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Report

drawn up on behalf of the Committee of Inquiry into the
Treatment of Toxic and Dangerous Substances by the
European Community and its Member States

on the treatment of toxic and dangerous substances by
the European Community and its Member States

Rapporteur: Mrs M.-J. PRUVOT

PE 89.163/fin.
Or. Fr.

On a request from Mrs WEBER and 133 other Members of the European Parliament, pursuant to Rule 95 of the Rules of Procedure, that a committee of inquiry be set up into the treatment of toxic and dangerous substances by the European Community and its Member States, the Bureau decided on 21 June 1983 to set up such a committee, recommending that 'the subject of the inquiry be restricted to deficiencies established in the application of Directive 78/319 EEC and to an investigation of the causes thereof.'

The Bureau was to decide on the composition of this committee of 15 members on 14.9.1983.

The Committee of Inquiry, which held its constituent meeting on 28.9.1983, considered the draft report and conclusions on 27 and 28 February 1984 and 19 and 20 March 1984 and at the latter meeting adopted them unanimously.

The following took part in the vote: Mr SIEGLERSCHMIDT, chairman; Mrs PRUVOT, rapporteur; Mr BOMBARD, Mr REMILLY, Mrs SCHLEICHER, Mr TURNER, Mrs VAN HEMELDONCK and Mrs WEBER.

This report was tabled on 28.3.1984.

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INTRODUCTION

1. The setting up of a committee of inquiry by the European Parliament pursuant to Rule 95 of its Rules of Procedure is not a frequent occurrence and the decision of the Bureau of 21 June 1983 thus merits special mention.

The Committee of Inquiry into the Disposal of Toxic and Dangerous Substances by the European Community and its Member States was set up on a proposal from Mrs Weber and 133 Members of the European Parliament and was to be the first such committee set up in the course of the electoral period now coming to an end¹. Following the Seveso disaster, the peregrinations of the dioxin drums caused great concern and anxiety among the public which was reflected in the European Parliament by oral questions to the Commission, which tried to provide information, and to the Council, which consistently abstained from replying, its President-in-Office maintaining that the question of the Seveso waste had been solved, whereas this was far from being the case. Furthermore, the debate of 14 April 1983 had uncovered serious shortcomings in the surveillance of the transfrontier carriage of dangerous waste.

It was against this background that the Committee of Inquiry was set up by the European Parliament with the following terms of reference as defined by the Bureau: 'it is recommended that the subject of this inquiry be restricted to the deficiencies established in application of Directive 78/319/EEC and to an investigation of the causes thereof'². This framework directive on toxic and dangerous waste had been adopted by the Council on 20 March 1978, and each of the Member States should have taken measures to comply with and implement it.

2. In any inquiry the results finally obtained largely depend on the methods used. The simplest way of assessing the methods used by the Committee of Inquiry into the Disposal of Toxic and Dangerous Substances is to consider the way in which it organized its work.

¹ The Committee of Inquiry on the Situation of Women in Europe was made into a temporary committee by the European Parliament, pursuant to Rule 91 of the Rules of Procedure, on 12 October 1982

² Bureau decision of 21 June 1983

From beginning to end a twin-track enquiry was conducted involving, on the one hand, the institutions concerned with the implementation of the directive and, on the other, all qualified persons able to provide useful information on toxic and dangerous waste.

The initial replies from the Commission soon confirmed that the directive was not being properly implemented, while the Council announced that it was not competent in this area.

The Committee of Inquiry therefore considered it essential to consult the Member States' governments and the President of the European Parliament personally invited the Community Ministers of the Environment to appear before the Committee of Inquiry to explain the shortcomings and problems which had arisen.

While this request met in certain cases with a degree of institutional reserve, all the Community Member State governments, except that of Denmark³, sent representatives to appear before the Committee of Inquiry. Mrs Bouchardeau represented France and Mr Biondi and Mr Degan represented Italy. The Committee of Inquiry naturally attempted to obtain detailed information from the Commission and Council but, while Mr Narjes, Member of the Commission, explained his views at length, the Greek Minister, who was President-in-Office of the Council, did not consider himself able to accept the invitation addressed to him.

3. In addition, the Committee of Inquiry organized numerous hearings of experts from industrial and university circles and from European and international organizations (see Annex). For this purpose, the committee drew up two questionnaires, one of which related to the individual articles of the directive.

Finally, it should be noted that the Committee of Inquiry made a point of visiting Seveso and Milan in order to examine not only the conditions under which the accident occurred and its consequences, but also the implementation of the directive in the context of Italian regional arrangements.

The subject matter and objectives of the report.

Obviously, the report by the Committee of Inquiry is intended not to review all the evidence obtained and the wealth of information gathered during the hearings but to provide a basic outline of the conclusions reached by the

³ Denmark sent written replies to the Committee of Inquiry after the hearing.

committee, with emphasis on the fundamental issues which emerged.

While its objective was to assess the implementation of the 1978 directive it soon realized that such an assessment could be meaningful only if due account was taken of the economic and ecological impact of toxic and dangerous waste and its effect on public health, the importance of which was emphasized throughout the committee's hearings.

I - THE ECONOMIC AND ENVIRONMENTAL IMPACT OF TOXIC AND DANGEROUS INDUSTRIAL WASTES AND RESIDUES AND THEIR EFFECT ON PUBLIC HEALTH

I. Definitions and statistical data

4. From beginning to end the Committee of Inquiry was primarily concerned with risks to human health and to the environment. However, it was soon forced to take into account the complexity of the technological, industrial, financial and economic issues connected with the question of toxic wastes and substances. The complexity of such issues becomes immediately clear when an attempt is made to define the scope of the inquiry.

5. In the course of its hearings, the Committee of Inquiry noted that the definition of dangerous waste contained in the 1978 Directive was imprecise and insufficient for the Directive to be properly implemented. This lack of precision concerned both the term 'waste' and the epithets 'dangerous' and 'toxic'.

Waste is frequently defined in economic terms. According to the OECD it can be defined as residues arising from the production and consumption process to which no economic value is attached in the context in which they are produced. However, it should be noted that 'economic value' is, by its very nature, a relative term since, at certain times and in certain regions, residues may be classified as waste, whereas in different circumstances they may be recycled as secondary raw materials. This definition in economic terms shows that the borderline between dangerous waste and dangerous substances is not a fixed one, that a policy for dangerous waste must take account of dangerous substances and that the recycling of dangerous waste appears at the outset to be a suitable means of reducing the quantities of the latter. The European Parliament moreover drew attention to this at the debate of 8 June 1983. The definition contained in the 1978 Directive does not refer to the notion of economic value. For the purposes of this Directive, 'waste means any substance or object which the holder disposes of or is required to dispose of pursuant to the provisions of national law in force'. The term 'dispose of' is not very precise, much less so than the equivalent terms used in German and French law ('discard' and 'abandon' respectively).

6. The dangerous or toxic nature of waste is defined in relation to the degree of concentration of the toxic substances therein. A list of these substances is annexed to the Directive but no reference is made to any standards concerning concentration and no agreement on this subject has been reached by the Member States. In the Netherlands, for example, a quantity of waste is considered dangerous if it contains 50 mg of cyanide per Kg, and in Belgium if it contains 250 mg per Kg. It should be observed also that it is not easy to distinguish between 'toxic' and 'dangerous' and that it is easier to use the terms synonymously.
7. Despite the difficulties described above, a sufficiently precise definition of toxic waste is necessary to avoid the different implementing measures and interpretations in the various Member States that have arisen. The hearings held by the Committee of Inquiry have shown that the concept of residue must be taken into consideration.

The residue of a productive cycle may or may not be dangerous or reusable. Residue would therefore be considered as waste when all recycling possibilities have been exhausted. Clearly these possibilities evolve as technology progresses and the economic situation changes. Changes may be expected as a result of developments concerning the energy crisis, the high cost and scarcity of raw materials, the possible exhaustion of natural resources and the development of recycling recommended by eminent ecologists and economists. While the composition of these residues is very diverse the toxic substances contained therein are generally known, so that it would be possible to ensure a sufficiently precise updating of the list of such substances.

Statistical Data

8. Statistical data is necessary to get a clear idea of the volume of dangerous waste produced and also the scale of the problems arising. However, the information currently available is decidedly inadequate, not only because of the lack of precise definitions but also because awareness of the significance of such waste in economic and environmental terms has only recently been aroused. In this connection, the Committee of Inquiry notes that questions concerning dangerous substances cannot be considered in isolation and must be viewed within the general context of waste, not only because the borderline between dangerous and innocuous waste is uncertain, as we have already pointed out, but also because the study of waste and residues, whether dangerous or not, involves an analysis of the productive cycles.

While the statistics below are estimates which may not be altogether accurate, they do underline the extent of what could be termed the waste sector of the economy.⁴

- 2,300 million tonnes of waste of all types are produced annually in the Community. This amount is increasing by 70 million tonnes per year and is expected to reach 3,000 million tonnes by 1990.
- the annual production of industrial waste is estimated at 150 million tonnes and that of dangerous waste at 30 million tonnes.
- the waste sector encompasses 350,000 undertakings employing 2 to 3 million workers with a turnover of 100,000 million ECU, accounting for 7% of gross national product.

9. These figures undeniably bring out the importance of waste but insufficient information is available, particularly with regard to toxic waste. Information is necessary concerning its origin (sector, region, country) toxicity, final destination, the cost of transport, storage, elimination, and trade.

The Committee of Inquiry considers that substantial progress in analysing the waste sector is essential for the implementation of a waste management policy which takes account of both economic and environmental factors on the one hand and health factors on the other.

10. Today, final storage (or disposal) which should be used as a last resort, is at present the option most frequently selected. Other possibilities are:

- interim storage: very few suitable installations exist, of which the Herfa-Neurade salt mine is at present the only installation which enables waste to be stored in complete safety pending its possible subsequent utilization. Interim storage may in this case precede either final disposal, elimination or re-use in one form or another.
- re-use: the most efficient means of eliminating waste is to find an economic use for it and this is clearly the method which should be developed in future: such re-use may take the form of:
 - . recycling: recovery of the waste in modified or unmodified form, enabling a secondary raw material to be 'produced'.
 - . re-use for the generation of energy: the consumption of the energy contained in waste either by using it as a fuel or by incineration.

⁴ Statistics taken partly from a study by Euroconsult on 'The Structure and Socio-Economic Impact of the Recovery and Recycling Industries of the European Community'.

- elimination:

- . the incineration of toxic waste with the objective of destroying it is the process most frequently used.
- . physical and chemical processes are used for the purpose of neutralization, precipitation of metals, and dehydration. They do not in general constitute a means of final elimination.

11. Of the above possibilities, storage has long been the most frequently used and this is still the case, although progress has been made in the elimination and reutilization of waste. However, the inadequate number of installations for the storage and elimination of waste represents a danger to present and future generations. The countries with the longest history of industrialization have accumulated considerable stocks, including toxic waste. In future the proportion of waste which is finally stored should be considerably reduced. Technological progress provides possibilities which did not before exist of re-using and eliminating waste and these technologies will continue to develop in future.

The Economic and Social Committee⁵ has stated that between 70% and 90% of all waste residue produced could be reused in one form or another, whereas between 80% and 90% of waste is today still destroyed or simply disposed of in tips. For the sake of protecting the environment and public health this state of affairs should not be allowed to persist. Moreover, the general public are becoming increasingly critical of the management of disposal sites and are calling for other solutions.

2. Reasons for the need to re-use waste

12. From the point of view of the environment and public health, disposal sites constitute the worst solution and the elimination or re-use of waste should therefore be developed. The Committee of Inquiry has considered the question in economic terms and arrived at the conclusion that, in future the proportion of waste considered as economically valueless will be much less, while most of it will be found to have intrinsic value. This is obvious if one remembers that production cycles transform raw materials but do not destroy them.

The objective of a production cycle is the manufacture of a final article. In addition to the latter, however, a large quantity of residue is produced by this cycle, that is to say the raw materials which are not contained in the final article.

⁵Waste management in the European Community
- Economic and Social Committee, 6 June 1983 p. 3

These residues therefore consist of raw materials which have been processed in varying ways and which it is possible to use in other production cycles, in the course of which, these raw materials will once more be divided into residues and final product and so the process continues. Hence, a raw material may be used for several production cycles until it is totally processed in the form of a final product. It is technological feasibility and the relative cost which determine whether or not this is possible at a given time.

13. Given the heavy dependence of the Community on imports of raw materials, the relative shortage of the latter and the energy crisis, it is fair to assume that in future there will be an increasing tendency for residues of production processes to be reused.
 - while prices of raw materials have stagnated and even dropped as a result of the economic crisis, they are bound to increase in future following the law of supply and demand.
 - the production of energy from waste may be all the more economic in that the widespread localization of waste may enable energy supply to be diversified on a regional basis and increased during peak hours.
14. The above observations apply to all waste, including toxic and dangerous waste. The latter are in fact conglomerates containing toxic and non-toxic substances. While their reuse may pose certain specific problems and the economic cost may on average be higher, there is no fundamental justification for any different treatment for toxic and non-toxic waste for the purpose of re-utilization.

Genuinely unusable and dangerous residues should obviously be given special treatment and disposed of without risk to the environment and public health. This requires highly specialized technologies for the storage, treatment, carriage and disposal of waste. This constitutes an economic sector which is important in itself and developments along these lines have already started to take place in the Community and there are private, semi-public and public undertakings today which are in a position to dispose of or store toxic and dangerous waste. Nevertheless, it must be stressed that these possibilities are still inadequate and are not evenly distributed over the regions. Moreover, the possibilities of interim storage with a view to the subsequent reuse of the waste in a fresh production cycle are very limited.

15. If it is considered that waste can be used as a secondary raw material or a source of energy, waste must be considered as a commodity like any other. Highly industrialized regions are now producing waste which is used to supply other regions with raw materials. For example, since the closure of a copper processing plant in the Ruhr there has been a surplus of copper residue in the Federal Republic of Germany which cannot be used in that country while other Member States are forced to import copper from outside.

3. Methods and limitations of re-using waste in this respect

16. From the economic point of view, the re-use of waste is conditioned by the cost involved, principally the cost of treatment and carriage. Where such costs allow re-use, it would be unreasonable to impose transport restrictions. The reintegration of waste into the production cycle requires a highly developed international division of labour based on both economic and ecological criteria. From this point of view, waste management on a national basis would limit the possibilities of reutilization by reducing technological and economic opportunities. It would be more difficult and costly to achieve any significant progress in the re-use of waste if it was organized at purely national level alone. On the other hand it cannot be denied that producer liability for the carriage, recycling, disposal or final storage of dangerous substances, as recommended by the Committee of Inquiry, can be implemented more effectively in the producer's own country than after frontier carriage to another Member State. The European Community therefore has a crucial role to play in promoting and creating the necessary conditions for the re-use of waste.

17. The great differences between the regions and Member States of the Communities concerning the final destination of waste should be emphasized. In the traditionally industrialized states, the main problem appears to be that of accumulated waste, while in other countries and regions which have considerable industrial leeway to make up the problem relates more to the disposal of waste which is now being produced. It should be noted that European waste policy should not penalize the latter, which frequently lack the means to develop recycling or satisfactory elimination techniques. In a few years time these countries will be faced with the problem of waste as is the Community today and it is highly desirable that they should be made aware that the possibilities of storage are limited.

The Community's regional policy should take account of the problems relating to waste mentioned below, in particular with regard to the investment programmes which it totally or partially finances.

18. According to experts participating in the hearings of the Committee of Inquiry, only half of the toxic and dangerous waste produced in the Community is, at a conservative estimate, currently being reprocessed, destroyed or properly disposed of. Hence considerable leeway must be made up in this area, particularly in those regions where industrialization commenced relatively recently. The report by the Economic and Social Committee on waste management in the European Community rightly stresses the major scope for expansion in the waste sector, indicating that the waste management sector is one of the most rapidly expanding sectors of the economy. There are a number of new areas of economic activity which are making a vital contribution to stabilizing the general economic restructuring process by the creation of a large number of new jobs. Waste management, the report argues, is one of the sectors which, in the next few years will prove particularly effective in stimulating demand for industrial products.

The report of the Economic and Social Committee noted that, according to preliminary studies, 1 to 2 million jobs could be created in the Community in the next 10 to 15 years in the waste management sector, which must be considered as one of the sectors with the largest potential growth. However, considerable investment is required for this to be realized. Development of this sector could thus make a crucial contribution to economic and social development of the European Community.

19. Nevertheless, it should be noted that for ecological and economic reasons, the processing or disposal of certain types of waste must be carried out on the spot. This applies particularly when recycling will not be economically viable in the foreseeable future or constitutes an unacceptably high environmental and health risk, given the toxicity of the waste concerned. In this case the costs of processing and possibly of final disposal are high, which explains why, at present, a large proportion of waste, including toxic waste (only highly toxic waste is subject to stringent rules) are stored in unfavourable conditions or discharged into rivers or the sea. Concerning the cost of depollution, the Community generally applies the 'polluter pays' principle. This is the right approach but must be more effectively implemented in order to constitute an incentive to more intensive recycling. However, this principle alone is not sufficient. To achieve a genuine reduction in the amount of waste abandoned, discharged or stored in unfavourable conditions, not only sanctions but also direct

or indirect aid are necessary both in the processing sector and for the construction and equipment of adequate storage installations, particularly if the waste stored therein is to be subsequently recovered. Such programmes should be formulated, implemented and, if necessary, harmonized within the Community in order to avoid increasing the differences between the policies of the various Member States concerning aid for the processing of waste.

20. The Committee of Inquiry has observed not only that there are large differences in cost between the various forms of waste elimination, but that these differences are growing. This situation is of particular concern for the future and it is urgently necessary to take suitable measures to remedy this situation, while ensuring that the rules of competition are respected. Clearly it is very cheap to discharge waste into rivers or the sea. The same applies to sending waste by boat to Third World countries (3 dollars per tonne) or other third countries (5 dollars per tonne to the GDR) while processing in specialized installations may cost as much as 200 dollars per tonne or even more. While these figures are estimates and averages, the cost of processing toxic products varies greatly depending on the nature of the product. These costs are a cause for concern since, rather than encouraging reprocessing or recycling, they encourage the development of massive exports to Third World countries, which urgently need foreign currency and may be tempted to obtain it by this means even if it is done at the cost of their own future and the health of their peoples. This issue should certainly be discussed by the Community with its partners, particularly in the context of the Lomé Convention.

4. The adaptation of production processes with a view to reducing the quantities of waste produced

21. If, in the next 10 or 15 years, the Community wishes significantly to improve the situation concerning the final destination of waste, efforts must undeniably be made downstream of the production process, as we indicated above, in respect of recycling and disposal. However, most progress may be achieved upstream.

Investment decisions have automatic implications for the selection of technologies, which in turn determine the amount of residue produced.

An impact assessment should be carried out, and if the findings show that the production of certain substances causes an unacceptably high risk to the environment and public health, these substances could be prohibited.

A significant contribution could be made by the Environmental Fund, of which the appropriations should be increased, particularly for the financing of studies concerning clean technologies and, more generally, for the financing of a European waste policy.

The objective of such a policy should be not only to increase the proportion of waste recycled but to reduce the total amount of waste produced, thereby reducing the risks to health and the environment.

22. The Community's industry is going through a period of profound change. The technologies currently used in most industrial sectors will have profoundly changed within the next decade. Industries which arose from the nineteenth century industrial revolution had a tendency to spread out and develop in a predatory fashion.

The scientific and technical revolution which has developed over the last decade should in future not only lead to a considerable reduction in the quantities of industrial waste produced but enable the nature of the latter to be controlled thereby considerably improving the possibilities of recycling. While it would now be possible to replace certain pollutant technologies producing large quantities of waste including dangerous waste, by other less pollutant technologies, this has not been done. Considerable incentives appear to be necessary and account should be taken of this in formulating a European policy in the field of new technologies.

23. Measures must be taken in respect of consumer behaviour by ensuring that consumers are adequately informed. Frequently different technologies are used to produce identical or similar articles at comparable cost but some of them are far more pollutant than others.

5. The Seveso accident and environmental risks

24. The Seveso accident and the disappearance of the dioxin drums which led to the setting-up of the Committee of Inquiry have brought to light the risks arising from toxic and dangerous products.

It must however be noted that, apart from the Seveso disaster, the Committee of Inquiry has encountered a number of difficulties in assessing the gravity of the risks, their localization and their relative significance. The information which it has obtained is incomplete and contains considerable discrepancies. Hence it has not been possible to provide even a summary outline classifying in tabular form the gravity of the various risks, for example by sector or by region.

This is scarcely surprising since as the Committee of Inquiry has observed, very little is known about the production, transfer, treatment and storage of dangerous waste. The risks are brought to light only as a result of accidents or incidents and little is known about them. The committee itself has no significant information. It would, however, be useful to carry out a systematic survey in this respect since this would considerably improve the information available concerning the final destination of waste. The examples given by Mrs Squarcialupi concerning Italy show that even toxic waste is often disposed of without any form of control⁵. It is urgently necessary for reliable information to be gathered in each Member State of the Community and that a systematic 'inventory' be carried out.

For this reason the Committee of Inquiry welcomes the adoption of the 1982 directive on industrial risks and hopes that the latter will be applied more efficiently and more rapidly than the 1978 directive.

25. The Committee of Inquiry made a point of visiting Seveso where the serious accident of July 1976 occurred. It noted that, 8 years afterwards, the consequences of the latter were still making themselves felt. The factory which had been contaminated by dioxin had been destroyed but large quantities of earth which had been contaminated still were.

Considerable efforts have been made and are still being made by the Italian authorities to ensure total decontamination. This however will take many years. The contaminated earth and materials have been placed in two enormous basins, and it is impossible to assess the exact rate of decontamination. The Committee of Inquiry has noted that it has not yet been possible fully to assess the consequences of the accident on the health of the inhabitants concerned and that the accident occurred

⁵ PE 88.251

not because the factory regularly produced dioxin but because an uncontrolled reaction was triggered off as a result of serious negligence by those responsible, as observed in the judgement by the Monza tribunal concerning the Seveso disaster. It emerged also that the production plant was far from meeting technical safety requirements.

6. The transport of waste

26. The transport of the 41 drums from Seveso to Saint Quentin in France and the attendant circumstances demonstrate alarmingly the importance of establishing clear rules concerning producer liability for the transport and, in this case, proper final storage of these substances. The Hoffmann-Laroche firm blindly trusted the assurance contained in the contract with Mannesmann Italiana concerning safe final storage, without knowing the location of the supposedly safe disposal site. In view of all the circumstances connected with the explosion at Seveso, Hoffmann-Laroche should not have been satisfied with such an incomplete agreement. This example illustrates the problems which may arise from failure to respect Directive 78/319. In future, Community legislation must ensure that contracts of this nature may be concluded only if it is possible for the producer to verify that the terms thereof are being respected.

The Committee of Inquiry notes in addition that the President-in-Office of the Council of Ministers of the Environment did not agree to meet it in the second half of 1983 in order to inform it of the difficulties preventing the adoption of the proposal for a directive.

The Committee of Inquiry does not consider it necessary to consider this question in detail since it has already been covered completely in the report by Mrs van Hemeldonck; it would simply point out that the problem of transport is one of the central issues with which it is concerned and that two conclusions may be drawn: it is not desirable to attempt to restrict the transport of dangerous waste and safety measures must be taken. However:

- given the risks involved, the transport of toxic and dangerous waste which cannot be reutilized must be kept to an absolute minimum;

- in respect of transport it is better to avoid establishing a distinction between 'substances' and 'waste' since the same conditions must be applied to both. Such a distinction might encourage producers to draw up false declarations, and the Huy accident, involving the transport of drums of acid which led to three deaths, has shown that the transport of toxic substances can be just as dangerous, if not more so, than the transport of waste.

- the question of transport should also be considered from that point of view, and in this respect safety and protection of health should take priority over economic and industrial interests⁶.

27. To conclude the first section of this report, a number of significant developments should be stressed. Firstly, the growing public awareness of the significance of toxic and dangerous waste and the danger it represents is a relatively recent phenomenon. On the other hand, the need for solutions adapted to economic, health and environmental factors cannot be denied, and while the degree of urgency depends on the circumstances, this need has become much more pressing since the Council directive of 1978. Appreciation of the economic issues has only just begun to emerge, although they lie at the root of the industrial change which is being undergone by the Community today. The existence of relatively large quantities of waste, in particular toxic and dangerous waste, which are not reprocessed or recycled, reflects the fact that the industrial development of the Community has reached an intermediate stage.

Future industries will be characterized by the expansion of sectors which have only recently emerged (robotics, data processing etc.) and by the large increase in the proportion of waste recycled and hence a reduction in the quantity of dangerous waste remaining.

⁶ As recommended in the report drawn up by Mrs Van Hemeldonck on the transborder carriage of dangerous waste and the report by Mrs Squarcialupi on waste, all vehicles used for this type of transport should bear a standard plaque indicating:

It is therefore largely against a background of widespread change that the practical implementation of the 1978 Council directive should be assessed.

II - LEGAL AND INSTITUTIONAL QUESTIONS

1. Implementation of Directive 78/319

28. (a) Progress of implementation

According to Article 21 of the directive, the latter should have been incorporated in national legislation within a period of 2 years, i.e. before 22 March 1980.

By that date, according to information available to the Commission, only 5 Member States had incorporated the Directive in their national legislation or already possessed legislation in conformity with the directive's requirements: the Federal Republic of Germany, Belgium, Denmark, France and the Netherlands. The United Kingdom followed, at the end of 1980.

The Commission has stated that in February 1981 it initiated procedures for violation of the treaty within the meaning of Article 169 against the following 3 countries: Ireland, Italy and Luxembourg.

At the present time Greece is the only country which has still not incorporated in its national legislation the 1978 directive on toxic and dangerous waste. On 7 October 1983, the Commission, after setting up a committee of inquiry, initiated a procedure for infringement of the treaty.

Defects in implementation have been found in the case of Germany, the United Kingdom, the Netherlands, Belgium and France. Italy failed to implement the Directive within the required time. It adopted a regulation on 10 September 1982 on toxic and dangerous waste, which entered into force in December 1982 after the exportation of the waste containing dioxin from Seveso.

29. Procedures followed by the Commission

In practice the procedures followed by the Commission as regards monitoring the implementation of directives are as follows:

Within 2 months of the adoption of a directive, the Commission sends a letter to the national administrations requesting them to communicate subsequently to it the drafts of their implementing measures. A second reminder is normally sent 6 months after the expiry of the time limit for the enactment of implementing provisions.

In these standard letters Member States are requested to submit a note setting out in sufficient detail the national implementing provisions and tables showing the national provisions corresponding to the provisions of the directive.

All information relating to the application of directives is centralized in the file of the Automated System for Monitoring Directives Execution (ASMODEE). This file is regularly updated. On the basis of the ASMDEE system, a report is drawn up on the progress of implementation of directives and submitted twice a year to the Commission which, where appropriate, may decide to initiate or continue an infringement procedure.

This infringement procedure may be initiated in 4 cases:

- where Member States have not communicated their national implementing measures,
- where national legislation has been adjusted in an improper or incomplete manner,
- where the legislation of a Member State has been correctly adjusted but wrongly applied,
- where complaints have been lodged with the Commission denouncing practices or measures at variance with Community law.

Where the Commission implements an infringement procedure, it serves notice on the State concerned to submit its observations by a given date. If the Member State maintains its position, the Commission delivers a reasoned opinion with which the State is required to comply by a given date. If it fails to do so, the Commission may refer the matter to the Court of Justice.

In the case of Directive 78/319, the Commission sent the first standard letter to all Member States in August 1978 and the second standard letter in March 1980 to the Member States which had not yet forwarded the text of their legislation.

The decision to initiate the infringement procedure against Ireland and Italy was taken in February 1981, that against Luxembourg in December 1981 and that against Greece in July 1983.

30. (b) Investigating implementing measures

Whereas most Community directives are implemented in 10 national laws, implementation in the field of the environment requires 40 to 50 legal texts owing to the fact that environment questions are often the responsibility of regional authorities.

It must also be remembered that it is not sufficient for national laws to be enacted; the latter are often outline laws whose implementation requires the adoption of regional implementing measures. The committee of inquiry discovered that the implementation of legislation on environment questions encountered problems in Belgium and in Italy.

Owing to lack of staff the Commission entrusted the work of monitoring implementation with outside experts, but this work has so far been carried out only for Belgium, Italy and the United Kingdom.

On the basis of the incomplete data supplied by the Commission concerning six countries, the committee of inquiry has endeavoured to investigate the extent to which national laws comply with the 1978 directive.⁷ We wish to stress that systematic use of legal exports in national laws is vital for accurate monitoring of implementation in each Member State when the Commission has

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See annexes

not the necessary expertise. In many cases the legal questions are extremely difficult.

In order to study the position as regards implementation it is necessary to have cognizance of the statements recorded in the minutes of Council meetings. The committee of inquiry draws attention to the fact that the European Parliament has already expressed the desire that these statements should not be kept secret and that they should be published at the same time as the texts of Community regulations or directives to which they refer.

Moreover, in order to enhance transparency between the legal acts adopted for the purposes of implementation, the Member States should make public the communications they forward to the Commission concerning incorporation in national law before the entry into force of Community acts.

31. (c) Other defects in implementation

In addition to the fact that, as we have just seen, the directive has not in every case been incorporated in national legislation within the prescribed period, neither the Member States nor the Commission have taken sufficient care to ensure that other requirements laid down by the directive - albeit in some cases of a purely formal nature - have been met. In spite of this, no proceedings for infringement of the Treaties have been instituted, even in respect of specific articles.

In this respect the following criticisms may be made:

- according to Article 16, the Member States are required to report to the Commission; only the Federal Republic of Germany, Denmark and Luxembourg have complied, to varying degrees, with this obligation; only the United Kingdom has submitted a complete report.

Neither the Council nor the European Parliament therefore have received the report provided for in Article 16(2). It is to be wondered whether the Community's other two Institutions should not have exerted pressure of a political or legal nature on the Commission;

- the Member States have not informed the Commission of any derogation from the directive, an option granted to them by Article 13;

- none of the Member States has forwarded to the Commission the plans provided for in Article 12 concerning the disposal of toxic and dangerous wastes;
- Article 5, which provided in particular that the Member States should take 'the necessary steps to prohibit the abandonment and uncontrolled discharge, tipping or carriage of toxic and dangerous waste' has clearly been inadequately enforced since more than half of such waste escapes the supervision of any authority;
- the committee provided for in Article 18 to adapt the directive to technical progress has still not been set up, although the directive was adopted five years ago.

The decision-making procedure of such committees has already been the subject of debate and resolutions by Parliament.

On the subject of Directive 78/319, the Committee of Inquiry requests that, in cases where the committee provided for in Article 18 is called upon to take decisions having major political, economic, legal or technical implications, the Commission should be required to give prior notification to the European Parliament. This should apply to other directives too. As regards the terms of reference of that committee, differences of opinion have emerged between the Commission and the Council, the latter wishing to confer upon it a less important role.

32. (d) Defects in actual implementation

Major defects have been observed not only in terms of the formal legal implementation of the directive but also in terms of actual on-the-spot enforcement in the country concerned. The information supplied by the Member States in this connection is moreover quite inadequate. Only four Member States forwarded their reports on application of the directive, all of them after the deadline.

The Committee of Inquiry notes further that the Commission has shown little eagerness to demand these reports and to institute infringement procedures, where appropriate, against the Member States whose reports were overdue.

As a general rule it is essential for the Community to be able to monitor the implementation and enforcement of Community law at whatever level responsibility lies within the Member States.

In respect of Directive 78/318 EEC, the Committee of Inquiry has observed that responsibility has frequently been transferred to different levels, which does not always facilitate the implementation of the directive, to say nothing of uniform implementation.

In places where organization at the highest level is tentative and piecemeal, it is to be expected that subordinate authorities will give no priority to the supervision of dangerous waste in the context of the tasks assigned to them.

The magnitude of this problem of supervision is clearly illustrated by the fact that in Bavaria, for example, one waste disposal firm serves 12,000 firms producing special waste and that in the Federal Republic of Germany 1.3 million dispatch slips are filled out each year to accompany more than 100,000 shipments.

33. (e) Regulation or directive

In respect of the transfrontier carriage of waste, a proposal for a regulation [83/386] amended by the Commission in accordance with a decision by the European Parliament has been submitted to the Council, although the Commission originally proposed a directive.

This matter was discussed during the hearing of the governments of Member States on 2 and 3 November in Brussels and with Mrs BOUCHARDEAU on 20 December in Paris. In Brussels the government representatives who expressed an opinion came out in favour of the principle of a directive. They felt that a directive was easier to apply because it enables the national provisions of each country to be adapted accordingly and can be decided on more easily because it does not presuppose a very detailed agreement. The Commission representative said that a regulation was more practical, could be implemented more quickly and did not allow

of varying interpretations. Directives, he said, had to be incorporated into national law and relevant national provisions had to be adjusted accordingly, which delayed implementation: the Commission, moreover, found it difficult to check the conformity of national laws because of lack of staff. On the other hand, directives generally set stricter standards.

Mrs BOUCHARDEAU, French Environment Minister, did not express a personal opinion on this subject, pragmatically declaring herself in favour of the solution which could be implemented most quickly and stressing the need for clear, easy-to-enforce legislation.

In any case in some circumstances a regulation with directive articles may be preferable in order to leave designation of controlling authorities and court procedure and penalties to Member States. The Committee does not consider that Community framework legislation is desirable as this leaves the vital details to Member States and deprives Parliament of any consideration of such details, and has in the past led to interminable delays.

2. Institutional problems

(a) Absence of inter-institutional consultation on amendments to proposals

34. The committee of inquiry takes the view that the consultation procedure laid down in Article 149 of the Treaty establishing the European Economic Community should be extended to cases of deviation from Parliament's proposals.

It is true that the Council generally accepts the proposals from the Commission, which, in its accompanying letters, stresses the need for consultation if appropriate. The extent to which the Council is legally obliged to request a further opinion is a controversial issue. In general, consultation is regarded as necessary if the substance of the original proposal considered as a whole is amended. However, the task of establishing whether or not this condition is fulfilled is left to the subjective judgment of the Council. This is indefensible from the point of view of full participation by the European Parliament in the legislative process.

35. For example, should further consultation of the European Parliament take place if a provision on responsibility for the environment is substantially amended and/or the concept of 'waste' extended or restricted? In this connection the committee of inquiry proposes

(see also report on relations between the European Parliament and the Council of the Community, PE 67.024, p.25) that the Council be requested to keep Parliament completely up to date, through its relevant committees, of the progress made in its deliberations on proposals from the Commission and the amendments contained in Parliament's opinions. Apart from the fundamental question of transparency being essential to democratic legislative procedures, this is of considerable practical significance to the work of Parliament. The consultation procedure ensures that the latter is included in the Community legislative process. Only if it is informed of developments within the decision-making body, that is to say the Council, can the European Parliament usefully contribute in this respect. Therefore the Council should be required to provide the European Parliament with detailed justification for failure to take account of its opinion. This would enable Parliament to adopt a position more easily in subsequent consultations or, in view of the progress of deliberations, to establish the reasons for delays in the decision-making process.

The Committee of Inquiry is also concerned by the fact that the Council does not make sufficient reference in the course of its deliberations to Parliament's opinions. This could easily create the impression that, while the opinion of the European Parliament is requested for formal reasons, no further account is taken of Members' views.

36. A good illustration of the problems raised above is contained in the document, drawn up by the Council Secretariat for the meeting of the Council of Ministers of the Environment of 13 December 1983, on the Proposal for a Directive on the supervision and control of the transfrontier shipment of hazardous wastes within the European Community.

Certain points contained in the proposal considered by the Council of Ministers diverge considerably from the European Parliament's opinion. Moreover, no mention is made in this document of the European Parliament's views.

A similar case is the consideration of the proposed directive on liquid containers, which also departs considerably in some respects from the text submitted by the Commission on the basis of Parliament's proposals.

37. (b) Consolidation of the European Parliament's supervisory functions

The long delay in the incorporation of the provisions of Directive 78/319 into

Member States' national law, and the inadequate implementation of those provisions caused the Committee of Inquiry once again (see the related resolutions adopted by Parliament on 9.2.1983, OJ No. C 68 of 14.3.1983, paras. 15 and 15) to point to the need:-

- to be linked to the Commission's information system (ASMODEE). This would give the European Parliament direct access to the data which the Commission has stored in its connection with its check on the application of Community law in the Member States,
- for the Commission to publish a twice-yearly communication indicating which directives had to be converted into national law in the previous half year or in the six months prior to that, which Member States have still failed to comply with this statutory commitment and what reasons they may have given for doing so.

3. Administrative controls

38. The Committee of Inquiry has made the particularly alarming discovery that half of the dangerous waste eludes the control of the national authorities and is disposed of by cheap, but illegal and dangerous methods.

(a) Effective control conditions: reliable statistics

We noted in the first part of this report the great inadequacy of available statistical data: to make these control effective it is essential to have a data bank on toxic waste, which would reduce the uncertainty of present data. The quantity of dangerous waste registered by the Member State authorities amounts to only 10-15 million tonnes per year while the Commission's estimate of the quantity produced is twice as high. For example, 1000 unauthorized tips were located in one year in the Netherlands alone.

Provisions concerning notification could be broadened so that the conditions of waste produced could be approximately deduced from known production figures (for example, by chemical undertakings), which would permit a rough check of the data supplied by such undertakings.

The figures for transfrontier shipments of waste are particularly uncertain. Commissioner NARJES believes that 10% of the dangerous waste produced in the Community, i.e. 3 million tonnes, crosses internal Community frontiers and this figure is rapidly increasing.

The transportation of dangerous wastes also includes waste imported from non-member countries and in transit from one non-member country to another. The Committee of Inquiry has not been able to collect satisfactory data on this subject for all the countries of the Community. Mrs BOUCHARDEAU has pointed out that France imports 40 to 50,000 and exports 10-20,000 tonnes of toxic waste to other EEC countries alone.

39. (b) Administrative organization

Although measures have been taken which in varying degrees comply with the Community Directive on toxic and dangerous waste, this has not always been practically effective.

Delays and serious shortcomings have occurred in both the setting up of control bodies and the publication of implementing provisions.

The accident at Huy shows that the security specifications are not always respected: in this case neither the barrels nor the lorry were in accordance with regulations.

(ba) Incomplete or false declarations

There are various means of side-stepping the obligation to provide information insofar as this obligation exists :

- Waste may be considered as merchandise. Hence, while provisions on the carriage of dangerous substances may be applied, the specific provisions concerning waste are not (i.e. there is no identification form accompanying the goods).
- Cases have been discovered in which way-bills for the carriage of waste were made out for 'fuel' or 'milk'.

In respect of carriage, account should also be taken of the considerable inaccuracy of the figures. For example, over a period of one year no transport of toxic or dangerous waste was reported for the very busy motorway between Karlsruhe and Mannheim.

40. (bb) Staffing problems

A large staff is necessary simply to carry out the regular checks on identification forms, not to mention the problem of fraud detection. Direct control is largely the responsibility of bodies which have many other responsibilities (police, financial control authorities). Staffing levels are, generally speaking, insufficient for checks in connection with dangerous waste.

Another problem concerns the training of surveillance staff who are required to deal with specialised chemical vocabulary and complex rules and regulations.

41. (bc) Transport and border controls

Officials responsible for control are so overworked, particularly during peak hours, that, generally speaking, only the identification forms accompanying consignments are checked. In addition, their training is insufficient for them to effect more intensive checks on goods which may prove to be dangerous, a task which only chemical institutes are able to carry out.

Nevertheless, border controls should act as a considerable deterrent.

More detailed controls (with the appropriate equipment and qualified staff) would be technically possible if the number of border posts at which dangerous substances could cross were limited. However, it would then be perfectly possible to avoid controls more easily by crossing at other points and using false papers.

At least as far as imported toxic substances are concerned, it would be desirable to find a more comprehensive solution to the problem of controls. For this purpose, a trans-frontier way-bill is essential. At the same time measures must be taken to ensure that the illegal disposal of waste is made economically less attractive, even if it is impossible to have watertight checks on the producers and transporters of these substances.

Checks at the start and conclusion of each journey and the liability to checks of accompanying documents in the course of the journey should be relied on to prevent fraud. It would be wrong to rely on frontier controls for this purpose because the Community is attempting to reduce internal frontier controls. However, Member States into which waste is imported naturally have the power to apply controls at the frontier.

42. (c) Export to third countries

The transport of dangerous waste to non-Member countries of the Community raises specific problems of a legal nature and problems of surveillance.

As a general rule, Member States only regulate imports of waste and not exports.

In the case of the GDR (300-500,000 tonnes per year), there is a danger of resulting pollution contaminating the territory of the Community.

As we saw in the first part of this document, the dispatching of dangerous waste to Third World countries raises a problem of unknown proportions. The European Parliament debated this question on the occasion of the debate on pesticides and adopted the following opinion :

- (a) the government of the importing country should be informed of the particular nature of the product and of the restrictions to which it is subject in the exporting country and the reasons for such restrictions ;
- (b) the government of the importing country, having received such notification, must explicitly request the purchase ; ⁶

43. Questions raised and considered by the Commission

The Commission raises the point that the list of toxic wastes given in the annex to the 1978 Directive seems to be inadequate and incomplete. Several Member States have drawn up fuller lists and this presents a major problem of harmonization and ultimately influences the application of the Directive itself. The committee of inquiry believes that this list should be completed as soon as possible.

44. Civil and criminal liability

The 'polluter pays' principle referred to in Article 11 of the Directive is an environmental rather than a legal concept. The legal issues arising in connection with toxic and dangerous substances are the following:

- the legal obligation of producers to ensure that these substances are properly transported, recycled, disposed of or finally stored (producer's responsibility),
- the penalties imposed on the producers of dangerous substances or other parties concerned if this legal requirement is not met,
- responsibility for damage caused by acts committed in this area and liable to penalties and
- civil responsibility for other damage.

In respect of the legal issues arising the Committee of Inquiry observes that:

- clear rules must be established concerning the responsibility of producers of dangerous waste until such waste has been recycled, disposed of or placed in final storage. In cases where formerly toxic and dangerous waste is transformed into a fresh product, the responsibility of the producer engaged in the recycling process should be established.

⁶ See Minutes of 14.10.1983 and the Report by Mrs SQUARCIALUPI (Doc. 1-458/83)

- the level of fines imposed as a penalty must be such as to avoid those responsible from being tempted to pay them in order to acquire, as it were, the right to pollute the environment. In civil law the principle of liability independent of fault should apply, which would make the producer responsible for dangerous wastes while enabling him to seek redress in turn from other parties who may have caused the damage. As a legal consequence, the principle of total restitution, which already applies in certain Member States, should be established.
- adequate standardization of legislation in these areas is the only way of avoiding transportation of waste for storage or disposal to countries where the regulations are less strict.

In this context, the Committee of Inquiry suggests that the creation of an environmental fund on American lines might be an appropriate means of ensuring that undertakings meet their responsibilities.

CONCLUSIONS

- (a) The Committee of Inquiry recalls that it was set up by decision of the European Parliament following the public concern caused by the disappearance of the dioxin drums from Seveso and the inability of the Commission and the Council to provide the European Parliament with reliable information on this question and, more generally, on the application of the 1978 Directive which was supposed to settle problems relating to toxic waste.
- (b) The Committee of Inquiry has examined the application of this Directive in accordance with its terms of reference. In the light of the replies from the Commission, which were inadequate, and from the Council, which were dilatory, and believing it to be indispensable for the governments of the Community to provide it with proper information, the President of the European Parliament formally invited the Ministers of the Environment of the Community to appear before the Committee of Inquiry. The latter considers that a very significant precedent was thus established.
- (c) The Committee of Inquiry has also held a number of hearings attended by over 50 experts from industrial and scientific circles and international and European institutions and organizations.

1. These various hearings enabled the committee to

- ascertain the numerous and serious inadequacies in the application of Directive 78/319/EEC¹,
- note in particular the following offences
 - . the plans provided for in Article 12 and the reports provided for in Article 16 on the disposal of toxic waste have not been drawn up by the Member States,
 - . the committee provided for in Article 18 to adapt the Directive to technical progress has not been constituted,
 - . totally inadequate application of Article 5, which lays down that Member States must take the necessary steps 'to prohibit the abandonment and uncontrolled discharge, tipping or carriage of toxic and dangerous waste'.

¹ See annex to report

To conclude:

- that the Commission of the European Communities has failed to assume its role of guardian of the Treaties by refraining from instituting the procedures for infringement provided for by the Treaty and insufficiently supervising the application of the directive by the Member States;
- that more than half of all dangerous waste escapes the control of the authorities;
- that the extension of European legislation to the cross-border carriage of dangerous waste is absolutely essential in order to reduce the quantity of waste transported and to facilitate monitoring, and therefore calls on the Council of Ministers for the Environment to adopt the 1983 proposal for a directive immediately subject to the points which have already figured prominently in debate and in the draft report by Mrs VAN HEMELDONCK of 14 June 1983.
- that the definition and nomenclature of dangerous waste products is not sufficiently clear. Hence the possibilities for evasion by inaccurately declaring dangerous substances as re-usable commodities leading to extremely uncertain figures for the quantities of dangerous substances actually transported, to an almost total lack of essential checks concerning the transport of dangerous substances and to widely differing check procedures and possibilities in the various Member States for the same consignment;
- that satisfactory solutions to the problem of dangerous wastes cannot be envisaged without a Community policy for the management of all waste;
- that the significance of the sector represented by dangerous and other waste is underestimated;
- that there is an absence of reliable homogeneous data on the production, transport, storage and disposal of waste, both dangerous and non-dangerous;
- that approximately 78%-90% of waste is not used for anything else and is usually stored in various different conditions; this constitutes a financial waste, deterioration of the environment and a permanent danger for public health;

- this unsatisfactory situation could be much improved immediately by the creation of suitably adapted disposal sites, the development of a recycling industry and strict policing of the transportation of dangerous products, particularly between areas bordering national frontiers;
- that in future it will be possible to reduce the production of waste by using new technologies which means that, at investment level, as much importance should be attached to production residues as to the final product and that 70-90% of waste produced could be recycled, which would result in an enormous expansion of the waste sector and could make it possible to create 1-2 m jobs in the Community and, in addition, would meet demands for ecologically acceptable industries;
- this profound change should be linked to industrial conversion in the Community and the creation of the industry of the future, which will be characterized both by the economic and intensive use of resources and by the employment of more productive technologies;
- that for product management to have a successful future it must comprise an environmental component. Environmental impact assessments must be applied to all aspects of the economy, for we simply cannot afford to bequeath 2.5 thousand million tonnes of garbage annually to succeeding generations while continuing to exhaust our energy and raw-material resources;
- the scale of this challenge is largely underestimated, in particular by the Commission of the European Communities, which has not yet proposed any European waste management policy.

2. In view of all these factors the Committee of Inquiry:

- considers that if Directive 78/319 EEC were fully applied great progress could be made in the management of toxic waste and the protection of the environment and public health,
- calls on the governments of the Member States to apply fully the 1978 directive and demands that the Commission should properly assume its role of guardian of the Treaties and use all the procedures provided for in the Treaty to this end,
- firmly reminds the Member States of the commitments they entered into on signing the Treaty of Rome and stresses the importance of the role played by the European Court of Justice within the framework of procedures for the control of standards,

- calls on the Member States to adopt a position in the Council such that the measures to be adopted in each case be modelled on those countries where the safety provisions in force are most advanced,
- condemns the attitude of the Council which is preventing the swift adoption of the regulation on the transfrontier shipment of wastes, thereby demonstrating the clear contradiction between its almost unassailable position of power in the Community legislative process and its inability to meet specific challenges, which should lead the reflective individual to wonder who carries real responsibility within the Community,
- expects that the Council will in future provide the public with sufficient information on its deliberations and the outcome thereof and publish the explanatory statements given by the individual Member States in the course of decision making,
- censures the Commission for having failed to fulfil its role as guardian of the Treaties and criticises it in particular for its failure to act in relation to the Council so as to secure progress regarding Directive 78/319/EEC and for its failure to adopt appropriate measures in good time towards the Member States regarding the implementation and application of the directive,
- expects the Commission and the European Court of Justice to take immediate measures to secure the complete implementation and enforcement of Directive 78/319/EEC,
- calls on the Commission at last to revise Directive 78/319/EEC and adapt it to the most recent technological developments,
- proposes that the committee to be set up pursuant to Article 18 of Directive 78/319/EEC to adapt the directive to technical progress should take decisions by simple majority and expects the European Parliament to be promptly informed in cases where the decisions taken by this body might have important political consequences,
- criticises the Commission for its continuing failure to create appropriate staffing conditions so as to live up to its responsibilities to safeguard the Treaties, and regrets that, despite repeated warnings by the European Parliament, the relevant Commission departments not only were not expanded during the period concerned, but were actually reduced in size;

- calls on the Commission, in addition to the question of staffing, which has been referred to many times, to create an independent organizational structure or administrative unit for waste management similar to that already set up for water management,
- asks the Commission to propose before the end of 1984 a European waste and production residue policy incorporating the following aspects:
 - . the creation of storage centres making it possible to re-use waste at a later date,
 - . the development of the recycling industry in all the regions of the Community with assistance from the Community and, in particular, with tax concessions at Member State level,
 - . the extension and creation of waste management grants at national and Community level and measures to promote cooperation in this respect;
 - . aid for research and development of technologies in order to achieve a constant reduction of the proportion of waste which is not recycled,
 - . the formulation of a system of heavy and progressively increasing fines if offences are repeated to ensure that fines are not used as a convenient means of divesting oneself of responsibility;
- considers that the question of waste and production residues should be taken into consideration at the start of the production cycle and that in all Community policies, in particular industrial policy and regional policy, this matter should be regarded as a crucial criterion.

3. The Committee of Inquiry, in the light of its findings:

- believes that the European Parliament was right to set up the committee of inquiry,
- considers that, in acting thus, the European Parliament was responding to public concern and public demands that satisfactory solutions should be found for the production, transport, disposal and recycling of dangerous wastes,

- considers that in its consideration of this question the European Parliament has shown itself to be an energetic and well-informed defender of the European public interest against ineffective institutions, negligent Member States and industries which fail to respect the relevant legislation or unscrupulously take advantage of loopholes in the law,
- considers that while the Treaty does not provide for direct intervention by the European Parliament in respect of the application of directives, such intervention was nevertheless necessary in the case of the 1978 directive,
- considers that without this intervention there was a risk of the 1978 directive remaining partially unimplemented or unenforced for a long time,
- notes with regret that a disturbing situation has arisen in relation to this Directive and seriously wonders what implications this might have for other areas of Community policy and for the implementation of other directives adopted at Community level,
- concludes that, in future, the committees of inquiry instrument should be used to investigate major issues more frequently than in the past, since it has shown itself to be effective,
- nevertheless notes that the question of converting European directives into national laws cannot be handled by ad hoc committees of inquiry but must, since the Commission alone is obviously not in a position to secure this, be monitored constantly, possibly by a committee on the implementation of directives (analogous to the Committee on Budgetary Control),
- stresses that the Committee of Inquiry, which was the first such committee set up by the European Parliament, met with great interest from all the individuals, organizations and institutions to which it addressed itself and particularly the Member State governments, all of which, apart from Denmark, sent representatives, including three ministers, to be heard by the Committee of Inquiry,
- therefore considers that it is the political responsibility of the directly-elected Members of the European Parliament to take prompt action when policies decided on by the Community are not implemented.

TIMETABLE OF MEETINGS OF THE COMMITTEE OF INQUIRY INTO THE DISPOSAL OF TOXIC
AND DANGEROUS SUBSTANCES BY THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

28 September 1983	: Constituent meeting
18-19 October 1983	: Adoption of programme of work and questionnaires Initial hearing of the Commission
26 October 1983	: Adoption of list of experts
3-4 November 1983	: Hearing of government representatives from the Member States
24-25 November 1983	: Hearing of Commission (Commissioner NARJES), Council and the European Environmental Bureau
29-30 November 1983	: Hearing of 40 experts from various industrial and university circles in the Community and European and international organizations
14 December 1983	: Hearing of German, Swiss and American experts
20 December 1983	: Hearing of Mrs BOUCHARDEAU, French Secretary of State for the Environment Meeting with national assembly delegation to the European Communities
23-24 January 1984	: Visits to the site of the Seveso disaster. Hearing of Italian Ministers for Health and the Environment, Commissioner NOE, the Lombardy regional authorities the Committee of Inquiry of the Regional Council and Italian experts
25-26 January 1984	: Hearing of representatives of the Council of Europe and the Director-General of HOFFMANN-LAROCHE. Initial consideration of report
27-28 February 1984	: Consideration of report
19-20 March 1984	: Adoption of report

INSTITUTIONS, ORGANIZATIONS, INDIVIDUALS AND EXPERTS INTERVIEWED
BY THE COMMITTEE OF INQUIRY INTO THE DISPOSAL OF TOXIC AND DANGEROUS
SUBSTANCES BY THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

Community Member State Governments

Mrs BOUCHARDEAU, Secretary of State for the Environment (France)

Mr BIONDI, Minister of the Environment (Italy)

Mr DEGAN, Minister of Health (Italy)

Representatives from the environment ministries of the Federal Republic of
Germany, Belgium, Greece, Ireland, Luxembourg, the Netherlands and the United
Kingdom

Commission of the European Communities

Commissioner NARJES and qualified officials

Council of the European Communities

Mr NICOLL, Director-General

Government of non-member states of the EEC

Switzerland

International, national or regional parliamentary institutions

National Assembly

Council of Europe

US Congress

Lombardy Regional Council

International organizations

United Nations Environment Programme

European liaison bodies

European Environmental Bureau

CEFIC (chemical industries of the EEC)

Standing Technical Conference of European Local Authorities (STECLA)

UNICE

Professors from the Universities of Brussels, Gand, Liège, Louvain and Milan

Other

50 experts (approximately) representing business, government and trade unions in Community and other countries (list available from the Secretariat of the Committee of Inquiry)

COMPARATIVE INFORMATION ON THE IMPLEMENTATION OF THE DIRECTIVE

I. General observations

1. Most of the national implementing legislation did not follow on directly from Council Directive 78/319 of 20 July 1978; much of it was adopted before the Directive (see below II). This has implications for the conformity or otherwise of national legislation with the Directive since it is difficult, if not impossible, to bring existing national laws into line with a subsequently adopted Directive, as opposed to the reverse operation. The procedure adopted by the Council in this context raises questions concerning the appropriateness and effectiveness of its legislative procedures.
2. The toxic and dangerous substances listed in the annex to the directive are not all covered by national legislation, while in other Member States substances additional to those listed in the annex are covered by legislation.

In addition, the Benelux countries have included levels of concentration for some of the listed substances. However, there are considerable discrepancies concerning levels. In the case of arsenic and arsenic compounds, for example, Belgian legislation sets the maximum limit at 500 mg/kg, while in the Netherlands and Luxembourg only 50 mg/kg are authorized. Different levels of concentration apply in Belgium on the one hand and the Netherlands and Luxembourg on the other in respect of mercury, cadmium, potassium and beryllium and their compounds.

- II. Implementaion of the directive by national legislation (the following paragraphs designated by Arabic numerals cover legislation in the following Member States: Germany, Belgium, France, the United Kingdom, Italy and the Netherlands. Existing national legislation is given under (a), and the shortcomings concerning the implementation of the d irective in national law are given under (b)).

1. Federal Republic of Germany

(a) Basic German legislation is embodied in the Waste Disposal Act of 7 June 1972 (as published on 5 January 1977 in the Federal Law Gazette, volume I, page 41) and the following regulations:

- Regulation on waste documentation of 29 July 1974 (Federal Law Gazette, Volume I, page 1574),
- Regulation on the disposal of wastes pursuant to Article 2(2) of the Waste Disposal Act of 24 May 1977 (Federal Law Gazette, Volume I, page 773),
- Regulation on documentation of waste of 2 June 1978 (Federal Law Gazette, volume I, page 668),

(b) Shortcomings in implementation

- Article 7, second indent, of the directive states that the packaging of toxic and dangerous waste should be appropriately labelled, indicating in particular the nature, composition and quantity of the waste.

No provision on the general indications to be given is contained in the Waste Disposal Act. While under Article 14 of the latter provision is made for the adoption of a regulation on labelling, no such regulation has apparently been adopted.

- Article 10 of the directive

Article 10 of the directive states that any person producing or holding toxic and dangerous waste shall as soon as possible have such waste disposed of.

The obligation to dispose of waste is contained in Article 3 of the Waste Disposal Act. However, this provision does not state the period of time within which the person is obliged to deposit or dispose of the waste.

This raises the question of the extent to which such a provision is of any value without a maximum time limit.

1. Belgium

- (a) Toxic waste is covered by national legislation (adopted prior to the directive). Other dangerous waste falls within the competence of the regions.

(b) Legal shortcomings

- (aa) National Legislation Act of 22 July 1974 and Royal Decree of 9 February 1976.

- Article 1(b) of the Directive (list):

Article 2 of the Royal Decree contains a list which does not conform to that contained in the annex to the Directive. A draft decree establishing a new list of toxic waste was apparently formulated four years ago but no political progress has been made. In addition, the edicts covered by the Royal Decree fix a level of toxicity which is considerably higher than that established under Dutch and Luxembourgish law.

- Article 4 of the Directive (prevention and recycling):

National legislation relates essentially to the destruction, neutralization or elimination of waste. No particular attention is paid to the prevention or recycling thereof.

- Article 7 (separation of toxic waste for collection, transporting and depositing):

Article 23 of the Royal Decree relates only to the danger of 'contamination' during 'transport'.

- Article 14(2) of the directive (identification forms and transport):

Article 22(3) of the Royal Decree merely requires accompanying documents proving that the elimination of the waste has been carried out by approved centres.

- Article 14(3) of the directive (keeping documentary evidence):

No provisions to this effect exist.

(bb) Flemish legislation: edict of 1981 and decree of 1982

- Article 1(b) of the directive (list):

Apart from a general definition contained in Article 3(j), Article 43 of the edict calls on the Executive to draw up a list of dangerous substances requiring specific means of disposal. The Executive has not yet done this.

- Article 7 of the Directive (separation):

Article 11 of the edict calls on the Executive to establish the substances which must be given selective treatment on collection. Article 1(2) of the decree merely requires authorization for the sorting of waste and does not specify when sorting or separation is compulsory.

(cc) Walloon legislation: decree of 17 May 1983

This departmental order prohibits in principle (except for derogation) the deposit in Wallonia of waste which is not produced there. Article 6 stipulates that all those who operate disposal plants must be able to indicate the origin of the waste deposited in their establishment. This is done by means of a statement containing certain information.

No further legislation of a more general nature appears to exist.

3. France

(a) Legislation applicable:

Act 75-633 of 15 July 1975

Edict 76-473 of 25 May 1976

Act 76-633 of 19 July 1976

Edict 77-974 of 19 August 1977

Decree of 15 July 1983

Labour Code (Article L 231-6)

(b) Legal shortcomings

- Article 1(b) of the Directive (List):

In addition to the general definition of waste contained in Act 75-633, Edict 77-974 contains a detailed list of waste which does not, however, entirely conform to that contained in the annex to the Directive.

- Article 7 (separation):

While Article 16 of Act 75-633 specifies that the mixture or association of certain substances may be regulated or prohibited by edict, it is not specified whether such an edict has been adopted.

- Article 9 of the directive (authorization):

Article 9 of Act 75-633 undeniably provides a system of authorization. In addition, Act 76-663 states that installations constituting a serious hazard to the environment are subject to authorization. However, a circular of 26 June 1980 implies that Article 9 of Act 75-633 was not at that time being fully implemented ('pending the appropriate administrative provisions') and announced the imminent adoption of implementing measures ('to be published in the coming months').

- Article 14(2) of the directive (accompanying identification forms):

No provision is made for this in Article 2 of Edict 77-974. For the import of the toxic and dangerous waste listed under annex I, a decree of 15 July 1983 requires a prior declaration to be signed jointly by the importer, the producer and the transporter. The information contained in this declaration is specified in annex II.

4. United Kingdom

(a) Legislation

Control of Pollution Act 1974 (1974 c. 40)

(referred to as 'CPA')

Control of Pollution (Licensing of Waste Disposal)

Regulations 1976 (S.I. 1976 No. 732)

(referred to as CP (LWD))

Control of Pollution (Licensing of Waste Disposal)
(Amendment) Regulations 1977 (S.I. 1977 No. 1185)

Control of Pollution (Licensing of Waste disposal)
(Scotland) Regulations 1977 (S.I. 1977 No. 2006)

Control of Pollution (Special Waste) Regulations 1980
(S.I. 1980 No. 1709) (referred to as CP (SW))

Northern Ireland:

Pollution Control and Local Government (NI)
Order 1978 (S.I. 1978 No. 1049)

Pollution Control (Licensing of Waste Disposal)
Regulations (NI) 1980 (S.R. 1980 No. 98)

Pollution Control (Special Waste) Regulations (NI)
1981 (S.R. 1981 No. 252).

(b) Legal lacuna

Art. 1 Directive

Annexed list of substances omitting some materials. Annexed materials are not included unless ingestion of 5cc of annexed wastes results in death or serious damage to the tissue of a child of 20 kg or exposure by inhalation or skin or eye contact causes serious damage to human tissue.

Art. 5, 7, 9, 14 and 15 Directive

Annexed wastes excluded as mentioned above are not subject to control of transportation, labelling of packaging, accompanying by identifications and transport records or supervision and inspection of transportation and storage.

Art. 5 Directive

Disposal without harming the environment (particularly without risk to water, air, soil, plants and animals without causing a nuisance through noise or odours and without adversely affecting the countryside or places of special interest). Disposal of annexed wastes is only required to avoid pollution of water or serious detriment to the amenities of the locality.

Art. 10 Directive

Holders of annexed wastes are not bound to dispose of them.

5. Italy

(a) Relevant legislation:

Edict No. 915 of 10 September 1982 (Official Journal of 15 December 1982)

(b) Legal lacunae

No lacunae were observed in Italian legislation, which was adopted only at the end of 1983. However, the question arises as to the extent to which the administrative structure in Italy will enable the directive to be reliably implemented.

6. Netherlands

(a) Relevant legislation:

Chemical Waste Act, 11 February 1976, Official Gazette 214/1976 on chemical waste

Waste Substances Act, 23 June 1977, Official Gazette 455/1977 on waste

Decision of 26 May 1977, Official Gazette 435/1977

Decision of 20 March 1979, Official Gazette 124/1979

Order of 21 June 1979, Official Gazette 127/1979

Order of 22 February 1979, Official Gazette 42/1979

(b) Legal lacunae

Article 1 of the Directive

The terms 'toxic and dangerous' are not contained in either of the acts because of the subjective and variable meaning attached to this concept. Under an implementing decision¹ residue is to be indicated as chemical if the concentration of the elements or compounds therein is higher than the values given in the annex. Below these values chemical waste is not covered by the Chemical Waste Act².

Article 7 of the Directive

The separation, packaging and labelling of toxic and dangerous waste is not subject to legislation. The same applies to listing and identification. The system of authorization provided for in existing legislation may, however, contain such requirements.

Article 14 of the Directive

Records as such are not provided for. Instead there is a system of individual registration for the receipt and disposal of chemical waste.

¹ Decision on substances and processes

² It is not possible to assess whether or not the concentration levels meet the objective of Directive 78/319.

I. Questions which have been asked in connection with the disappearance of the 41 Dioxin contaminated barrels.

1. Written Questions

WRITTEN QUESTION No 800/83

by Mr Rudolf Wedekind (PPE - D)

to the Commission of the European Communities

(25 July 1983)

Subject: Disposal of approximately three kilograms of pure dioxin which is still in the boiler of the Seveso reactor

The chemical company Hoffmann-La Roche and a special agency bear joint responsibility for the complete decontamination of the factory in Seveso. In addition to the threat posed by the barrels of poison which disappeared, there is a further problem, namely some three kilograms of pure dioxin which are still in piping, steel components and various parts of the chemical reactor. The search for a place to put this contaminated scrap has been pursued without success for seven years. According to an Italian Government document of 3 August 1982 (Ldc/sg. 6/7), there are plans to dispose of this toxic waste at sea. As dioxin waste can survive thousands of years, the risks cannot be foreseen because even at depths of 5 000 metres below the surface, there are forms of life which could absorb the toxic substances and pass them on. In addition the waste could spread through the sea as a result of exchanges between water levels and the flow of currents.

The Intergovernmental Maritime Consultative Organization (IMCO) is responsible for monitoring compliance with the London Convention of 1972 which covers dumping at sea of radioactive and other dangerous substances. Dioxin is on the list of substances prohibited under the Convention and permission for dumping can only be given under exceptional circumstances, for example in cases where there are no adequate storage facilities in the country concerned or storage encounters political resistance. If the Seveso poison was classified as an 'emergency' there would cease to be any obstacle to dumping in the Atlantic.

There is the further possibility of dumping without official permission, as Italy is one of the Member States which has not signed the Convention.

Belgium which means that all types of waste can be shipped out to sea via a Belgian port and then dumped legally without any notification to the supervising authority.

Can the Commission say how far advanced the plans are to dump the dioxin at sea?

What alternative for disposing of contaminated scrap would the Commission propose?

Does the Commission see any possibility of prohibiting such practices by an amendment to the IMCO Convention?

Has the Commission more extensive proposals as regards an international convention providing for far stricter treatment of dangerous substances?

Does the Commission see any possibility of encouraging those Member States which have not yet signed the London Convention to do so, possibly by exerting pressure?

**Answer given by Mr Narjes
on behalf of the Commission**

(17 November 1983)

The dumping of wastes at sea is controlled by national legislation implementing the London and Oslo Conventions. Apart from the general measures for protecting the environment provided for in the Council Directive of 20 March 1978 on toxic and dangerous wastes, the Community so far has no specific legislation in this field.

As early as 12 January 1976, the Commission sent the Council a proposal for a Directive on the dumping of wastes at sea^(?), which was aimed at harmonizing national legislation implementing the relevant international conventions. This proposal was not favourably received by Parliament, which suggested that the Community should accede to the Oslo Convention.

The Commission regrets that the Council was not able formally to adopt its proposal on this matter, having approved it in principle at its meeting on 19 December 1978. In the circumstances, the Community, represented by the Commission, is not in a position to participate in the supervision or possible review of the Oslo Convention.

The Commission has no information about intentions to dump dioxin-contaminated components from the Seveso reactor. It would suggest that the Honourable Member contact the Secretariat of the London Convention, which alone can give him accurate information about the possible dumping of these wastes. According to the London Convention, any discharge of wastes at sea must be notified to the contracting Party to the Convention. The dumping of waste is notified after the event to the Secretariat, which in turn informs the signatory States.

Dioxin is included in the list of products banned by the London Convention, and dumping of it can be authorized only in exceptional cases. The Commission does not know whether such an exception is possible in this case and has requested information on this matter.

It is not for the Commission to propose alternative solutions to dumping as respects the disposal of waste from Seveso. In accordance with the Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste, any person producing or holding such

waste without a disposal permit shall as soon as possible have such waste stored, treated and/or deposited by an installation, establishment or undertaking authorized to do so.

At present, the Commission does not plan any specific measures at Community level other than the abovementioned Directive 78/319/EEC and the proposal for a Council Directive on the supervision and control of the transfrontier shipment of hazardous wastes within the European Community⁽¹⁾, on which Parliament gave a favourable opinion at its part-session in June 1983⁽⁴⁾.

⁽¹⁾ OJ No L 84, 31. 3. 1978.

⁽²⁾ OJ No C 40, 20. 2. 1976.

⁽³⁾ OJ No C 53, 25. 2. 1983.

⁽⁴⁾ Debates of the European Parliament, No 1-30C (June 1983).

published in OJ C 361 of 31.12.83, p. 2

WRITTEN QUESTION No 683/83
by Mrs Raymond Dury (S — B)
to the Commission of the European Communities
(4 July 1983)

Subject: Firms responsible for the destruction of toxic waste

Can the Commission provide the following information:

1. Which firms are authorized in each Member State of the Community to carry out the destruction of toxic waste?
2. In cases where no such firms exist, does the Commission not intend to encourage public authorities in the Member States to set up waste destruction agencies as a matter of priority?

Answer given by Mr Narjes
on behalf of the Commission
(17 August 1983)

1. The Commission has a list of the main centres in the Community for treating toxic and dangerous waste and will send copies direct to the Honourable Member and to the Secretariat-General of Parliament.

It has yet to receive the plans for the disposal of toxic and dangerous waste required of the Member States by Article 12 of Directive 78/319/EEC⁽¹⁾. These should include further details of specialized treatment centres and suitable disposal sites.

2. No.

⁽¹⁾ OJ No L 84, 31. 3. 1978.

published in OJ C 279 of 17.10.83, p. 14

WRITTEN QUESTION No 384/83
by Mr Fritz Gautier (S — D)
to the Commission of the European Communities
(25 May 1983)

Subject: Location of 41 canisters of dioxin from Seveso and the refusal of Hoffmann-La Roche to disclose their whereabouts

1. Has the Commission received any information concerning the whereabouts of the Seveso waste since Question No 230/83 put to it by Mr Capanna of 28 April 1983 ⁽¹⁾, which it was unable to answer?
2. Under Article 16 of the Directive on toxic and dangerous waste, the Commission is to be kept informed, but only by means of three-yearly situation reports by the Member States, on the disposal of toxic and dangerous waste. Does the Commission intend to tighten up this provision?
3. Does the Commission consider it legally possible to impose a temporary import ban on the products of Hoffmann-La Roche so as to impel this firm to reveal the whereabouts of the Seveso waste?
4. If so, is the Commission considering the introduction of such a ban?

⁽¹⁾ Written Question No 230/83 (see page 2 of this Official Journal).

Answer given by Mr Narjes
on behalf of the Commission
(2 August 1983)

1. The Commission has received certain information from Hoffmann-La Roche on the transport of the drums of dioxin. As the Honourable Member knows, these drums were taken to Basle, where their contents will be destroyed.
 2. The Commission is convinced that more stringent regulations are required, particularly for cross-frontier transport of dangerous wastes. For this reason the Commission submitted to the Council on 17 January 1983 a proposal for a Directive ⁽¹⁾ regarding which Parliament issued its opinion on 8 June 1983 ⁽²⁾.
- To take due account of this opinion, the Commission submitted to the Council on 15 June 1983, under Article 149 (2) of the EEC Treaty, a proposal for a Regulation relating to the monitoring and control of cross-frontier transport of dangerous wastes within the Community ⁽³⁾, which strengthened the obligation for the Member States to provide information.

At its meeting of 16 June 1983, the Council discussed this proposal for the first time. In particular, it declared that urgent measures were necessary to reinforce the monitoring of cross-frontier transport of dangerous wastes and recognized that a binding act of Community law was necessary to supplement the existing Directives.

3 and 4. The Problem raised by the Honourable Member is now no longer topical. Nevertheless, the Community can in no case apply retaliatory measures to any company whatsoever.

- ⁽¹⁾ OJ No C 53, 25. 2. 1983, p. 3
⁽²⁾ OJ No C 184, 11. 7. 1983.
⁽³⁾ COM(83) 386 final.

published in OJ C 308 of 14.11.83, p. 6

WRITTEN QUESTION No 304/83
by Ms Joyce Quin (S - GB)
to the Commission of the European Communities
(4 May 1983)

Subject: Obligation of Member States under EEC Directive of 20 March 1978 on toxic and dangerous wastes

Further to the reply by the Commission to Written Question No 1574/81 ⁽¹⁾ have all Member States now submitted their situation reports on the disposal of toxic and dangerous wastes in their territory due in 1981?

What action does the Commission envisage as a follow-up to these reports?

What action does the Commission intend to take with regard to those Member States, if any, who have not yet submitted the reports which they undertook to submit?

⁽¹⁾ OJ No C 92, 13. 4. 1982, p. 21.

Answer given by Mr Narjes
on behalf of the Commission
(13 June 1983)

So far only the Federal Republic of Germany, the United Kingdom and Luxembourg have complied with their obligations regarding the report on the disposal of toxic and dangerous waste to be produced before the end of 1981 pursuant to Article 16 of Directive 78/319/EEC ⁽¹⁾.

The Commission is now preparing on the basis of Article 169 of the EEC Treaty to take the necessary steps, which will include going to the European Court of Justice if necessary, to obtain the reports required under Article 16 of Directive 78/319/EEC.

These documents will first be used to prepare the report to the Council and Parliament on the disposal of toxic and

dangerous wastes in the Community as a whole provided for in Article 16 (2) of the Directive.

From the reports from Member States required under Article 16 the Commission will then also be in a position to examine what further Community measures may be necessary to improve the waste business in the toxic and dangerous wastes sector. Together with the Member States the Commission will furthermore conduct the required comparison of the plans for the disposal of toxic and dangerous waste to be drawn up by the Member States' competent authorities pursuant to Article 12 of the Directive so as to ensure both adequate harmonization of measures for waste disposal and full implementation of the Directive.

⁽¹⁾ OJ No L 84, 31. 3. 1978.

published in OJ C 212 of 8.8.83, p. 31

WRITTEN QUESTION No 230/83
by Mr Mario Capanna (CDI — I)
to the Commission of the European Communities
(28 April 1983)

Subject: Disappearance of 41 containers holding TCDD (dioxin) from Seveso, and the application of Directive 78/319/EEC

Whereas:

- (a) the disappearance of the dioxin has so far involved seven European States, including five members of the Community;
- (b) my Written Question No 1602/82 of 11. November 1982 ⁽¹⁾ was given an inadequate answer which completely sidesteps the query made as to where exactly the 41 containers holding waste containing TCDD residue have been taken for final disposal;
- (c) the inane answer I was given cites Directive 78/319/EEC without going into its merits;

I should like to know:

- 1. how the Commission is in a position to check that Article 2 of the Directive in question was applied, and, particularly, on what evidence the Commission is in a position to 'suppose' (OJ No C 55, 28.2.1983, p. 18) that that Article was observed in the case of the transportation of the 41 containers of dioxin residue, when the carrier for the Spedilec company, passing through Ventimiglia with a lorry transporting the 41 containers in question, declared to French customs that the contents of the containers were: 'solid residues and industrial waste containing aromatic chlorates';
- 2. what evidence the Commission has on which to check whether the Member States have complied with Article 5(1) of Directive 78/319/EEC, and how it is able to 'suppose' that the waste was disposed of in the proper manner when five Community Governments ⁽²⁾ are not able to furnish precise, believable and verifiable information as to the journey made by the lorry with the 41 containers of TCDD;
- 3. what leads the Commission to 'suppose that the transportation and disposal of the waste contaminated by dioxin from Seveso was carried out in accordance with the provisions to the abovementioned Directive' (answer given to my Written Question No 1602/82), when five governments of as many Member States are unable to carry out the provisions in Article 9(2), fourth indent, of the Directive in question, each of them denying that the 41 containers are on its own territory;

- 4. whether the Commission is able to give examples of how widely Article 12 is being applied, and when the abovementioned five States, particularly Italy, France and the Federal Republic of Germany, will embark on the next programmes concerned with the application of paragraphs 1 and 2 of aforesaid Article 12;
- 5. whether the Commission is aware of the fact that the Icmesa company of Seveso did not comply with the obligations arising from Article 14(1) and (2), whereby the undertaking is obliged to keep a record showing, among other things, the location of the site of final disposal where known; and in this connection it should be pointed out that the head of the Special Office for Seveso, Luigi Noè, is aware of this;
- 6. whether the Commission does not consider that Italy and France, and, secondarily, any other Member State involved in the 'affair' of the 41 containers holding dioxin residue, have clearly violated Article 20 of the Directive?

⁽¹⁾ OJ No C 55, 28.2.1983, p. 18.

⁽²⁾ Italy, France, the Federal Republic of Germany, Belgium, the Netherlands.

Answer given by Mr Narjes
on behalf of the Commission

(13 September 1983)

1 to 3. During the emergency debate on 14 April 1983 ⁽¹⁾, the Commission stated its point of view on the disappearance of the 41 drums containing dioxin from Seveso and on the application of Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste ⁽²⁾.

As soon as it became aware of the problem on 8 December 1982, the Commission asked the Italian Government for information on the carriage and disposal of the waste from Seveso. In its reply of 31 January 1983 the Italian Government assured the Commission that the substance in question had been disposed of in a reliable manner in a clay mine which had been converted into a supervised tip, without, however, naming the location of this tip. The Commission would also like to point out that Directive 78/319/EEC does not provide that Member States shall keep the Commission informed of the various operations involved in the carriage and disposal of toxic and dangerous waste.

In view of the information available at the time, the answer given to Written Question No 1602/82 by the Honourable Member was justified ⁽³⁾.

In addition the Commission checks the implementation of the provisions of the Directive and in particular Articles 2 and 5 (1) thereof via the basic provisions of national law which the Member States adopt in the field governed by the Directive and which they have communicated under Article 21.

(¹) Debates of the European Parliament, No 1—297 (April 1983).

(²) OJ No L 84, 31. 3. 1978.

(³) OJ No C 55, 28. 2. 1983, p. 18.

published in OJ C 308 of 14.11.83, p. 2

WRITTEN QUESTION No 1602/82

by Mr Mario Capanna (CDI - I)

to the Commission of the European Communities

(18 November 1982)

Subject: Seveso: dioxin-contaminated wastes

On 10 September 1982, 41 containers holding about 2 300 kilograms of waste highly contaminated by dioxin were transported abroad from area A in Seveso by a truck trailer unit bearing non-Italian number plates (in fact this amounts to the exportation of all the material left inside the reactor that brought about the environmental catastrophe in Seveso when it broke down).

Both the Chairman of the Regional Council of Lombardy, Mr Guzzetti, and the head of the Special Office for Seveso, Mr Noé have stated, even in the appropriate institutional bodies, that they do not know where this highly dangerous material has been taken.

A similar position has been adopted by the Italian Government; according to leaks publicized by the press, it is probable that the material has been deposited somewhere in the European Community.

At all events, there is a way to ascertain the destination of the toxic substance: for, when questioned by me today, the head of the Special Office in Seveso, Luigi Noé, stated that the firm that had carried out the transport operation was aware of the destination even though the route had been split up into different stages.

I urgently request the Commission to provide the following information:

1. where exactly in the Community has the dioxin been taken and where is it being stored?
2. under what environmental and technical safety conditions is the lethal substance being stored in the place to which it has been taken?

**Answer given by Mr Narjes
on behalf of the Commission**

(24 January 1983)

It was through the press that the Commission learned about the transportation of waste contaminated by dioxin taken from the reactor of the company Icmesa, the breakdown of which caused the Seveso disaster in 1976.

This problem comes within the scope of Council Directive 78/319/EEC (1) on toxic and dangerous waste, which came into force on 22 March 1980 and is in the process of being implemented in Italy. As an organohalogen compound, dioxin is in fact one of the toxic and dangerous substances listed in the Directive.

According to the provisions of the Directive, Member States are required to take the necessary measures to ensure that toxic and dangerous waste is disposed of without endangering human health and without harming the environment. Member States are also required, through their competent authorities, to authorize and supervise the transportation, treatment and disposal of toxic and dangerous waste.

The Commission has no reason to suppose that the transportation and disposal of the waste contaminated by dioxin from Seveso was not carried out in accordance with the provisions of the abovementioned Directive. As the Directive makes no provision that the Member States should inform the Commission of individual operations in respect of the transportation and disposal of toxic and dangerous waste, the Commission does not have the information requested by the Honourable Member, but suggests that he approach the competent Italian authorities, since only they are in a position to supply information on the operations in question.

The Commission, for its part, has already officially asked the Italian Government to confirm that the transportation and disposal of the waste contaminated with dioxin from Seveso was carried out in accordance with the provisions of the abovementioned Directive.

(1) OJ No L 84, 31. 3. 1978.

published in OJ C 55 of 28.2.83, p. 18

2. Oral Questions and Debates

Question No 28 by Mrs Weber (H-27/83)

Subject: Dangerous waste

Article 16 of Directive 78/319/EEC on toxic and dangerous waste requires the Member States to submit at intervals of 3 years and for the first time 3 years after publication of the directive, a report to the Commission on the elimination of toxic and dangerous waste in their respective countries. The Commission then forwards the report to the other Member States. It must also report to the Council and the European Parliament every 3 years on the implementation of the directive. Have the Member States and the Commission complied with these requirements and what, if any, results has the Council arrived at in its consideration of the Commission's report

Answer

The Council has still not received the report which the Commission must submit to it on the implementation by the Member States of the Directive on toxic and dangerous waste.

published in Debates of the European Parliament, No. 1-297 of
13.4.83, p. 180

Question No 84, by Mrs Weber (H-105/83)

Subject: Toxic and dangerous waste

What means does the Commission have at its disposal to compel Italy finally to convert Directive 78/319/EEC¹, on toxic and dangerous waste, into national law; what steps does it intend to take immediately, and if none, why?

Answer

By its decision of 17 February, the Commission has already introduced treaty infringement proceedings against Italy for failure to implement Directive 78/319/EEC. As a result, Italy has since incorporated the directive in question into national law. The Italian legislation implementing the directive came into force on 25 December 1982.

The Commission is currently examining the Italian implementing legislation to ascertain whether it complies fully with the provisions of Directive 78/319/EEC. Moreover, the Commission will insist that all Member States, with the exception of Germany, the United Kingdom and Luxembourg, submit the report referred to in Article 16 on the situation concerning disposal of toxic and dangerous waste and forward to the Commission the disposal plans provided for in Article 12. It is now my intention to propose that the Commission bring proceedings under Article 169 against Member States which, after reminders, still fail to comply with their obligation to provide reports.

¹ OJ No L 84, of 31 March 1978, p. 43.

published in Debates of the European Parliament, No. 1-299 of
18.5.83, p. 195

Question No 86 by Mrs Weber (H-26/83)

Subject: Dangerous waste

Article 16 of Directive 78/319/EEC on toxic and dangerous waste requires the Commission to report to the Council and Parliament every 3 years on the application of this directive.

When can that report be expected and does the Commission interpret Article 16 to mean that the report must contain details covering, e.g., the place at which residual material from Seveso was disposed of and is the Commission prepared to make available to the EP or in an appropriate form to its Committee on the Environment, the reports from the Member States referred to in Section 1 of Article 16?

Answer

The report on the elimination of toxic and dangerous wastes provided for in Article 16 of Directive 78/319/EEC, which was to be submitted by the end of 1981, has so far been drawn up and forwarded to the Commission only by Germany, the United Kingdom and Luxembourg. This is why the Commission in turn has been unable to submit to the Council and to Parliament the triennial report likewise provided for in Article 16(2) of Directive 78/319/EEC.

Reminders are sent out about these reports when they become overdue. Some Member States have stated that they are not in a position to have the reports completed in the near future.

This being the case, the Commission has commissioned a firm of consultants to draw up a report on the position with regard to the elimination of toxic and dangerous wastes in the Member States of the European Community and on the implementation of Directive 78/319/EEC. This report will be completed in the course of this year, and the Commission hopes that it can then forward to the Council and to Parliament by the end of this year the report envisaged in Article 16(2) of Directive 78/319/EEC.

As of now the Commission cannot yet say whether the report being prepared will also contain information about the disposal of the residual material from Seveso. That depends notably on whether the information in question is made available to the Commission and released for publication.

published in Debates of the European Parliament, No. 1-297 of
13.4.83, p. 197

Question No 17, by Mrs Weber (H-763/82)

Subject: Waste from Seveso

The President of the Council promised in the debate on Question H-621/82¹ that he would endeavour in the Council to clarify the question of the disposal of waste from Seveso.

What efforts have so far been made to obtain information on the route taken by and final storage place of this highly toxic waste, so as to dispel the concern felt by the populations of several Member States?

Answer

With reference to my statement of 8 February 1983 may I first confirm quite generally that this waste was transported and stored pursuant to Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste, and especially Articles 5 and 14 thereof. Pursuant to Article 5 of that directive, toxic and dangerous waste must be disposed of in such a way as not to endanger human health nor harm the environment. Article 14 sets out a number of rules on the disposal and transportation of toxic and dangerous waste.

May I specifically inform the honourable Member that according to information obtained from the Italian authorities

- the contaminated matter consists of a mass of about 2 200 kg of sodium chloride, which contains about 300 g of dioxin,
- this waste is transported in steel containers with double walls separated by a layer of insulating material, like the containers used for the transport of nuclear fuels,
- and the final storage place was a former clay pit, which is constantly inspected.

*
* *

Supplementary answer

On the matter of exchanging information it must be pointed out that the abovementioned directive does not impose any general obligation on Member States to provide the Community institutions with detailed and specific information on the disposal and storage of toxic and dangerous wastes. Article 16 of the directive provides that the Member States shall make a report to the Commission on the removal of toxic and dangerous waste. Furthermore, the Commission must report every three years to the Council and the European Parliament on the implementation of the directive.

The President-in-Office of the Council is not empowered to make any further disclosures about the place where these wastes are stored or about the contract entered into by the Italian authorities in connection with this matter.

It is not for the Council to give the Commission any instructions or make any recommendations to it as to how it shall draw up the report provided for in Article 16 of the directive, i.e. the report to the Council and the European Parliament on the implementation of the directive.

In an effort to solve the numerous problems arising from the cross-border transport of dangerous wastes, the Commission submitted to the Council on 17 January 1983 a proposal for a directive on more efficient monitoring of these transport arrangements. The Council Presidency intends to get started on consideration of this proposal for a directive before the middle of this year. The Council would be glad if the European Parliament could deliver its opinion on this matter as soon as possible.

1 Debates 11 January 1983

published in Debates of the European Parliament, No. 1-296 of 9.3.83, p. 139

Question No 63, by Mrs Weber (H-621/82)¹ :

1. Did (or does) the Council know about the transport of two tonnes of highly toxic waste (dioxin) from Seveso (Italy) to another European country?
2. Does the Council know to which Community or other country the toxic waste was transported?
3. Does the Council know whether this toxic waste is being stored in such a way that it no longer poses any threat to human beings or the environment?
4. Can the Council state with certainty that the toxic waste was not dumped at sea?
5. When does the Council intend to finally approve the guideline contained in Doc. COM/75/688 ("Concerning the dumping of wastes at sea"), which were submitted to it on 19. 11. 1976?

Mr Genscher, President-in-Office of the Council. — (DE) I should like to answer the two questions together. As regards the proposal for a directive on the dumping of wastes at sea, the Council noted at its meeting of 19 December 1978 that the Commission intended to withdraw the proposal because the Council had approved the decision on the opening of negotiations on the Community's accession to the Oslo convention on the dumping of wastes in the North Sea.

Since that time this question has been considered by the Council's various bodies in connection with the

¹ Formerly oral question without debate (0-112/82), converted to question for Question Time.

Community's accession to the second protocol forming part of the Barcelona convention and to the Bonn convention. This protocol and this convention concern the uncontrolled discharge of oil into the Mediterranean and North Sea respectively.

At its meeting of 19 May 1982 the Council approved the Community's accession to the second protocol forming part of the Barcelona convention and the opening of negotiations on the Community's accession to the Bonn convention. On the other hand, it has not yet been possible to achieve a consensus on the Community's accession to the Oslo convention. The Commission has therefore informed the Council's various bodies that it is now trying to solve the problem of the dumping of wastes at sea in a proposal which would amend or supplement the directive of 20 March 1978 on toxic and dangerous wastes.

With specific reference to the first aspect of Mrs Weber's question, all I can tell you is that the Council has no knowledge of certain quantities of dioxin being transported from the Seveso district to a European country. It cannot therefore express an opinion on how this substance has been stored or dumped.

Mrs Weber (S). — (DE) Mr President, can I assume that you have read something about this matter in the newspapers? I consider it an intolerable situation for a Member to put a question in November and to have to wait six weeks before the Council gives an answer only to find after two months that it has not even been willing or able to obtain the information required to answer the question but stands here and tells us it cannot give an answer. I find this all the more regrettable as the Federal Republic may have been one of the countries through which these dangerous wastes were transported. In the previous German government you had a ministerial colleague, a member of your party, who was responsible for these matters in his capacity as Internal Affairs Minister.

Do you see any chance of finding out whether Germans or other European people may be endangered by these wastes? You have not, moreover, answered the question about the possibility of the waste being dumped at sea. Do you think, thirdly, that there is any chance of the European Community adopting a joint position at the negotiations on the London anti dumping convention, which will be taking place in February? Do you think that such issues should also be discussed during these negotiations?

Mr Genscher. — (DE) Through the appropriate Minister, the Federal Minister for Internal Affairs, the Presidency has made a considerable effort to obtain information from the Italian authorities on the whereabouts of the toxic waste from Seveso. Rumours were put about by the German press — and this is what you are referring to — that some of the waste had been

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taken to the Federal Republic or the GDR. No evidence was, however, found to support these assumptions.

Mrs Squarcialupi. — (IT) First I would like to say that I do not understand why the two questions were not dealt with separately. Since they have to do with different subjects, they should have had two different answers. I direct my remarks to you, Mr President, and not to the President of the Council.

My second observation is addressed instead to the President of the Council and it reflects my profound anxiety concerning the problem of the dioxin which was transported from Seveso to some unknown place. I remind the President of the Council, who states that he does not know where it has been taken, that he should have been aware of this since at least the month of November, that is, since this question was presented. My remark is the following: if the free circulation of persons and goods is one of the soundest Community principles, the same cannot be said of the free circulation of dioxin. Mr President of the Council, is it possible that the Council does not know where this dioxin is and whether it was transported with all the necessary precautions? If I concern myself with this, it is because I would like to reassure my colleagues' electors, for my Italian constituents have nothing more to worry about: the dioxin is no longer in Seveso.

Mr Genscher. — (DE) From what the Presidency has been able to ascertain the company concerned removed the wastes to an unknown place outside Italy, where it was disposed of in the proper manner, as certified by a notary. I realize that the honourable Member — and probably others besides her — will find this answer unsatisfactory, but I can say no more than what it has been possible to find out.

Mr Seligman (ED). — Is the President-in-Office aware that Mrs Weber was the author of a resolution banning the dumping of nuclear waste in the sea and does he realize that that was not representative of parliamentary opinion because there was a snap vote taken in the Parliament when we were not properly represented and it does not represent the proper opinion of the Parliament? Dumping of waste at sea is perfectly well supervised and controlled.

Mr Rogers (S). — Can I first of all say that it is fairly obvious that Mr Seligman feels that things are only democratic when they win. Can I wish the President-in-Office a very happy New Year, although obviously, speaking from this side of the House, I hope it is not too successful.

(Laughter)

If I can come to my supplementary question, I wonder if the Minister could tell me what they actually intend to do on this issue because I find his answer to the question quite incredible — the fact that he does not know what has happened. He has had two months to find out. As the Minister well knows the disposal of industrial waste, much of which is biologically non-degradable, is a very acute and urgent problem. Does not the Council feel that a European initiative in respect of toxic materials is imperative and long overdue and would the Council not consider sending observers to the Geological Society Conference which is being held shortly in London and which will be dealing specifically with the complicated issues relating to the technical aspects of sub-surface disposal of toxic materials?

Mr Genscher. — (DE) I fully accept everything the honourable Member has said. I share the concern revealed by his question. I will gladly look into the possibility of sending an observer to this conference. If it is possible, I will endeavour to see to it that this is done.

Mr Didd. — (IT) The President of the Council has told us that he questioned the Italian authorities about the toxic waste in Seveso. I would like to know what their answer was, for both the regional and national authorities know exactly how and where this waste was transported. There may still be reservations about its ultimate destination, although this is debatable, but the fact remains that this is a matter on which we would like to be reassured, perhaps by the Community institutions. Could the Council or the other institutions check to see that all possible precautions have been taken to prevent the waste from Seveso from causing harm to any population or area?

Mr Genscher. — (DE) The additional information I gave in reply to Mrs Weber's supplementary question was based on information obtained from the Italian authorities. From the questions which have been put here I can see that the need for information felt in the House has not been satisfied. It is a feeling I share. I will go back to the Council on this and try to obtain satisfaction.

Mr Sherlock (ED). — Mr President-in-Office of the Council, sharing the anxiety of my colleagues on the Committee on the Environment, Public Health and Consumer Protection about the route taken by, and the eventual destination of, this dioxin-contaminated substance, I can only presume that when you say you do not know, you are using that terminology in the strictly legal sense in that there is no power existing in the Council by which you can be officially aware of this movement. Is there, in fact, any directive, any tool, any method of exploration which you can command to know this information? Should it not be

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there, should we perhaps be picking up Mr Rogers' point and inviting the Commission to fashion such an implement?

Mr Genscher. — (DE) I cannot tell the honourable Member that. I can only tell him what we regard as particularly urgent. I share the concern that has been expressed by all those who have put questions.

Mr Maher (L). — In view of the fact that this is a matter of concern to all the peoples of Europe, from the point of view of their own health and the health of the environment, can the Council not be more precise about when action will be taken? When will the Oslo Convention be signed? I have a feeling that we could be back in six months getting more or less the same answers we have got from you today. And that is not good enough. Can you give us some idea as to when action will be taken?

Mr Genscher. — (DE) I cannot say. All I can say is that we regard the matter as particularly urgent. I repeat: I share the concern that was evident from all the questions which have been put on this subject.

Mrs Le Roux (COM). — (FR) The UK Government recently authorised discharges off the Atlantic coast. We have already had occasion to put questions on this matter which have remained unanswered. What does the Council intend to do about these discharges? Does it intend to react and if so, how?

Mr Genscher. — (DE) I am sorry to have to tell the honourable Member that I am not familiar with this aspect of the matter. I will find an opportunity to look into it.

Mrs Wiczorek-Zeul (S). — (DE) Could Mr Genscher also answer the second part of Mrs Weber's question about the London anti-dumping convention?

Mr Genscher. — (DE) I am afraid I am unable to do so at the moment.

Mrs Wiczorek-Zeul (S). — (DE) Then you will do so next time.

Mr Genscher. — (DE) Gladly.

published in Debates of the European Parliament, No. 1-293 of 11.1.83, p. 90

President. — Question No 56, by Mr Eisma (I' 30/82):

Have the legal and linguistic problems of the Seveso directive now been settled so that the decision of principle taken in December 1981 can be adopted in its final form during the forthcoming Environment Council in June?

Mr De Keersmaecker, President-in-Office of the Council. — (NL) The Council can confirm to the honourable Member that the legal and linguistic finalization of the Seveso Directive is now being completed with a view to its formal adoption in the official languages of the Communities at the latest at the Environment Council scheduled for June 1982.

Mr Eisma. — (NL) Question Time so far seems to have been virtually a Conservative Group monopoly, but that is by the way. Am I to conclude from your answer that it is now humanly possible — and I put this question to the President-in-Office of the Council — that this directive, including all the annexes, may be formally adopted at the latest at the Environment Council scheduled for June 1982? Secondly, does not the President of the Council regard the period of six months which has elapsed since the beginning of September as an extremely long time merely for the legal and linguistic finalization of a directive such as this and can he give us an assurance that similar cases will be dealt with more swiftly in future?

Mr De Keersmaecker. — (NL) My answer to your first question is yes. Your second question depends on your point of view. You may regard it as a long time, but I have drawn attention to the technical and linguistic complexity of this subject and I am sure that the Council intends to deal with any similar case as swiftly as possible.

published in Debates of the European Parliament,
No. 1-285 of 12.5.82, p. 150

II. General questions which have been asked in connection with the accident in Seveso.

1. Written Question No. 1991/81 by Mrs Squarcialupi to the Commission:

Need for a new map of Seveso

Ref.: Official Journal No. C 129 of 19.5.82, p. 23

Answer: 1982/04/16

2. Written Question No. 602/82 by Mrs Squarcialupi to the Commission:

Data on congenital malformations in Seveso

Ref.: Official Journal No. C 305 of 22.11.82, p. 2

Answer: 1982/10/14

3. Question No. 4 by Mrs Kruchow to the Commission: (H-3/77)

Decontamination and after-effects in the Seveso area

Ref.: Official Journal No. C 118 of 16.5.77, p. 22

Answer: 1977/04/19

4. Question No. 7 by Mrs Kruchow to the Commission: (H-59/77)

Contaminated foodstuffs outside the immediate vicinity of Seveso

Ref.: Official Journal No. C 133 of 6.6.77, p. 16

Answer: 1977/05/10

5. Question No. 9 by Mrs Von Alemann: (H-395/79)

Eliminating chemical pollution in Seveso

Ref.: Debates of the EP (French edition) : No. 251, p. 33

" " " " (German edition) : " " , p. 33

" " " " (Italian edition) " " , p. 32

" " " " (Dutch edition) " " , p. 31

" " " " (English edition) " " , p. 29

" " " " (Danish edition) " " , p. 29

Answer: 1980/02/11

6. Question No. 16 by Mr Kavanagh to the Commission: (H-211/77)

The use of dioxin - the Seveso disaster chemical - as weedkiller in Ireland

Ref.: Official Journal No. C 241 of 10.10.77, p. 39

Answer: 1977/09/15

7. Question No. 82 by Mr Dido to the Council: (H-319/80)

Adoption of the 'Seveso' directive

Ref.:	Debates of the EP (French edition)	:	No. 260, p. 215
	" " " " (German edition)	:	" " , p. 198
	" " " " (Italian edition)	:	" " , p. 206
	" " " " (Dutch edition)	:	" " , p. 196
	" " " " (English edition)	:	" " , p.
	" " " " (Danish edition)	:	" " , p. 180

Answer: 1980/09/17

8. Question No. 98 by Mr Treacy (H-131/83) to the Commission:

Dumping of 'Seveso Waste' off the Irish Coast

Ref.:	Debates of the EP (French edition)	:	No. 299, p. 238
	" " " " (German edition)	:	" " , p. 224
	" " " " (Italian edition)	:	" " , p. 231
	" " " " (Dutch edition)	:	" " , p. 221
	" " " " (English edition)	:	" " , p. 202
	" " " " (Danish edition)	:	" " , p. 204

Answer: 1983/05/18

III. MOTIONS FOR RESOLUTIONS OF THE EUROPEAN PARLIAMENT

1. Motion for resolution
presented by Mr Walter, Mr Glinne, Mrs Weber, Mr Seefeld,
Mr Saby, Mrs Seibel-Emmerling, Mr Collins, Mr Key, Mr Gauthier
on behalf of the Socialist Group
Mr Capanna, Mr Vandemeulebroucke, Mr Pesmazoglou, Mr Eisma,
Mr De Goede, Mrs Spaak
for an urgent and topical debate
on the disappearance of Seveso 'poison'

Official Journal C 128 of 16.5.83, p. 60
2. Motion for resolution
presented by Mr Alber, Mr Goppel, Mr Ligios, Mr Klepsch,
Mr Herman, Mrs Schleicher and Mr Schall
on behalf of the Group of the European People's Party
(Christian-Democratic Group)
for an urgent and topical debate
on the application of the Community Directives on toxic
substances and the shipment and storage of the Seveso dioxin

Official Journal C 128 of 16.5.83, p. 60
3. Motion for resolution
presented by Mrs Squarcialupi, Mrs Le Roux, Mr Bonaccini,
Mrs De March, Mr Carossino, Mrs Jacqueline Hoffmann, Mr Veronesi,
Mr Kyrkos and Mr Ephremidis
on behalf of the Communist and Allies Group
for an urgent and topical debate
on the final destination of the Seveso dioxin

IV. RESOLUTIONS OF THE EUROPEAN PARLIAMENT

Resolution on the transport of dangerous substances

Official Journal C 040 of 15.2.82, p. 40

V. REPORTS OF THE EUROPEAN PARLIAMENT

Report drawn up on behalf of the Committee on the Environment, Public
Health and Consumer Protection
on the proposal from the Commission of the European Communities to
the Council (Doc. 1-1208/82 - COM/82/892 final) concerning a
Directive on the supervision and control of transfrontier shipment
of hazardous wastes within the European Community

Rapporteur: Mrs Van Hemeldonck

Official Journal C 184 of 11.7.83, p. 50