

# Waste (repeal. Directive 75/442/EEC). Codification

2003/0283(COD) - 05/04/2006 - Final act

PURPOSE: codification of EU legislation on waste.

LEGISLATIVE ACT: Directive 2006/12/EC of the European Parliament and of the Council on waste.

CONTENT: the purpose of this Directive is to codify Council Directive 75/442/EEC on waste, which has been significantly amended on several occasions. The new Directive supersedes the various acts incorporated in it and fully preserves the content of the acts being codified. Hence, it does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

To recall, EU waste legislation, in summary, is as follows:

- “Waste” is defined as any substance or object in Annex I of the Directive, which the holder discards or intends or is required to discard.
- The following are excluded from the scope of the Directive: gaseous effluents emitted into the atmosphere; radioactive waste; waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries; animal carcasses, non-dangerous substances used in farming; waste waters (with the exception of liquid form); decommissioned explosives.
- Member States are obliged to encourage measures that prevent or reduce waste production, the recovery of waste by means of recycling, re-use or reclamation and the use of waste as a source of energy.
- Member States are obliged to take measures to ensure that waste is recovered or disposed of without endangering human health or the environment, without risk to water, air or soil, plants or animals, without causing a nuisance through noise or odours and without adversely affecting the countryside or places of special interest.
- Member States must take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.
- The Directive requires Member States to set up a network of co-operation with other Member States to establish an integrated and adequate network of disposal installations. The network must enable waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies.
- Competent authorities, responsible for implementing this Directive, are established. They will be tasked with, *inter alia*, waste management plans.
- Provisions are spelt out regarding the issuing of permits for the disposal of waste.
- The cost of disposal is based on the “polluter pays” principle. Thus, the cost of disposing of waste will be borne by the holder who has waste handled by a waste collector or by an undertaking as well as the previous holders or the producer of the product from which the waste came.

- Every three years the Member States are obliged to send information to the Commission on the implementation of this Directive. Within nine months of receiving this Report, the Commission will prepare its own Report.

TRANSPOSITION: Directive 75/442/EEC is repealed without prejudice to Member States' obligation concerning the time-limits for transposition into national law. The time-limits are set out in Annex III, part B.

ENTRY INTO FORCE: 17 May 2006.