

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Housing, Spatial Planning and the Environment. Agency or authority designated to handle comments regarding the notification can be indicated if different from above: National enquiry point
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): The requirements apply to waste. The Decree stipulates when waste are deemed hazardous waste and designates used oil as a waste.
5.	Title, number of pages and language(s) of the notified document: Draft Decree Designating Hazardous Waste and Used Oil (Decree Designating Hazardous Waste)
6.	Description of content: The Decree designates waste as hazardous waste both on the basis of a list of processes and waste which are released during these processes and on the basis of exceeding the concentration limit values and designates used oil as a waste. The purpose of the Decree is also to implement the Decision of the Council of the European Communities of 22 December 1994 on the enactment of a list of hazardous waste (OJEC L 356). The Decree contains more hazardous waste than the Decision.
7.	Objective and rationale: In accordance with Council Directive No. 91/689/EEC concerning hazardous waste, OJEC 1991, L 377/20, the member States designate as hazardous waste those waste which feature on the European list of hazardous waste and those which, in the opinion of the member State, must be designated as hazardous waste. In addition, this Directive stipulates that the member States must take measures to regulate the disposal of hazardous waste. The Chapter on Waste (Chapter 10) of the Environmental Management Act contains a separate and heavier regime for hazardous waste to protect the environment.

7.	<p>Objective and rationale: (cont'd)</p> <p>In accordance with Article 1.1, Paragraph 1, of the Environmental Management Act, it is established by Decree which waste are designated as hazardous waste.</p> <p>The Decree contains more waste than the European list. The system of designation is made up of a list of substances and a list of processes. Similarly, the EU Council Decision enacting a list of hazardous waste (OJEC L 356) includes a list of processes. In the Netherlands, a system already exists for designating hazardous waste (previously: chemical waste) for the enactment of this Decision. This system will be maintained to prevent confusion at the Law Courts and to keep within the regime substances for which special care was deemed necessary for disposal. These measures are justified to protect the environment.</p>
8.	<p>Relevant documents: Environmental Management Act (Article 1.1, Paragraph 1)</p>
9.	<p>Proposed date of adoption: 5 November 1997 Proposed date of entry into force: 6 November 1997</p>
10.	<p>Final date for comments: 4 November 1997</p> <p>The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time-limit have been received from other Members within that time.</p>
11.	<p>Texts available from: National enquiry point [X] or address and telefax number of other body:</p>