


# Procedure file

Basic information	
COS - Procedure on a strategy paper (historic) <a href="#">1997/2037(COS)</a>	Procedure completed
Waste management: application of directives 75/439/EEC, 75/442/EEC, 78/319/EEC and 86/278/EEC	
Subject 3.70.06 Soil pollution, deterioration 3.70.12 Waste management, domestic waste, packaging, light industrial waste	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Consumer Protection	PPE <a href="#">CAMPOY ZUECO Luis</a>	09/12/1997
Council of the European Union			

Key events			
27/02/1997	Non-legislative basic document published	COM(1997)0023	Summary
18/07/1997	Committee referral announced in Parliament		
04/06/1998	Vote in committee		Summary
04/06/1998	Committee report tabled for plenary	<a href="#">A4-0235/1998</a>	
15/09/1998	Debate in Parliament		
16/09/1998	Decision by Parliament	T4-0493/1998	Summary
16/09/1998	End of procedure in Parliament		
12/10/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1997/2037(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/08698

Documentation gateway					
Non-legislative basic document		COM(1997)0023	27/02/1997	EC	Summary
Committee report tabled for plenary, single reading		<a href="#">A4-0235/1998</a> <a href="#">OJ C 210 06.07.1998, p. 0009</a>	04/06/1998	EP	
Text adopted by Parliament, single reading		T4-0493/1998 <a href="#">OJ C 313 12.10.1998, p. 0053-0099</a>	16/09/1998	EP	Summary
Follow-up document		COM(2003)0250	19/05/2003	EC	Summary

## Waste management: application of directives 75/439/EEC, 75/442/EEC, 78/319/EEC and 86/278/EEC

OBJECTIVE: the aim of the present Communication is to inform the European Parliament and the Council of the application, between 1989 and 1994 of the Directives on waste management. SUBSTANCE: the report covers twelve Member States (Austria, Sweden and Finland are not included) and relates to the following Directives: - Directive 75/442/EEC on waste: the Commission notes a certain reticence on the part of the Member States to implement the Directive effectively. It regrets the fact that only eight of the twelve Member States concerned have submitted their national reports. The Commission also remarks on the following points: national laws transposing the Community texts often use definitions and classifications of waste which depart from the Community terminology; it is difficult to say to what extent the Community hierarchy concerning waste is followed in the Member States; there is considerable variation from one Member State to another regarding the number of competent authorities and their level of responsibility; the Member States' commitment to establishing waste management plans has not led to satisfactory results. - Directive 78/319/EEC on toxic and hazardous waste: analysis reveals a very low level of harmonization of national legislations on toxic and hazardous waste, as Member States have, in many cases, not followed the provisions of the Directive. The Commission does not have enough information to draw qualitative conclusions concerning either its main or specific objectives. Harmonization of the implementation of the Directive, particularly as regards waste management plans, has also been inadequate. A large number of plans concerning toxic and dangerous waste have not been drafted or have not been submitted to the Commission in time. Updates have often not been forwarded to the Commission. - Directive 75/439/EEC on the disposal of waste oils: the report relates only to the notifications from six Member States (Spain, Italy, United Kingdom, France, Luxembourg and Netherlands) which provide sufficient data for the period 1990-1994. All these countries have taken the requisite measures to ensure that waste oils are collected and disposed of without causing harm to man or the environment. Nevertheless, the Commission feels that the Directive has only been implemented very partially and that Member States have held back from giving effective priority to regeneration over the burning of waste oils. - Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture: it is not possible to draw conclusions at European Union level on the basis of five national reports, of which only two (Spain and the Flemish Region) are complete, except to stress the reticence of the Member States to provide these reports. The Commission, however, considers that the Directive has been implemented reasonably effectively as regards its major point (permitted concentrations of heavy metals in sludge used in agriculture) and notes that in general these concentrations are much lower than the limit values laid down in the Directive. In its common position on the amendment of the SOCRATES programme, the Council was unable to concur with the Commission proposal to increase funding for the programme for the period 1998-1999 by ECU 50m. It limited the increase to ECU 25m, giving a total amount of ECU 875m. The Council sees this as a fair compromise solution between two contradictory requirements: - the need to increase the financial allocation for SOCRATES in order to make it more accessible to a large number of users, - the need broadly felt in the Member States to continue along the path of budgetary restraint. The Council has adopted five of the European Parliament's six first-reading amendments (in particular the provision of adequate funding to respond to the needs of the countries of Central and Eastern Europe and Cyprus, the need to maintain a critical mass of funding, incorporation of additional funding for SOCRATES for Heading 3 of the financial perspectives, etc.). However, it has not accepted the European Parliament's main amendment, the increase in funding of ECU 100m rather than the ECU 50m proposed by the Commission. ?

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Member States were censured by the Committee for "shortcomings and lack of diligence" in enforcing Community waste legislation. In particular, Member States have failed to file reports which they are required to submit on the transposition, application and implementation of Community directives on waste management. In the absence of such reports, it is impossible to determine whether Member States have fulfilled their obligations under the legislation. The committee made its criticism when it adopted unanimously a non-legislative report by Luis CAMPOY ZUECO (EPP, Sp) on a Commission communication on the application of four waste management directives during the period 1989-1994. The directives deal with waste generally, toxic waste, the disposal of waste oil and the use of sewage sludge in agriculture. The resolution called for the consolidation of Community environment law to make it more consistent and transparent and said that a Community regulation was needed to define waste. At present, Member States interpret differently such terms as "industrial waste", "final waste", "recycled raw materials" and 'special waste'. The resolution also called on the Commission to provide Parliament with a quarterly list of cases in the Court of Justice against Member States which have defaulted on their obligations. In the event of flagrant violation of EU waste legislation, the committee wants the relevant Member State Minister to appear before it with an explanation. ?

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Adopting the report by Mr Luis CAMPOY ZUECO (PPE, E), the European Parliament deplored the shortcomings and the lack of diligence displayed by the Member States in the transposition, application and implementation of Community waste legislation and recalled that they have failed to transpose Community directives on waste management, on toxic and dangerous waste, on the disposal of waste oils and on the use of sewage sludge in agriculture into national legislation. The European Parliament also called for a Community regulation on the definition of waste in Europe. In fact, the Member States continued to interpret concepts such as 'industrial waste', 'final waste', 'recycled raw materials' and 'special waste' differently. Parliament called on the Member States: - to give priority to the regeneration rather than the burning of waste oils, in view of the fact that 90% of waste oils can be recycled; - to forward to the Commission, at least for the 1995-1997 period, information which sought to standardise and rationalise reports on the implementation of certain Directives relating to the environment. Parliament also called on the Commission: - to propose tax incentives for the recovery of waste oils; - to initiate systematic infringement proceedings against Member States which fail to comply with all the provisions of the Directives; - to provide a quarterly list of cases against defaulting Member States taken to the Court of Justice, a list of cases already decided by the Court and a list of fines levied by the Court; - to link financial support for waste management for applicant countries to the current EU requirements. Finally, it called on the Commission and the Council to consolidate Community environment law in order to make it more transparent.?