

European Communities

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EUROPEAN PARLIAMENT

# Working Documents

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30 May 1983

DOCUMENT 1-370/83

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) for a directive on the supervision  
and control of transfrontier shipment of hazardous  
wastes within the European Community

Rapporteur: Mrs VAN HEMELDONCK



By letter of 28 January 1983, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the supervision and control of transfrontier shipment of hazardous wastes within the European Community (Doc. 1-1208/82).

On 7 February 1983 the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Economic and Monetary Affairs, the Legal Affairs Committee and the Committee on Transport for their opinions.

At its meeting of 17 March 1983 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Van Hemeldonck rapporteur.

On 13 December 1982 the European Parliament referred the motion for a resolution tabled by Mrs Squarcialupi to the committee (Doc. 1-916/82). Mrs Van Hemeldonck was also appointed rapporteur on this motion for a resolution.

The committee considered the Commission proposal and the draft report at its meetings of 28 and 29 April and 24 and 25 May 1983.

At the latter meeting it adopted the Commission proposal by 14 votes to 4 with 1 abstention.

The committee subsequently reserved the right to recommend that Parliament apply Rule 35(3) of the Rules of Procedure after hearing the Commission's views.

The motion for a resolution as a whole was unanimously adopted.

The following took part in the vote: Mr Collins, chairman; Mr Johnson, vice-chairman; Mrs Weber, vice-chairman; Mrs van Hemeldonck, rapporteur; Mr Alber, Mr Berkhouwer, Mr Bombard, Mr Ceravolo (deputizing for Mr Spinelli), Ms Clwyd (deputizing for Mr Muntingh), Mrs Krouwel-Vlam, Mrs Lentz-Cornette, Mr Pantazi, Mr Protopapadakis (deputizing for Mr Del Duca), Mr Provan (deputizing for Mr Forth), Mrs Schleicher, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Spaak and Mrs Squarcialupi.

The opinion of the Committee on Transport is attached to this report. The opinions of the Committee on Economic and Monetary Affairs and the Legal Affairs Committee will be published separately.

The report was tabled on 26 May 1983.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following amendments to the Commission's proposal and motion for a resolution together with explanatory statement:

Amendments tabled by the  
Committee on the Environment,  
Public Health and Consumer  
Protection

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Text proposed by the Commission of the  
European Communities

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Draft Council Regulation on the supervision and control of transfrontier shipment of dangerous products within the European Community

Amendment No. 1

Replace the word 'directive'  
in the title and in the text,  
where applicable, by  
regulation

Amendment No. 2

Replace the words 'hazardous  
waste(s)' in the title and in  
the text, where applicable,  
by hazardous wastes and dangerous  
substances

Amendment No. 3 (3rd recital)

... though none whatever for the  
supervision and control of the  
transfrontier shipments of hazardous  
wastes and dangerous substances;

... but have not yet regulated the  
supervision and control of the  
transfrontier shipments of hazardous  
wastes;

Amendment no. 4 (4th recital)

... waste; therefore the optimum form  
of disposal must be selected in each case.

... waste;

Amendment No. 5 (after 5th recital)

- whereas the development of an efficient and adequate infrastructure should be encouraged in those Member States which have hitherto been unable to eliminate hazardous wastes safely, in order to reduce the volume of hazardous wastes and substances transported across frontiers

Amendment No. 6 (6th recital)

... from the moment of their arising until their treatment, processing or ultimate safe disposal ...

... from the moment of their arising until their treatment or ultimate safe disposal ...

Amendment No. 7 (11th recital)

- whereas transfrontier shipments of hazardous wastes should be packaged in such a way as to guarantee maximum safety in the event of accidents (in particular fire, overturning, damage or breakage),

Amendment No. 8 (12th recital)

Whereas the contractual arrangements should be communicated to the competent authorities together with the permit;

Whereas the contractual arrangements should be communicated to the competent authorities together with the notification;

Amendment No. 9 (13th recital)

- whereas any obligations contracted under international conventions on the transport of dangerous goods may supplement this Directive.

Amendment No. 10 (Article 1)

The purpose of this Directive is to provide the necessary measures for the supervision ...

Amendment No. 11

(add the following to Article 1)

... the Community; they shall therefore reduce the number of authorized import and export points to the absolute minimum necessary and shall provide these with the necessary qualified staff;

Amendment No. 12

(Add a new second paragraph to Article 1)

A fundamental requirement for achieving the goals of this regulation is the comprehensive planning and construction of the necessary waste disposal installations and the consistent implementation of supervisory arrangements, i.e. the application of the Council Directive of 20 March 1978 on toxic and dangerous wastes, in all Member States of the Community and its incorporation into national law.

- whereas Member States may give effect to the requirements of this Directive in accordance with any obligations which they may have contracted under international conventions on the transport of dangerous goods.

Member States shall, in accordance with the provisions of this Directive, take the necessary measures for the supervision ...

... the Community.

Amendment No. 13 (Article 2)

For the purpose of this Regulation  
'hazardous wastes and dangerous  
substances' means:

- toxic and ...
- PCB as ...
- waste oils ... 75/439/EEC
- all toxic and dangerous substances  
which are reusable in some form.

For the purpose of this Directive  
'hazardous waste' means:

- toxic and ...
- PCB as ...
- waste oils ... 75/439/EEC.

Amendment No. 14

(Add to Article 2)

For the purpose of this regulation  
'the competent authorities' means a  
regional or central authority in  
the country concerned equipped with  
as many staff as are absolutely  
essential for the procedure.



Amendment No. 15 (Article 3(1))

The producer shall bear full responsibility for the waste from the moment it arises until it is disposed of. As a general rule hazardous waste shall be disposed of in the country in which it arises, provided suitable conditions exist; if for demonstrable reasons this is not possible and it has to be shipped to another Member State of the Community for treatment, use, storage or final disposal, the producer shall apply for a permit from the authorities of the country of origin of the waste, the country of destination, the country of dispatch and, where appropriate, the country of transit. The competent authorities (Annex IV) of the country where the waste originates shall be informed of the nature and volume of the dangerous waste and the method of disposal employed.

Where hazardous waste is to be shipped to another Member State of the Community for treatment, use, storage or final disposal, the producer or consignor shall give notice to the competent authorities of the country of destination, the country of dispatch and, where appropriate, the country of transit.

Amendment No. 16 (Article 3(2))

The competent authorities shall also be provided with satisfactory evidence of a suitably endorsed declaration from the consignor of the hazardous waste and dangerous substances, the treatment centre, and the licensed user in the country of destination, and a copy of the contractual ...

The competent authorities shall also be provided with satisfactory evidence, such as a suitably endorsed declaration from the waste disposer, the treatment centre or the licensed user in the country of destination or a copy of the contractual ...

Amendment No. 17

(Article 3(3) first paragraph)

Replace 'general notification' with  
'general authorization'

Amendment No. 18 (Article 3(4))

A description of the hazardous wastes and dangerous substances for transfrontier shipment shall be provided on a form, a specimen of which is given in Annex I.

The notification shall be made on the form, a specimen of which is given in Annex I.

Amendment No. 19 (Article 4(1))

The transfrontier shipment may not be carried out before a permit has been received from the competent authorities in the country of destination, which may carry out controls and checks at any point to verify that the statements made by the waste producer are in fact correct. Should the contents not correspond to the statements made in the authorizing documents, the authorities may also decide to return the consignment to the consignor at the latter's expense.

The transfrontier shipment may not be executed before receipt of acknowledgement of the notification by the competent authorities of the country of destination.

The permit shall be furnished not later than one month after receipt of the request for authorization.

The acknowledgement shall be furnished not later than one month after receipt of the notification.

Amendment No. 20 (Article 4(2))

A single permit may cover ... by a general authorization.

A single acknowledgement may cover ... by a general notification.

Amendment No. 21 (Article 4(3))

A copy of the permit shall accompany the shipment together with the consignment note.

A copy of the acknowledgement shall accompany the shipment together with the consignment note.

Amendment No. 22 (Article 5)

Objections ... may be made by the competent authorities of the country of destination not later than one month after receipt of the request for authorization ...

Objections ... may be made by the competent authorities of the country of destination not later than one month after receipt of the notification ...

Amendment No. 23

Delete Article 6

Amendment No. 24 (Article 7)

(Add the following paragraph 5)

In the case of shipment of particularly hazardous waste, the consignor and the competent authorities of the countries of dispatch and transit shall be required to use routes specially reserved for this purpose where they exist, or, otherwise, to transport the shipment along routes offering maximum guarantees for public safety and in particular to avoid the busiest routes, built-up areas and peak traffic periods.

Amendment No. 25 (Article 8)

The requirements laid down in this Regulation with respect to application for a permit and consignment shall also apply to shipments of hazardous waste and dangerous substances from third countries and consignments originating from the Community entering the Community again via third countries.

The requirements laid down in this Directive with respect to notification and consignment shall also apply to shipments of hazardous wastes from third countries entering the Community.

Amendment No. 26

(Add to Article 9)

The Member States shall inform the Commission of any exceptional circumstances or irregularities concerning trans-frontier shipments of the hazardous wastes and dangerous substances covered by this regulation which may threaten man or the environment.

Amendment No. 27 (Article 11(1))

Transfrontier shipments of hazardous waste shall be packaged in such a way as to guarantee maximum safety in the event of accidents (in particular fire, overturning, damage and breakage).

Transfrontier shipments of hazardous waste shall be properly packaged.

Amendment No. 28 (Article 11(2))

The packaging of hazardous waste shall be appropriately labelled, indicating in addition to the nature, composition and quantity of the waste, the details (name, address, telephone number, telex) of the persons responsible, together with those of the competent specialized services of the countries of origin, transit and destination, from whom instructions or advice may be obtained at all times during the shipment.

The packaging of hazardous waste shall be appropriately labelled, indicating in addition to the nature, composition and quantity of the waste, the telephone number where specialist advice may be obtained at all times during the shipment.

Amendment No. 29 (Article 11)

(Add a paragraph 4)

4. Every vehicle involved in such transfrontier shipments shall carry a standard plate identifying:

- (a) the substance being carried, according to the UN code;
- (b) the hazard represented by that substance, according to the Kemler code;
- (c) the action to be taken in the event of hazards and accidents, as in the Hazchem code

The standard plate shall comply with the format set out in Annex III.

Amendment No. 30 (Article 12)

In Article 12 add 'and training' after the word 'licence'.

(Add a new second paragraph)

Hazardous wastes may only be transported across frontiers at points mutually agreed on by the Member States.

Amendment No. 31

(Article 12, new paragraph)

A list shall be drawn up at Community level of undertakings involved in the transport and disposal of hazardous wastes including the firms which in addition to possessing the licence described in paragraph 1 shall be required to demonstrate that they have the technical resources, facilities, specialized personnel, organization and reliability called for in the transport and disposal of hazardous wastes. The technical committee on waste management shall be responsible for classifying the undertakings according to their capacity for disposal and transport of the various types of hazardous wastes.

Amendment No. 32 (Add to Article 12)

Any physical or legal person producing, collecting, transporting, treating, storing, disposing of or managing hazardous wastes shall be responsible for all damage caused by the wastes irrespective of any fault on his part. If several persons are responsible for the same damage, their liability shall be collective.

Amendment No. 33 (Add to Article 13)

The Member States shall collate all information on the transport, storage or disposal of dangerous substances and wastes and keep these for ten years. They shall also pass this information on to the Commission.

Amendment No. 34

(Article 13, new paragraph)

The Member States shall also inform the Commission of:

- (a) the most suitable places for the disposal and treatment of hazardous waste;
- (b) the road, rail, waterway, sea and air routes and border crossing-points to be used for transporting hazardous wastes.

The Member States shall also ensure that there are sufficient technical and monitoring staff with the appropriate equipment at the specified crossing-points.

Amendment No. 35 (Article 14)

Once a year, and for the first time one year following the notification of this regulation, the Member States shall draw up a situation report on the implementation of this Regulation ...

The Commission shall, every two years, submit a summary report ...

Every three years, and for the first time three years following the notification of this Directive, Member States shall draw up a situation report on the implementation of this Directive ...

The Commission shall, every three years, submit a summary report ...

Amendment No. 36

(Replacing Articles 18, 19 and 20)

This Regulation shall enter into force 3 months after publication in the Official Journal of the European Communities.

This Regulation is binding in its entirety and directly applicable in all Member States.

Article 18

Member States shall bring into force the measures necessary to comply with this Directive within 12 months of its notification. They shall forthwith inform the Commission thereof.

Article 19

Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 20

This Directive is addressed to the Member States.

Amendment No. 37 (Annex I)

(replace the words 'hazardous waste(s)' with 'hazardous waste(s) and dangerous substances')

(a) Title to read as follows:

Description of hazardous wastes and dangerous substances for trans-frontier shipment

Notification document for the trans-frontier shipment of hazardous waste

(b) Heading C to read:

C. Copy for the firm responsible for treatment, storage or disposal

C. Disposers' copy

(c) Amend the 'Notes' as follows:

1. The description document consists of 4 forms:  
(remainder unchanged)
2. The transfrontier shipment of, hazardous waste and dangerous substances may not be carried out before permission has been given by the competent authorities of the country of destination and/or transit.

1. The notification document consists of 4 forms:
2. The transfrontier shipment of hazardous waste may not be executed before receipt of the acknowledgment of the notification by the competent authorities of the country of destination.



Amendment No. 38 (Annex II)

(replace the words 'hazardous waste(s)' with 'hazardous waste(s) and dangerous substances')

Amend paragraph 3 of the notes as follows:

3. When the producer or consignor has received the permit for treatment, use, storage or disposal from the competent authorities of the country of destination in accordance with Article 3(1) of the Regulation, he fills in the consignment documents. All undertakings involved in the operation should sign the forms and retain one copy.

3. When the producer or consignor has received the acknowledgement of his proposal for treatment, use, storage or disposal from the competent authorities of the country of destination as being put forward by the notification according to Article 3, para. 1, of the Directive, he fills in the consignment documents. All undertakings involved in the operation should sign the forms and hold one copy.

Amendment No. 39

(Add the following Annex III)

Standard plate to be carried on every vehicle involved in transfrontier shipments.

- A. UN number identifying substance (4 figures);
- B. Kemler code identifying hazard (2-3 figures);
- C. Hazchem code identifying action to be taken in the event of a hazard or accident.

The size of the standard plate shall be in accordance with the European agreement concerning the international carriage of dangerous goods by road (ADR).

Amendment No. 40 (Annex IV)

Draw up a new Annex IV containing a list of the competent authorities in each Member State.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the supervision and control of transfrontier shipment of hazardous wastes within the European Community

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(82) 892/final)<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 1-1208/82),
  - having regard to the motion for a resolution tabled by Mrs Squarcialupi and others (Doc. 1-916/82),
  - having regard to the European Parliament's resolution of 14 April 1983 on the application of the Community directives on toxic substances and the shipment and storage of the Seveso dioxin,<sup>2</sup>
  - having regard to the European Parliament resolution calling for the use of the Hazchem code (Doc. 1-121/80),
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Economic and Monetary Affairs, the Legal Affairs Committee and the Committee on Transport (Doc. 1-370/83),
  - having regard to the result of the vote on the Commission's proposal,
1. Warmly welcomes the Commission's proposal for bringing the transfrontier shipment and disposal of dangerous substances under Community control;
  2. Considers that events such as the recent temporary disappearance without trace and reemergence of extremely dangerous substances should not be permitted to occur again in any form;
  3. Believes that the serious general lack of provision in Community legislation for such matters must be repaired as a matter of extreme urgency;

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<sup>1</sup> OJ C 53 of 25 February 1983, p. 3

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4. Considers therefore that the proposal in question should be given a more mandatory character but at the same time should be a rapid and effective instrument to allow the competent authorities of the Member States the maximum possible control;
5. Wishes again to emphasize that transfrontier shipment of hazardous waste and dangerous substances should also be regulated;
6. Calls for the use of a standard plate on vehicles involved in transfrontier shipment embodying:
  - A. The UN code to identify the substance;
  - B. The Kemler code to identify the hazard;
  - C. The Hazchem code to identify the action to be taken in the event of hazards and accidents;
7. Hopes that, in cases of non-compliance with these legal provisions, Member States will ensure that proper sanctions are taken against producers of waste, or transport and disposal undertakings, or any authorities which neglect to take the necessary supervisory measures to avert danger and harm to man and the environment;
8. Stresses that the vocational training and instructions for hauliers of dangerous wastes and substances must include ample information on the field of application of this directive and on safety measures and assistance;
9. Believes there is an urgent need for provisions to allow the classification of undertakings operating in the transport and disposal sector based on their technical/organizational capacity and operational reliability;
10. Invites the Member States to cooperate more fully to develop appropriate methods for the treatment, storage and disposal of dangerous wastes within their own territory in accordance with the regulations;
11. Calls on the Council to reach a decision on the proposal for a directive as a matter of urgency;
12. Urges the Council and the Commission to ensure the immediate incorporation into national law and implementation of the Council directive of 20 March 1978 on toxic and dangerous waste in all Member States of the Community;

13. Requests the Commission to enjoin the Member States, on the basis of these principles, to reduce by mutual agreement the number of border crossing points for hazardous wastes and to provide the necessary technical and staff resources for these border crossing points;
14. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT

1. Recent incidents have demonstrated that the question of the transfrontier shipment of dangerous wastes and substances within the Community should be dealt with as a matter of urgency.

2. Existing arrangements, i.e. the European action programmes for the environment and the Council Directive of 20 March 1978 on toxic and dangerous wastes, have proved inadequate. The odyssey of the drums of dioxin from Seveso illustrates the need for bringing such problems under Community control.

3. The affair of the transport of dioxin from Italy to an unknown destination has indeed demonstrated that existing European legislation in this sector, i.e. the Directive, has insufficient force. A directive is only binding as regards the end result, while leaving ways and means to the discretion of the Member States.

Your rapporteur therefore recommends the legal form of a regulation, which is a generally binding set of rules laying down direct rights and obligations for natural and legal persons in the Member States. This direct legal instrument is the only way of ensuring that the rules apply to all aspects of transfrontier shipment in all the Member States.

4. Your committee also feels that the proposed regulation must apply to the transfrontier shipment of all dangerous wastes and substances. It has in fact become evident that wastes may be classified as residual products, for example, to circumvent existing rules. Restricting the scope of the regulation to wastes would only partly solve the problem of the transfrontier shipment of dangerous wastes and substances.

5. The aim of the proposed new European legal instrument should be comprehensive regulation of the shipment of dangerous wastes and substances. The term 'disposal' is too restricted, since it does not necessarily apply to the entire route taken by a product from its place of origin to the place where it is dumped, destroyed or treated. Simply to regulate 'disposal' leaves part of the problem untouched.

6. A global approach to the entire shipment process for dangerous wastes and substances may prevent their disappearance without trace en route or government authorities losing track of them.
7. It is proposed that the producer of the dangerous waste or substance obtain a permit prior to the shipment of the product or waste from both the country of dispatch and the country of destination and from any transit countries.
8. This requirement should also apply to shipments of dangerous wastes and substances entering the Member States from third countries.
9. Recent experience has shown that the packaging of dangerous wastes and substances may be severely damaged during loading, unloading and storage. The necessary precautions therefore need to be taken and monitoring is required to ensure, for instance, that the packaging is indeed secure and transport-worthy in order to eliminate the risk of spillages or damage.
10. To prevent dangerous wastes and substances turning up in the territory of a Member State without the knowledge of its authorities, the producer or consignor of the dangerous waste or substance should be obliged to apply for permits beforehand from the authorities of the countries of origin, destination and transit, respectively. Such permits, one for each shipment and each country of destination or transit, constitute a more precise instrument than general notifications, and are thus preferable.
11. To ensure a certain uniformity, a specimen form is proposed in Annex I, which ensures an accurate description of the dangerous waste or substance destined for transfrontier shipment.
12. Naturally, the dangerous waste or substance may not be transported or disposed of before the required permits have been obtained from the countries of origin, transit and destination. The shipment should be accompanied at all times by copies of the permits granted and the consignment note.
13. In view of the particularly rapid evolution of technology and manufacturing potential, the Commission must be provided with annual reports from the Member States.
14. For the same reason, the Commission should keep Parliament informed of developments by submitting a summary report every two years.

OPINION

(Rule 101 of the Rules of Procedure)

of the Committee on Transport

Draftsman: Mrs Mechtild von ALEMANN

On 17 February 1983, the Committee on Transport appointed Mrs Mechtild von ALEMANN draftsman.

At its meeting of 26 April 1983, the committee considered the draft opinion and adopted it unanimously.

The following took part in the vote: Mr Seefeld, chairman and acting draftsman; Mr Carossino and Mr Kaloyannis, vice-chairmen; Mr Buttafuoco, Mr Cardia, Mr K-H Hoffmann, Mr Key, Mr Klinkenborg, Mr Loo (deputizing for Mr Gabert), Mr Moorhouse, Mr Scamaroni and Mr Vandewiele.



## I - INTRODUCTION

1. The draft directive discussed in this opinion deals with the measures required, in order to protect the environment, for the supervision and control of transfrontier shipment of hazardous wastes either within the European Community or entering or leaving the Community (excluding radioactive substances and wastes).

It basically concerns, therefore, the conditions in which this hazardous waste is transported and in particular the notification of the Member States of transit or destination.

2. It should be noted that this draft directive corresponds to one of the Committee on Transport's concerns, as expressed in Mr GATTO's report on the transport of dangerous substances<sup>1</sup>, that European regulations on the subject should be harmonized.

## II - SCALE AND IMMEDIACY OF THE PROBLEM

3. The constant increase in transfrontier shipments of hazardous wastes in recent years, and the lack of Community measures for their control and supervision, constitute in themselves a justification of the Commission's proposal.

4. Recent events, however, demonstrate the need even more clearly. At the same time as the Commission is submitting this draft directive to Parliament, a popular French scientific magazine<sup>2</sup> has revealed (it appears that the information has been common knowledge in the circles concerned for several months) that industrial waste containing dioxin had been shipped all the way across France without any supervision until all trace of the cargo was lost at Saint-Quentin, where it was cleared by customs.

Dioxin, it will be recalled, is an extremely dangerous chemical substance. Manufactured in particular at a factory in Seveso in Italy, in 1976 it was the cause of one of the worst ecological disasters ever known.

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<sup>1</sup>Doc. 1-357/81/rev.

<sup>2</sup>Science et Vie, April 1983, page 16

5. In addition to the major problem of knowing where the 41 containers of dioxin actually are, and the lack of information about their final destination on the accompanying documents, there are two particularly worrying aspects as far as security is concerned:

- the first is that the waste was transported along one of the most heavily-used trunk routes i.e. the Nice-Paris motorway ('Autoroute du Sud') without the services involved (Customs and Environment) showing much concern about the nature and degree of concentration of this waste;
- the second aspect is the fact that after this cargo crossed the French frontier under an incorrect description, it then received customs clearance under a much less precise designation, which meant that it could no longer be accurately identified.

6. This incident, therefore, inevitably directs our attention to three points:

- the need for a consignment document for waste;
- the conditions under which it is shipped;
- the need for a precise, standardized description as part of a detailed nomenclature for hazardous waste and an indication of the degree of concentration of hazardous waste.

### III - CONTENTS OF THE COMMISSION'S PROPOSAL

7. It defines an obligatory notification procedure to be followed each time that hazardous waste is to be shipped across a frontier, and it lays down certain details of the procedure.

The notification is accompanied by a consignment document for the waste being shipped. The carriers must provide an insurance certificate covering any accidents and their consequences. Packaging, labelling and safety instructions are required, as well as an appropriate licence covering the shipment of this type of waste.

Member States have to send an annual list of hazardous waste imported and exported to the Commission which will draw up a situation report on the implementation of the Directive every three years and send a summary report to the European Parliament.

The draft Directive will come into force 12 months after its notification.

#### IV - GENERAL COMMENTS

8. Although, as we have already said, this draft Directive corresponds to the wishes expressed by the European Parliament, it should be noted that:

- there is no reference in the text submitted to the committee to the international conventions administered by the United National Economic Commission for Europe - the ADR for roads, the RID for rail, the ADN for inland waterways - with IMCO having responsibility for maritime transport and IATA and ICAO for air transport (a convention is in preparation for the latter);
- the general spirit of the text fully corresponds to the problem's requirements, but some of its implications generally remain very vague. This evidently is an indication of the Commission's desire that the Council should rapidly adopt this Directive, avoiding details that would require more precise explanations and would perhaps make it more difficult to achieve a consensus. It seems, however, that the Commission's proposal does not offer the most satisfactory guarantees for the shipment of waste, particularly as far as the conditions of transport are concerned;
- the reference nomenclature for the classification of waste given in the annex to Directive No. 78/319/EEC is much too general and does not meet the requirements for controlling and supervising the shipment of hazardous waste.

#### V - DEFICIENCIES AND OMISSIONS IN THE COMMISSION'S PROPOSAL

##### 9. Article 7 :

This article describes the procedure for the consignment document for the transfrontier shipment of hazardous waste.

In line 5 of the notification document, 'nature of waste', it might have been useful to mention the product's degree of concentration in terms of its real danger to safety (a product can have low toxicity or high toxicity, low corrosiveness or high corrosiveness).

##### 10. Article 10 :

It is simply stated that 'the transfrontier shipment of hazardous waste shall be covered by adequate insurance with respect to damage which

it may cause during shipment'.

It may be feared that the term 'adequate insurance' leaves too much freedom to the carriers and that the wording should be more explicit so as to cover all the risks that might arise as the result of an incident or accident, which in certain cases could be very high indeed.

11. Article 11 :

It is stated that 'hazardous waste shall be properly packaged'. Here again, the vagueness of the term 'properly' may cause serious problems, seeing that the shipment of hazardous waste is involved; other more technical terms should perhaps be used.

12. There are also a number of omissions in the Commission's document:

- to mention is made of the shipment of different types of hazardous waste in the same load, which in certain cases - admittedly limited - can considerably increase the risks, should there be an accident;
- the draft directive does not cover special journeys made or routes taken by vehicles carrying hazardous waste, for example the avoidance of heavily-used roads or built-up areas.

It seems that the Commission thinks that this is solely the problem of the Member State through which the shipment is travelling;

- the resolution adopted by the European Parliament on the basis of Mr GATTO's report on the transport of dangerous substances contained a number of particularly interesting suggestions which have not been included in the Commission's proposal, in particular the establishment of a uniform hazard action code throughout the Community, the promotion of special training for the drivers of vehicles carrying dangerous substances and the coordination of national research into the causes of accidents involving the transport of dangerous substances;
- one final aspect also seems important: the provision of information for the carriers of hazardous substances in view of the large number of administrative regulations on the subject and the addition of new Community regulations. Even if the latter put an end to existing bilateral and multi-

lateral agreements, it would perhaps be useful to envisage an information centre that could explain the procedures for the shipment of dangerous substances as rapidly as possible.

## VI - CONCLUSIONS

The Committee on Transport:

13. Welcomes the submission by the Commission of a directive on the supervision and control of transfrontier shipment of hazardous wastes within the European Community.

14. Considers that this directive could lead to a very considerable improvement in the conditions of transfrontier shipment of hazardous wastes.

15. Regrets, nevertheless:

- that no reference is made to the existing international conventions on the subject;
- that no reference is made to a proper detailed nomenclature for hazardous wastes;
- that the text of the directive is vague at several points, which is likely to limit its application;
- that no account has been taken of certain recommendations made in the resolution on the transport of dangerous substances adopted on 22 January 1982, in particular the establishment of a uniform hazard action code throughout the Community, the promotion of special training for drivers of road vehicles carrying dangerous substances and the coordination of national research into the causes of accidents involving the transport of dangerous substances.

16. Calls, therefore, upon the Committee on the Environment, Public Health and Consumer Protection, as the committee responsible, to approve the Commission's proposal in an amended version taking into account the amendments submitted below.

17. Proposes that the Committee on the Environment, Public Health and Consumer Protection, as the committee responsible, should make the following amendments to the text of the directive:

18. ARTICLE 7

Add the following new paragraph 5:

'In the case of shipment of particularly hazardous waste, the consignor and the competent authorities of the countries of dispatch and transit shall be required to use routes specially reserved for this purpose where they exist, or, where necessary, to transport the shipment along routes offering maximum guarantees for public safety, and in particular to avoid the busiest routes, built-up areas and peak periods'.

19. ARTICLE 11

Paragraph 1 to read as follows:

'Hazardous wastes that are to be shipped across frontiers shall be properly packaged in such a way as to offer the maximum degree of security in case of an accident (particularly in the case of combustion, overturning, damage or crushing).'

20. ARTICLE 11

Paragraph 2 to read as follows:

'The packaging of hazardous waste shall be appropriately labelled, indicating in addition to the nature, composition and quantity of the waste, the details (name, address, telephone number, telex number) of the persons responsible, together with those of the competent specialized services of the countries of origin, transit and destination, from whom instructions or advice may be obtained at all times during the shipment.'

# European Communities

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EUROPEAN PARLIAMENT

# Working Documents

1982-1983

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24 NOVEMBER 1982

DOCUMENT 1-916/82

MOTION FOR A RESOLUTION

tabled by Mrs SQUARCIALUPI, Mr JOHNSON, Mr SPAAK,  
Mr ERCINI, Mr DEL DUCA and Mrs VAN HEMELDONCK

pursuant to Rule 47 of the Rules of Procedure

on the transport of dioxin from Italy to another  
country in Europe

PE 84.249/Ann/fin.

The European Parliament,

- A. having learnt that 2,200 kg of material contaminated by dioxin from the 'Icmesa' factory in Seveso has been transported from Italian territory by the Swiss chemical group 'Givaudan' which owns Icmesa,
- B. whereas it has been denied that the 41 containers of dioxin have been stored in non-Community countries (the Swiss Confederation and the German Democratic Republic),
- C. whereas it is now rumoured that the material has also been stored in Member States of the Community (France and the Federal Republic of Germany),
- D. aware of the European public's misgivings about such a dangerous substance as dioxin,
1. Calls on the Commission to report
    - where the material is currently located;
    - whether the packaging, transport and storage of the contaminated material were in accordance with existing Community legislation (COM(82) 158 final);
    - the effective dioxin content of the material which left Italy;
  2. Instructs its President to forward this resolution to the Commission, the Council, the Italian Government and the Government of the Swiss Confederation.