

19.10.2005

A6-0287/91

**AMENDMENT 91**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 91

Article 1, paragraph 3, point (d)

*(d) shipments which are subject to the approval requirements of Regulation (EC) No 1774/2002;*

*deleted*

Or. en

*Justification*

*Re-introduces amendment 11 of EP first reading, adopted on 19 November 2003 (OJ C 87, 7.4.2004).*

*There is no good reason why animal by-products, which, according to the definition in Article 1 of Directive 75/442/EEC, are regarded as waste, should be kept outside the scope of the regulation. Directive 75/442/EEC and this regulation are both items of cross-cutting legislation covering all waste. Regulation (EC) No 1774/2002 relates primarily to health provisions on animal by-products and to a much lesser extent to the environmental aspects of animal by-product waste. That waste, in order to ensure that it is shipped in an environmentally sound and responsible fashion, should come within the scope of the regulation.*

19.10.2005

A6-0287/92

**AMENDMENT 92**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 92  
Article 3, paragraph 5

5. Shipments of mixed municipal waste (waste entry 20 03 01) collected from private households, including where such collection also covers such waste from other producers, to recovery or disposal facilities shall, in accordance with this Regulation, be subject to the same provisions as shipments of waste destined for disposal.

5. Shipments of mixed municipal waste (waste entry 20 03 01) collected from private households, including where such collection also covers such waste from other producers, ***or of residues arising from the incineration of such waste (heading 1901)***, to recovery or disposal facilities shall, in accordance with this Regulation, be subject to the same provisions as shipments of waste destined for disposal.

Or. en

*Justification*

*The amendments seeks to achieve coherence with the Basel Convention which lists both these waste streams in its Annex II. Such waste should not be transported more than absolutely necessary. Member States should take over responsibility for these waste streams, in line with the requirement of self-sufficiency according to article 5 of the Waste Framework Directive 75/442/EEC. Thus, both these waste streams should be subject to the provisions for waste destined for disposal.*

19.10.2005

A6-0287/93

**AMENDMENT 93**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 93

Article 3, paragraph 5 a (new)

***5a. Shipments of waste consisting of, containing or contaminated with the chemicals listed in Annexes A, B and C of the Stockholm Convention of 22 May 2001 on persistent organic pollutants (POPs), as amended, hereinafter the Stockholm Convention, and listed in Annex VIIa to this Regulation shall be subject to the same provisions as shipments of waste destined for disposal.***

Or. en

*Justification*

*Reintroduces the Commission text from first reading.*

*The waste shipment regulation should also apply specifically for POPs as or in waste, as the regulation implementing the Stockholm Convention does not deal with the shipment of POPs as or in waste. Apart from the general need for this addition, it would help to avoid shipments of POPs in waste from countries that have the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner. Had this provision been in place two years ago, the export of the "Ghostfleet" - dilapidated US Navy ships full of PCBs - from the US to the UK could have been stopped on legal grounds.*



19.10.2005

A6-0287/94

**AMENDMENT 94**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 94

Article 11, paragraph 1, point (h a) (new)

*(ha) that the waste is mixed municipal waste from private households (heading 20 03 01) or residues arising from the incineration of such waste (heading 1901)*

Or. en

*Justification*

*Re-introduces and completes amendment 81 of EP first reading, adopted on 19 November 2003 (OJ C 87, 7.4.2004).*

*The amendments seeks to achieve coherence with the Basel Convention which lists both these waste streams in its Annex II. Such waste should not be transported more than absolutely necessary. Member States should take over responsibility for these waste streams, in line with the requirement of self-sufficiency according to article 5 of the Waste Framework Directive 75/442/EEC. Thus, they need to have the possibility to object to the shipment of such waste. This is in line with article 3(5) as amended and does not exclude co-operation with neighbour countries.*

19.10.2005

A6-0287/95

**AMENDMENT 95**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 95

Article 12, paragraph 1, point (c)

(c) that the planned shipment or recovery would not be in accordance with national legislation in the country of dispatch relating to the recovery of waste, including where the planned shipment would concern waste destined for recovery in a facility which has lower treatment standards for the particular waste than those of the country of dispatch, ***respecting the need to ensure the proper functioning of the internal market;***

(c) that the planned shipment or recovery would not be in accordance with national laws and regulations in the country of dispatch relating to the recovery of waste, including where the planned shipment would be destined for recovery in a facility which has lower treatment standards for the particular waste stream than those of the country of dispatch; or

***This shall not apply if:***

***(i) there is corresponding Community legislation, in particular related to waste, and if requirements that are at least as stringent as those laid down in the Community legislation have been introduced in national legislation transposing such Community legislation;***

***(ii) the recovery operation in the country of destination takes place under conditions that are broadly equivalent to those prescribed in the national legislation of the country of dispatch;***

***(iii) the national legislation in the country of dispatch, other than that covered by (i), has not been notified in accordance with***

***Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services <sup>1</sup>, where required by that Directive; or***

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***<sup>1</sup>OJ L 204, 21.7.1998, p. 37. Directive as last amended by the 2003 Act of Accession.***

Or. en

*Justification*

*The three exemptions introduced by the Council from the reasons for objections are very confusing and conflicting. These exemptions can only lead to interpretation problems and endless discussions and should therefore be deleted.*

19.10.2005

A6-0287/96

**AMENDMENT 96**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 96

Article 12, paragraph 1, point (c a) (new)

*(ca) that the country of dispatch has the technical capacity and the necessary facilities in order to recover its hazardous waste, or wastes listed in Annex II of the Basel Convention, in an environmentally sound manner that is at least equivalent to the intended recovery operation in the country of destination; or*

Or. en

*Justification*

*Re-introduces amendment 117 of EP first reading, adopted on 19 November 2003 (OJ C 87, 7.4.2004).*

*The waste shipment regulation should allow Member States to fulfil their obligations pursuant to the Basel Convention.*



19.10.2005

A6-0287/97

**AMENDMENT 97**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 97

Article 12, paragraph 1, point (e a)

*(ea) that it wishes to exercise its right pursuant to Article 4(1) of the Basel Convention to prohibit the import of hazardous wastes or of wastes listed in Annex II of the Basel Convention; or*

Or. en

*Justification*

*Re-introduces amendment 116 of EP first reading, adopted on 19 November 2003 (OJ C 87, 7.4.2004).*

*The waste shipment regulation should allow Member States to exercise their rights pursuant to the Basel Convention.*

19.10.2005

A6-0287/98

**AMENDMENT 98**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 98

Article 12, paragraph 1, point (g)

(g) that the ratio of the recoverable and non-recoverable waste, the estimated value of the materials to be finally recovered or the cost of the recovery and the cost of the disposal of the non-recoverable fraction do not justify the recovery, **having regard to economic and/or** environmental considerations; or

(g) that the ratio of the recoverable and non-recoverable waste, the estimated value of the materials to be finally recovered or the cost of the recovery and the cost of the disposal of the non-recoverable fraction, **the calorific value of the waste, the mixing with other types of waste, the pollutant content or the risks connected with the transfer of pollutants into products**, do not justify the recovery **under** environmental considerations; or

Or. en

*Justification*

*Re-introduces amendment 82 of EP first reading, adopted on 19 November 2003 (OJ C 87, 7.4.2004).*

*In paragraph 47 of its judgment in Case C-228/00, the CJEC points out that criteria such as calorific value, level of harmful substances and mixing may be considered when an objection is raised on the grounds of sham recovery. With a view to creating legal certainty, the substance of that judgment should be incorporated in the text laying down the grounds for raising an objection.*

19.10.2005

A6-0287/99

**AMENDMENT 99**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 99

Article 42, paragraph 3 a (new)

***3a. As far as hazardous waste is concerned, or waste listed in Annex II of the Basel Convention, the countries referred to in paragraph 1(a) to (d) shall be required to present a duly motivated request beforehand to the competent authority of the Member State of destination in the Community on the basis that they do not have and cannot reasonably acquire the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner.***

Or. en

*Justification*

*Re-introduces amendment 121 of EP first reading, adopted on 19 November 2003 (OJ C 87, 7.4.2004).*

*The waste shipment regulation should allow Member States to fulfill their obligations pursuant to the Basel Convention. There is no reason why the EU should import hazardous waste for recovery from outside the Community, if adequate facilities exist in the country of origin.*

19.10.2005

A6-0287/100

**AMENDMENT 100**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 100

Article 57, paragraph 1, point (b)

(b) unclassified wastes *may be added to Annex IIIB, IV or V* on a provisional basis *pending* a decision on their inclusion in the relevant Annexes *to* the Basel Convention or to the OECD Decision;

(b) unclassified wastes *should be considered and managed as if they were listed in Annexes IV and V* on a provisional basis *while awaiting* a decision on their inclusion in the relevant Annexes *of* the Basel Convention or the OECD Decision *or in the EU waste list*;

Or. en

*Justification*

*This amendment is needed to complement amendment 82 adopted in committee. Unclassified waste should be subject to control procedures pending their classification, and not subject to uncontrolled trade.*

19.10.2005

A6-0287/101

**AMENDMENT 101**

by Jillian Evans and Caroline Lucas, on behalf of the Verts/ALE Group

**Report**

**A6-0287/2005**

**Johannes Blokland**

Waste shipments

Proposal for a regulation (15311/4/2004 – C6-0223/2005 – 2003/0139(COD))

Council common position

Amendment by Parliament

Amendment 101  
Annex VII a (new)

*Chemicals listed in Annex A, B and C of  
the Stockholm Convention*

*Aldrin CAS N° 309-00-2*

*Chlordane CAS N° 57-74-9*

*Dieldrin CAS N° 60-57-1*

*Endrin CAS N° 72-20-8*

*Heptachlor CAS N° 76-44-8*

*Hexachlorbenzene (HCB) CAS N° 118-74-  
1*

*Mirex CAS N° 2385-85-5*

*Toxaphene CAS N° 8001-35-2*

*DDT (1,1,1 - trichloro-2,2-bis(4-  
chlorophenyl)ethane) CAS N° 50-29-3*

*Polychlorinated Biphenyls (PCB)*

*Polychlorinated dibenzo-p-dioxins*

*Polychlorinated dibenzofurans*

*(PCBs, dioxins and furans do not have a  
CAS number because they are "families"  
of molecules. There are 209 different types  
of PCBs and around 175 Dioxins and  
around 100 Furans).*

*Justification*

*Reintroduces the Commission text from first reading.*

*Linked to the amendment on Article 3(5a)(new). The waste shipment regulation should also apply specifically for POPs as or in waste, as the regulation implementing the Stockholm Convention does not deal with the shipment of POPs as or in waste. Apart from the general need for this addition, it would help to avoid shipments of POPs in waste from countries that have the technical capacity and the necessary facilities in order to dispose of the waste in an environmentally sound manner. Had this provision been in place two years ago, the export of the "Ghostfleet" - dilapidated US Navy ships full of PCBs - from the US to the UK could have been stopped on legal grounds.*