

## I

(Information)

## COUNCIL

## COUNCIL RESOLUTION

of 24 February 1997

on a Community strategy for waste management

(97/C 76/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council, of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development (fifth Environment Action Programme) <sup>(1)</sup>,

Having regard to the Commission communication to the Council and to the European Parliament on a Community strategy for waste management of 18 September 1989, and on the review of this strategy of 1 August 1996,

Having regard to the Council resolution of 7 May 1990 on waste policy <sup>(2)</sup> and resolutions of 19 February 1991 and 22 April 1994 of the European Parliament in relation thereto <sup>(3)</sup>,

Having regard to the existing Community legislation in the field of waste management, in particular Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(4)</sup>, Council Directive 91/689/EEC of 12 December 1991 on hazardous waste <sup>(5)</sup>, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community <sup>(6)</sup>, Council Decision 93/98/EEC of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous waste and their

disposal (Basle Convention) <sup>(7)</sup> and Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste <sup>(8)</sup>,

Having regard to the Commission report to the European Parliament and to the Council on waste management policy of 8 November 1995,

- (1) WELCOMES the Commission communication on the review of the Community strategy for waste management and considers it a valuable guideline for matters to be addressed throughout the European Union in the waste sector over the coming years;
- (2) CONSIDERS that, since the adoption of its resolution of 7 May 1990 on waste policy, considerable legislative, economic and technical progress has taken place in the waste area which has guided national and Community administrations as well as economic operators and consumers;
- (3) RECOGNIZES that, despite the considerable efforts made during the last few years, waste generation has continued to grow at Community level;
- (4) NOTES and shares the increasing concern of the population as regards waste-related problems throughout the European Union;
- (5) RECONFIRMS the need, in the interest of environmental protection, for a comprehensive waste policy in the Community;
- (6) CONSIDERS that, in view of sustainable development, Community policy on waste management should be guided primarily by the need for a high level of environmental protection taking account of

<sup>(1)</sup> OJ No C 138, 17. 5. 1993, p. 1.

<sup>(2)</sup> OJ No C 122, 18. 5. 1990, p. 2.

<sup>(3)</sup> OJ No C 72, 18. 3. 1991, p. 34 and OJ No C 128, 9. 5. 1994, p. 471.

<sup>(4)</sup> OJ No L 194, 25. 7. 1975, p. 39. Directive as last amended by Directive 91/692/EEC (OJ No L 377, 31. 12. 1991, p. 48).

<sup>(5)</sup> OJ No L 377, 31. 12. 1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ No L 168, 2. 7. 1994, p. 28).

<sup>(6)</sup> OJ No L 30, 6. 2. 1993, p. 1.

<sup>(7)</sup> OJ No L 39, 16. 2. 1993, p. 1.

<sup>(8)</sup> OJ No L 365, 31. 12. 1994, p. 34.

the potential benefits and costs of action or lack of action and having due regard also to the functioning of the internal market;

- (7) CALLS on the Commission and Member States to ensure the implementation and enforcement of Community legislation on waste management and to intensify their cooperation in this regard;
- (8) URGES the Commission, in cooperation with Member States and taking into account the work being done in international forums, to intensify its efforts to develop agreed terminology and definitions in order to facilitate the achievement of a greater degree of harmonization in the application of Community legislation and to consider the need for review of the European Waste Catalogue and the Hazardous Waste List with a view to improving operational effectiveness;
- (9) RECOGNIZES the particular need to distinguish more clearly between waste and non-waste goods and between operations which are waste recovery activities and those which are disposal activities;
- (10) EMPHASIZES the role that statistics can play in identifying waste-related problems, assessing management priorities and formulating and achieving realistic objectives within the framework of waste management policies;
- (11) STRESSES the need for the production on a regular basis of adequate waste-related data coherent with Community legislation;
- (12) INVITES the Commission to establish, in cooperation with the European Environment Agency and Member States, a Community-wide reliable system of data collection for waste, which should be based on common terminology, definitions and classifications and should operate at the lowest public and private cost;
- (13) BELIEVES that, in accordance with the polluter pays principle and the principle of shared responsibility, all economic actors, including producers, importers, distributors and consumers, bear their specific share of responsibility as regards the prevention, recovery and disposal of waste;
- (14) CONSIDERS that waste management implications of a product should be fully taken into consideration from the conception phase onwards and that, in this context, the producer of a product has a strategic role and responsibility in relation to the waste management potential of a product through its design, content and construction;
- (15) INVITES the Commission to further develop these principles and to ensure that the responsibilities of the different economic actors are translated into practical action, taking into account the specific characteristics of each product group and the need for flexibility of implementation;
- (16) REITERATES its conviction that waste prevention should be first priority for all rational waste policy, in relation to minimizing waste production and the hazardous properties of waste;
- (17) CONSIDERS that efforts made in this respect need to be increased, *inter alia*, by improving the environmental dimension of technical standards, by reducing the presence of dangerous substances where less dangerous alternatives are available, by the use of eco-audit schemes and scientific data, and by promoting changes in consumption patterns by means of consumer information and education;
- (18) INVITES the Commission to promote and the Member States and economic operators to establish and pursue quantitative targets of an indicative nature which aim to achieve significant reductions in the amount of waste generated and increased levels of reuse, recycling and recovery;
- (19) REQUESTS the Commission to consider and report to Council as soon as possible as to what additional actions might be taken at Community level to promote waste prevention;
- (20) REQUESTS the Commission to collect information on those environmentally dangerous substances and materials in waste which cause special problems in Member States and to bring forward, as appropriate, recommendations for measures to deal with these problems;
- (21) INSISTS on the need for promoting waste recovery with a view to reducing the quantity of waste for disposal and saving natural resources, in particular by reuse, recycling, composting and recovering energy from waste;

- (22) RECOGNIZES, as regards recovery operations, that the choice of option in any particular case must have regard to environmental and economic effects, but considers that at present, and until scientific and technological progress is made and life-cycle analyses are further developed, reuse and material recovery should be considered preferable where and insofar as they are the best environmental options;
- (23) CALLS on the Commission to promote the development and application of life-cycle analyses and eco-balances and to disseminate information generated by the use of such instruments in order to assist in the identification of future waste management priorities;
- (24) CALLS on the Commission and Member States, as appropriate, to promote return, collection and recovery systems;
- (25) REQUESTS the Commission and Member States to take concrete action with a view to promoting markets for recycled products that comply with Community requirements;
- (26) UNDERLINES the need for appropriate Community criteria for waste recovery operations, particularly energy recovery operations, in order to provide for a level playing field in the waste sector;
- (27) IDENTIFIES the importance of Community criteria concerning the use of waste, in particular as a fuel or other source of energy;
- (28) IS OF THE OPINION that appropriate emission standards should apply to the operation of facilities in which waste is incinerated in order to ensure a high level of protection for the environment;
- (29) CONCLUDES that Community standards on emissions from incineration installations to air, water and soil should be strictly respected. As regards existing incineration plants, particular monitoring measures should be envisaged, adequate information needs to be available to the population concerned, and energy recovery should, as far as possible, form part of all incineration operations;
- (30) REITERATES the need for the minimization of waste disposal, which will result from the actions mentioned above;
- (31) RECOGNIZES the need to establish an adequate and integrated network of disposal facilities, as envisaged by Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste <sup>(1)</sup>;
- (32) CONSIDERS that, in future, only safe and controlled landfill activities should be carried out throughout the Community while allowing Member States, in respecting this requirement, the flexibility to apply the best waste disposal option to meet their particular conditions;
- (33) CALLS on the Commission to bring forward as soon as possible a proposal for a Directive on landfills to achieve this objective;
- (34) UNDERTAKES to give early consideration to such a proposal;
- (35) REQUESTS the Member States to take the necessary measures to ensure to the fullest practicable extent that old landfills and other contaminated sites are properly rehabilitated;
- (36) TAKES note of the conclusions drawn up by the different project groups within the framework of the priority waste streams programme initiated by the Commission;
- (37) INVITES the Commission to develop, as soon as possible, an appropriate follow-up to these projects;
- (38) INVITES the Commission to further explore whether and how other waste streams should be dealt with at Community level;
- (39) BELIEVES that Regulation (EEC) No 259/93 is an important legal instrument to control and minimize waste shipments and should be fully implemented in all its provisions;
- (40) INVITES the Commission to examine the possibility of simplifying the administrative procedures of Regulation (EEC) No 259/93, without lowering the level of environmental protection, with a view to improving the efficiency of the control system, without prejudice to Article 4 (3) (a) (ii) of that Regulation;
- (41) CALLS on the Member States to increase and improve cooperation, in particular in the field of illegal shipments and the fight against environmental crime;
- (42) NOTES and shares the concern of Member States at the large-scale movements within the Community

<sup>(1)</sup> OJ No L 78, 26. 3. 1991, p. 32.

- of waste for incineration with or without energy recovery;
- (43) INVITES the Commission to consider the scope for the amendment of Community legislation in relation to the incineration of waste with energy recovery in order to address this concern, and to present appropriate proposals;
- (44) REITERATES its commitment taken in the context of the Basle Convention to prohibit, in addition to the already existing prohibition of shipments of hazardous waste for final disposal, shipments of hazardous waste for recovery to developing countries;
- (45) EMPHASIZES the importance of appropriate waste management planning at all competent levels including local and regional levels and, where appropriate, cooperation between Member States;
- (46) ENCOURAGES Member States to use a broad range of instruments, including economic instruments
- where appropriate, in the most coherent way, with a view to achieving their waste policy objectives;
- (47) RECOGNIZES, in line with the Commission White Paper on growth, competitiveness and employment, the job creation potential that the protection of the environment, and in particular a coherent and sound waste management policy, may have;
- (48) CALLS on Member States to orientate their waste management policies as appropriate to realize these opportunities;
- (49) RECOGNIZES the need for appropriate support for small and medium-size enterprises in order to encourage responsible waste management policies;
- (50) INVITES the Commission to report to the Council on the progress made in the areas covered by this resolution at the latest by the end of 2000.

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## COMMUNICATION

(97/C 76/02)

### **Europol Convention**

On 10 December 1996 the United Kingdom deposited its instrument of ratification of the Convention on the establishment of a European Police Office (Europol Convention). It is the first country to adopt the Convention, which was signed on 26 July 1995 <sup>(1)</sup> and which will enter into force, in accordance with Article 45 thereof, when all the signatory countries have adopted it.

### **Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the Europol Convention.**

On 10 December 1996 the United Kingdom also deposited its instrument of ratification of the Protocol on the interpretation, by way of preliminary rulings, by the Court of Justice of the European Communities of the Convention on the establishment of a European Police Office. In this case too it is the first country to adopt the Protocol, which was signed on 24 July 1996 <sup>(2)</sup> and which will enter into force, in accordance with Article 4 thereof, when all the signatory countries have adopted it.

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<sup>(1)</sup> OJ No C 316, 27. 11. 1995.

<sup>(2)</sup> OJ No C 299, 9. 10. 1996.

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