

Waste Framework Directive

2005/0281(COD) - 19/11/2008 - Final act

PURPOSE: to create a new framework for waste management in the EU in order to encourage the re-use and the recycling of waste materials and to simplify existing legislation.

LEGISLATIVE ACT: Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

CONTENT: the Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use. By adopting the Directive the Council accepted all the amendments adopted by the European Parliament at second reading on 17 June 2008.

Prevention: the Directive introduces a new approach to waste management which focuses on prevention. The Member States shall therefore establish waste prevention programmes no later than 12 December 2013 and the European Commission shall report regularly on the progress made in this area.

Waste hierarchy: the Directive lays down a five-step hierarchy of waste management options which must be applied by Member States when developing their national waste policies:

1. waste prevention;
2. re-use;
3. recycling;
4. recovery (including energy recovery);
5. safe disposal, as a last resort.

In this respect, the new legislation considers energy-efficient waste **incineration** a recovery operation, provided that it complies with certain energy-efficiency criteria.

Transparency and sustainable management: 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 shall also 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.

Producer responsibility: in order to strengthen the re-use and the prevention, recycling and other recovery of waste, Member States may take legislative or non-legislative measures to ensure that any natural or legal 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.

Re-use and recycling: by 2015, separate collection shall be set up for at least the following: paper, metal, plastic and glass. In order to move towards a European recycling society with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

(a) 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;

(b) 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 in the list of waste shall be increased to a minimum of 70% by weight.

By 31 December 2014 at the latest, the Commission shall examine the measures and the targets referred to in the Directive with a view to, if necessary, reinforcing the targets and considering the setting of targets for other waste streams. Moreover, the Directive **simplifies and modernises** current EU waste legislation by:

- clarifying the notions of recovery, disposal, end of waste status and by-product;
- defining the conditions for mixing hazardous waste;
- providing for measures to encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste;
- requiring Member States to take measures in terms of control of hazardous waste.

The Directive repeals the current Waste Framework Directive (2006/12/EC), the Directive on hazardous waste (91/689/EEC) and part of the Directive on waste oils (75/439/EEC).

ENTRY INTO FORCE: 12/12/2008.

TRANSPOSITION: 12/12/2010.