

Brussels, 22.12.2009  
A/2297 - D/ 694

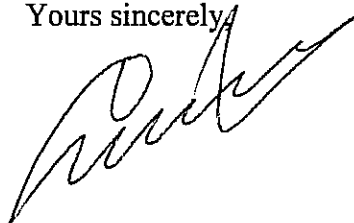
Dear Dr. Lucas,

Thank you for your letter of 5<sup>th</sup> November 2009 regarding the 2006 incident in Cote d'Ivoire. The Commission considers it essential to prevent illegal waste shipments that have direct negative impacts to human health and the environment and emphasises the importance of enforcement of the export bans in the EU waste shipment regulation. Proper implementation of EU waste legislation is a priority for me.

In view of the fact that there are still gaps in the proper implementation and enforcement of the EU waste shipment regulation at national level, the problem of illegal waste shipments is not completely resolved. As indicated in the reply to your recent written question on this subject, the Commission has undertaken a number of concrete actions to assist Member States in better implementing and enforcing EU waste legislation, including the launch of a feasibility study on the establishment of a Waste Implementation Agency.

As regards a judgement on whether Trafigura has been in violation of EU law, legal proceedings are currently underway in the Netherlands on the particular incident in Cote d'Ivoire. According to the EC Treaty, the Commission has no competence in criminalising individual operators. However, we will not hesitate to use the mechanisms available under the Treaty to ensure that EU legislation is properly applied. For further information, I would like to refer you to my written reply P-5641/09.

Yours sincerely,



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