

# Waste Framework Directive

2005/0281(COD) - 08/04/2008

The Committee on the Environment, Public Health and Food Safety adopted a report by Caroline JACKSON (EPP-ED, UK) and recommended several amendments to the Council common position for adopting a directive of the European Parliament and of the Council on waste and repealing certain Directives. It re-instated some amendments from Parliament's first reading.

The main amendments are as follows:

**Waste hierarchy:** Members decided to adhere "as a general rule" rather than as "guiding principles" as the Council had wanted, to the current policy of a waste hierarchy, which ranks treatments in five categories, from the most to the least environmentally-sound. When applying the waste hierarchy Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. Member States shall ensure that this is a full and transparent process, observing national planning rules about the consultation and involvement of citizens and stakeholders. They must take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts.

**Incineration:** MEPs were again divided over the question of whether incineration should be classified as recovery or disposal. The amended text now states that "energy recovery" means the use of combustible waste as a fuel for generating energy through direct incineration with or without other waste or fuel but with recovery of the heat. Incineration of waste where more energy is added than received during the process is not treated as energy recovery. The Committee also stated that the European Parliament and the Council shall, on the basis of a Commission report accompanied by a proposal, review the formula for the incineration facilities referred to in Annex II. The Commission report shall be compiled on the basis of notifications by the Member States of the incineration facilities declared as recovery facilities on their territory using the formula in Annex. The Commission report shall review whether the formula has had the anticipated effect and created a crucial incentive for building and operating more incineration facilities with high energy efficiency. In order for the competent authority to declare the facility a recovery or disposal facility, the operator of the facility shall indicate in particular how much purchased energy is required for the waste treatment and the form and quantity of energy emitted (electric and thermal).

**Binding targets:** Member States shall take all necessary measures to stabilise their overall waste production by 2012 as compared to their overall annual waste production in 2009. Stabilisation shall mean no further increase in generation relative to the start of the stabilisation period. The Commission must, if appropriate, submit proposals for measures required in support of the Member States' prevention activities, to cover certain issues with the time-limits stated in the text.

Member States must take the necessary measures to ensure that the following targets are attained:

(a) by 2020, the preparing for re-use and the recycling of household and similar

wastes shall be increased to a minimum of 50% by weight;

(b) by 2020, the preparing for re-use and the recycling of construction and demolition waste, of manufacturing waste and of industrial waste shall be increased to a minimum of 70% by weight.

For those countries with less than 5% recycling in either category or no official figures, according to Eurostat data of 2000-2005, an additional period of five years may be granted to reach the targets. Furthermore, Member States shall take measures to promote high quality recycling and to this end they shall adopt separate collection schemes wherever necessary to guarantee the necessary quality standards for the relevant recycling sectors. By 2015 the Member States shall set up separate waste collection schemes for at least the following: paper, metal, plastic, glass, textiles, other biodegradable wastes, oil and hazardous wastes

**By-products:** the Article on by-products is deleted and current practice is maintained. The Committee stated that the definition contained in the Council's common position could lead to greater confusion and to an undesirable reclassification of waste as by-products.

**End-of-waste:** Members deleted a part recital in the common position which stated that for the purposes of reaching end-of-waste status, a recovery operation may be as simple as the checking of waste to verify that it fulfils the end-of-waste criteria. They felt that waste can only cease to be a waste when the re-use, recycling or recovery operation is completed. A mere checking of waste cannot be tantamount to completing a recovery operation.

Furthermore, the concept of waste that ceases to be waste should not apply for the purpose of trans-boundary shipments to third countries.

Members inserted a new recital stating that the end-of-waste status must not overall have a harmful impact on the environment or health due to the use of the substance or object. This means at all events that secondary products must not contain higher levels of pollutants than comparable primary raw materials. A quality certification system must be used to apply this criterion.

**Bio-waste:** the Committee inserted new provisions on the collection and use of bio-waste with obligations on separate collection, as well as its treatment and controls, and on catering waste.

**Hazardous waste:** all hazardous waste treatment installations shall be subject to a specific permit requirement which shall include a description of the planned measures intended to ensure that the plant is designed, equipped and operated in a manner in keeping with the waste categories treated and their related risks.

No exemptions shall be granted for the treatment of hazardous waste.

**Producer responsibility:** there should an obligation on producers or importers to provide publicly available information as to the extent to which the waste product is recyclable. The Commission shall assess the appropriateness of introducing extended producer responsibility schemes for specific waste streams at EU level, based on the experiences of Member States.

**Definitions:** Parliament inserted new clauses for definitions of "prevention", "recovery", "recycling" "disposal" "energy recovery", and "best available waste management techniques".

**Exemptions:** any uncontaminated excavated material, not just material excavated in the course of construction activities, should be exempted from the scope of this Directive, as should natural sediments and silt which do not display hazardous properties and sewage sludge.

**Ban on mixing different categories of hazardous waste:** the reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of pollutants to a level below the thresholds for defining waste as hazardous.