

Waste Framework Directive

2005/0281(COD) - 13/02/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Caroline **Jackson** (EPP-ED, UK) by 651 votes to 19 with 16 abstentions, and made some amendments to the Commission's proposal:

Waste hierarchy: Members decided to adhere "as a general rule" to the current policy of a waste hierarchy, which ranks treatments in five categories, from the most to the least environmentally-sound. Parliament said that Member States should be allowed to depart from this hierarchy "when life-cycle assessments and cost-benefit analyses indicate clearly that an alternative treatment option shows a better record for a specific waste stream".

Incineration: a crucial point was to reduce the amount of landfill and incineration, both of which cause pollution. In the debate ahead of the vote, however, Members were divided over whether incineration should be regarded as a form of disposal or a recovery operation. The Commission initially proposed that it should be categorised as recovery, provided it meets a certain energy efficiency standard.

MEPs backed the energy efficiency principle by laying down a scale of standards to be met by incinerators. In the end a majority of MEPs rejected the idea that incineration should be regarded as recovery. They defined "energy recovery" as meaning 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.

Binding targets: Member States should stabilise their total waste production by 2012 "as compared to their overall annual waste production in 2008". The Commission should submit by 2008 a list of indicators to enable Member States to monitor, assess and report their progress and should formulate by 2010 a product eco-design policy and an action plan seeking to change consumption patterns. Parliament also called on the Commission to set, by 2010, "further qualitative and quantitative waste education objectives for 2020, based on best available practice".

Member States' obligations: Parliament also wanted to simplify the requirements for national waste management programmes, to make them less bureaucratic and more compatible with the subsidiarity principle. The requirement for the Member States to ensure that "all waste undergoes recovery operations" should apply "where practicable". Member States should also ensure that mineral waste oils are collected separately where this is technically feasible and that all hazardous waste treatment installations should have a permit.

Producer responsibility: a new article introduced the principle of producer responsibility, with suggestions for implementing it: take-back obligations, information for consumers saying how far the product is recyclable, requests to producers concerning materials and design, and separate collection of the products at the end of their lives.

Definitions: Parliament inserted new clauses containing clear definitions of "prevention", "recovery", "disposal" and "energy recovery".

Exemptions: uncontaminated excavated materials which can be used in their natural state should not fall within the scope of the directive.

The polluter pays principle: a new clause states that in accordance with the "polluter pays" principle the cost of waste management must be borne by: the holder of the waste collected or managed by a collector or by an enterprise, and/or the previous holders, and/or the producer of the product from which the waste is derived.

Traceability and control of hazardous waste: a new clause states that, in accordance with the provisions regarding hazardous waste, Member States must take the necessary action to ensure that the collection, production and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing optimum protection for the environment and human health and safety for operators, industrial sites and individuals, including as a minimum taking measures to ensure traceability and control from production to final destination of any hazardous waste and proper risk assessment during its management.

Ban on mixing different categories of hazardous waste: Member States must take the necessary measures requiring that establishments or undertakings dealing with hazardous waste must not mix different categories of hazardous waste nor to mix hazardous waste with non-hazardous waste.

Parliament also added the following clauses:

- a call for legislation to be proposed to define which secondary products are no longer deemed to be waste;
- new articles on biowaste and catering waste;
- the creation of a Consultation Forum on Waste Management.