

Commission Decision of 21 January 2005 authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes (notified under document number C(2005) 92) (2005/51/EC)

COMMISSION DECISION

of 21 January 2005

authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes

(notified under document number C(2005) 92)

(2005/51/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

- (1) Under Directive 2000/29/EC, soil originating in certain third countries may not, in principle, be introduced into the Community.
- (2) The United Nations Food and Agriculture Organisation (FAO) manages a programme on prevention and disposal of obsolete and unwanted pesticides to assist developing countries in identifying and eliminating obsolete pesticide stockpiles and soil contaminated by these products due to leakage. Moreover, two international legally binding instruments address the production, use and releases of persistent organic pollutants and the safe management of waste containing these substances, with the aim of protecting human health and the environment from these substances. Because developing countries and countries with economies in transition do not always have adequate facilities for the safe destruction or reprocessing of these stockpiles and contaminated soil, international agreements and programmes foresee shipment of such soil to a treatment facility for processing or destruction.
- (3) Under the aforementioned programme, soil should be packaged and labelled in compliance with the International Maritime Dangerous Goods Code (IMDG Code), using only United Nations approved containers. Shipment should comply with the IMDG Code and Council Regulation (EEC) No 259/93⁽²⁾ on the supervision and control of shipments of waste within, into and out of the European Community.

Changes to legislation: This version of this Decision was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- (4) The Commission considers that there is no risk of spreading organisms harmful to plants or plant products when the soil is treated in dedicated hazardous waste incinerators, which comply with Directive 2000/76/EC of the European Parliament and of the Council⁽³⁾ on the incineration of waste, in such a way as to ensure that the pesticide or persistent organic pollutant content is destroyed or irreversibly transformed.
- (5) Member States should therefore be authorised to provide for derogations, for a limited period and subject to specific conditions, to allow the import of such contaminated soil.
- (6) The authorisation to provide for derogations should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Community or have not been complied with.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Changes to legislation: This version of this Decision was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- (1) [OJ L 169, 10.7.2000, p. 1](#). Directive as last amended by Commission Directive 2004/102/EC ([OJ L 309, 6.10.2004, p. 9](#)).
- (2) [OJ L 30, 6.2.1993, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 2557/2001 ([OJ L 349, 31.12.2001, p. 1](#)).
- (3) [OJ L 332, 28.12.2000, p. 91](#).

Changes to legislation:

This version of this Decision was derived from [EUR-Lex](#) on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](#).