

WRITTEN QUESTION E-2775/07

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to the Commission

Subject: Ban on Austrian imports of asbestos residues

On 29 March 2007, following protests from the local population against the disposal of residues from Italy, the Austrian parliament passed an amendment to the law of 2002 in the recycling of waste, which apparently prohibits imports of asbestos residues for disposal in landfills even where such waste has come from a Member State. The amendment is contained in DGBI I. n. 16/2007 and should enter to force on 1 July 2007. Given that in recent years Austria's imports of asbestos, in particular composite asbestos, would seem to have originated exclusively in Italy (in 2006, some 48 000 tonnes and, in 2005, 40 000 from Italy alone), this provision would seem to be aimed at discriminating against an individual Member State.

Moreover, it would appear that the amendment was not notified to the Commission, contrary to the procedure applicable to the shipment of waste within the EC, which comes under Title 2 of Regulation (EC) No 1013/2006<sup>1</sup>, replacing Regulation (EEC) No 259/93<sup>2</sup>. This legislation authorises a Member State to refuse imports of waste from another Member State under specific conditions laid down in Article 11.

In view of the above:

- Can the Commission provide information on the actual existence of the Austrian amendment in question and notification thereof to the Commission, and checked whether there is a general ban on imports, as mentioned above?
- Will the Commission clarify whether this ban is in breach of the aforementioned legislation and the fundamental principles relating to freedom of movement within the Community?
- Will the Commission ascertain and publish the reasons for this ban and clarify whether such reasons comply with Regulation (EC) No 1013/2006 or other Community legislation?
- Will the Commission state what information it has and/or check the information provided by the Austrian Ministry of the Environment imports of asbestos waste into Austria from Italy?
- On the basis of this information, will it check the proportionality between the import ban and the volume and dangerousness of the waste in question?
- Will the Commission ascertain whether the principles of proximity, self-sufficiency and priority for recovery are properly applied in the relevant Austrian provisions?

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<sup>1</sup> OJ L 190, 12.7.2006, p. 1.

<sup>2</sup> OJ L 30, 6.2.1993, p. 1.