COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.12.2005
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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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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 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.


3. PURPOSE OF THE PROPOSAL

The proposal has four main objectives:

- 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**


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.