

# COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(89)1531 final

Brussels, 22 September 1989

## PROPOSAL FOR A COUNCIL DECISION

ON THE ACCEPTANCE BY THE COMMUNITY OF AN

OECD DECISION/RECOMMENDATION ON THE CONTROL OF

TRANSFRONTIER MOVEMENTS OF HAZARDOUS WASTES

(presented by the Commission)

DRAFT

Commission Communication to the Council

The OECD Council will soon adopt a draft Decision/Recommendation on the Control of Transfrontier Movements of Hazardous Wastes (Annex taken from Doc. C(89)112) which concerns:

- the rapid signature and ratification of the Basel Convention;
- the prohibition of the export of hazardous wastes to any country that has prohibited their import;
- the provision of technical assistance and training in the field of waste management to countries in need thereof;
- the further work on harmonizing the notification systems and procedures for the control of transfrontier movements of hazardous wastes; and
- follow-up work within OECD.

This draft has been agreed at the level of the OECD Environment Committee and will be submitted to the OECD Council for adoption at its meeting of 20 September 1989.

The OECD Decision-Recommendation aims at inciting the OECD Member States to rapidly sign and ratify the Basel Convention and to reinforce the control of transfrontier movements of hazardous wastes.

Given the fact that the Council already adopted a Directive (84/631/EEC) on the supervision and control within the Community of transfrontier shipments of hazardous wastes, as lastly amended by Commission Directive 87/112 of 23 December 1986; that the procedures governing transfrontier movements of waste ameliorate the conditions to which commercial transactions in the field of waste circulation and disposal are subject; and that the Basel Convention has been signed on the basis of Articles 113 and 116 of the Treaty, the Commission considers that the acceptance of the OECD Decision-Recommendation has to be based on Articles 113 and 116 of the Treaty.

In view of the Community's competence in this matter, it is necessary that, at the time of adoption of the OECD Decision/Recommendation in the OECD Council and in conformity with the procedure agreed by the Committee of Permanent Representatives on 1 June 1988, the Member State holding the Presidency should indicate in the name of the Community Member States that the act shall bind them after acceptance by the Community, and the Commission should accept the act in the name of the Community and say that the Member States will be bound by it after completion of the necessary Community procedures. After the adoption of the present Decision by the Council, the Commission representative at

the OECD will be able to declare that all the requisite Community procedure will indeed have been completed.

The attached draft Council Decision is intended to complete the necessary Community procedures for this purpose.

**D R A F T**

**COUNCIL DECISION**

**of .....**

**on the acceptance by the European Economic Community  
of an OECD Decision/Recommendation on  
the Control of Transfrontier Movements of Hazardous Wastes.**

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

**Having regard to the proposal from the Commission**

**Whereas the Environment Committee of the Organization for Economic Cooperation and Development transmitted to the Council of this organization a Draft Decision-Recommendation asking for a rapid ratification and application of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, signed in Basel on 22nd March 1989 by a number of Member States of this organization, as well as the Community;**

**Whereas this Decision-Recommendation aims at inciting Member States to reinforce the control of transboundary movements of hazardous wastes;**

**Whereas a major part of the scope of the said Convention falls under Community competence;**

**Whereas it is of vital importance that this Decision-Recommendation can be approved by the Member States at a forthcoming meeting of the Council of the aforementioned organization;**

**HAS DECIDED AS FOLLOWS:**

**sole Article**

**The OECD Council Decision/Recommendation on the Control of Transfrontier Movements of Hazardous Wastes is hereby approved on behalf of the Community. The OECD Decision/Recommendation is annexed hereto.**

The procedure allowing the Community to participate in OECD acts adopted on 1 June 1988 shall therefore apply.

Done at Brussels. ....

For the Council

The President

ANNEX 2DRAFT DECISION-RECOMMENDATION OF THE COUNCIL  
ON THE CONTROL OF TRANSFRONTIER MOVEMENTS OF HAZARDOUS WASTES

THE COUNCIL,

Having regard to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14th December 1960;

Having regard to the Decision and Recommendation of the Council of 1st February 1984 on Transfrontier Movements of Hazardous Waste C(83)180(Final);

Having regard to the Decision-Recommendation of the Council of 5th June 1986 on Exports of Hazardous Wastes from the OECD Area [C(86)64(Final)];

Having regard to the Decision of the Council of 27th May 1988 on Transfrontier Movements of Hazardous Wastes [C(88)90(Final)];

Having regard to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted in Basel on 22nd March 1989;

Having regard to Resolution 4 attached to the Final Act of the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes, on the responsibility of States for the implementation of the Basel Convention;

Welcoming the efforts at the global level to establish a system to control the transfrontier movements of hazardous wastes;

Considering that steps should be taken as soon as possible to implement a number of principles that are contained in the above-mentioned Instruments;

On the proposal of the Environment Committee:

I. DECIDES that Member Countries shall, without prejudice to the provisions of Paragraph I of the Decision-Recommendation C(86)64(Final), take appropriate steps to prohibit the export of hazardous wastes to any country that has prohibited the import of such wastes for disposal therein;

II. RECOMMENDS that Member countries take appropriate steps to sign and ratify the Basel Convention at the earliest possible date, consistent with their respective national procedures;

II. RECOMMENDS that Member countries take appropriate steps to provide technical assistance and training in the field of waste management to countries in need of such assistance;

IV. RECOMMENDS that Member Countries further co-operate in harmonizing the notification systems and procedures for the control of transfrontier movements of hazardous wastes among themselves.

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