The reports, together with comments from the various stakeholders from industry, public authorities and environmental organisations received during a public consultation process on a draft proposal for a Directive amending the Seveso II Directive, will constitute an important input for the Commission services in order to revise the draft proposal. Its adoption by the Commission is scheduled for September 2001.

3. Council Directive 96/61/EC of 24 September 1996, concerning integrated pollution prevention and control (hereafter IPPC Directive) does cover the production of explosives in so far as it is part of chemical industry, and it can be expected that the ongoing exchange of information on best available techniques for prevention and control of emissions will include the relevant chemical processes. However, a typical installation that produces and/or stores fireworks would not be covered by this Directive.

The Commission has doubts as to the usefulness of covering these activities under the IPPC Directive as reference documents on the best available techniques developed under this directive mainly focus on emission control. Authorisation and inspection issues are not subject of these documents. The Commission believes that the Seveso II Directive is the most appropriate instrument for major-accident hazard control in facilities where explosive and pyrotechnic substances and materials are produced and stored.

---

(2001/C 364 E/165)

WRITTEN QUESTION E-1574/01
by Luciana Sbarbati (ELDR) to the Commission
(1 June 2001)

Subject: Waste disposal: public health issues and environmental impact

In Italy waste disposal is becoming an ever greater problem. With a view to dealing with potential threats to public health in some regions, thought is being given to transferring waste to neighbouring regions. The Marche region has been asked to take in 30,000 tonnes of waste from Campania.

Even inside Europe toxic waste is being transferred from one country to another, with convoys transporting such waste being allowed to pass through built-up areas. Permission is being granted to bury huge quantities of all types of waste with no proper assessment being made of the damage this may cause to groundwater tables and public health. The preliminary checks carried out are inadequate and the disinfection measures used for foot-and-mouth cases were not subjected to any form of coordination in the various EU Member States.

Things have reached such a pitch that this situation is seriously endangering both public health and the environment.

Given the above, does the Commission intend to:

1. step up awareness-raising action and exchanges of good practice with a view to contributing towards real improvements on the waste front, rather than restricting itself to producing legislation which is ineficent;

2. encourage the sorting of waste and support research and the waste-recycling industry with a view to ensuring that waste is converted into raw materials or alternative energy sources;

3. lay down penalties for those who, by refusing to take practical steps to solve the problem and passing on responsibility to others or by speculating on the sale of certain types of toxic waste, contribute to the development of an 'ecomafia', and punish those who, in order to qualify for aid, transfer hazardous materials from one country to another, thus endangering public health and causing environmental damage?
Community waste legislation provides Member States with a framework of powers and obligations designed to facilitate the achievement of effective environmental protection. Under Council Directive 75/442/EEC of 15 July 1975 on waste (1), Member States have the obligation to ensure that waste is disposed of or recovered without endangering human health and without harming the environment. The Directive further obliges Member States to establish an integrated and adequate network of disposal installations and to ensure that waste operators are appropriately licensed and registered. In order to meet the requirements and objectives set out in the Directive, Member States must draw up waste management plans relating in particular to the type, quantity and origin of waste, general technical requirements, any special arrangements for particular wastes and suitable disposal sites or installations. Shipments of hazardous waste are subject to stringent control procedures as laid down in Council Regulation (EEC) No 93/259/EEC of 1 February 1993, on the supervision and control of shipments of waste within, into and out of the European Community (2). In particular, Member States have powers under the Regulation to exercise controls over the export and import of waste within the Community where it is destined for a disposal operation.


Apart from proposing legislative measures, the Commission has taken several other steps to raise awareness and exchanges of good practice. In the framework of the LIFE Programme, innovative projects for the improvement of separate collection and recycling of waste can be funded. Several specific workshops to exchange information on best practices were organised, including a workshop in Sorrento in 1996, focused mostly on the situation in Campania. The Commission published a manual on good practices in the field of separate collection and composting (6), destined especially for the south of Europe, where composting has very high potential. In this context, a very useful manual has also been produced by the Italian National Agency for the Protection of the Environment (7).

Community environmental legislation establishes the specific legal obligations which Member States must ensure are complied with within their respective jurisdictions. Community legislation therefore provides Member States with the necessary framework in order to deal with the problem of illegal treatment of waste. It is, however, the responsibility and duty of Member States to ensure that, not only are Community directives on environmental protection properly transposed into national law, but also that effective sanctions are in place in order to deter and combat illicit treatment of waste and that they are duly monitored and enforced in practice. For its part, the Commission continues to monitor the application of Community law and has brought numerous infringement actions against Member States for the non-transposition and incorrect application of Community waste legislation (8).

The Sixth Environment Action Programme of the European Community ‘Environment 2010: our future, our choice’ for 2001-2010 (9) specifically states that ‘environmental crime […] needs to be tackled vigorously’ (10).

On 13 March 2001, the Commission adopted a proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law (11), as part of its activities under the first pillar of the Treaty. This should ensure more effective application of Community environmental law, by establishing a minimum set of criminal offences throughout the Community. In particular, the proposal includes provisions concerning the treatment and disposal of waste.
The Commission is now putting together the most reliable information available on the existence and extent of organised environmental crime. As part of police and judicial cooperation (Title VI of the EU Treaty) it will encourage the Member States to back up the proposal for a Directive with appropriate measures, in particular to set minimum penalties applicable in all the Member States and to provide for the extradition of eco-criminals from one Member State to another.

(7) ANPA: La raccolta differenziata, aspetti progettuali e gestionali, 1999.
(8) See, for example, the recent judgment of the Court of Justice in Case C-365/97 Commission v. Italy (San Rocco) of 9.11.99 concerning Italy's breach of Directive 75/442/EEC with respect to the San Rocco River bed.
(10) See p. 12 of the Sixth programme.

(2001/C 364 E/166) WRITTEN QUESTION E-1575/01
by Lousewies van der Laan (ELDR) to the Commission
(1 June 2001)

Subject: Renovation of the Berlaymont Building

According to recent editions of Belgian newspapers (for example ‘De Standaard’ of 23/24 April 2001), Mr Daems, Belgian Minister for Public Works, has decided to instruct Tractebel to support Berlaymont 2000, to the tune of BEF 1 billion, so that the renovation of the Berlaymont Building may be put back on track. The press reports and the statement made in the Belgian Senate lead us to believe that this cost overrun is a result of mismanagement by Berlaymont 2000.

Is the amount involved to be added to the renovation costs, and will the Commission have to pay it?

In other words, will the European taxpayer have to foot the bill for the professional shortcomings of Berlaymont 2000?

Answer given by Mr Kinnock on behalf of the Commission
(20 July 2001)

The Commission has given no undertakings relating to the renovation costs of the Berlaymont building. The Commission has made it clear to the Belgian authorities and to S.A. Berlaymont 2000 that it will not bear any direct or indirect cost due to mismanagement, including extra costs due to delays.

Negotiations with the relevant Belgian authorities are continuing, with the purpose of reaching an agreement on a contract defining the precise rights and obligations of all of the parties involved. Following existing procedures, and before signing takes place, this contract will be submitted for approval to the Budgetary Authority.

For purposes of general information the Commission draws the attention of the Honourable Member to the answer to Written Question E-936/01 submitted by Mr Sjöstedt (1).