





Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1991/0335(SYN)	Procedure lapsed or withdrawn
Landfill of waste: minimum standards		
Subject 3.70.12 Waste management, domestic waste, packaging, light industrial waste		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Consumer Protection	PSE BOWE David Robert	05/10/1994
	Former committee responsible		
	 Environment, Public Health and Consumer Protection	PSE BOWE David Robert	05/10/1994
Council of the European Union	Council configuration	Meeting	Date
	Environment	1939	26/06/1996
	Environment	1873	06/10/1995
	Environment	1765	08/06/1994

Key events			
23/04/1991	Legislative proposal published	COM(1991)0102	Summary
14/06/1991	Committee referral announced in Parliament		
22/04/1992	Vote in committee		
22/04/1992	Committee report tabled for plenary, 1st reading/single reading	A3-0176/1992	
12/05/1992	Debate in Parliament		
13/05/1992	Decision by Parliament	T3-0279/1992	
16/10/1992	Vote in committee		
28/10/1992	Decision by Parliament	T3-0560/1992	Summary
10/06/1993	Modified legislative proposal published	COM(1993)0275	Summary
16/11/1993	Debate in Parliament		Summary

24/11/1993	Vote in committee		
24/11/1993	Committee report tabled for plenary confirming Parliament's position	A3-0365/1993	
02/12/1993	Decision by Parliament	T3-0683/1993	Summary
13/09/1994	Formal reconsultation of Parliament		
13/09/1994	Amended legislative proposal for reconsultation published	N4-0119/1994	
22/03/1995	Vote in committee		Summary
22/03/1995	Committee report tabled for plenary, reconsultation	A4-0082/1995	
16/05/1995	Debate in Parliament		Summary
19/05/1995	Decision by Parliament	T4-0265/1995	Summary
06/10/1995	Council position published	08931/3/1995	Summary
01/02/1996	Committee referral announced in Parliament, 2nd reading		
24/04/1996	Vote in committee, 2nd reading		Summary
24/04/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0150/1996	
21/05/1996	Debate in Parliament		Summary
22/05/1996	Decision by Parliament, 2nd reading	T4-0239/1996	Summary
25/06/1996	End of procedure in Parliament		

Technical information

Procedure reference	1991/0335(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ENVI/4/07154

Documentation gateway

Legislative proposal	COM(1991)0102 OJ C 190 22.07.1991, p. 0001	23/04/1991	EC	Summary
Economic and Social Committee: opinion, report	CES1395/1991 OJ C 040 17.02.1992, p. 0112	27/11/1991	ESC	
Committee report tabled for plenary, 1st reading/single reading	A3-0176/1992 OJ C 150 15.06.1992, p. 0011	22/04/1992	EP	
Text adopted by Parliament, partial vote at 1st reading/single reading	T3-0279/1992 OJ C 150 15.06.1992, p. 0037-0129	13/05/1992	EP	
Text adopted by Parliament, 1st reading/single reading	T3-0560/1992 OJ C 305 23.11.1992, p. 0050-0079	28/10/1992	EP	Summary

Modified legislative proposal	COM(1993)0275 OJ C 212 05.08.1993, p. 0033	10/06/1993	EC	Summary
Reconsultation	COM(1993)0570	10/11/1993	EC	
Committee final report tabled for plenary, 1st reading/single reading	A3-0365/1993 OJ C 342 20.12.1993, p. 0003	24/11/1993	EP	
Text adopted by Parliament confirming position adopted at 1st reading	T3-0683/1993 OJ C 342 20.12.1993, p. 0015-0033	02/12/1993	EP	Summary
Amended legislative proposal for reconsultation	N4-0119/1994	13/09/1994	CSL	
Committee final report tabled for plenary, reconsultation	A4-0082/1995 OJ C 126 22.05.1995, p. 0003	22/03/1995	EP	
Text adopted by Parliament after reconsultation	T4-0265/1995 OJ C 151 19.06.1995, p. 0359-0378	19/05/1995	EP	Summary
Council position	08931/3/1995 OJ C 059 28.02.1996, p. 0001	06/10/1995	CSL	Summary
Commission communication on Council's position	SEC(1995)1895	10/11/1995	EC	
Committee recommendation tabled for plenary, 2nd reading	A4-0150/1996 OJ C 152 27.05.1996, p. 0006	24/04/1996	EP	
Text adopted by Parliament, 2nd reading	T4-0239/1996 OJ C 166 10.06.1996, p. 0054-0069	22/05/1996	EP	Summary

Landfill of waste: minimum standards

\$summary.text

Landfill of waste: minimum standards

Parliament's position: Parliament tabled amendments with a view to abolishing the mixed disposal of waste and monitoring the production of methane, of which refuse tips are a major source; organising training to give all those involved in operating refuse tips a uniformly high level of skills; and introducing a form of insurance in addition to the proposed financial guarantee for the Commission.?

Landfill of waste: minimum standards

1) CONTENT 1. The directive classifies the various kinds of waste by 'type' on the basis of their origin or characteristics, whereas the different types of waste disposal site are categorised by 'class'. 2. 'Municipal waste', 'industrial waste', 'hazardous waste', 'mono-landfill', 'operator' and so on are all defined. 3. The directive lays down the requirements the different classes of installation must meet to avoid polluting the environment. 4. As regards the authorisation procedure, the directive covers the application, conditions and content of the permit required to set up and operate a facility. The permit may be amended in agreement with the competent authority, and the proposed facility must be compatible with the waste disposal programmes set up for the region. 5. The directive defines the types of waste a facility may not accept because of the problems they are likely to cause within the installation and the possible risks to the adjoining area and public health. Only liquid waste compatible with other waste or the site operating procedures is accepted. 6. Waste dilution (mixing different types of waste) in order to meet the criteria of acceptability for disposal is prohibited except where the interaction process affecting the different types of waste produces benefits. 7. In order to channel the different types of waste for disposal to the appropriate class of installation, it is important to apply the same acceptance criteria based on the characteristics of the eluates (solutions obtained from simulated laboratory leaching tests) and the compatibility of the different types of waste in the case of mixed disposal. The directives lays down the elution and compatibility criteria. It also lays down the rules for disposing of waste in a mono-landfill and for the mixed disposal of certain waste with municipal waste. 8. The directive lays down the obligations incumbent on the operator and the procedures for the acceptance of waste at the site. The operator is responsible, among other things, for carrying out a programme of sampling and analysis of the waste delivered in accordance with the provisions of Annex III. 9. The directive requires the implementation of a monitoring programme, as set out in Annex IV, by the site operator during the waste processing and subsequent management stages. Where the operation of the site results in damage to the environment, corrective measures are to be taken and the costs borne by the operator. 10. The conditions and procedures required for the closure of a site are laid down, as are the after-care procedures. 11. A site operator has civil liability for environmental damage caused by the waste disposed of at the installation, regardless of whether there is fault on his part. 12. Existing installations may continue to operate so long as the future operation of the remainder of the site meets the conditions laid down in the directive. Once the directive has entered into force, the operator has five years to

bring the site into line with the directive's requirements. 13. The cost of disposing of any type of waste in an installation must cover all the costs of setting up and operating the site as well as the estimated costs of closure and after-care. 14. The operator is required to provide a financial security designed to cover the estimated costs of closure and after-care. The establishment and administration of after-care funding by the competent authorities of the Member States provide an additional financial instrument. 15. The Member States are to provide the Commission with an annual report on waste disposal to help determine an appropriate waste management policy. 2) OBJECTIVE Harmonisation of environmental legislation and waste disposal methods in the Community in order to establish a high level of environmental protection, in particular in relation to land and to groundwater and to prevent the creation of polluted sites. Source: European Commission - Info92 08/95?

Landfill of waste: minimum standards

\$summary.text

Landfill of waste: minimum standards

The committee adopted the report by Mr BOWE.?

Landfill of waste: minimum standards

On behalf of the Committee on the Environment, the rapporteur stated that they could accept the change in the legal basis (Article 130s replacing Article 100a), in accordance with the advice by the Legal Service.

Landfill of waste: minimum standards

The European Parliament agreed to the change of legal basis for this proposal in line with the Council's suggestion.?

Landfill of waste: minimum standards

The common position incorporated a number of amendments by the European Parliament and adopted by the Commission in its amended proposal, which: - reiterated the polluter pays principle and the financial guarantee; - included the qualifications of operators in order to safeguard proper application of the directive; - amended the definition of leachate; - included the obligation to report annually on the content of the permit; - incorporated some of the conditions for mixed disposal; - amended the definition of infectious waste; - included notification of non-acceptance of waste to the relevant authority; - laid down a transitional period for implementing the site conditioning plan for existing landfills; - required vocational training for operators; - amended the definition of mono-landfills; - introduced specific requirements for mono-landfills, - prohibited the mixing of waste; - defined the site operator's role in the closure process; - included analysis of gases and leachate following closure; - included a reference to the geology in the requirements concerning the location of landfills; - added a reference to environmental impact studies; - added verification of waste identification documents; - granted gas collection exemptions following an impact study; - included insects under nuisance. It should be noted that fifteen amendments accepted by the Commission were not included in the common position as the directive has now been redrafted in less detail in compliance with the principle of subsidiarity. For the rest, the Council made numerous changes to the amended proposal with regard to the following aspects: * General: legal basis changed (Article 130 S of the EC Treaty); reminder of the priority given to prevention and to the recycling and re-use of waste; reminder that the very practice of landfill may be harmful to the environment; landfills limited to waste whose reactivity can at least be controlled. * Definitions: deletion of the terms "commercial and corporate waste"; deletion of the definition of "industrial waste"; change in the definition of "hazardous waste", "inert waste" and "landfill"; addition of the definitions of "non-hazardous waste", "joint disposal" and "underground storage". * Scope: the directive specifies activities which may, by extension, be considered as landfill but which are not (e.g.: spreading sludge on agricultural land). These activities and the spreading of unpolluted dirt are excluded from the scope, as is the spreading of sludge along the banks of small waterways. Because of their isolation, derogations have been granted to small islands, mountain zones with poor access and rural zones. Derogations also apply to underground landfills. * Waste and unacceptable treatment at a landfill: possibility for Member States to introduce additional bans; ban on landfill of liquid waste except in the case of mono-landfills or mixed landfills; * Acceptable waste in the various categories of waste: abolition of the possibility of dumping dangerous waste in another landfill; taking account of the possibility of creating mono-landfills for inert or non-dangerous waste. * Mixed disposal: there is no longer a straightforward ban on mixed disposal, but there are precise and strict conditions under which this practice is allowed. * Conditions governing permits: inclusion of requirement to train landfill staff; new paragraph on financial guarantees. * Content of permit: more explicit wording; reference to the category of landfill; deletion of the paragraph on amendments to the permit. * Closure procedure: a) the owner can no longer apply for closure but the decision by the competent authority must be reasoned; b) the length of time during which the operator is responsible for monitoring the site is no longer fixed, but the role of the operator and the authorities in the event of hazardous effects are set out; * Deletion of articles 14, 17 and 18 of the amended proposal (operator's civil liability, financial guarantee, ex-post landfill management fund); * Annex I - General requirements: a) the directive leaves it to the relevant authorities to stipulate the conditions governing the location and arrangements for the site but lays down the characteristics of the site to which these conditions apply; b) as far as water control and leachate management are concerned, a reference has been added to measures to be taken to limit penetration by precipitations; c) as far as soil protection is concerned, the directive requires a bottom liner in addition to the geological barrier; c) provision is also made for requirements for surface sealing. * Annex II - Waste acceptance criteria and procedures: until the committee lays down standardized methods for analyzing waste and limit values for its properties, Member States should draw up national lists of waste which can be accepted or refused by category of landfill, together with other criteria governing such lists; definition of the bases for the committee's work, which should be completed within 3 years. * Annex III - Control procedures: a) the definition of the objectives has been improved; b)

meteorological data are also recommended in cases where hydrological surveys are carried out; c) sampling points for controlling the quality of surface water are defined; d) as far as groundwater is concerned, it is up to the relevant authorities to select the parameters; e) compulsory hydrological surveys are abolished.?

Landfill of waste: minimum standards

The committee adopted 23 amendments (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 21, 11, 12, 23, 13, 24, 14, 15, 25, 26 and 27). The common position represented a complete redraft of the proposal which the Commission had modified following the first reading in Parliament. However, a number of Parliament's amendments were taken on board (though with a different wording, particularly as regards the ending of co-disposal (the mixing together of toxic and non-toxic waste at a landfill site). The rapporteur vigorously opposed one new element in the common position to the effect that restrictive provisions of the directive would not apply to rural areas with a population density of fewer than 35 inhabitants per square kilometre. Mr Bowe persuaded the committee (amendment 4) to delete the offending passage. However, the committee agreed with the Council that small islands served by a single landfill site or mountainous settlements to which access was difficult would be exempt from those provisions. Amendment 7 said that only waste not containing the toxic substances listed in Annex II (4,2) could be accepted for joint disposal (co-disposal). Amendment 8 gave Member States five years after implementation of the directive in which to phase out joint disposal. After that it would be banned. According to amendment 5, within two years of the entry into force of the directive, the Commission must establish sampling and analytical methods for liquid waste. According to amendment 10, waste not accepted at a landfill site must be returned to the producer unless another adequate means of disposal complying with all the relevant requirements can be found. According to amendment 11, landfill sites must comply with the directive within five years of its entry into force (instead of the 10 years proposed by the Council). Amendment 21 provides that for at least 30 years after the closure of a landfill site - or for as long as is needed if the landfill poses an active risk to the environment - the site operator shall be responsible for monitoring and analysing landfill gas and leachate from the site and the groundwater regime in its vicinity. Amendment 23 required Member States to "take the steps required to reduce the volumes of waste dumped and improve sites by means of heat treatment of stored waste". Amendment 26 added the following passage: "The landfill shall be equipped so that dirt originating from the site is not dispersed onto public roads and the surrounding land". Finally, amendment 27 provided that "the system of control and access to each facility should contain a programme of measures to detect and discourage illegal dumping". ?

Landfill of waste: minimum standards

The rapporteur, Mr BOWE (PSE, UK), highlighted the dangerous gap that could well be created in the regulations in question because of the common position being adopted by the Council: if this situation were not rectified, the Member States could exclude from the scope of the directive those rural areas with a population density of fewer than 35 inhabitants per square kilometre, which was equivalent to shutting out almost half the territory of the European Union. He also noted that the legal basis for the directive had been changed by the Council; for this reason he called on the plenary to reject the proposal as amended by the Council and to prevail upon the Commission to present a more environment-friendly version. Commissioner Bjerregaard warned Parliament of the risk of creating a deadlock following the rejection of the common position. The Commission for its part was prepared to accept Amendments Nos 3, 6, 16, 18 and 20 along with Nos 7 and 22 (which were preferable to Nos 23 and 21). As regards the withdrawal of the exclusion clause for the least populated areas of the Community, it was willing to support Amendments Nos 4 and 5 (in part) before the Council.

Landfill of waste: minimum standards

Since the Council had introduced an article providing that a number of the Directive's provisions would not apply to smaller islands, mountain and rural areas with a population density of fewer than 35 inhabitants per km², the European Parliament rejected the common position (by 445 votes to 18 with 22 abstentions), and called on the Commission to withdraw its proposal.?