




Basic information	
<p>2005/0281(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Waste Framework Directive</p> <p>Repealing Directive 2006/12/EC 2003/0283(COD) Amended by 2015/0275(COD) See also 2011/2038(INI) See also 2012/2742(RPS)</p> <p>Subject</p> <p>3.70.12 Waste management, domestic waste, packaging, light industrial waste 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ENVI Environment, Climate and Food Safety		JACKSON Caroline (PPE-DE)	21/02/2006
	Former committee responsible		Former rapporteur	Appointed
	ENVI Environment, Climate and Food Safety		JACKSON Caroline (PPE-DE)	21/02/2006
	Former committee for opinion		Former rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy		GUTIÉRREZ-CORTINES Cristina (PPE-DE)	26/01/2006
Council of the European Union	Council configuration	Meetings	Date	
	Environment	2713	2006-03-09	
	Environment	2812	2007-06-28	
	Environment	2842	2007-12-20	
	Environment	2898	2008-10-20	
European Commission	Commission DG		Commissioner	
	Environment		DIMAS Stavros	

Key events			
Date	Event	Reference	Summary
21/12/2005	Legislative proposal published	COM(2005)0667 	Summary
19/01/2006	Committee referral announced in Parliament, 1st reading		
09/03/2006	Debate in Council		
28/11/2006	Vote in committee, 1st reading		Summary
15/12/2006	Committee report tabled for plenary, 1st reading	A6-0466/2006	
12/02/2007	Debate in Parliament	CRE link	
13/02/2007	Decision by Parliament, 1st reading	T6-0029/2007	Summary
13/02/2007	Results of vote in Parliament		
20/12/2007	Council position published	11406/4/2007	Summary
21/02/2008	Committee referral announced in Parliament, 2nd reading		
08/04/2008	Vote in committee, 2nd reading		Summary
18/04/2008	Committee recommendation tabled for plenary, 2nd reading	A6-0162/2008	
16/06/2008	Debate in Parliament	CRE link	
17/06/2008	Decision by Parliament, 1st reading	T6-0282/2008	Summary
17/06/2008	Results of vote in Parliament		
20/10/2008	Act approved by Council, 2nd reading		
19/11/2008	Final act signed		
19/11/2008	End of procedure in Parliament		
23/11/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2005/0281(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 2006/12/EC 2003/0283(COD) Amended by 2015/0275(COD) See also 2011/2038(INI) See also 2012/2742(RPS)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/58045










Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE374.384	20/06/2006	

Amendments tabled in committee		PE376.440	11/09/2006	
Amendments tabled in committee		PE378.525	12/09/2006	
Amendments tabled in committee		PE378.571	12/09/2006	
Amendments tabled in committee		PE378.572	12/09/2006	
Committee opinion	ITRE	PE374.262	15/09/2006	
Amendments tabled in committee		PE380.989	16/11/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0466/2006	15/12/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0029/2007	13/02/2007	Summary
Committee draft report		PE400.588	05/02/2008	
Amendments tabled in committee		PE402.733	06/03/2008	
Amendments tabled in committee		PE402.912	07/03/2008	
Committee recommendation tabled for plenary, 2nd reading		A6-0162/2008	18/04/2008	
Text adopted by Parliament, 2nd reading		T6-0282/2008	17/06/2008	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	15747/2007	29/11/2007	
Council position	11406/4/2007	20/12/2007	Summary
Draft final act	03646/2008/LEX	19/11/2008	

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	SEC(2005)1681 	21/12/2005	
Legislative proposal	COM(2005)0667 	21/12/2005	Summary
Commission response to text adopted in plenary	SP(2007)1040	16/04/2007	
Commission opinion on Parliament's position at 2nd reading	COM(2007)0863 	09/01/2008	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2008)0559 	01/10/2008	Summary
Follow-up document	SEC(2008)2936 	03/12/2008	Summary
Follow-up document	COM(2008)0811 	03/12/2008	Summary
Follow-up document	SEC(2009)1586 	20/11/2009	Summary
Follow-up document	COM(2009)0633 	20/11/2009	Summary
For information	COM(2017)0023 	19/01/2017	
	COM(2017)0088		

Follow-up document		27/02/2017	Summary
Follow-up document	COM(2018)0656 	24/09/2018	Summary
Follow-up document	COM(2023)0304 	08/06/2023	
Follow-up document	COM(2024)0454 	15/10/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0047/2006	14/06/2006	
ESC	Economic and Social Committee: opinion, report	CES0960/2006	06/07/2006	
EU	Implementing legislative act	32011R0333 OJ L 094 08.04.2011, p. 0002	31/03/2011	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2008/0098 OJ L 312 23.11.2008, p. 0003	Summary
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Delegated acts

Reference	Subject
2019/2757(DEA)	Examination of delegated act
2021/2865(DEA)	Examination of delegated act
2025/2601(DEA)	Examination of delegated act
2023/2851(DEA)	Examination of delegated act

Waste Framework Directive

2005/0281(COD) - 27/02/2017 - Follow-up document

The Commission presented a report on the implementation of EU waste legislation for the period 2010-2012.

Of the 27 Member States under the obligation to report, most have submitted replies to the implementation questionnaires for the directives this report covers, namely:

- **Directive 2008/98/EC** on waste,

- [Directive 86/278/EEC](#) on sewage sludge,
- [Directive 1999/31/EC](#) on landfilling,
- [Directive 94/62/EC](#) on packaging and packaging waste,
- [Directive 2002/96/EC](#) on waste electrical and electronic equipment (WEEE),
- [Directive 2006/66/EC](#) on batteries and accumulators.

Quality of reporting: not all Member States have fulfilled the obligation laid down in the Directives to report to the Commission on their implementation every three years. Some did not submit replies to the Implementation Questionnaire 2010-2012.

The Commission noted the **highly variable nature of the quality and accuracy of the reports** and information provided. Answers frequently only referred to national legislation or to answers given in previous reporting periods, without providing further information on the implementation of the directives on the ground, even when this was explicitly requested.

The Commission considered that the triennial implementation reports prepared by the Member States have **not proven effective** for verifying compliance with the directives, their implementation and their impact.

Directive 2008/98/EC on waste: all Member States had transposed the Directive or were in the process of doing so at the time of reporting.

The main findings of the report are as follows:

- compared to the previous reporting period, **municipal waste generation per capita was lower**, the landfill of municipal waste had decreased and recycling and incineration with energy recovery had increased. By the end of 2012, at least half of the Member States reached or exceeded the 2020-target of preparing for re-use and recycling 50% of household and similar waste or were well on track to reach them by then;
- 14 Member States reported that they had already reached or exceeded the target of **recovering 70% of construction and demolition waste**;
- most Member States have published **waste prevention programmes** and have incorporated the principles of extended producer responsibility, self-sufficiency and proximity and the polluter pays principle;
- there are **significant shortcomings in the application of EU waste legislation** to waste management in a number of Member States that still largely rely on landfilling of municipal waste. The Commission has developed **targeted advice** on the implementation of specific measures and the use of European funds to help these Member States improve their waste management.

General conclusions: the Commission considered that Member States should make greater efforts to **improve the quality, reliability and comparability of data** for assessing waste management performance. They could do this by benchmarking reporting methodologies and introducing a data quality check report, so that when reporting on the achievement of the targets set out in the legislation, Member States use the most recent and harmonised methodology.

The Commission recalled that in the **recent review of waste policy and legislation**, it proposed to repeal provisions obliging Member States to produce triennial implementation reports and to base compliance monitoring exclusively on quality statistical data that Member States must provide the Commission with annually.

Waste Framework Directive

2005/0281(COD) - 24/09/2018 - Follow-up document

The Commission presents a report on the implementation of EU waste legislation, including the early warning report for Member States at risk of missing the 2020 preparation for re-use/recycling target on municipal waste. The report reviews the implementation of key elements of this legislation by the Member States, identifies challenges that prevent full compliance and provides recommendations for how to improve the management of certain waste streams.

The report is based on information provided in national implementation reports for the 2013- 2015 period on:

- [Directive 2008/98/EC](#) (Waste Framework Directive);
- [Directive 2002/96/EC](#) on waste electrical and electronic equipment (WEEE);
- [Directive 94/62/EC](#) (Packaging Directive);
- [Directive 1999/31/EC](#) (Landfill Directive);
- [Directive 86/278/EEC](#) (Sewage Sludge Directive).

Municipal waste – early warning reports

In 2016, Europeans generated on average 480 kg of municipal waste per person, 46 % of which was recycled or composted, while a quarter was landfilled. Municipal waste represents only around 10 % of the total waste generated in the EU, but it is one of the most complex streams to manage due to its diverse composition, its large amount of producers and fragmentation of responsibilities. Legal obligations on the management of municipal waste (waste from households and similar waste) are laid down in the Waste Framework Directive. These include a 50 % municipal waste preparing for re-use/recycling target to be achieved by 2020.

The [revised Waste Framework Directive](#) includes new and more ambitious targets: 55 % municipal waste preparing for re-use/recycling target to be achieved by 2025, 60 % by 2030 and 65 % by 2035. It also introduces a system of early warning reports to assess Member States' progress towards these targets three years ahead of the respective deadlines, 14 Member States have been identified as at risk of missing the 2020 target of 50%.

These are: Bulgaria, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Latvia, Malta, Poland, Portugal, Romania, Slovakia and Spain. Country-specific actions to close the gap have been identified, as well as common priorities, including:

- cascade national recycling targets down to the municipal level with responsibility for waste collection systems, and ensure that there are consequences for municipalities that fail to meet targets.
- introduce measures (incl. taxes) to phase out landfilling and provide economic incentives to support the waste hierarchy;
- introduce mandatory requirements to sort bio-waste;
- improve Extended Producer Responsibility (EPR) schemes;
- introduce measures to encourage households to sort waste, including higher collection frequency for separated streams as compared with that for mixed waste.

Construction and demolition waste

The Waste Framework Directive sets a 2020 target of 70 % preparation for re-use, recycling and other material recovery for this waste stream. Member States' performances vary significantly, with over half reporting that they already met the 2020 target in the 2013- 2015 period, and some even achieving over 90% recovery. However, Cyprus, Greece, Slovakia, and Sweden are still below 60 %. There is still some uncertainty regarding the figures reported by some Member States.

The report sets out key actions, including:

- promote waste prevention through smart design, extending the lifetime of constructions, reuse and improving planning and logistics;
- promote selective demolition and sorting at source;
- use economic instruments to divert this waste stream from landfills;
- limit backfilling operations to those that are in line with the definition included in the Waste Framework Directive;
- expand use of green public procurement requiring recycled content.

Hazardous waste

The Waste Framework Directive includes requirements on labelling, record-keeping, traceability and control obligations from production to final destination, as well as a ban on mixing of hazardous waste with other waste, substances or materials.

The analysis of hazardous waste management across the EU, including on PCBs/PCTs, suggests that there are serious gaps in the implementation of key legal obligations. These include inadequate planning, data inconsistencies and statistical gaps between generation and treatment, and misclassification of waste. The report sets out general list of priority actions, including:

- improve the quality of waste management plans, so that hazardous waste is more thoroughly covered;
- adopt reliable and interoperable electronic record-keeping and tracing systems, integrated within national statistics systems and EU waste shipment data;
- reflect the waste hierarchy and the mixing ban in national legislation, guidance on treatment options, and permit conditions;
- set up a comprehensive system of unannounced and coordinated inspections.

The Commission will continue to dedicate significant resources to supporting Member States in their implementation efforts, including through technical assistance and EU funds.

Waste Framework Directive

2005/0281(COD) - 01/10/2008 - Commission opinion on Parliament's position at 2nd reading

In its plenary session of 17 June 2008, the European Parliament adopted a compromise package of 38 amendments which had been agreed with the Council in view of reaching a second reading agreement. These amendments concern:

- the setting of the recycling targets for household and construction and demolition waste and introducing provisions for shaping the future waste prevention objectives;
- the setting of a five step waste hierarchy as a priority order,
- and the clarification of certain provisions related to hazardous waste, end-of-waste criteria, and biowaste.

The Commission accepts all these amendments as they are in line with the overall purpose and the characteristics of the proposal.

Waste Framework Directive

2005/0281(COD) - 03/12/2008 - Follow-up document

This Commission staff working document complements the Green Paper on the management of bio-waste in the European Union by giving a brief summary of the EU legal instruments regulating the treatment of bio-waste.

The main instruments can be summarised as follows:

Revised Waste Framework Directive: the Directive requires that all waste be treated in a way that protects the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing the overall impacts of resource use and improving the efficiency of such use. Waste policy has to apply a five-step waste management hierarchy as a priority order. Highest priority is given to waste prevention, followed by preparation for reuse, recycling, other recovery and disposal. The Directive sets a 50% recycling target for at least paper, metal, plastic and glass from households - and possibly from other similar origins - to be met by 2020. This can work in favour of bio-waste

recycling since bio-waste is the largest single fraction of household waste and Member States can include appropriate parts of it in the calculation of the 50% target. The target is subject to review by 2014. In addition, the Directive envisages the possibility of setting EU-wide "end-of-waste" criteria for compost. Facilities for the biological treatment of waste require a waste management permit. For recovery facilities Member States may derogate from the permit requirements provided they ensure environmentally sound waste management by laying down general rules for these facilities. Furthermore, it will allow the Commission to set minimum standards concerning health and environment for recovery activities not covered by the IPPC Directive.

Directive 1999/31/EC on the landfill of waste (Landfill Directive): this Directive is a primary driver for the better treatment of bio-waste as it requires the diversion of biodegradable municipal waste from landfills to 75% in 2006, 50% in 2010 and 35% in 2016 of the amount of bio-waste generated in 1995. Countries with high reliance on landfilling (over 80%, including most of the new EU12, but also the UK and Greece) may postpone the targets by a maximum of 4 years. While no requirements are set for the management of the diverted biodegradable waste the environmental costs need to be taken into account and the costs of landfilling are increasing rapidly.

Directive 1996/61/EC on integrated pollution prevention and control (IPPC Directive): this directive lays down the main principles for the permitting and control of installations based on best available techniques (BAT). It currently covers biological treatment of organic waste only if it constitutes pre-treatment before disposal.

Waste Incineration Directive 2000/76/EC: the incineration directive regulates the technical requirements for the operation of incineration plants, including emission limit values for selected potential contaminants (e.g. NO_x, SO_x, HCl, particulates, heavy metals and dioxins) in order to prevent, as far as practicable, negative impacts on human health and the environment. It is relevant for biowaste treatment as it covers incineration of most of bio-waste (including mixed waste containing biodegradable fractions).

Regulation laying down health rules concerning animal by-products not intended for human consumption 2002/1774/EC (The Animal By-products Regulation): this Regulation lays down detailed rules for the protection of public and animal health that apply to the use of animal by-products in biogas and composting plants. Category 1 and Category 2 animal by-products are either excluded from such use or may only be used under strict conditions and following processing. Pending the adoption of harmonised requirements for the processing of Category 3 classified catering waste, Member States may adopt risk mitigating national rules for the processing of such material which must be at least equivalent to the standards set by the Regulation for the processing of Category 3 material of the same nature.

The Directive on the promotion of cogeneration: one of the best ways to use energy in an efficient way is by making use of cogeneration of electricity and heat (also known as combined heat and power or CHP), thus limiting waste heat. This is the objective of Directive 2004/8/EC, and it also applies to waste incineration.

The proposed RES Directive, repealing Directives 2001/77/EC and 2003/30/EC: this proposal considers the use of biomass, i.e. the biodegradable fraction of products, wastes and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste, to count towards the renewable energy targets, but leaves it up to Member States to decide how certain renewable energy resources are to be supported. In the Commission's estimation, around half of the EU's overall 20% renewable energy target will be met from bio-energy. Furthermore the RES Directive sets sustainability criteria for the use of biofuels and bioliquids, while encouraging the use of bio-wastes, e.g. cooking oil or bio-methane, for developing so-called second-generation biofuels. The RES Directive also foresees reporting on a need for sustainability criteria for all other uses of biomass for energy purposes.

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.

Waste Framework Directive

2005/0281(COD) - 03/12/2008 - Follow-up document

The Commission has presented its Green Paper on the management of bio-waste in the European Union.

According to estimations, the total annual arising of bio-waste in the EU is estimated at 76.5-102 Mt food and garden waste included in mixed municipal solid waste and up to 37 Mt from the food and drink industry.

Today, very different national policies apply to bio-waste management, ranging from little action in some Member States to ambitious policies in others. This can lead to increased environmental impacts and can hamper or delay full utilisation of advanced bio-waste management techniques. It should be investigated whether action on national level would be sufficient to ensure proper bio-waste management in the EU, or whether Community action is needed.

The revised Waste Framework Directive calls upon the Commission to carry out an assessment of the management of bio-waste, with a view to submitting a proposal, if appropriate.

This Green Paper explores options for the further development of the management of bio-waste. It summarizes important background information about current policies on biowaste management and new research findings in the field, presents core issues for debate, and invites stakeholders to contribute their knowledge and views on the way forward – contributions to this consultation process should be sent to the Commission by 15 March 2009.

In particular, the Green Paper:

- includes an overview of the current bio-waste management practices in the EU, and looks at the benefits and drawbacks of these methods, taking into account environmental, economic and social issues;
- looks at the impact of the existing regulatory measures. Bio-waste management is already subject to a number of EU and national legislative measures including obligatory diversion from landfills (Landfill Directive), encouragement of recycling (new Waste Framework Directive), incineration and composting (Incineration Directive, IPPC Directive, and Animal By-Products Regulation) and product standards and requirements (Organic Farming Regulation, the EU Ecolabel requirements for compost, national standards);
- examines additional measures including end-of-waste criteria for compost and guidelines for bio-waste management;
- considers the need for new legislation which could help direct more bio-waste towards recycling and energy recovery.

According to the Commission, **ideas for discussion** are as follows:

Better prevention of waste: the amount of bio-waste, although stabilized in recent years, has the potential to increase (especially in EU12). This may necessitate the strengthening of waste prevention policies.

Limiting landfilling: landfilling of bio-waste is in general the least desirable waste management solution and should be minimized. Still, in many Member States increased implementation efforts and additional enforcement measures may be necessary for many years to fully implement the Landfill Directive. It could therefore be useful to evaluate whether strengthening the current regulatory framework would bring additional environmental benefits. This could involve further action at EU level on the enforcement of the current provisions or, if necessary, strengthening the Directive. Equally, greater awareness of the alternatives and the associated revenues could promote a shift, especially if changes in infrastructure are financially supported.

Treatment options for biowaste diverted from landfill: once diverted from landfills, bio-waste can go through several treatment options. It is difficult to decide on the one single environmentally most beneficial bio-waste management option under all circumstances due to a large number of variables and local considerations that need to be taken into account. Management of diverted bio-waste should be addressed by additional measures supporting a move from simple pre-treatment for landfill and incineration with little or no energy recovery into incineration with high energy recovery, anaerobic digestion with biogas production and recycling of bio-waste. In addition to assessments to highlight the benefits, it could be further strengthened with targets for the maximum allowed amount of residual waste for disposal (landfilling or incineration without energy recovery) or other measures in order to direct more bio-waste towards material and energy recovery.

Improving energy recovery: to help reach renewable energy targets, energy recovery could be significantly enhanced by developments in the area of anaerobic digestion for production of biogas and by improving the efficiency of waste incineration, for example by using cogeneration of electricity and heat.

Increasing recycling: new action to strengthen the recycling of bio-waste could comprise three inter-related issues: recycling targets, rules for the quality and use of compost and supporting action in the shape of separate collection.

Contributing to Soil Improvement: to avoid the risk of soil pollution and strengthen user confidence, it could be necessary to introduce common standards on bio-waste treatment and compost quality.

Other uses of bio-waste: many planned and ongoing research activities aim at developing alternative means of exploiting residual biomass and bio-waste to address the climate change issue and soil quality deterioration. Further bio-waste treatment options are being explored at research level (e.g. biochar). It is necessary to examine the advantages and disadvantages of the advantages and disadvantages of biowaste management techniques.

In late 2009, the Commission intends to present its analysis of the responses received together with, if appropriate, its proposals and/or initiatives for an EU strategy on the management of bio-waste.

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.

Waste Framework Directive

2005/0281(COD) - 20/11/2009 - Follow-up document

This report aims to inform the other Community institutions, the Member States and the public about the **implementation of the EU legislation on waste over the period 2004-2006**. It covers [Directives 2006/12/EC on waste](#), 91/689/EC on hazardous waste, 75/439/EEC on waste oils, 86/278/EEC on sewage sludge, [94/62/EC on packaging and packaging waste](#), 1999/31/EC on the landfill of waste, [2002/96/EC on waste electrical and electronic equipment](#), and [2000/53/EC on end-of-life vehicles](#).

To recall, Directive 2008/98/EC of the European Parliament and of the Council on waste 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).

This report concerns the implementation of [Directive 2006/12/EC on waste](#). It introduces a definition of waste, obliges Member States to establish adequate networks of waste disposal installations, introduces a waste management hierarchy promoting waste prevention over its recovery, with disposal as the last recourse.

The Directive obliges Member States to ensure that waste is recovered or disposed of without endangering human health and the environment, and prohibits the abandonment, dumping or uncontrolled disposal of waste. It requires Member States to draw up national waste management plans (WMP) and introduces an obligation to obtain a permit for waste handling.

Implementation: the report recalls that in **2009**, 11 cases for structural and wide-spread failure to address illegal waste dumping, 10 for bad application, 4 related to waste planning, and 3 on non-conformity of national laws with the directive were still pending in relation to the WFD.

All Member States confirmed having incorporated the Directive into their national law. The basic requirements to ensure the environmentally sound management of waste were implemented in all Member States, although there are still problems in some countries especially as regards the **creation of complete waste management infrastructures**. At the same time, there are huge differences in the implementation of the waste hierarchy and the use of waste as a resource.

The degree of recycling/recovery varies both for waste in general and in respect of different waste streams. The increase of the recycling and recovery rates over the past years was partly a result of the implementation of the requirements of the recycling directives and partly due to national waste management policies (in the latter case, for construction and demolition waste and bio-waste).

However, there are still **huge unused recycling potentials** leaving more than half of the existing resources embedded in waste completely unused.

The prevention policy up to now was not efficient, with limited and punctual actions taken by Member States but hardly any large-scale coherent policies in place. This might have been due to a limited focus on waste prevention in the old WFD, and should change when the requirements of this Directive in this respect enter into force.

General conclusions: whilst Community legislation is reasonably well transposed into national legislation, although sometimes with significant delays, the lack of adequate enforcement causes widespread failure in achieving the agreed environmental protection objectives in practice. The implementation and "real-world" application of waste legislation in the reporting period 2004-2006 remained unsatisfactory in many areas. As demonstrated by a large number of infringement cases, the state of practical implementation remains critical in respect of the Waste Framework Directive, the Landfill Directive, and the Waste Shipment Regulation where coordinated efforts are required to bring the situation in line with the legislation.

In particular, it is advisable that, together with the Commission, Member States and The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) increase their actions to bridge the implementation gap of the Landfill Directive. Also in various Member States the results of the WEEE, Packaging and ELV directives remained below the agreed binding targets and numerous infringement cases continued to be open.

Even though progress was made in some Member States, huge implementation efforts need to be undertaken in many countries. **Some reported problems are particularly common in countries which joined the Community in 2004 where over 90% of waste continues to be landfilled.**

Efforts need to be stepped up in order to bring the waste management infrastructure in line with the requirements of the Community legislation, including:

- creating separate collection systems for different waste streams,
- education of citizens,
- investments in pre-treatment of waste before its final disposal.

These efforts are crucial to make the letter of law effectively protect the environment and human health.

Waste Framework Directive

2005/0281(COD) - 21/12/2005 - Legislative proposal

PURPOSE : to revise the Waste Framework Directive, and repeal both Directive 91/689/EEC by integrating the provisions in the waste framework Directive and Directive 75/439/EEC, while integrating the specific collection obligation.

PROPOSED ACT : Directive of the European Parliament and of the Council.

CONTENT : the main amendments to the Waste Framework Directive are as follows:

- The introduction of an environmental objective.
- The clarification of the notions of recovery and disposal.
- The clarification of the conditions for the mixing of hazardous waste.
- The introduction of a procedure to clarify when a waste ceases to be a waste for selected waste streams.
- The introduction of minimum standards or a procedure to establish minimum standards for a number of waste management operations.
- The introduction of a requirement to develop national waste prevention programmes.

The principal reason for the revision of the Waste Framework Directive (Directive 75/442/EEC) is that the Thematic Strategy on the prevention and recycling of waste has identified three principal reasons for undertaking a revision of that Directive:

1) It has become evident that a certain number of definitions in Directive 75/442/EEC are not sufficiently clear, leading to uncertainty in the interpretation of these key provisions. Partly as a consequence of this, a significant number of cases have required an interpretation from the European Court of Justice. This has led to considerable difficulties for economic operators and competent authorities. The issues where there is a lack of legal certainty concern principally the definition of waste and the distinction between recovery and disposal.

2) The Thematic Strategy introduces a new approach to waste policy that is better adapted to a situation where most of the significant waste management operations are now covered by environmental legislation. It is important that the Waste Framework Directive is adapted to this approach. This requires a number of changes. The most significant is the introduction of an environmental objective, which focuses the Directive on the reduction of environmental impacts from waste generation and management, taking into account the whole life-cycle. It takes this focus from the Resource Strategy.

Another important part of this strategic change is the move to a more standards based approach. This proposal reinforces standards in a number of areas through the application of minimum standards, clear recovery definitions and the use of end of waste criteria.

3) This proposal strives to simplify the existing legal framework. It would repeal the Directive 75/439/EEC on the disposal of waste oils and integrate Directive 91/689/EEC on hazardous waste into the Waste Framework Directive. The Waste Oil Directive set out a priority for waste oils regeneration over other recovery options that are no longer justified. The provisions of the Hazardous Waste Directive are closely connected with the Waste Framework Directive and their integration into consolidates and simplifies legislation.

In addition, in the field of permitting of waste installations, the Waste Framework Directive operates in conjunction with Directive 96/61/EC concerning integrated pollution prevention control (the IPPC Directive). In the past, there have been overlaps between these two Directives that have led to double permitting and an unnecessary increase in regulatory and administrative burden. Although these have mainly been created by Member State implementation of the Directives, this Directive contains explicit wording to make clear that this double permitting is not required by EU law.

The main points of the proposal are as follows:

- the new **objective** refocuses the Waste Framework Directive on the environmental impacts of the generation and management of waste, taking into account the life cycle of resources. It links the 'waste hierarchy', formerly contained in Article 3 of Directive 75/442/EEC, to this objective, without changing the order or nature of the hierarchy. The wording of the hierarchy is modernised, in order to take into account evolutions in the nature of the terms used;

- the **scope** is amended in order to restrict the notion of 'covered by other legislation' to Community legislation only. This is in order to improve legal certainty and to ensure a minimum coverage at the Community level. It also includes new exclusions on contaminated unexcavated soil, animal by-products and agricultural by-products;

- the **definition** of waste is unchanged, but a mechanism is added in Chapter III to allow the possibility of clarifying when certain wastes cease to be wastes by specifying criteria via a comitology process for those waste streams that meet the tests set out. The definition of re-use is defined in the same way as it is in the Packaging and Packaging Waste Directive. A definition of recycling is added in order to clarify the scope of this notion. The definition of collection is revised to clarify that it covers the act of collecting the waste and bringing it together in order that such waste may be transported to the appropriate waste treatment site, but not the waste treatment operations involved with mixing or sorting the waste. There is a revised definition of recovery that confirms that the basis for this definition is the substitution of resources. In combination with the definition of disposal, it allows for the settling of difficult distinctions via the setting of efficiency criteria where appropriate. It also contains procedures that allow for the clarification of the classification of certain waste operations as recovery or disposal, where this is necessary, via a comitology process;

- the **cost of treatment** is extended to recovery operations as well as disposal operations. It is amended to make it clear that the costs of waste management that must be borne by the waste holders or producer should reflect the full externalities of the disposal or recovery of such waste. In other words it should reflect the real cost of the generation and management of such waste on the environment;

- the provisions on hazardous waste are incorporated from the Hazardous Waste Directive into the revised Waste Framework Directive. The definition of hazardous waste is revised to clarify the notion of domestic waste and its exclusion from the definition;

- the article on the separation of hazardous wastes is incorporated from the Hazardous Waste Directive into the revised Waste Framework Directive. The derogation to the mixing ban is maintained, but is made subject to conformity with Best Available Techniques. The reference to 'safety' is removed, as it is not now a term used in waste legislation;

- the Article on the labelling of hazardous wastes is incorporated from the Hazardous Waste Directive into the revised Waste Framework Directive;

- the Article on mineral waste oils carries over the obligation to separately collect such waste oils from the Waste Oil Directive;

- the proposal specifies that an establishment that has an IPPC permit does not in addition require a Waste Framework Directive permit. The Commission is to set minimum standards for permits through comitology where this would be necessary. The conditions under which permit exemptions may be granted for waste and hazardous waste are set out;

- the provisions on **waste management plans** have been redrafted in order to make clearer what should be contained in a waste management plan. It also specifies that a life-cycle approach should be taken to the elaboration of these plans;

- there are specific provisions on **waste prevention**, requiring the Member States to draw up waste prevention programmes and setting down the conditions under which those programmes should be developed;

- provisions on inspection are reinforced by a specific requirement to cover the origin and destination of the waste collected and transported.

Finally, there is a review clause as well as the previous reporting measures.

Waste Framework Directive

2005/0281(COD) - 20/11/2009 - Follow-up document

This Commission Staff Working Document accompanies the Commission Communication on the implementation of the Community waste legislation (2004-2006):

- Directive 2006/12/EC on waste,
- Directive 91/689/EEC on hazardous waste,
- Directive 75/439/EEC on waste oils,
- Directive 86/278/EEC on sewage sludge,
- Directive 94/62/EC on packaging and packaging waste,
- Directive 1999/31/EC on the landfill of waste,
- Directive 2002/96/EC on waste electrical and electronic equipment.

To recall, each year or every two years Member States have to report to the Commission on the achievement of the collection, re-use, recycling and/or recovery targets for certain waste streams such as packaging waste, waste electrical and electronic equipment, and end-of-life vehicles.

The 2004-2006 report reveals that **EU waste law is being poorly implemented and enforced in many Member States**. The assessment highlights the need for significant efforts by Member States to ensure that waste management meets the standards set by EU legislation.

Waste Framework Directive

2005/0281(COD) - 09/01/2008 - Commission opinion on Parliament's position at 2nd reading

Of the 120 amendments proposed by the European Parliament in its first reading, the Commission accepted in full, in part or in principle 48; with 54 being incorporated either verbatim or in spirit, the common position.

The Commission accepted all amendments which sought to clarify definitions usefully, or where new definitions were added.

Amendments that:

- clarified the notion of a five step waste hierarchy;
- clarified the principle of producer responsibility; and
- that introduced further recycling and re-use targets

were accepted by the Commission.

The Commission did not accept amendment which:

- narrowed the scope of the Directive;
- weakened the environmental protection offered by the Directive;
- created disproportionate administrative burdens (such as amendments relating to the definition of recovery or the hazardous waste elements);
- changed entries in the annexes that are subject to international agreements.

The Council has agreed to incorporate in spirit most of the Parliamentary amendments relating to by-products, producer responsibility, the polluter pays principle and additional definitions. On a final point, the Commission considers the common position to be in conformity with both the approach and aims of the initial proposal and can therefore accept it as it stands.

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 reduction 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.

Waste Framework Directive

2005/0281(COD) - 20/12/2007 - Council position

Of the 120 amendments adopted by Parliament at first reading, the Council has adopted either totally, in part, or in principle 55 of them. Further, the common position has modified the Commission's initial proposal in order to tighten provisions relating to the waste hierarchy; bio-waste and waste oils, as well as strengthening the concept of extended producer responsibility.

Concerning the definition of "waste" and provisions devoted to "secondary products" new provisions have been introduced in a bid to determine which substances/objects may be regarded as "by products" and which may be granted "end-of-waste" status. Both categories will be subject to specific conditions and criteria. Further, the common position has introduced a number of other changes that have not been foreseen by the European Parliament but which address a number of concerns expressed by the Member States in the course of the negotiations.

Parliamentary amendments taken up in part or in principle are as follows:

Objectives and the waste hierarchy: the common position has taken on board Parliamentary amendments that concern the waste hierarchy and the conservation of natural resources. The Council is of the view, however, that the subsidiarity principle should apply in cases where procedures depart from the hierarchy of certain waste streams.

Scope: much of the common position reflects the wishes expressed by Parliament at first reading. As such certain products will be excluded from the scope of the Directive. These concern: uncontaminated soil and other naturally-occurring material used for construction on site and from which it was excavated; animal by-products (intended for uses that are not considered waste operations); and non-hazardous sediments (relocated inside surface waters). It does not, however, include sewage sludge used in agriculture.

Prevention: a new definition for “prevention” has been incorporated into the revised proposal. However, actions relating the “prevention of risks during waste management operations” have not been taken on board given that such actions concern measures that have been taken before a substance, material or product has become a waste.

Re-use: the revised definition of “re-use” now clearly states that “re-use” applies to products or components that are not waste and which are used again for the same purpose for which they were conceived.

Recycling: the revised “recycling” definition has been incorporated into the new text.

Waste oils: the definition of “waste oils” has been incorporated, in principle, and covers all industrial waste oils and any mineral or synthetic lubrication oil.

Treatment: the definition of “treatment” should be read in conjunction with Annexes I and II on disposal and recovery operations. Explanatory notes have been added to these Annexes in a bid to clarify the situation in respect to interim/preparatory operations.

Disposal: a revised definition of the term “disposal” has been taken up in part and in substance in the revised text.

Distinction between by-products and waste: this distinction is covered in part and in substance in Article 4 on “By-products”.

Producer responsibility: the common position does not make producer responsibility obligatory for the Member States and it does not provide for a follow-up procedure on its implementation.

The waste list: the waste list now makes specific reference to Commission Decision 2000/532/EC as well as to the regulatory procedure with scrutiny for adapting the list. The common position specifies, however, that the list should be made binding on hazardous waste only.

Recovery: the common position specifies that the Commission may, in cases where there is evidence to show that both human health and the environment can benefit, adapt technical minimum standards for treatment activities (recovery and disposal). This must take account of best available techniques. Annex IV sets out examples of waste prevention measures in so far as economic instruments, procurement criteria and accredited re-use and repair networks are concerned.

High-quality recycling: a reference to a separate collection has been added while the existing obligation for separate collection of hazardous waste and waste oils is maintained. Parliamentary amendments relating to EU-target levels for re-use and recycling have not, however, been taken on-board. The Council considered them unrealistic in terms of existing data gaps.

Recovery operations: modifications that concern recovery operations have not been adopted by Council given that Annex I may not be modified unilaterally and in light of the EU’s international obligations under the OECD and Basel Convention.

Disposal operation: amendments concerning disposal operations and the link to Annex I have been partially accepted. A note has been added clarifying that disposal operation D11 is prohibited under both EU legislation and international conventions. Recital 19 also refers to disposal operation D7.

Requirements for waste recovery, disposal and end-of-waste status: provisions concerning waste recovery, disposal and end-of-waste status, as proposed by Parliament, are now covered under Article 24 on “Technical minimum standards” as well as partially under Article 22(1) on “conditions for exemptions (as laid down by the Member States for recovery operations for certain disposal operations of non-hazardous waste at the place of production). It is also partially covered by Article 5 on “End of Waste”. The common position does not take up proposals regarding best available waste management techniques and differs from Parliamentary amendments vis-à-vis the use of comitology procedures.

Mixing hazardous waste: the dilution and mixing of hazardous waste and on hazardous waste produced by households has been taken over in part and in principle by Articles 15 and 17 respectively.

Waste oils: amendments relating to waste oils have been taken up in substance. The common position specifies that the “EU-wide priority for regeneration” will be repealed along with Directive 75/439/EEC.

Introducing a new Chapter on Bio-waste: the common position has accepted, partially, Parliamentary amendments concerning this Chapter through Article 19. The development of specification and criteria for compost is also foreseen in Recital 20 concerning “end-of-waste”. The common position, however, differs on the nature of the requirements foreseen. This concerns, for example, separate collection and treatment prior to spreading on land.

Minimum standards for permits: the common position differs from Parliamentary Amendments as far as the procedure for the development of such standards is concerned. The Council has modified the text so that comitology is to be used rather than individual Directives.

Waste prevention programmes: although the common position has adopted many of the Parliamentary amendments in relation to this issue, it does not support target dates for stabilising and reducing the generation of waste.

Adapting Annex III and IV: the common position states that adaptation to Annexes III and IV to scientific and technical progress, will take place in accordance with the regulatory procedure with scrutiny. Indeed, the common position states that this procedure will apply to all of the Directive’s Annexes.

The other main changes introduced by the Council include:

Scope: the common position clarifies that land (*in situ*), including unexcavated contaminated soil and buildings permanently connected with land; will be excluded from the scope of the proposed Directive.

Definitions: a new definition on “preparing for re-use” has been added. This term will apply to certain recovery operations of products that have become waste. It is hoped that this move will aid the application of the five-step waste hierarchy by allowing a clear distinction between the first and the second step of the hierarchy. Thus, the common position now foresees “prevention” as a first step (to avoid the generation of waste) and “preparing for re-use” as a second step (applicable to waste).

Disposal installations: the common position has also extended the network of disposal installations that apply the principle of self sufficiency and proximity to installations for the recovery of mixed municipal waste. A derogation to Regulation (EC) No 1013/2006 on shipment of waste allows Member States to limit incoming shipments under certain conditions. These modifications have been introduced in order to accommodate several

concerns relating to the classification of high energy efficient incinerators that are dedicated to the processing of municipal solid waste. As such, a new paragraph on future specifications for incineration facilities has also been added.