

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 696 final - SYN 485

Brussels, 28 December 1993

Amended proposal for a

COUNCIL DIRECTIVE

AMENDING DIRECTIVE 91/689/EEC ON HAZARDOUS WASTE

(presented by the Commission pursuant to Article 189 A (2)
of the EC-Treaty)

EXPLANATORY MEMORANDUM

Pursuant to Article 189a(2) of the EC Treaty, the Commission submits an amended proposal for a Council Directive modifying Directive 91/689/EEC on hazardous waste. This amended proposal takes account of a number of amendments by the European Parliament adopted at its November 1993 Plenary Session.

In particular, although the Commission has serious reservations as respects the practical value of a list as required by the original Directive (c.f. Article 1(4)), it has reluctantly accepted the reinstatement of the original Article 1(4), because of the need to establish a Community List of Hazardous Waste with the minimum of delay.

The Commission has also incorporated Parliament's amendment to delay the date of implementation of the Directive to 31 March 1995.

Second recital a (new)

Whereas to avoid waste being shunted around, and distortions of competition within the Community, it is essential to draw up a list of hazardous waste, which would be binding throughout the Community;

Fourth recital

Whereas as a consequence it is necessary to amend the definition of hazardous waste in order that the implementation of Directive 91/689/EEC no longer requires the previous establishment of an inclusive and binding list of hazardous waste.

Deleted

Article 1(1)

Directive 91/689/EEC is amended as follows:

1. Article 1(4) is replaced by the following:

'4. (a) For the purpose of this Directive 'hazardous waste' means any substance or object belonging to the categories or generic types of waste set out in Annex I, taking into account the constituents referred to in Annex II, and which display one or more of the properties listed in Annex III.

(b) The Commission, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, shall draw up a Community list of hazardous waste. The Community list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration. This list shall be periodically reviewed and, if necessary, revised by the same procedure.

Once a Community list of hazardous waste is established, any decision by a Member State to consider categories of waste as hazardous waste shall be notified to the Commission and reviewed in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC with a view to adaptation of the Community list.'

Directive 91/689/EEC is amended as follows:

1. Article 1(4) is replaced by the following:

4. For the purpose of this Directive 'hazardous waste' means:

- waste featuring on a list to be drawn up in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC on the basis of Annexes I and II of this Directive, not later than six months before the date of implementation of this Directive. These wastes must have one or more of the properties listed in Annex III. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration. This list shall be periodically reviewed and, if necessary, revised by the same procedure.

- any other waste which is considered by a Member State to display any of the properties listed in Annex III. Such cases shall be notified to the Commission and reviewed in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC with a view to adaptation of the list.

Article 1(2)
Article 10(1), first paragraph

2. Article 10 is replaced by the following:

'Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1994. They shall immediately inform the Commission thereof.'

2. Article 10 is replaced by the following:

'Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 1995. They shall immediately inform the Commission thereof.'

Article 1(3)

3. Article 11 is replaced by the following:

'Article 11

Directive 78/319/EEC is hereby repealed with effect from 31 December 1994.

3. Article 11 is replaced by the following:

'Article 11

Directive 78/319/EEC is hereby repealed with effect from 31 March 1995.

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