

# Waste Framework Directive

2005/0281(COD) - 17/06/2008 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution, amending the Council's common position for adopting a directive of the European Parliament and of the Council on waste and repealing certain Directives. The recommendation for second reading (under the codecision procedure) had been tabled for consideration in plenary by Caroline **JACKSON** (EPP-ED, UK) on behalf of the Committee on the Environment, Public Health and Food Safety.

The amendments were the result of a compromise between the Council and the Parliament. The main ones are as follows:

**Waste hierarchy:** the compromise text states that the following waste hierarchy shall apply as a priority order in waste prevention and management legislation and policy prevention: preparing for re-use; recycling; other recovery, e.g. energy recovery other recovery; disposal. 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 the development of waste legislation and policy is a fully transparent process, observing existing national 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, in accordance with the legislation.

**Incineration:** MEPs were again divided over the question of whether incineration should be classified as recovery or disposal. Parliament endorsed the common position that incineration should be categorised as recovery, provided it meets certain energy efficiency standards (described in Annex II).

In the first report that intervenes 6 years after entry into force of the Directive, the Commission shall review the implementation of the Directive, including the energy efficiency provisions, and will present a proposal for revision if appropriate. The report shall also assess the existing Member State waste prevention programmes, objectives and indicators and shall review the opportunity of Community level programmes, including producer responsibility schemes for specific waste streams, targets, indicators and measures related to recycling, material and energy recovery operations that may contribute to fulfilling the objectives more effectively.

**Prevention of waste:** a new Article states that the Commission shall submit the following reports accompanied, if appropriate, by proposals for measures required in support of the prevention activities and the implementation of the waste prevention programmes referred to in the text covering:

(a) by the end of 2011 an interim report on the evolution of waste generation and the scope of waste prevention;

(aa) by the end of 2011 the formulation of a product eco-design policy addressing both the generation of waste and the presence of hazardous substances in waste, with a view to promoting technologies focusing on durable, re-usable and recyclable products;

by the end of 2014 the setting of waste prevention and decoupling objectives for 2020, based on best available practices including, if necessary, a revision of the indicators referred to in the text;

(b) by the end of 2011 the formulation of an action plan for further support measures at European level seeking in particular to change the current consumption patterns.

Parliament added that the Commission shall create a system for sharing information on best practice regarding waste prevention and develop guidelines in order to assist the Member States in the preparation of the Programmes. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.

**Re-use and recycling:** Parliament stated that by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass. Furthermore, Member States shall take the necessary measures designed to achieve the following targets:

-by 2020 the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50% by weight;

-by 2020 the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the European Waste Catalogue (EWC) shall be increased to a minimum of 70% by weight.

By 31 December 2014 at the latest, the Commission shall examine these measures and targets with a view to, if necessary, reinforcing the targets and consider setting targets for other waste streams. In its report the Commission shall take into account the relevant environmental, economic and social impacts of setting the targets. Every three years, Member States shall report to the Commission on their record with regard to meeting the targets. If targets are not met, this report shall include the reasons for failure and the actions the Member State intends to take to meet the targets.

**Control of hazardous waste:** Member States shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health, including action to ensure traceability from production to final destination and control of hazardous waste.

**Bio-waste:** Member States must, inter alia, encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste. The Commission's assessment shall examine the opportunity of setting minimum requirements for bio-waste management and quality criteria for compost and digestate from bio-waste, in order to guarantee a high level of protection for human health and the environment.

**By-products:** Article 5 on by-products remains part of the Directive.

**End-of-waste:** Parliament added that end-of-waste specific criteria should be considered, among others, at least for aggregates, paper, glass, metal, tyres and textiles.

**Extended producer responsibility:** Member States may take measures to ensure that any person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility. These measures may include the obligation to provide publicly available information as to the extent to which the product is re-usable and recyclable.

**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 hazardous substances to a level below the thresholds for defining waste as hazardous.