



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.12.2005  
COM(2005) 641 final

2003/0139 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,  
on the European Parliament's amendments  
to the Council's common position regarding the  
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**on shipments of waste**

**AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the  
EC Treaty**

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## **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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### **1. INTRODUCTION**

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the 62 amendments adopted by Parliament.

### **2. BACKGROUND**

The proposal COM(2003)379 final – 2003/0139(COD) was transmitted to the European Parliament and the Council on 30 June 2003.

The European Parliament gave its opinion at first reading on 19 November 2003.

The European Economic and Social Committee gave its opinion on 28 January 2004.

The Committee of the Regions has been consulted but has not delivered an opinion.

Following the opinion of the European Parliament and pursuant to Article 250(2), the Commission transmitted its amended proposal COM(2004)172 final to the European Parliament and the Council on 9 March 2004.

Pursuant to Article 251(2) of the EC Treaty, the Council adopted the Common Position formally on 24 June 2005. The Commission's Communication on the Council's Common Position COM(2005)303 final was transmitted to the European Parliament on 1 July 2005 and the European Parliament adopted its position at second reading on 25 October 2005.

### **3. PURPOSE OF THE PROPOSAL**

The proposal has four main objectives:

- Implementing the OECD Council Decision C(2001)107 of 14 June 2001 in Community legislation.

- Addressing the problems encountered in the application, administration and enforcement of the 1993 Regulation and establishing greater legal clarity.
- Pursuing global harmonisation in the area of transboundary shipments of waste.
- Enhancing the structure of the Articles of the Regulation.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

On 25 October 2005, the European Parliament adopted 62 amendments of the Council's Common Position. The Commission can accept all individual amendments in full as set out below. The specific issues on which the Commission cannot agree with the Common Position have been set out in the Commission's Communication on the Council's Common Position COM(2005)303 final.

Amendments **1, 2, 102 and 104** with regard to the recitals clarify the provisions concerned and facilitate the application of the Regulation. Amendment **103** relates to the safe and environmentally sound management of ship dismantling and the work going on to establish mandatory requirements at the global level in this regard.

Amendment **6** excludes the application of the Regulation in certain cases where it would be disproportionate with regard to waste generated on board vehicles, trains, ships and aeroplanes.

Amendments **12, 17-22, 26, 32, 38, 40-45, 47-50, 53, 55, 57-62, 70, 79-80, 90, 105 and 108** clarify the provisions concerned and improve the consistency of different provisions of the Regulation.

Amendment **14** facilitates the implementation of take-back schemes for non-hazardous waste.

Amendments **29 and 36** enable the competent authorities of transit to raise certain objections to shipments of waste where this would be justified.

Amendments **63, 106, 110, 111 and 113** strengthen the controls of waste shipments and the enforcement of the Regulation. Amendment **112** contributes to better application of the Regulation.

Amendments **71-75 and 77** ensure full clarity with regard to the legal situation concerning waste shipments to Bulgaria and Romania during the transitional periods applicable pursuant to the Accession Treaty for those countries.

Amendments **84-85** contribute to further alignment with the Basel Convention of 22 March 1989 on the control of transboundary movements of hazardous waste and their disposal.

Amendment **109** increases transparency and information concerning waste shipments while at the same time guaranteeing confidentiality under national or Community legislation.

## **5. CONCLUSION**

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.