimum percentages of recycled materials in certain products, require the development of separate collection schemes for household wastes, and the subsequent processing of such wastes.
24. Calls for research into and the development of physico-chemical and biological treatment processes for wastes such as neutralising, stabilising, composting and fermenting;

#### WITH RESPECT TO THE MOVEMENT OF WASTES

25. Considers that regulations for the transport of wastes should include a labelling system for loads in transit that conforms with other labelling systems and that gives simple and clear instructions to emergency services as to the nature of the material in transit and the appropriate treatment procedures in the event of an accident and that provision must be made for the monitoring, inspection and control of wastes in transit;
26. Concludes that complex, decentralised systems of waste handling, transport and final disposal are extremely difficult to police effectively, and inevitably lead to a loss of control over the type and character of the wastes finally disposed of;
27. Emphasises therefore that competent authorities should develop a "proximity principle" for the treatment of wastes as near as possible to their place of origin, permitting exceptions to be made for some types of waste and certain types of procedures that have been developed and proved effective and without the Community's internal frontiers acting as an obstacle;
28. Considers that the export of hazardous waste from the European Community must at least conform with the Basle Convention and the ACP-EEC Convention;
29. Requests the Commission to come forward with a proposal for a total ban on the export of hazardous wastes from the European Community;

WITH RESPECT TO THE TREATMENT OF WASTES

30. Recognises the need for an adequate infrastructure of environmentally sound waste treatment facilities throughout the European Community, and calls on the Commission to draw up a technical manual on waste disposal facilities;
31. Insists that waste disposal facilities must be subject to an environmental impact assessment (EIA);
32. Supports the notion that such facilities should include regional or zonal centres for the processing of hazardous wastes and considers that the uncontrolled abandonment, discharge, disposal and transport of hazardous waste must be prohibited;
33. Considers therefore that installations, establishments or undertakings which carry out the storage, treatment and/or disposal of waste must obtain a detailed permit from the competent authority responsible;
34. Considers that hazardous wastes should be stored, treated and/or disposed of only be installations, establishments or undertakings holding such permits;
35. Calls on the Commission to institute a system of certification whereby any company in possession of an appropriate permit issued by the competent authorities will receive an EEC certificate and be registered on a 'white list' ; after this system has come into effect, only companies on the list will be permitted to receive waste from other Member States for recycling or disposal;

WITH RESPECT TO THE DISPOSAL OF WASTES

36. Emphasises that hazardous wastes must never be disposed of in landfill sites; proposes therefore that the Commission should include in its forthcoming proposed Directive on landfill an absolute ban on the disposal of untreated or unneutralised hazardous wastes in landfill sites, and high standards for landfill operations in general;
37. Supports the reclamation of old waste disposal sites, but insists that successful reclamation is crucially dependent on a serious investigation of the actual contents of the waste site;
38. Rejects the disposal of wastes by deep injection;
39. Rejects the dumping of wastes into bodies of water, seas and oceans;
40. Rejects the disposal of wastes by seabed insertion;
41. Rejects the incineration of wastes at sea;
42. Urges the Commission to promote the development of alternative uses for inert materials traditionally disposed of in landfill sites, such uses to include vitrification and use in the construction industry;



43. Considers that in the long run as little waste as possible should be dumped, so that only waste that cannot be re-used, recycled or incinerated is disposed of in this way;

WITH RESPECT TO THE IMPLEMENTATION OF LEGISLATION

44. Recognises that local authorities have a general problem of access to sufficient scientific and technical expertise to monitor adequately waste treatment and disposal;
45. Proposes therefore that the Commission establish within its services -or- when the European Environment Agency is set up - under the auspices of this institution, a European Centre for Advice on Waste Management, whose remit would include the provision of expert advice to local authorities;
46. Reiterates its conviction that much more attention needs to be paid in the future to actual day-to-day implementation of Community legislation with respect to waste management;
47. Calls on the Commission to establish as soon as possible within its services a European Waste Management Inspectorate, and to bring forward legislative proposals designed to give the members of this Inspectorate the right to make unannounced challenge inspections at any waste management facility in the European Community, to check compliance with Community legislation;
48. Calls on the Commission to make the European Waste Management Inspectorate part of an all-embracing organization, viz the European Environmental inspectorate, charged not only with collating information from the Member States on the speed and manner in which directives are implemented but also with monitoring how Member States enforce their environmental laws;
49. Instructs its President to forward this resolution to the Commission and Council.

EXPLANATORY STATEMENTI. Introduction

The introduction to the Commission communication on Community strategy for waste management (1) points out that "waste is not only a potential source of pollution but can also constitute 'secondary' natural resources". Waste management policy cannot, therefore, be developed in isolation from economic and industrial policy.

This is correct; but it is also a polite way of acknowledging that the EC does not yet have a definitive waste management strategy. This communication sets out to define what such a strategy might be.

II. Background

The Commission concludes from the quantity (unspecified) of waste exported from the EC each year "that there is a lack of disposal plants within the Community, particularly incineration plants".

This misses the point that the main reason wastes are exported is economic: cheaper methods of disposal are available elsewhere. The EC's own waste management industry is correctly identified as a potential source of economic growth and jobs - but this will only happen if the movement of wastes out of the EC decreases.

III. Basic Policy Guidelines

A) The Commission, quite correctly, cites EEC Treaty Article 130r as the legal justification for the development of EC waste management policy. Although reasonably happy with the overall approach embodied in the Single Act revisions establishing Title VII on the environment, the European Parliament is far from happy with the unanimity provision in Article 130s, and insists that a qualified majority vote in Council and the use of the cooperation procedure with the Parliament would be a more sensible arrangement, and looks forward to the Treaty revisions to implement this.

B) The Commission points out how the Community Action Programmes on the Environment have evolved general policy guidelines on waste:-

- a) waste prevention;
- b) waste recycling and re-use;
- c) safe disposal of non-recoverable residues.

These would seem to be sound guidelines. Nonetheless, the quantity of waste generated each year in the EC has continued to increase, which suggests that much greater emphasis needs to be placed on waste prevention, recycling and re-use. To this end, clear targets for waste reduction and for levels of recycling and re-use should be set in each Member State and in each sector of industry. The Netherlands provides a good example here.

(1)

SEC(89) 934 final

#### IV. First Strategic Guideline : Prevention

The Commission correctly states that this must be a two-pronged strategy:

- (i) prevention by technologies, i.e. the development of 'clean technologies';
- (ii) prevention by products.

The guiding principle for both prongs of this strategy should be:-

"If you cannot safely dispose of it, then you should not produce it".

A clear definition of safe disposal is essential to the success of this concept. Industry must be encouraged to move towards manufacturing processes which avoid waste production. Regulations and codes of practice need to be elaborated which ensure consideration of this issue in the research, design and development stage of industrial plants, processes and equipment.

In this context, the Commission

- has a responsibility to fund research and demonstration projects in clean technologies via the Action by the Community on the Environment (ACE) programme, which should receive a higher level of funding;

- should ensure the diffusion and widespread use of new clean technologies, especially in small and medium-sized enterprises, which require the establishment of a system of information provision and technology transfer at a European level. NETT - the European Information Network on Environmental Technologies, together with the ACE programme, go some way to achieving this objective, but need further development;

- must consider whether it can continue to permit the use of certain manufacturing processes where it can be proven that more environmentally sound ones exist.

With respect to the second prong of the strategy - prevention by products - the Commission correctly notes that any such strategy must incorporate a sound, well-constructed system of 'ecological labelling' which considers the ecological effects of the product and its packaging 'from cradle to grave'. Any such system should be subject to regular review and modification.

As noted above, the principle of

"If you cannot safely dispose of it, you should not produce it"

applies equally here, and the Commission should consider the possible prohibition of products that are particularly difficult to dispose of, or in less serious cases seek disincentives - either legislative or fiscal - to their production. A good example here is the proposed Council Directive on batteries and accumulators restricting mercury content.

To assist the development of ecologically sound products the Commission should consider a variety of possible intervention measures in the market place. While the development and encouragement of certain products by the use of preferential public purchasing schemes or tax concessions should be considered, restrictive legislation or taxes on bad products should not be ruled out. The most appropriate tools of intervention must be chosen for the relevant market situation.

#### V. Second Strategic Guideline: Recycling and Re-use

This is one of the core elements in the Commission's Communication, which points out here that economic considerations play a major role in the choice of whether and how to re-use products and materials. The Commission argues that any assessment of the costs of not recycling or re-using waste, i.e. final disposal by dumping, must not be restricted to the social costs of waste, which are usually difficult to quantify exactly, but should include the costs of industrial treatment and disposal processes, as well as other external costs such as collection, sorting and transport.

Recycling and re-use can mean regeneration, raw materials recovery, or energy conversion (production). The Commission is convinced that these can be promoted through scientific and technological R & D, the optimisation of collecting and sorting systems, the reduction of external costs, and the creation of outlets for the products of recycling and re-use, all coupled with incentives such as deposits on returnable items, and taxes. This general area is, indeed, the one in which the Commission should be concentrating much of its effort in the short to medium term, and where positive action by the Commission to set targets and achieve them by given dates are most crucial if the amount of waste generated in the EC is not going to grow.

It should be borne in mind, however, that recycling and re-use of a product or material may not always be the best environmental option, particularly in the case of products which are demonstrably biodegradable. Furthermore, financial costs alone should not necessarily be the key factor: serious consideration must be given to the conservation of finite natural resources and energy when evaluating the correct treatment of a used product or waste material.

The Commission is right to identify public procurement as a significant issue here, together with the creation of stable markets for recycled products and materials. Fiscal measures, however, must be considered very carefully before introduction. Assistance in the development of collection and sorting systems, including separation at source, is an appropriate task for the Commission, and should have a high priority in urban areas.

The Commission should come forward rapidly with legislative proposals on the lines of action indicated, ensuring that they are clear, definitive, and above all, strong enough to be effective.

#### VI. Third Strategic Guideline: optimization of final disposal

We must accept that whatever actions the European Community takes, some wastes will arise which must be disposed of, but it is essential that the highest standards possible are set for the disposal methods and facilities used.

The Commission acknowledges that "waste dumping is increasingly seen to present serious problems of environmental impact", so must be relied on only

as a last resort, and then only after prior treatment. The Commission is keen to see an expansion of physico-chemical and biological treatment processes, such as neutralising, stabilising, composting and fermenting.

Where the waste is non-combustible, it is likely that it will finally be dumped in landfill sites. The current pattern of regulation of such sites is uneven, and varies widely from one Member State to another. To counter this, the harmonisation of standards on the basis of a high level of environmental protection is an urgent requirement: we should not allow disparities in standards to lead to the creation of a market in waste or the establishment of a system of 'waste tourism'. We should not allow landfill to be considered a cheap and easy option. Indeed, rising costs of landfill could have beneficial side effects in encouraging the development of clean technologies, recycling and re-use, and other preferable disposal options. The Commission should explore the possibilities offered for the final disposal of wastes by vitrification and as building materials in the construction industry.

With respect to combustible wastes, and in particular organic wastes, we should not fall into the trap of simply assuming that incineration is the only solution. The Commission has correctly identified other interesting treatment processes which can be further developed. Where, after careful study, incineration is found to be necessary, it is clear that incineration plants, their operation, emissions and residues, must be strictly regulated.

Hazardous wastes of course require special treatment, and their disposal in landfill sites must be prohibited.

#### VII. Fourth Guideline: Regulation of Transport

Good regulations for transport are important and necessary; they should include a labelling system for loads in transit that give simple and clear instructions to emergency services as to the nature of the material in transit and the appropriate treatment procedures in the event of an accident. Additionally, the Commission should consider what methods might exist to continually monitor the location of waste materials in transit.

However, one of the underlying objectives of Community Waste Management strategy should be to reduce the transportation of waste, particularly hazardous waste, to a minimum. To this end the application of the "proximity" principle for waste disposal and the development of regional waste management plans are essential. It is clear that the Commission must take responsibility for creating a framework in which these plans can be developed. The arrangements and agreements being developed between the border regions of Germany, Luxembourg and France are an interesting example here. This is not a matter which can be left entirely to individual Member States.

#### VIII. Fifth Guideline: Remedial Action

We must all recognise the difficulties and cost of remedial action in places in the Community where damage due to the dumping of waste has occurred. The Commission is correct to encourage research into clean-up methods and technologies and to support the proper mapping and identification of contaminated sites. The Commission must endeavour to ensure that wherever possible the "polluter pays" principle is applied. Member States have a

clear role in this process to work with the Commission to solve these problems. Where pollution crosses frontiers of Member States it may be necessary for the Commission to play a leading role.

The Commission also reminds us that measures contributing to the cost of rehabilitating contaminated industrial sites in declining industrial areas is now one of the guidelines of the Community's regional policy.

#### IX. Implementation of Community Legislation

The Commission here acknowledges what the European Parliament has been arguing for some time: that the actual putting into practice of Community legislation, after transposition into national law or administrative provisions, is the key aspect of implementation. Already there is much evidence that some Member States are very slow in even adopting national legislation, whereas others transpose directives into national law, but then do not adequately police the day-to-day implementation thereof. A more consistent monitoring and investigation system by a properly qualified inspectorate would give the Commission even more accurate and precise information. The Commission has here ignored a clear role for an Environmental Protection Agency armed with appropriate powers. Where breaches or disregard of Community law are clearly proven the Commission should consider what financial penalties could be imposed upon defaulting Member States and bring proposals forward rapidly on this matter.

#### X. Waste Management in a Community with no Internal Frontiers

The key issues here concern the degree of "free movement" to be permitted for wastes, and how this relates to the availability of treatment and disposal plants.

With respect to the movement of waste prior to disposal within the European Community, Community law provides for a harmonised system in a limited number of situations. There are also a number of general principles invoked at Community level, but "Since these principles are very broad, their application and interpretation leave Member States a great deal of latitude", and

"The result has been, despite the fact that there is Community law on the subject, divergent development in the rules governing waste management in the Member States. In these circumstances a trend has emerged for waste to be moved for final disposal in lower-cost facilities."

The Commission appears to be admitting here that what we have at present is effectively a free market in wastes: that it is impossible, in practice, to adequately monitor and control the movement, treatment and disposal of wastes in such a way that one can be sure that Community legislation is being implemented. The interesting question which then arises is whether or not this follows inevitably from the decentralised structure of the waste production/transport/disposal systems, and whether therefore there is any hope for a more controlled waste management system in the future so long as wastes are allowed to move freely, no matter how thorough their documentation, authorisation certificates, export licences, or whatever.

The Commission hopes that harmonisation of technical standards for waste disposal plants based on a high level of environmental protection, will go some way to solving this problem, but acknowledges that a concentration of investment in certain regions may leave "under-equipped regions in an extremely critical position".

It may, therefore, the Commission concludes, be necessary to restrict the free movement of wastes within the Community. In other words it arrives at a similar conclusion to that postulated above, but deriving this time from concern over investment patterns, rather than over policing the complex network of producers, shippers, brokers, middlemen, waste treatment operators, land-fill operators, and so on.

In order to make restricted movement viable, the Commission notes that "provision must be made to ensure that as far as possible waste is disposed of in the nearest suitable centres", acknowledging, nonetheless, that "nearest" may not be "close-by" when it comes to specialist facilities for processing, for example, toxic chemical wastes.

With respect to wastes for recycling, the Commission wishes to ensure as free a market as possible, so as to encourage the competitive development of recycling technology, but proposes that such waste movements be subject to a "recycling contract binding the waste holder and the recycler, and both must be recognised and approved". Such wastes would not be covered by the "proximity principle". This seems a reasonable idea, but one which is crucially dependent on the adequacy of the procedures by which the contracting parties come to be "recognised and approved".

Disposal outside the European Community. The Commission's text here retains some disturbing ambiguities. The European Parliament believes that no case exists for the movement of hazardous wastes to non-European Community states. If the techno-economic conditions for safe disposal do not exist in the developed industrial economies of the EC, they are unlikely to be found elsewhere.

The Commission should, therefore, take steps to put into place a ban on exports of toxic wastes to all developing countries, not just the ACP countries, and eventually to all non-European Community states. The Commission may also wish to give an opinion as to what policy should be pursued with respect to the import of wastes into the Community from non-European Community states.

o

o o

Motion for a Resolution tabled by Mr COLLINS and others pursuant to Rule 63 of the Rules of Procedure on a Community strategy on waste management (B3-0466/89)

---

The European Parliament,

- having regard to the resolution adopted on 20 July 1987 on the waste disposal industry and old waste dumps (Doc. A2-31/87) (1),
  - having regard to the many proposals for directives on waste which have been or are still to be referred to the European Parliament,
1. Welcomes the fact that the Commission has finally met Parliament's wishes by drawing up a Community strategy on waste management;
  2. Calls for Parliament's views to be given more consideration in this long-term strategy;
  3. Instructs the relevant parliamentary committee to keep abreast of developments in this area.

---

(1) OJ No. C 190, 20.7.1987, p. 154



OPINION

(Rule 120 of the Rules of Procedure)  
of the Committee on Legal Affairs and Citizens' Rights  
for the Committee on the Environment, Public Health and Consumer Protection  
Draftsman: Mr JANSSEN VAN RAAJ

At its meeting of 25 January 1990 the Committee on Legal Affairs and Citizens' Rights appointed Mr Janssen van Raay rapporteur.

It considered the draft opinion at its meetings of 18 and 19 September 1990 and 15 and 16 October 1990.

At the latter meeting it adopted the conclusions by 20 votes to 1.

The following were present : Stauffenberg, chairman; Vayssade, first vice-chairman; Rothley, second vice-chairman; Janssen van Raay, draftsman; Bandres Molet, Blak, Bontempi, Bru Puron, Casini, Falconer, Fontaine, Grund, Malangre, Mazzone, Medina Ortega, Oddy, Perreau De Pinninck Domenech, Reymann, Salema, Sarlis, Simpson, Stamoulis and Valent.

## THE COMMUNITY STRATEGY FOR WASTE MANAGEMENT

After more than six years the Commission of the European Communities has finally published its strategy document on waste management (officially: 'a communication from the Commission to the Council and to Parliament - a Community strategy for waste management, SEC(89) 934 final, Brussels, 18 September 1989). This document, which was drawn up in response to the urgings of the European Parliament after the Seveso disaster, contains important proposals which must be considered against the background of environmental policy on the one hand and the removal of obstacles to trade on the other. It must be borne in mind that the 1992 programme as such contains no reference to a European environmental policy. Only in the Single European Act amending the EEC Treaty does environmental policy figure for the first time as one of the official policies of the European Economic Community. Environmental policy is based on three main objectives which are:

- (a) to preserve, protect and improve the quality of the environment,
- (b) to contribute towards protecting human health,
- (c) to ensure a prudent and rational utilization of natural resources.

The Single European Act states in particular that action by the Community relating to the environment must be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay (Article 130r(2)).

As the Commission states in its strategy document the Community must first address itself to preventing waste before considering its (re)use and how it is to be ultimately disposed of.

In the light of this position the Commission describes five strategic guidelines in its strategy document: (1) prevention, (2) recycling and reuse, (3) optimization of final disposal, (4) regulation of transport and (5) remedial action. It then draws attention to the urgent need for compliance with Community directives on waste management. The document concludes with the Commission's ideas concerning waste management and 1992.

It is not the aim of this working document, which is concerned with certain specific legal aspects of the strategy document, to give even a brief general legal assessment of the provisions of the EEC Treaty on environment policy. The institutional mechanisms for environmental policy (in Articles 130r, s and t) and for the internal market where this relates to environmental protection (Article 100a(4)) have already been the subject of a number of informed opinions. The limited aim of this document is to consider briefly whether the Commission's new views on the relation between the environment and the economy can stand the test of Community legislation.

### WASTE MANAGEMENT IN A COMMUNITY WITHOUT INTERNAL FRONTIERS: THE COMMISSION'S VIEWS

In its strategy document the Commission deals with the question of the removal of the internal frontiers of the Community as this affects waste management.

In the past the EEC has adopted a limited number of directives and thus created a certain degree of harmonization between the Member States. Directive 84/631/EEC on the transfrontier shipment of hazardous waste

(OJ No. L 326, 13.12.1984, p. 31), for example, instituted a system based on authorizations issued by the importing country. Exporting countries are entitled to make objections but only on the basis of an existing waste disposal plan.

Directive 75/438/EEC on the disposal of waste oils (OJ No. L 139, 25.7.1975, p. 23) laid down that each Member States was to approve establishments for the disposal of waste oils. On the basis of this directive the Court of Justice of the European Communities has ruled that an undertaking holding waste oils in one Member State may send them for disposal to an approved establishment in another Member State (Case 172/82: Syndicat National des Fabricants Raffineurs d'Huile de Graissage/Groupement d'intérêt économique 'Inter-Huiles' [1983] ECR 555).

Directive 86/278/EEC (OJ No. 181, 4.2.1986, p. 6) states that sewage sludge from one Member State may be exported to another provided that certain Community standards are met.

Apart from these specific provisions a number of principles are laid down in Community law on waste (i.e. Directive 75/442/EEC on waste, (OJ No. L 194, 25.7.1975, p. 39) and Directive 78/319/EEC on hazardous waste (OJ No. L 84, 31.3.1978, p. 43)). Because of the broad terms in which these principles are worded, there is greater latitude for the Member States in applying and interpreting them. The result has been a divergent development in the rules on waste management in the Member States.

The thinking behind the Commission's position on waste management in this document involves the following stages:

- (a) a trend has emerged for waste to be moved for final disposal to lower-cost facilities;
- (b) the cost of waste disposal is directly dependent on the standards and provisions governing the construction and operation of facilities and also relate to the type of facility used and a large number of external factors such as the cost of land and social costs;
- (c) the amortization of waste disposal plants is directly proportional to the volume of waste handled and therefore to the flow of waste to them;
- (d) in view of the current discrepancies between the technical provisions on waste disposal plants (or even the lack of such provisions) there is a real risk that in a Community without internal frontiers the flow of waste towards low-cost disposal plants may become a flood;
- (e) the areas in which these low-cost waste disposal plants are situated could become particularly vulnerable in environmental terms;
- (f) the harmonization of technical standards for waste disposal plants is a key priority for environmental protection;
- (g) harmonization must be based on a high level of protection.

In view of these considerations a network of facilities for the final disposal of waste must be developed in order to prevent regional imbalances. Such

imbalances would create a situation where certain areas did not have the facilities for the collection, transport and disposal of waste.

This consideration leads the Commission to adopt the principle of nearness: the principle means that waste must be disposed of in the nearest suitable facility (whilst making use of the most appropriate technologies to guarantee a high level of protection for the environment and public health).

The Commission considers that this principle should not lead to monopolies being created.

It is important to note that the Commission wishes to distinguish between waste which can be recycled and waste for final disposal. In its view waste for recycling forms part of the productive economic cycle and operators should therefore have access to those undertakings which can carry out recycling most efficiently and market forces must be allowed to operate. The Commission is willing in this case to apply its new principle of nearness less strictly so that companies can be offered greater flexibility. Their activities can be based more on economic and rational motives.

Waste which cannot be recycled, however, forms part of a non-productive economic cycle according to the Commission and thus operators are not entitled to access to facilities which could dispose of their waste more efficiently taking market forces into account.

#### SOME PROBLEMS

The Commission seems to want to create a hierarchy of solutions to the problem of waste disposal. According to the five strategic guidelines set out in its strategy document, prevention occupies first place followed by recycling and reuse, then optimization of final disposal and lastly remedial action. We welcome such a hierarchy for various reasons, but such a policy should not result in a rigid position which leaves no room for flexibility in practice. Seen from a legal standpoint, the Treaty does not impose such a strict hierarchy. Current waste management problems show that there is a great need for the normal methods of disposal, whether by dumping or incineration. Even if, and insofar as, waste prevention and restriction produce an easing of pressure in this area which is badly needed, there will still be room for traditional waste disposal methods. For these reasons your rapporteur takes a positive view of a flexible application of the strategic guidelines. Scope should be left to allow them to be adjusted at national, regional and even local level in line with prevailing environmental, geological, economic and other relevant conditions.

The principle of nearness is a totally new concept in Community legislation. It points to the idea that the Commission could be willing to accept nationalization of waste management by Member States. In other words, to encourage rather than to counter protectionism on the part of the Member States in favour of their own waste disposal facilities.

The Commission attempts to modify its initial position by stating that the disposal of waste in the nearest suitable centre does 'not necessarily in every case mean close by'. However, the principle of nearness could lead to situations in which producers of waste would be forced to dispose of it in the nearest national facility, despite the possibility that disposal could be

carried out further away at lower cost but with the same or equivalent environmental standards (some national authorities are afraid of excessively low standards for facilities). Member States with common open frontiers, on the basis of the principles of the Treaty, should not have waste frontiers, in particular not where there are regional economies (for example in the area around Maastricht, Aachen and Liege). Nevertheless, your draftsman would not want to promote the movement of waste, i.e. 'a flow of waste towards lower-cost disposal plants' as the Commission says in its strategy document. The reasons for such movements are clearly to be found in the existence of lower technical standards or even the absence of standards, resulting in a significantly lower cost of disposal. Rigorous minimum technical standards are of course extremely important for the functioning of the waste industry. Harmonization at an appropriate level, which is also as high as possible, is necessary to discourage movements of waste and it will neutralize any distortions of competition caused by legislation in the Member States. If such harmonization is to be effective it must be associated with strict obligations on the Member States to introduce the Community standards and to ensure that they are observed.

Following on from these ideas, the need to develop and implement equivalent environmental standards for waste disposal and recycling activities must be considered. In general, the aim of Community environmental policy is to achieve strict and high environmental standards. In the specific case of waste the same standards should be applied both to waste for recycling and waste for final disposal. This idea does not seem to form part of the Commission's view, at least insofar as application of the principle of nearness is concerned. The Commission is willing to let this principle be applied less strictly in order to enable recyclable waste to move further. Waste recycling must however be encouraged in other ways and certainly not by means of a legally dangerous, if not completely unjustified, discriminatory difference. Policy on tenders could be a much more effective way of encouraging recycling than such an artificial difference in treatment as proposed by the Commission. Governments and government institutions in the Member States could be required to buy products produced from recycled materials unless the price was, for example, 115% above that of products from new materials.

## Conclusions

The Committee on Legal Affairs and Citizens' Rights recommends that the Committee on the Environment, Public Health and Consumer Protection includes the following conclusions in its report:

1. The shipment of waste to processing plants, located near the place where the waste originated, should be carried out with due attention to appropriate ecological, economic, social and political considerations. Nevertheless the principle of proximity - with reference to Articles 30-36 and in particular Article 8a of the EEC Treaty, concerning the completion of the internal market - should not lead to frontiers being closed to the shipment of waste, provided that waste is handled scrupulously in accordance with environmental standards in force.
2. Rigorous implementation of the proximity principle can easily lead to local grab measures unless those who produce the waste have the assurance that they can select the processing operatives for the collection, shipment, recycling, treatment and handling of waste, provided that environmental standards are strictly respected. Thus, prohibiting the shipment of waste across frontiers would limit the availability of technically qualified waste disposal operatives and would consequently restrict competition. This would in turn increase the cost of waste processing, whether carried out by public or private sector companies.
3. By obtaining public contracts for waste disposal by means of public invitations to tender, a public body can effectively counteract and thus avoid price-fixing monopolies. It would therefore be possible to ensure that the services provided offer maximum efficiency and state-of-the-art technology.
4. Sophisticated waste disposal units which separate recyclable waste and incinerators which produce energy for consumers are costly to establish. The Commission should look at ways in which it could support local government to establish such waste disposal units.

O P I N I O N

of the Committee on Economic and Monetary Affairs and Industrial Policy  
for the Committee on the Environment, Public Health and Consumer Protection  
Draftsman: Mr. Bryan CASSIDY

At its meeting of 27 April 1990 the Committee appointed Mr. Bryan Cassidy draftsman.

At its meeting of 5/6 November 1990 and of 3/4 December 1990 it considered the draft opinion.

At the last meeting it adopted the conclusions as a whole by 11 votes to 1, with 1 abstention.

The following took part in the vote: Beumer (chairman), Fuchs (vice-chairman), Cassidy (draftsman), de Donnea, Ferreira Ribeiro, Friedrich, Herman, Lulling, Pinxten, Rogalla, Sboarina, Siso Cruellas and von Wogau.

## I. Introduction

The draft report of the Committee on the Environment (PE 144.135) refers to

- a) the motion for a resolution introduced by Mr. Collins, Mrs. Schleicher, Sir James Scott-Hopkins and Mr. Iversen on a Community strategy on waste management (B3-0466/89), and to
- b) the Communication from the Commission to the Council and to Parliament covering the same subject (SEC (89)934 final).

## II. Evaluation of the Community Strategy as outlined in the Communication of the Commission and in the draft report of the Environment Committee

In 1982 the waste treatment sector employed over two million people in the Community and the annual turnover amounted to between ECU 100.000 and 200.000 million. These figures demonstrate the importance of waste management for the European economy. In the United States the waste treatment sector occupies the fourth place among the economic sectors considered to be most significant in the next ten years. It is clear, that in the European Community at present a significant proportion of waste is "wasted" rather than being put to economic use for example by recycling or by use as fuel in power-stations.

The Community strategy as outlined in the Commission Communication and in the draft report of the Environment Committee can be approved of, especially as both documents stress the need to reduce and recycle waste, to eliminate the dumping of it and to create the industrial facilities for waste treatment.

In this respect it is of great importance to establish common standards, as well as to indicate the availability and technical characteristics of waste treatment facilities existing on the Community territory.

The Committee favours the idea that the collection and the processing of waste should be undertaken by public or private ventures.

## III. The reasons for the amendments proposed are the following:

The material and energy saving potential in the motor industry is considerable. Western Europe has a population of about 120 million cars, 8 million of which are scrapped each year.

The Community strategy should encourage the motor industry to produce new generations of cars which will be designed to make the dismantling process much easier and to recycle virtually all of the materials.

The same arguments do apply to the production of refrigerators, where a special environmental need exists to exchange the old CFC refrigerators and freezers.



It is a valid principle to treat wastes as near as possible to their place of origine, but it should be completed by the development of regional and zonal centres for the processing of special waste. The cost of the investment involved may necessitate a higher degree of concentration of the equipments which need to be specialised.

The export of hazardous waste should not be totally banned. There may be waste of such a nature which can only be dealt with on a world scale as the technical equipments involved are so costly that they can only be amortised when internationally used.

The thermoset plastic parts which cannot be melted down for recycling should be burnt in gasification furnaces which could provide 30 per cent of the total energy requirement of the recycling processes.

- IV. The Committee on Economic and Monetary Affairs and Industrial Policy calls on the Committee on Environment, Public Health and Consumer Protection, as the committee responsible, to incorporate the following amendments in its motion for a resolution:

Motion for a resolution

Amendments

Amendment 1

new preamble: F

whereas particular attention should be given to the problems of motor vehicles and farm machinery to encourage their owners to take them to a treatment centre.

Amendment 2

new preamble: G

Considers that incentives should be offered by Member States to encourage owners of CFC refrigerators to exchange them for non CFC models.

Amendment 3

Paragraph 17

Proposes that the Commission should develop proposals for fiscal incentives and taxation measures designed to penalise the excessive production of wastes and to reward environmentally sound production techniques and products, as well as recycling and re-use;

Paragraph 17

Proposes that the Commission should develop and present to the Parliament and the Council fiscal measures designed to penalise the excessive production of wastes and to reward environmentally sound production techniques and products, as well as recycling and re-use; such measures should be part of a comprehensive analysis of a broad environment strategy based on a fiscal approach;

Amendment 4

add after paragraph 20:

urges the Commission and the Member States to take action on the problem of motor vehicles and farm equipment which are often abandoned.

Amendment 5

add after paragraph 20:

draws attention to the need to offer incentives to consumers to exchange old CFC refrigerators and freezers.

Amendment 6

24. Emphasises therefore that competent authorities should develop a "proximity principle" for the treatment of wastes as near as possible to their place of origin;

Emphasises therefore that competent authorities should not only develop a "proximity principle" for the treatment of wastes, but equally promote regional or zonal centres for the processing of waste.

Amendment 7

Paragraph 26

Requests the Commission to come forward with a proposal for a total ban on the export of hazardous wastes from the European Community;

Paragraph 26

Considers that the European Community must take strong international steps for the implementation of world-wide protocols for the trade of hazardous wastes, preferably at UN level;

Amendment 8

add after paragraph 36:

asks the Commission to encourage electricity generating by waste incineration.

Amendment 9

Paragraph 36 (a) (new)

Asks the Commission to encourage electricity utilities to develop combined heat and power plants through waste incineration.