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COMMUNICATION FROM THE COMMISSION
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

**CONCERNING THE IMPLEMENTATION OF
REGULATION (EEC) NO 259/93
ON THE SUPERVISION AND CONTROL OF
SHIPMENTS OF WASTE
WITHIN, INTO AND OUT OF THE
EUROPEAN COMMUNITY**

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I. INTRODUCTION

Regulation (EEC) No 259/93 constitutes the legislative framework for Community policy on the supervision and control of shipments of waste within, into and out of the European Community. In force since May 1994, its purpose is to organise the supervision and control of shipments of wastes in a way which takes account of the need to preserve, protect and improve the quality of the environment.

Based on the guiding principles of the Community's strategy on waste management, in particular prevention, recovery and final disposal, the Regulation lays down a series of rules which should enable the Community as a whole to dispose of its own waste and the Member States individually to move towards that goal, taking into account geographical circumstances and the need for specialised installations to handle certain types of waste.

The Regulation introduces a number of measures for achieving control of shipments of waste within the Community. In particular:

- it lists the wastes excluded from, and those included in, the scope of the Regulation;
- it establishes common definitions and terminology concerning shipments of waste;
- it lays down rules for the shipment, export, import and transit of wastes for disposal or recovery;
- it specifies the information which the Member States and the Commission must supply.

Article 41 of the Regulation lays down that:

- “1. Before the end of each calendar year, Member States shall draw up a report in accordance with Article 13(3) of the Basle Convention and send it to the Secretariat of the Basle Convention and a copy thereof to the Commission.
2. The Commission shall, based on these reports, establish every three years a report on the implementation of this Regulation by the Community and its Member States. It may request to this end additional information in accordance with Article 6 of Directive 91/692/EEC.”

Pursuant to their obligation, the Member States have sent the Commission reports on the supervision and control of shipments of waste.

Reports have so far been received from the following countries:

For 1994: France, Germany, Spain, the United Kingdom, Italy, Portugal, Denmark, Luxembourg, the Netherlands, Sweden, Finland, Austria and Belgium.

For 1995: Denmark, the Netherlands, Luxembourg, Germany, the United Kingdom, Spain, Portugal, Italy, Austria, Belgium and Finland.

For 1996: Only Luxembourg and Portugal.

The Commission must now draw up the triennial report containing the information supplied by the Member States. This report covers 1994, 1995 and 1996. It should make it possible to assess the extent to which the transboundary shipment of wastes is being controlled throughout the Community. However, since the Member States have supplied only some of the data, on the basis of Article 13 and 16 of the Basle Convention, this report will be less detailed than it might otherwise have been.

II. SUMMARY OF THE DATA SUPPLIED BY THE MEMBER STATES ON THE BASIS OF THE QUESTIONNAIRE DRAWN UP BY THE SECRETARIAT OF THE BASLE CONVENTION

A. APPLICATION OF THE SPECIFIC PROVISIONS OF ARTICLE 13 OF THE BASLE CONVENTION

1. DESIGNATION OF THE COMPETENT AUTHORITIES AND FOCAL POINTS

Article 13(2)(a) of the Basle Convention requires the Parties to inform each other, through the Secretariat, of changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5.

A list of competent authorities in the Member States was published in 1996 (OJ 327 of 31 October 1996).

2. DEFINITION OF HAZARDOUS WASTES IF DIFFERENT FROM THOSE LISTED IN ANNEXES I AND II TO THE BASLE CONVENTION

Article 13(2)(b) of the Convention requires the Parties to inform each other of any changes in their national definition of hazardous wastes, pursuant to Article 3 of the Basle Convention.

Spain says that there have been no changes in its national definition of hazardous wastes vis-à-vis what is provided for in the Basle Convention.

Belgium says that its national definition of hazardous wastes is the same as that given in Community legislation. Where transboundary movements of wastes for final disposal are concerned, Regulation 259/93 does not distinguish between hazardous and non-hazardous wastes. Wastes for recovery are defined in Annexes II, III and IV of the Regulation, in accordance with the OECD nomenclature.

For the Brussels Region, the definition of hazardous wastes is given in the Law of 7 March 1991. It matches the definition given in the Community Directive on hazardous wastes (91/689/EEC).

Wallonia's definition of hazardous wastes is given in the Order of 9 April 1992 on hazardous and toxic wastes and in the Decision of 10 July 1997.

Such waste is defined as waste having one or more of the following dangerous characteristics: explosive, combustible, flammable, irritant, noxious, carcinogenic,

corrosive, infectious, teratogenic, mutagenic, ecotoxic. These hazardous wastes form part of a list of wastes which may be disposed of in class 1 and 2 disposal sites.

The Flemish authorities state the Flemish Government's decision on the definition of hazardous wastes, dated 24 May 1995, conforms to the Council directives on hazardous wastes (91/689/EEC and 94/904/EC).

France says that the waste nomenclature used is that given in the Opinion of 16 May 1985 on waste nomenclature, as published in the Official Journal of the French Republic on 16 May 1985.

Germany says that the Law on Disposal and Recycling entered into force on 7 October 1996. This Law, and the Order concerning the classification of wastes which require special supervision, transpose into German legislation the list of hazardous wastes as adopted in Council Decision No 94/904/EC of 22 December 1994.

The waste codes do not refer to the "Y" category used in Annexes I and II to the Basle Convention.

Where transboundary movements of waste for disposal are concerned, Council Regulation 259/93 does not distinguish between hazardous and non-hazardous wastes.

Wastes for recovery are defined in Annexes II, III and IV, in accordance with the OECD nomenclature (green, amber and red lists). At the moment it is almost impossible to compare these lists with Annexes I and II to the Basle Convention. Once the working group has drawn up more complete lists of hazardous wastes, the German authorities believe it will be much easier to make this comparison.

The United Kingdom supplies the same information as Germany. The UK authorities say that wastes for disposal are covered by Regulation 259/93, which draws no distinction between hazardous and non-hazardous wastes.

Wastes for recovery are defined in Annexes II, III and IV in accordance with the OECD nomenclature. At present it is not possible to compare these lists with Annexes I and II to the Basle Convention. Once the working group has drawn up more complete lists of hazardous wastes, it will be easier to make this comparison.

Portugal draws attention to the publication of its new legislation on waste management (Decree-Law No 310/95, published in November 1995). According to the Portuguese authorities, this new legislation uses the definitions of waste and hazardous waste given in Community directives. Similarly, the national lists of wastes and hazardous wastes coincide with those set out in Commission Decision No 94/3/EEC and Council Decision No 94/4/EEC respectively.

Sweden says that its national definition of hazardous wastes is the same as that given in Council Regulation 259/93.

Finland says that its national definitions of wastes and hazardous wastes were amended when the Law on Waste (1072/93) and the Decree on Wastes (1390/93) entered into force.

A detailed definition of hazardous wastes is given in the Decree. In accordance with the definition of hazardous waste (waste which poses a danger to human health or the environment on account of its chemical or other properties), any waste listed in Annexes II and III and which has any of the properties listed in Annex IV is classified as hazardous.

Annexes II, III and IV are identical to Annexes I, II and III of Council Directive 91/689/EEC.

The Finnish authorities say they have made no changes to the national definition of wastes subject to transboundary movements vis-à-vis the definition given in the Law on the International Control of Wastes.

The competent authorities point out that, with the entry into force on 1 January 1995 of Council Regulation 259/93, the Law on the International Control of Wastes was repealed.

Austria says that the export of hazardous and non-hazardous wastes is subject to an export licence under Article 35 of the Federal Law on Waste Management, thus ensuring that all waste is controlled in accordance with Article 1(1)(b) of the Basle Convention. Article 35 of the Federal Law on Waste Management requires the written consent of the competent authority of the importing country and the environmentally sound management of the wastes in question (Article 4 of the Basle Convention). The only exception, for several types of waste on the OECD green list, is where the waste is being exported to an authorised recycling plant in an OECD country. Nevertheless, there are also quality standards for such waste, and they must be complied with.

An export licence for the wastes listed in Annexes I and II to the Basle Convention, or for any waste defined as hazardous according to the national definition of wastes, must be issued in accordance with Article 35 and Article 35a of the Federal Law on Waste Management.

The Austrian Waste Code (ÖNORM S2100) does not refer to the "Y" categories used in Annexes I and II to the Basle Convention. The national definition of hazardous wastes, as it appears in the Regulation on hazardous wastes (Federal Law Gazette 1991/49), gives a definition of hazardous wastes based on the Austrian Waste Code.

Denmark, Greece, Ireland, Italy, Luxembourg and the Netherlands have provided no information.

3. DECISIONS MADE BY THE MEMBER STATES NOT TO CONSENT TOTALLY OR PARTIALLY TO THE IMPORT OF HAZARDOUS WASTES OR OTHER WASTES FOR DISPOSAL WITHIN AN AREA UNDER THEIR NATIONAL JURISDICTION

Article 13(2)(c) of the Basle Convention requires the Parties to inform each other, through the Secretariat, of decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction.

Spain says it has taken no formal general decisions partially or totally banning imports of wastes. Each shipment is subject to evaluation.

Belgium says that, in respect of imports of waste for final disposal, it applies Articles 3, 4, 19 and 20 of Council Regulation 259/93. Similarly, Articles 6, 7, 8, 9, 10, 21 and 22 of that Regulation are applicable to recovery and recycling operations.

The Belgian authorities do not allow imports of wastes where there is no licence for the treatment of wastes, where notification is incomplete or where illicit traffic is involved.

France classifies waste differently from Regulation 259/93. French legislation draws an initial distinction between waste causing no nuisance (such as household waste, ordinary industrial wastes and non-ferrous metals) and waste which causes a nuisance (noxious waste).

The French authorities say that, in accordance with Decree 90-267 of 23 March 1990, amended in 1992, all imports of household waste for landfill disposal have been banned except for those explicitly provided for in waste management plans. Moreover, imports other than those for disposal in landfill are subject to prior authorisation.

This measure has led to a very considerable decrease in imports of household waste since 1991: in 1994 only 5 600 tonnes were imported.

Ordinary industrial wastes now belong to the OECD green list and, in 1995, no longer required an authorisation but simply a declaration.

In previous reports, according to the French authorities, non-ferrous metals were reckoned as noxious wastes. Given their lack of toxicity in the untreated state, they were separated out in 1994 and are no longer included in imports and exports of noxious waste.

The French authorities state that virtually all noxious wastes (95.8%) originate in the European Union, the rest coming from OECD countries.

Germany says it is applying the provisions of Council Regulation 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community, in particular Articles 19(1) and 21(1).

According to **the United Kingdom**, the following Regulations prohibit the import of hazardous wastes, whether for disposal or recovery:

- Regulation No 3 on asbestos (prohibitions), 1992, prohibits the imports of amphibole asbestos;
- Regulation No 4(2) on the control of substances hazardous to health banned imports of 2-naphtylamine, benzidine, 4-aminodiphenyl, their salts and all other substances containing any of their compounds with a total concentration exceeding 0.1%.

Portugal says it is applying the provisions of Council Regulation 259/93 of 1 February 1993, in particular Articles 4, 7, 19 and 21, and Article 7 of Decree-Law No 310/95.

The Netherlands, in 1994, received 1 331 notifications, 382 of which concerned an import, 715 an export and 234 a transit. The corresponding figures for 1995 have not been communicated.

In 1994, there were 15 cases in which the Netherlands refused to authorise imports of hazardous wastes for disposal. These cases related to wastes containing PCBs, sludges containing oils, photographic wastes, solvents containing paint residues, acids containing organic pollutants and acids containing sulphur. In 1995, the authorities refused permission to import hazardous wastes on nine occasions: two of these cases concerned wastes for disposal and the other seven related to the recovery of wastes. The origin of these wastes is stated in only a few cases. The wastes in question contained PCBs, fluid gases, contaminated soil and wastes containing sulphur.

The Netherlands authorities say that they import only wastes identified in Annex I to the Basle Convention originating in OECD countries. These wastes are imported for disposal and recovery.

Sweden says that it authorises imports and exports of wastes only if the installation receiving them is in possession of all the necessary permits for treating these wastes.

Denmark and Finland say they have taken no formal decisions on this matter.

Austria also says that it has taken no formal decisions prohibiting the movements of waste. Import licences are granted on a case-by-case basis provided the plant receiving the waste for recycling or disposal is duly authorised and has the necessary capacity.

Greece, Ireland, Italy and Luxembourg have provided no information.

4. NATIONAL DECISIONS TO LIMIT OR BAN THE EXPORT OF HAZARDOUS WASTES OR OTHER WASTES

Article 13(2)(d) of the Basle Convention requires the Parties to inform each other of decisions taken by them to limit or ban the export of hazardous wastes or other wastes.

Spain says it is applying Regulation (EEC) No 259/93, Article 14 of which provides that waste for disposal may be exported only to EFTA countries. Similarly, Article 18 prohibits all exports of waste to ACP States. Other exports of wastes for recovery are regulated according to the country of destination.

In practice, Spain exports only to European Union countries.

Belgium says that Regulation (EEC) No 259/93 has been applied since 7 May 1994.

Thus, waste for disposal is covered by Articles 3, 4, 14, 15 and 18 of the Regulation.

Recovery and recycling are governed by Articles 6, 7, 8, 9, 10, 16, 17 and 18.

The Belgian authorities do not allow exports of waste under the following circumstances:

- where the competent authority in the country of destination refuses to accept the waste;
- where the notification is incomplete;

- where shipment has been effected without taking account of national legislation (the principles of proximity and self-sufficiency both nationally and at Community level).

France does not answer the question directly. The French authorities have, however, sent tables concerning exports, which can be obtained upon request from Directorate-General XI, Waste Management Unit, Rue de la Loi 200, B-1049 Brussels.

Germany says it has adopted the provisions of Regulation 259/93, and in particular Articles 14 to 18. Thus exports of wastes for disposal are banned, except exports to EFTA countries which are also parties to the Basle Convention.

Similarly, in accordance with amendment No 120/97 to Regulation 259/93, all exports from European Union countries to non-OECD countries of the wastes listed in Annex V (on the amber and red lists) for recovery or recycling are prohibited with effect from 1 January 1998.

The **United Kingdom** says that it is applying the provisions of Regulation (EEC) No 259/93, according to which exports of waste for disposal to non-Community countries other than EFTA countries (which are also parties to the Basle Convention) are prohibited. Exports of wastes for recovery are also prohibited by the Regulation, except exports to OECD countries, the Parties to the Basle Convention and countries with which the European Community has concluded bilateral or multilateral agreements.

Portugal says it is acting in conformity with Council Regulation (EEC) No 259/93, and in particular with Articles 4, 7, 14, 16, 17 and 18.

Luxembourg says that, under the Law of 17 June 1994 on Waste Management, a special licence is required for exporting waste (whether for disposal, recovery or recycling) to non-Community countries, and exports of wastes to non-OECD countries are completely banned.

The Netherlands, in 1994, refused on 45 occasions to authorise exports of hazardous wastes and gave a partial refusal in 73 other cases. The report does not state the countries to which these wastes were to have been exported. The refusals are mostly based on the Netherlands' multiannual plan, according to which an export is not authorised if the recovery operation could also be carried out in the Netherlands.

The Netherlands authorities state that, in 1995, they totally refused authorisation for exports of dangerous wastes on 16 occasions and imposed restrictions on exports in another 60 cases. No further explanation of this differentiation is given. The report states that 62 of these cases related to the disposal of hazardous wastes and 14 cases concerned recovery. The chief reason for refusal is, once again, that recovery - including incineration - of the wastes in the Netherlands was possible.

Sweden does not authorise waste exports unless the plant receiving the wastes has the necessary permits for treating them.

Finland says it has been applying the provisions of Regulation (EEC) No 259/93 since it entered into force on 1 January 1995, before which time there were no formal rules banning waste exports.

The Decision of 15 September 1995 (No 1127/95) of the Finnish Minister for the Environment entered into force on 1 October 1995. This decision bans exports of hazardous wastes for recovery to non-OECD countries.

Austria says that licences to export hazardous wastes for disposal may be issued only to Parties to the Basle Convention (Article 35a of the Federal Law on Waste Management No 1992/715).

The export licence is granted only in the following circumstances:

- if the waste cannot be disposed of within the country, or if it would take longer to transport the waste to the Austrian disposal plant than to a plant of similar standard in another country; and
- provided sound environmental management is guaranteed, in accordance with Austrian standards.

However, it is only since 1 January 1995, with the entry into force of Regulation 259/93, that there has been a general ban on waste exports other than exports of waste for disposal to EU countries or EFTA countries which have signed the Basle Convention.

A licence to export hazardous wastes for recovery and recycling may be issued only for exports to countries which are Parties to the Basle Convention or to OECD countries (OECD Decision C(92) 39 final).

Authorisation is granted only if:

- the material is needed as a raw material (Austria's national definition of recycling is stricter than the one given in Annex IVb to the Basle Convention);
- sound environmental management is ensured (in accordance with Austrian standards);
- there are no international agreements prohibiting the export.

Denmark, Greece, Ireland and Italy have not provided any information.

5. OTHER INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF ARTICLE 13 OF THE BASLE CONVENTION

Article 13(2)(e) of the Basle Convention provides that "The Parties shall inform each other, through the Secretariat, of any other information required pursuant to paragraph 4 of this Article". The Article continues: "The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it are sent to the Secretariat when a Party which considers that its environment may be affected by that transboundary movement has requested that this should be done".

Spain states that the situation provided for in Article 13(4) has not occurred in connection with shipments controlled in Spain.

Luxembourg says that it exports waste only to European Union countries and that these exports are subject to a notification system.

The Netherlands has made no statement.

Austria, Belgium, Germany and the United Kingdom say that there have been no cases to notify.

Denmark, Finland, France, Greece, Ireland, Italy, Portugal and Sweden have provided no information.

6. TRANSMISSION OF INFORMATION REGARDING THE AMOUNT OF HAZARDOUS WASTES AND OTHER WASTES EXPORTED, THEIR CATEGORY, CHARACTERISTICS, DESTINATION, ANY TRANSIT COUNTRY AND THE DISPOSAL METHOD USED AS STATED ON THE RESPONSE TO NOTIFICATION

Article 13(3)(b)(i) of the Basle Convention requires the Parties, consistent with national laws and regulations, to transmit, through the Secretariat, to the Conference of the Parties established pursuant to Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

(b) information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) the amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification.

Spain, Belgium, France, Germany, the United Kingdom, Italy, Portugal, Denmark, Luxembourg, the Netherlands, Sweden, Finland, and Austria have provided data in table format, which can be obtained upon request from Directorate-General XI, Waste Management Unit, Rue de la Loi 200, B-1049 Brussels.

Denmark. The Danish authorities state that the Danish Register has been changed because Regulation 259/93 has been transposed into Danish law.

This Regulation entered into force in Denmark on 6 May 1994, and the new register was introduced on the same date. The introduction of the new register in the middle of the year caused problems with the data for 1994. Accordingly, these data followed the old national classification system which includes not only wastes for disposal but also those intended for recovery. The figures therefore reflect all shipments authorised by the Environment Agency but not necessarily carried out in 1994.

The figures for 1995 follow the new classification provided for in the OECD Code and express the actual amount of wastes transported. The Register was drawn up on the basis of the notifications required by Regulation 259/93.

Greece and Ireland have provided no information.

7. TRANSMISSION OF INFORMATION ON THE AMOUNT OF HAZARDOUS WASTES AND OTHER WASTES IMPORTED, THEIR CATEGORY, CHARACTERISTICS, ORIGIN, AND DISPOSAL METHODS

Pursuant to Article 13(3)(b)(ii), the Parties are required to transmit information on the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods.

Spain, Belgium, France, Germany, the United Kingdom, Italy, Portugal, Denmark, Luxemburg, the Netherlands, Sweden, Finland, and Austria have provided data in table format, which can be obtained upon request from Directorate-General XI, Waste Management Unit, Rue de la Loi 200, B-1049 Brussels.

Italy. Italy does not provide information on waste imports. According to the Ministry, competence for destination lies with the regional authorities. However, the Italian authorities notify the signature of a decree which provides for the communication of information by the regional authorities, and the possibility of identifying the importers of non-hazardous wastes from a register that has recently been created.

Greece and Ireland have not provided information.

8. INFORMATION ON DISPOSALS WHICH DID NOT PROCEED AS INTENDED

Pursuant to Article 13(3)(b)(iii), the Parties are required to provide information on disposals which did not proceed as intended.

Spain, Belgium, Germany, Portugal, Luxembourg, the Netherlands and Sweden have not notified any incidents.

The United Kingdom does not notify any incidents in 1994. By contrast, there were four incidents in 1995, all concerning garage wastes for disposal from Germany. The wastes had either been falsely described or no description was provided, resulting in their return to the exporter. The incidents occurred on 28 May, 18 August, 25 August and 13 September 1995 respectively; and involved shipments of 20 tonnes, 21.86 tonnes, 19.78 tonnes and 23.71 tonnes respectively.

Denmark notifies only one shipment which did not proceed as intended in 1995. In December 1995, approximately 1400 tonnes of wastes classified as plastics wastes (GH010 in the green list of the OECD control system) for recovery (incineration with energy recovery, an R1 operation in Annex IV.B to the Basle Convention) were in transit in Denmark from Germany to the Faroe Islands. However, the Danish inspection authorities classified the shipment as domestic wastes (category AD160 in the orange list of the OECD control system, Y46 according to Annex II to the Basle Convention), which are required to be notified to the authorities pursuant to Regulation 253/93. The wastes were therefore returned to the exporter in 1996 in accordance with the Community legislation.

There were no incidents in 1994.

Finland does not notify any incidents for 1994. By contrast, there were three incidents in 1995:

- In January 1995 a Finnish company shipped 18 tonnes of mercury wastes to the United Kingdom for disposal. The consignee discovered that the wastes in part (approximately 1.4 tonnes) concerned inorganic salts which did not contain mercury. That part was returned to Finland.
- In June 1995 Finland sent 500 tonnes of copper arsenic to South Africa, having received prior consent from that country. However, the South African authorities changed their mind and the shipment was intercepted in Belgium and reimported to Finland.
- In July 1995, following an error by the carrier, 1.3 tonnes of batteries and 11 tonnes of cyanide wastes were found abandoned in a container in Helsinki Bay. As the consignee had already concluded its operations, the exporter returned the consignment to the Finnish company. Sixteen tonnes of batteries and 78 tonnes of cyanide wastes had previously been duly disposed of by the British company.

Austria. The authorities were not aware of any incidents in 1994. There was one incident in 1995. A shipment of CIANIC salts solidified owing to faulty packaging. The disposal installation rejected the shipment, and the product was reimported, repackaged and reexported for final disposal in an underground repository.

France, Italy, Greece and Ireland have not supplied information.

9. EFFORTS TO ACHIEVE A REDUCTION OF THE AMOUNT OF HAZARDOUS WASTES OR OTHER WASTES SUBJECT TO TRANSBOUNDARY MOVEMENTS

Pursuant to Article 13(3)(b)(iv) of the Basle Convention, the Parties, consistent with national laws and regulations, must transmit, through the Secretariat, to the Conference of the Parties established pursuant to Article 15, before the end of each calendar year, a report on the previous calendar year, containing information on efforts to reduce the amount of hazardous wastes or other wastes subject to transboundary movement.

Spain says that one of the objectives of the Hazardous Wastes Plan 1995-2000 is to minimise and reduce waste arisings, with the aim of reducing the volume of hazardous wastes generated to below 1994 levels by the year 2000 at least. The situation will be reviewed when the characteristics and volume of waste in 1995 is known.

The plan includes the following economic measures to implement this programme:

- specific credit line (MIBOR-3 points)
- grants for sectoral plans or undertakings (50%) jointly with the regions
- assistance to SMEs (through EMGRISA and other regional undertakings)
- support to pilot schemes (50%) together with the regions.

Furthermore, the Hazardous Wastes Plan sets a minimum target of 20% for reuse and recycling compared with 1994 levels for the year 2000.

To this end, the regions are providing funding for activities of this type and have created several centres specifically for the purpose, such as the "Centre for Clean Production Initiatives" in Catalonia.

EMGRISA, a public undertaking responsible for waste management, also has the task of assisting SMEs in the development of waste minimisation projects.

Information on authorised recovery, recycling, reuse and disposal operations can be obtained upon request from Directorate-General XI.

The Spanish authorities comment as follows:

- They state that all operations have been included in one annex since some plants are licensed to carry out both Annex IV.A and Annex IV.B operations.
- The information given matches the centres authorised in 1995.
- The capacity of the centres to handle toxic and hazardous wastes matches the capacity of the installation when the figures are rounded, and the quantity of wastes handled in 1994 where decimal or exact figures are given.
- Where the same name without an address occurs under the name of a treatment centre, it concerns a different treatment process at the same centre.
- Abbreviations used:
 - T/A: tonnes/annum
 - K/D: kilograms/day
 - m³/A: cubic metres/annum
 - L/A: litres/annum
 - RTPs: toxic and hazardous wastes.

Belgium has transposed Regulation 259/93/EEC in the whole of its national territory. It makes the following comments:

Environmental standards:

The Flemish authorities state that their policy is to avoid and reduce waste generation, and to avoid and reduce the hazardous component of wastes (Article 5 of the Waste Management Decree of 20.04.1994).

The Wallonian authorities state that waste imports and exports for disposal are prohibited under the Waste Plan for Wallonia, which aims to reduce the volume of waste.

Economic measures:

Taxation of wastes.

Flanders levies an environmental tax on wastes intended for final disposal, in particular wastes destined for incineration and landfill. There are exceptions for wastes which are

to be recycled. This instrument is suited to discourage waste production at source and thus promote avoidance.

Efforts by industry:

The Flemish authorities notify participation in the PRESTI programme (waste avoidance by promoting clean technologies), which is directed at groups of industries rather than any single industry.

Other measures:

The Flemish and Wallonian authorities are developing and producing technologies to minimise the generation of hazardous wastes and to neutralise such wastes.

The other information provided by the Belgian authorities on the reduction of the volume of waste shipped across borders can be obtained upon request from Directorate-General XI.

France does not answer this question. The report by the French authorities for 1994 does not meet the obligation under Article 41 of Regulation 259/93 (according to which Member States must draw up a report before the end of each calendar year in accordance with Article 13(3) of the Basle Convention and send it to the Secretariat of the Basle Convention, with a copy to the Commission); instead, it complies with a requirement of national legislation, namely Article 23-4 of Law No 75-633 of 15 July 1975 on wastes and material recovery, as amended.

It is therefore not possible for the Commission to evaluate the information provided in order to comply with the information requirements of Article 13(3) of the Basle Convention, and in particular Article 13(3)(b)(iv).

France's report states that, in conformity with Decree No 90-267 of 23 March, amended in 1992, all imports of household waste for landfill have been prohibited, except those explicitly mentioned in the waste management plans. In addition, imports other than for landfill are subject to prior authorisation. Imports of household waste have thus declined over three years from 430 000 tonnes in 1991 to 5 600 tonnes in 1994.

Some 32 473 tonnes of waste were imported for disposal, i.e. 7.5% of total imports in 1994. There has been a substantial drop in this type of treatment compared with 1993, when the figure was 46.8% of imports. The other information can be obtained upon request from Directorate-General XI.

Germany comments as follows:

- Environmental standards
- Criteria for reducing or eliminating wastes
- Efforts of industry

Article 1a of the Waste Management Law provides for the avoidance of waste generation in accordance with the regulations adopted pursuant to Article 14(1) Nos 3 and 4 and 14(2) third sentence, Nos 2-5. This does not affect the obligation on the operators of installations subject to licensing to avoid the production of wastes through the use of appropriate procedures and the reuse or recycling of residues in conformity with Article 5(1) No 3 of the Emissions Law.

The wastes will be reused or recycled in accordance with Article 3(2) sentence 3, or to the extent required in the regulations adopted pursuant to Article 14 of the Law on Waste Management.

All waste recovery or recycling plants must be authorised under the Waste Management Law or the Emissions Law respectively. The rest of the information can be obtained upon request from Directorate-General XI.

In **Portugal**, the Ministries of the Environment and Industry are engaged in several studies which will lead to the establishment of a proper disposal system for industrial wastes in the near future. This will reduce to a minimum the amount of waste exported to other EC Member States for disposal.

Denmark notes that the reduction of transboundary shipments of hazardous and other wastes is part of their global strategy to reduce waste generation. The Danish initiatives are described in the Action Plan for Clean Technology and Recycling.

Luxembourg says that Article 1 of the Waste Management Law of 17.6.1994 imposes the following priorities: prevention, reduction, utilisation and disposal.

Waste producers are also required to draw up waste management plans.

With regard to economic measures, in 1995 the Ministry of the Environment and the Chamber of Trades organised the "Superdreckskecht fir Betriber" which gives assistance to SMEs relating to waste avoidance, reduction and recycling.

Industry is required to draw up waste management plans with two objectives: waste avoidance and recycling.

The other information can be obtained upon request from Directorate-General XI.

The Netherlands provide tables showing that exports of waste for disposal in other countries has steadily diminished since 1989; by contrast, quantities exported for recovery increased steadily in the same period.

Imports of hazardous waste increased from 153 900 tonnes in 1994 to 247 500 tonnes in 1995. The increase is mainly due to the import of contaminated soil from other Member States, as decontamination technology in the Netherlands is highly advanced.

Specific efforts to reduce the amount of waste shipments have not been notified (the report by the Dutch authorities does not meet the obligation under Article 41 of Regulation 259/93/EEC, according to which Member States must draw up a report in conformity with Article 13(3) of the Basle Convention before the end of the calendar year).

Finland comments as follows:

a) Environmental standards/criteria for waste reduction or disposal

- The Wastes Law (1072/93), which has been in force since 1 January 1994, imposes the general obligation to limit the generation of waste and reduce its harmful properties. In order to implement this obligation, the Council of State has the power to issue general regulations on the labelling of

products, storage, limitation of production, imports, exports, sale, delivery or use of the product.

The Decision of the Council (105/95) on batteries and accumulators containing dangerous substances entered into force on 1 March 1995. It imposes restrictions on the harmful properties of batteries and accumulators, and introduces a labelling system for batteries and accumulators containing heavy metals, which have to be recovered separately.

b) Economic measures

The Finnish Government provides grants for environmental protection projects, giving priority to those designed to avoid waste generation and reduce nuisance.

Austria comments as follows:

a) Environmental standards/criteria for waste reduction or disposal:

1. National strategy for final disposal

The volume of wastes and their pollutant potential must be minimised (prevention principle) in keeping with the spirit of the Federal Waste Management Law.

Wastes will be recycled if this is ecologically advantageous and technically feasible, if the additional costs are not disproportionate to other methods of environmental management and if a market exists (or can be created) for the recycled substances. Wastes not suitable for recycling will be treated by biological, thermal or physico-chemical methods as appropriate. Solid wastes will be stored in a manner suited to minimise their reactivity (precautionary principle).

2. Plans specific to each sector

Specific sectoral plans are normally drawn up in collaboration with the Federal Ministry of the Environment, Youth and Family and the interested parties. The basic objectives of these waste management plans are to establish waste minimisation strategies and introduce innovative recycling methods specifically designed for hazardous wastes, using the best available technology.

These specific waste management plans also form the basis for financial support under the Environmental Funding Law.

3. Disposal

In order to preclude possible problems, the Federal Ministry of the Environment has the possibility of adopting regulations defining the techniques which must be used and the equipment necessary to operate the installations subject to authorisation under the Waste Management Law. The regulations may also stipulate emission limits taking account of the best available technology.

4. Landfills

The Landfills Regulation will apply when the amended Water Resources Law enters into force (1 January 1997 at the latest).

The amendment of this Law will result in the adaptation of landfills to the new standards.

5. Waste incinerators

At present, all incinerators must meet the requirements of the Clean Air Law (dioxin emission limits 0.1 ng TE/Nm³). The Community Directive on the Incineration of Hazardous Wastes enters into force on 1 January 1997.

The Ministries of the Environment and Economic Affairs are drafting a law on waste incineration which will incorporate the provisions of the Community Directive in Austrian Law. This Law will also define the most advanced technologies for the incineration of hazardous wastes and other wastes.

6. Mechanical/biological treatment

The Austrian authorities also intend to define the most advanced technologies for this type of treatment.

7. Special waste treatment installations

The Federal Ministry of the Environment has issued a decree on the environmental management of end-of-life vehicles, photographic wastes, refrigerators and asbestos wastes.

8. Waste Management Plan

In order to achieve the objectives of the Waste Management Law (qualitative and quantitative avoidance of waste generation, technically and economically appropriate recycling, and final disposal), the Ministry of the Environment is required to publish a Waste Management Plan. The 1992 and 1995 plans were drawn up to this end. A report on the measures of the Management Plan has been submitted to the General Assembly for the first time.

According to the Waste Management Law, a plan must at least contain:

- the inventory of the waste management situation;
- specific standards derived from the Waste Management Law (objectives and principles of waste management) with the aim of:
 - reducing the volume and pollutant potential of the waste;
 - recycling waste according to sound ecological and economic criteria;
 - disposing of wastes which cannot be recycled or avoided;
- the measures taken by the Federal Government to attain these objectives;
- the regional distribution of the installations required to treat hazardous wastes.

9. SELF-SUFFICIENCY POLICY

- Export of wastes

The Federal Waste Management Law stipulates that export licences will be granted by the Federal Ministry of the Environment only if there is no plant in Austria with sufficient capacity to treat the waste in question or (in very rare cases) if excessively lengthy transport can be avoided by exporting the waste, and if the consignee has standards equivalent to those in Austria.

– Polluter-pays principle

This is a fundamental principle of the Waste Management Law which has already been applied in several regulations. In particular, producer responsibility must be extended to recovery and disposal of the product. Producers have a vital role to play, for they take the key decisions concerning the potential management of wastes from their products. Because they know the composition of their products, producers can judge the environmental impact of the associated waste. The physical responsibility of producers means that they must assume total responsibility for their production, including the resulting waste. The waste can be collected, recycled, recovered or disposed of in an environmentally appropriate fashion. The financial responsibility of producers means that they must bear the cost of waste treatment.

– Order on waste packaging

Since 1 October 1993, all producers, importers or distributors are obliged to accept packaging from consumers without charge and to re-use or recover it unless there is a national collection or recovery service. This led to a 50% increase in recycling in 1995.

– Batteries Order

This Order, which has been in force since 1 September 1991, sets a limit for mercury and cadmium content and requires the vendor to collect the batteries.

– Special Lamps Order

Since 1 January 1991 this Order has ensured organised collection of fluorescent lamps by retailers, who are obliged to take them back.

– Refrigerators Order

Since 1 March 1993 all producers, importers or distributors are required to take back the old appliance when they sell a new one, with the purchaser paying for correct disposal.

– Draft Order on Electronic Waste

(b) Economic measures

Environmental Funding Law:

Since changes in production systems normally involve substantial costs, the Ministry of the Environment, Youth and Family gives financial aid to undertakings to change their techniques and introduce the best technology available to avoid and treat waste. Environmental improvement measures may be subsidised by up to 80%.

(c) Efforts by industry

- All undertakings with more than 100 employees must have a waste management plan.

The aim is to reduce waste, promote recycling or re-use and achieve environmentally sound disposal of all types of waste. In order to reduce the volume of industrial wastes, the Federal Ministry of the Environment, Youth and Family has drawn up specific guidelines for individual sectors (e.g. agriculture, forestry, medical wastes, lacquers and varnishes, halogenated solvents, dyes, food industry, textile industry, etc.).

- Voluntary agreement on end-of-life vehicles

A new voluntary agreement on end-of-life vehicles was drawn up in 1995. The Austrian motor industry undertakes to increase the amount of recycled material in future from the current 75% to 95%, and to improve the technical feasibility of recycling at the design stage, e.g. by limiting the different types of materials used or by using recycled material. The vehicle manufacturers undertake through this voluntary agreement to take vehicles back at the end of their life when they sell a new or second-hand vehicle. Vendors have even agreed to take vehicles back at the specific market conditions (either making a profit or bearing the financial cost of recycling independently of the purchase of a new vehicle).

- Other measures

In order to reduce the generation of hazardous wastes, the Chemicals Law (Federal Law Gazette 326/1987) has imposed a total or partial ban in the course of the last few years on the use of substances such as PCB/PCT, CFCs, CHCs and cadmium.

- New ordinances in 1995:
 - New Ordinance on CFCs (Federal Law Gazette 1995/750), which prohibits its use for ordinary purposes from the year 2000 and its use in refrigerators from the year 2002.
 - The amended Ordinance on toxic substances entered into force on 1 July 1995 ((Federal Law Gazette 1995/442).

The United Kingdom, Italy, Greece, Sweden and Ireland do not provide information.

10. INFORMATION ON THE MEASURES ADOPTED BY THE PARTIES IN IMPLEMENTATION OF THE BASLE CONVENTION

Pursuant to Article 13(3)(c) of the Basle Convention, the Parties, consistent with national laws and regulations, must transmit, through the Secretariat, to the Conference of the Parties established pursuant to Article 15, before the end of each calendar year, a report on the previous calendar year containing, among other things, information on the measures adopted by them in implementation of the Convention.

Spain applies Regulation 259/93/EEC and has transposed the provisions of the Basle Convention.

Belgium applies Regulation 259/93/EEC, the Law of 6 August 1993 ratifying the Basle Convention and Annexes I, II, III, IV, V, V.B and VI to the Basle Convention of 22 March 1989.

Germany has transposed the provisions of the Basle Convention, including signature and ratification on 30 September 1994. It has also transposed Commission Decision 94/721/EC of 21 October 1994 adapting, pursuant to Article 42(3), Annexes II, III and IV to Council Regulation (EEC) No 259/93 and Council Decision 94/904/EEC of 22 December 1994 establishing the list of hazardous wastes.

The **United Kingdom** has transposed Regulation 259/93 by Statutory Instrument No 1137/1994 on the transboundary shipment of waste.

Portugal implements Regulation 259/93 and has transposed the provisions of the Basle Convention.

Denmark has transposed the Basle Convention, Regulation 259/93 and Commission Decision 94/721/EC of 21 October 1994 adapting, pursuant to Article 42(3), Annexes II, III and IV to Regulation 259/93.

Finland implements the Basle Convention in full as regards the control of transboundary movements of wastes. The entry into force of the Wastes Law (1072/93) and the Wastes Decree (1390/93) enabled the general principles of the Convention to be implemented more effectively, e.g. the reduction in waste generation and the self-sufficiency principle. Since the beginning of 1995, waste shipments are carried out in conformity with the provisions of Council Regulation 259/93.

Austria has not made any formal changes to its legislation.

France, Italy, Greece, Luxembourg, the Netherlands, Sweden and Ireland do not provide information.

11. STATISTICAL INFORMATION

Pursuant to Article 13(3)(d) of the Basle Convention, the Parties are required to transmit information on available qualified statistics which they have compiled on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes.

Spain declares that the situation is as follows:

- hazardous wastes: an evaluation has not been made, but it is considered that the figures must be similar to those in 1994 (however, the authorities did not give figures in 1994).
- household wastes: 14 914 235 tonnes of waste were generated in 1995.

Germany. In conformity with Article 2(2) of the Waste Management Law, wastes are managed in a manner suited to protect public health.

Belgium, United Kingdom, Denmark, Luxembourg and Finland state that they do not have such data.

Austria states that the Federal Environment Agency can supply these data via Internet: "<http://www.ubavie.gv.at/info>".

France, Italy, Greece, Portugal, Netherlands, Sweden and Ireland do not provide information.

12. INFORMATION CONCERNING BILATERAL, MULTILATERAL AND REGIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO PURSUANT TO ARTICLE 11 OF THE BASLE CONVENTION

Pursuant to Article 13(3)(e) of the Basle Convention, the Parties are required to transmit information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of the Basle Convention.

Spain declares that the information is the same as in 1993 and has been communicated to the Secretariat of the Basle Convention.

Belgium has not concluded agreements or arrangements.

Germany has entered into bilateral agreements at national level with Lithuania, Namibia, Belarus, Zimbabwe and Kazakhstan for imports of waste to Germany. It also has agreements with Kazakhstan for exports of various wastes.

The **United Kingdom** has not concluded agreements or arrangements in 1994 or 1995.

Portugal. According to the Portuguese authorities, the EC Agreements and the OECD Decision C(92)39/Final are in force.

Denmark has not concluded bilateral, multinational or regional agreements pursuant to Article 11 of the Basle Convention.

Sweden has no regional or multilateral agreements with other countries apart from OECD Decision (92) 39.

Finland concluded an Agreement with Germany for the year 1994. There were no agreements or arrangements entered into in 1995.

Austria has concluded no agreements or arrangements in 1994 or 1995.

France, Italy, Greece, Luxembourg, the Netherlands and Ireland do not provide information.

13. INFORMATION ON ACCIDENTS OCCURRING DURING THE TRANSBOUNDARY MOVEMENT AND DISPOSAL OF HAZARDOUS WASTES AND OTHER WASTES AND ON THE MEASURES UNDERTAKEN TO DEAL WITH THEM

Pursuant to Article 13(3)(f) of the Basle Convention, the Parties are required to transmit information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them.

Spain has no knowledge of accidents occurring in the shipment or disposal of wastes.

Belgium, the United Kingdom, Denmark and Luxembourg have not recorded any accidents on their territory.

Germany notifies two accidents in 1995 due to faulty packaging of the wastes. In the first case, the cleansing wastes were returned to the exporter. In the second, the wastes were transported to the designated disposal plant after re-packaging. There were no accidents in 1994.

Austria had no accidents in 1994. However, there was an accident in 1995 involving the transport of badly packaged hazardous wastes.

France, Italy, Greece, Portugal, the Netherlands, Sweden, Finland and Ireland do not provide information.

14. INFORMATION ON DISPOSAL OPTIONS OPERATED WITHIN THE AREA OF NATIONAL JURISDICTION

Pursuant to Article 13(3)(g) of the Basle Convention, the Parties are required to transmit information on disposal options operated within the area of their national jurisdiction.

Spain, Belgium, France, and Germany have provided data in table format, which can be obtained upon request from directorate-General XI.

Portugal says that information can be obtained from "La Unidade de Tratamento de Resíduos Industriais de Sines-Bacias 9 E 10, Instituto da Agua - Delegação de Santo André; Bairro Azul, Colectiva B12, Apartado 64; 7501 Santo André CODEX; Tel. (069) 71224/5/6; Fax (069) 73817".

Denmark has a facility for central disposal of hazardous wastes "Kommunekemi A/S". This company has a high-temperature incineration system with energy recovery, a physico-chemical treatment plant and a landfill for hazardous wastes. Kommunekemi manages about 100 000 tonnes of dangerous wastes per annum. There are also 75 small companies specialised in the recycling of hazardous wastes.

Luxembourg has a disposal centre whose licence expires at the end of 1994, the company "Ronnebiere Jean Lamesch et Cie", B.P. 75, L-3201 Bettembourg, which disposes of 23 595 tonnes of waste generated locally.

Austria says that the Federal Waste Management Plan (which includes the list of Austrian disposal plants) can be obtained from the Federal Environment Agency. Address: UBA Vienna, A-1099 Spittelauer Lände 5, Austria.

The United Kingdom, Italy, Greece, the Netherlands, Finland, Sweden and Ireland do not provide information.

15. INFORMATION ON MEASURES UNDERTAKEN TO DEVELOP TECHNOLOGIES FOR THE REDUCTION AND/OR ELIMINATION OF PRODUCTION OF HAZARDOUS WASTES AND OTHER WASTES

Pursuant to Article 13(3)(h) of the Basle Convention, the Parties are required to transmit information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes.

Belgium: According to the Belgian authorities, a Clean Technologies Unit has been operational at the IBGE since January 1993. The aim is to promote the development of more environment-friendly production practices and techniques in small businesses in Brussels. This takes the form, among other things, of publications (e.g. the newsletter Bruxelles Techno-Clean) and awareness campaigns directed at particular sectors (e.g. the dry cleaning industry or car body plants). The Wallonian authorities have not provided information.

A programme to avoid waste and encourage clean technologies was set up by decision of the Flemish Regional Government of 12 October 1994. This programme (PRESTI) is designed to help business take preventive action in order to achieve the environmental protection objectives set out in the Product Wastes Plan for 1991-1995, approved by decision of the Flemish Regional Government of 20 February 1991.

Germany notifies clean production, recycling, waste reduction and disposal operations, without giving details of these operations.

The United Kingdom notifies measures to minimise waste by recycling, re-use and recovery in industry (WMR3) - EPSRC/OTI and the programme on best environmental practice (ETBPP).

Portugal has set up a specific fund "PEDIP" for the development of technologies to minimise the production of hazardous wastes and other wastes.

Denmark says that the government adopted the latest versions of the Danish plans to reduce and/or eliminate hazardous wastes and other wastes in 1993. These plans are in two parts:

- action plan for clean technology;
- action plan for wastes and recycling.

The Danish Parliament has granted DKR 85 million and DKR 20 million per annum respectively for the implementation of these plans. They are due to be reviewed in 1997.

Finland states that, apart from the measures taken during the last few years, the entry into force of the Wastes Law (1972/93) and the Wastes Decree (1390/93) on 1 January 1994 permitted a much more effective application of the general principles of the Basle Convention, including the principle of minimising hazardous wastes.

Spain, France, Italy, Greece, Luxembourg, the Netherlands, Sweden, Austria and Ireland do not provide information.

16. SUCH OTHER MATTERS AS THE CONFERENCE OF THE PARTIES DEEM RELEVANT

Pursuant to Article 13(3)(i) of the Basle Convention, the Parties must communicate all other information on such matters as the Conference of the Parties may judge relevant.

The Member States have not communicated any information.

B. OTHER INFORMATION REQUESTED IN THE QUESTIONNAIRE DRAWN UP BY THE SECRETARIAT OF THE BASLE CONVENTION

1. INFORMATION ON THE PRODUCTION OF HAZARDOUS WASTES AND OTHER WASTES SUBJECT TO THE BASLE CONVENTION

Spain has provided data for 1990, 1991, 1992, 1993 and 1994, which can be obtained upon request from Directorate-General XI.

According to the Spanish authorities, 14 914 235 tonnes of household waste were produced in 1995. Data for the production of hazardous wastes is not yet available, but an inventory is being compiled.

Belgium says that in 1994 Wallonia produced 167 315 tonnes of hazardous wastes: the corresponding figure for Flanders was 1 255 582 tonnes. In the same year, the Brussels Region generated 11 464 tonnes of hazardous wastes, 1 025 of oils and 135 tonnes of PCBs. The corresponding figures for 1993 were 2 917 tonnes of hazardous wastes, 200 tonnes of oils and 61 tonnes of PCBs. In 1995, Brussels produced 23 002 tonnes of hazardous wastes and Flanders 1 090 499 tonnes. No information is given concerning Wallonia.

Germany, the United Kingdom, Portugal, Luxembourg, and Austria have provided information which can be obtained upon request from Directorate-General XI.

Finland says that the most recent information on the amount of waste generated in Finland dates from 1992.

Denmark, France, Greece, Ireland, Italy, the Netherlands and Sweden have supplied no information.

2. INFORMATION ON TECHNICAL SOURCES

Article 16(1)(g) of the Basle Convention requires the Parties to provide information on:

- sources of technical assistance and training,
- available technical and scientific know-how,
- sources of advice and expertise, and
- availability of resources.

Spain, Germany, Luxembourg, and Austria have provided information which can be obtained upon request from Directorate-General XI.

Belgium. The information is not available.

Finland says that the information is not available in a concise form but that a number of institutes, technical colleges, research institutes and private companies are developing expertise in this field.

Because of the growing number of such institutes, the Finnish authorities are not able to provide an exact list.

Denmark, France, Greece, Ireland, Italy, the Netherlands, Portugal, Sweden and the United Kingdom have provided no information.

3. INFORMATION ON THE EXPERTS AND EQUIPMENT NEEDED FOR RAPID ASSISTANCE TO THE SIGNATORY STATES IN THE EVENT OF AN EMERGENCY

The Member States of the European Community have provided no data. Germany says that it is not a government task but that the Federal Agency responsible can provide all the information.

III. CONCLUSIONS

Since 6 May 1994 the Member States have been obliged to apply each and every provision of the Regulation - with the exception of the last three States to accede to the European Community, namely Austria, Finland and Sweden, whose obligation took effect from 1 January 1995 with a transitional period for Austria until 1 January 1997. In spite of this obligation, the Member States have sent the European Commission insufficient information, or in some cases no information at all, on their implementation of the Regulation.

The information provided by the Member States on the basis of a questionnaire drawn up by the Secretariat of the Basle Convention provides only limited and fairly general answers to the specific questions put to them, with a few rare exceptions such as Austria.

Thus:

- When asked to give their national definition of hazardous wastes, the Member States usually answer that it conforms to Community legislation.
- When asked about their decision not to consent totally or partially to the import of wastes for disposal within the area under their national jurisdiction, most Member States simply refer to the applicable articles of the Basle Convention. The same goes for the question about national decisions to limit or ban exports of wastes. Nevertheless, most Member States have provided adequate information on the amount of hazardous wastes and other wastes exported from and imported into their territory and on the category, characteristics and origin of such waste and the disposal methods used.
- When asked for information on their efforts to achieve a reduction in the amount of wastes subject to transboundary movement, the Member States have not always provided satisfactory answers. Six Member States provided no information at all while others answered only partially.
- With regard to the information requested in the questionnaire on the measures adopted by the Parties to implement the Basle Convention, seven Member States do not tackle the question and the others simply state that they have transposed the Basle Convention.
- Hardly any of the Member States have given the information which was requested on statistics.
- Only half of the Member States answered the question about agreements and arrangements entered into pursuant to the Basle Convention. Again, only half the Member States answered the question about accidents during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures taken to deal with them.
- With regard to the information requested about the various disposal methods used within the area of their national jurisdiction, seven Member States provided no information and the rest did so very briefly.

- Only six Member States answered the question on measures taken to develop technologies for reducing and/or eliminating the production of wastes.

Finally, only minimal answers were given in response to the request for information on technical sources and on the experts and equipment needed for rapid assistance to the signatory States in the event of an emergency.

What is more, the questionnaire drawn up by the Secretariat of the Basle Convention does not cover all the obligations of the Member States under Council Regulation 259/93 of 1 February 1993. Yet under Article 41 of that Regulation, the Commission is obliged to establish a report on the implementation of the Regulation by the Community and its Member States, and this implementation involves obligations upon the Member States which are much broader than those set out in the Basle Convention.

The Commission notes that a whole series of obligations under the Regulation were not referred to in the questionnaire which served as the basis for the Member States' reports. For example, when it comes to implementing the principle of proximity, the Commission has no information on the integrated network of waste disposal installations to be established by Member States to enable the Community itself to dispose of its own waste and to enable the Member States to move towards that aim individually (Article 4(3)(b) of Regulation 259/93).

Nor does the Commission have any information on the measures taken by the Member States to prohibit shipments of waste generally or partially, or to object systematically to them. Such measures should be notified to the Commission under Article 4(3)(a)(i) of the Regulation).

Similarly, the Commission has not been informed of any exceptions to the implementation of the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in the case of hazardous waste produced in the Member States of dispatch in such small quantities that it would be uneconomic to provide new specialised disposal installations within the State (Article 4(3)(a)(ii) and (iii) of the Regulation).

No information has been provided by the Member States on wastes excluded from the scope of the Regulation (Article 1(2)), or on the control and shipment of non-hazardous wastes listed in Annex II to the Regulation (Article 1(3)(d)).

The Commission has adopted two decisions amending the Annexes: the first, dated 21 October 1994, amended Annexes II, III and IV of the Regulation, in accordance with Article 42(3); the second, dated 14 November 1996, adapted Annex II of the Regulation in accordance with Article 42(3).

The Member States' reports to the Commission have provided no information on any decisions by competent authorities having jurisdiction over specific recovery facilities not to raise objections concerning shipments of certain types of waste to a specific recovery facility. Nor do the reports contain any information on any revocations of such decisions, though these must also be notified to the Commission (Article 9(1) and (2)). Information of this type has been received in piecemeal fashion and has been distributed to the Member States as and when it has arrived.

The questionnaire clearly provides the Commission with no information on the competent authorities' obligation, under Article 9(4) of the Regulation, to inform the Commission of instances where they have reviewed a contract between the notifier and the consignee for the recovery of waste.

The Commission has not been informed of the Member States' system for the supervision and control of shipments of waste (Article 13(2) and (3)), nor has it received confirmation of the implementation of the Commission Decision of 20 July 1994 laying down the control procedure provided for in the Regulation with regard to certain shipments of waste to non-OECD countries (Article 17).

The Commission does not know how many customs posts have been designated by the Member States for shipments of waste in and out of the Community.

The experience of this first report on the implementation of the Regulation shows that most Member States have failed to take the necessary steps to inform the Commission of the measures they have taken pursuant to the Regulation.

The Commission realises, of course, that this failure may be partly due to the questionnaire drawn up by the Secretariat of the Basle Convention, which unfortunately does not cover all the obligations arising from the Regulation.

On this point, since the Commission believes that the Regulation contains a number of matters on which it is essential to have information from the Member States in order to gain a coherent overview of Community waste management policy, it intends on the basis of Article 41(2) to request additional information by means of a questionnaire covering all the questions raised above.

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