COUNCIL DIRECTIVE

of 12 June 1986

amending Directive 84/631/EEC on the supervision and control within the European Community of the transfrontier shipment of hazardous waste

(86/279/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the programme of action of the European Communities on the environment, approved by the Council on 22 November 1973 (4), the continuation and implementation of which are the subject of the resolutions of 17 May 1977 (5) and 7 February 1983 (6), provides for Community action aimed at controlling the disposal of hazardous wastes;

Whereas, pursuant to Directive 78/319/EEC (7), Member States are required to take the necessary measures to ensure that toxic and dangerous waste is disposed of without endangering human health and without harming the environment;

Whereas for this purpose Directive 84/631/EEC (8) organizes the supervision and control within the Community of the transfrontier shipment of hazardous waste;

Whereas, in connection with protecting the environment against dangers arising out of such waste, account must be taken of the risk of pollution occurring outside the Community;

Whereas, therefore, in the case of waste being transferred outside the Community the holder must, when notifying the transfer, furnish satisfactory information in respect of the agreement of the non-member State of destination and whereas the consignee of the waste must possess adequate technical capacity for the disposal of the waste;

Whereas, moreover, experience has shown that, in the case of waste being transferred outside the Community, it would be more fitting for the right to issue the acknowledgement of receipt of the notification or to raise objections to the transfer to be given to the dispatching Member State; whereas, however, in certain circumstances, the Member State of final transit of the waste should be able to exercise that right;

Whereas, in order to take account of these various requirements, Directive 84/631/EEC should be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Articles 3, 4, 5, 7 and 17 of Directive 84/631/EEC are replaced by the following:

'Article 3

1. Where the holder of the waste intends to ship it or to have it shipped from one Member State to another, to have it routed through one or more Member States, or to ship it to a Member State from a third State or from a Member State to a third State, he shall notify the competent authority of the Member State responsible for issuing the acknowledgement of receipt, with a copy to the competent authorities of the other Member States concerned and, where applicable, to the third State of destination and/or the third State(s) of transit.

2. Notification shall be effected by means of a uniform consignment note, hereinafter referred to as the 'consignment note', to be drawn up in accordance with Article 15 and the contents of which are set out in Annex I.

3. When so notifying the competent authority of the Member State responsible for issuing the acknowledgement of receipt, the holder of the waste shall provide it with satisfactory information on the following in particular:

(1) OJ No C 284, 7. 11. 1985, p. 5.
(2) OJ No C 36, 17. 2. 1986, p. 197.
(3) OJ No C 354, 31. 12. 1985, p. 4.
(4) OJ No C 112, 20. 12. 1973, p. 3.
(5) OJ No C 139, 13. 6. 1977, p. 3.
(6) OJ No C 46, 17. 2. 1983, p. 1.
(7) OJ No L 84, 31. 3. 1978, p. 43.
(8) OJ No L 326, 13. 12. 1984, p. 31.