

# EU Policy and Legislation for Waste Management



IGI Seminar on EU Directives  
and the Geosciences  
May 12<sup>th</sup> 2010

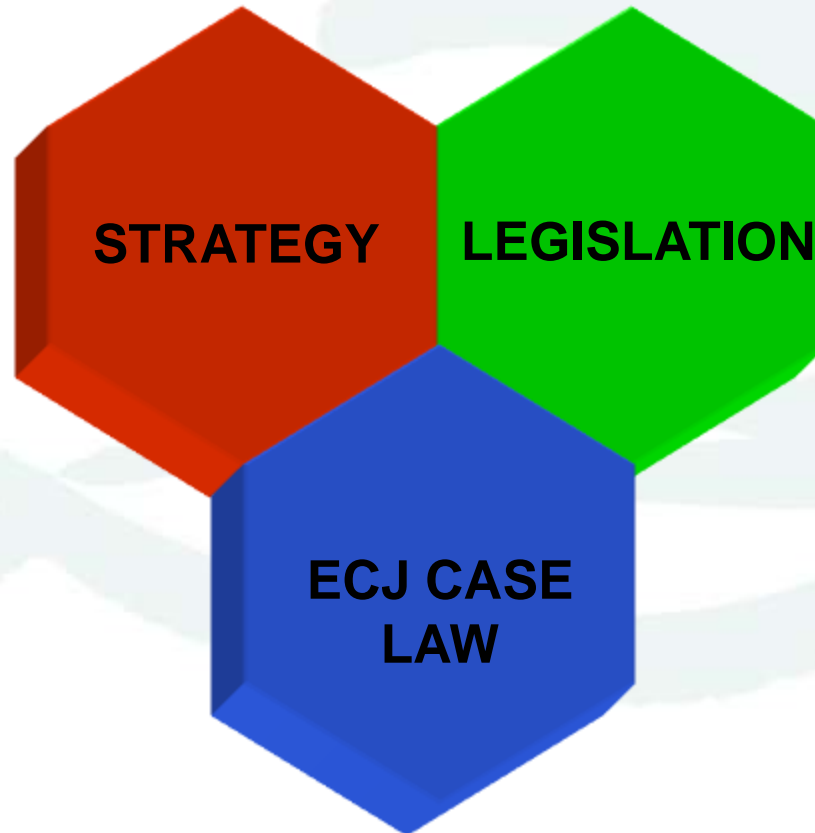
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# Presentation Overview

- EU Waste Policy
  - Strategy
  - Legislation
- EU Court of Justice & Waste
- New Waste Framework Directive
- Concluding Comments

# EU Waste Architecture – 3 Elements



# EU Waste Architecture



# EU Waste Strategy

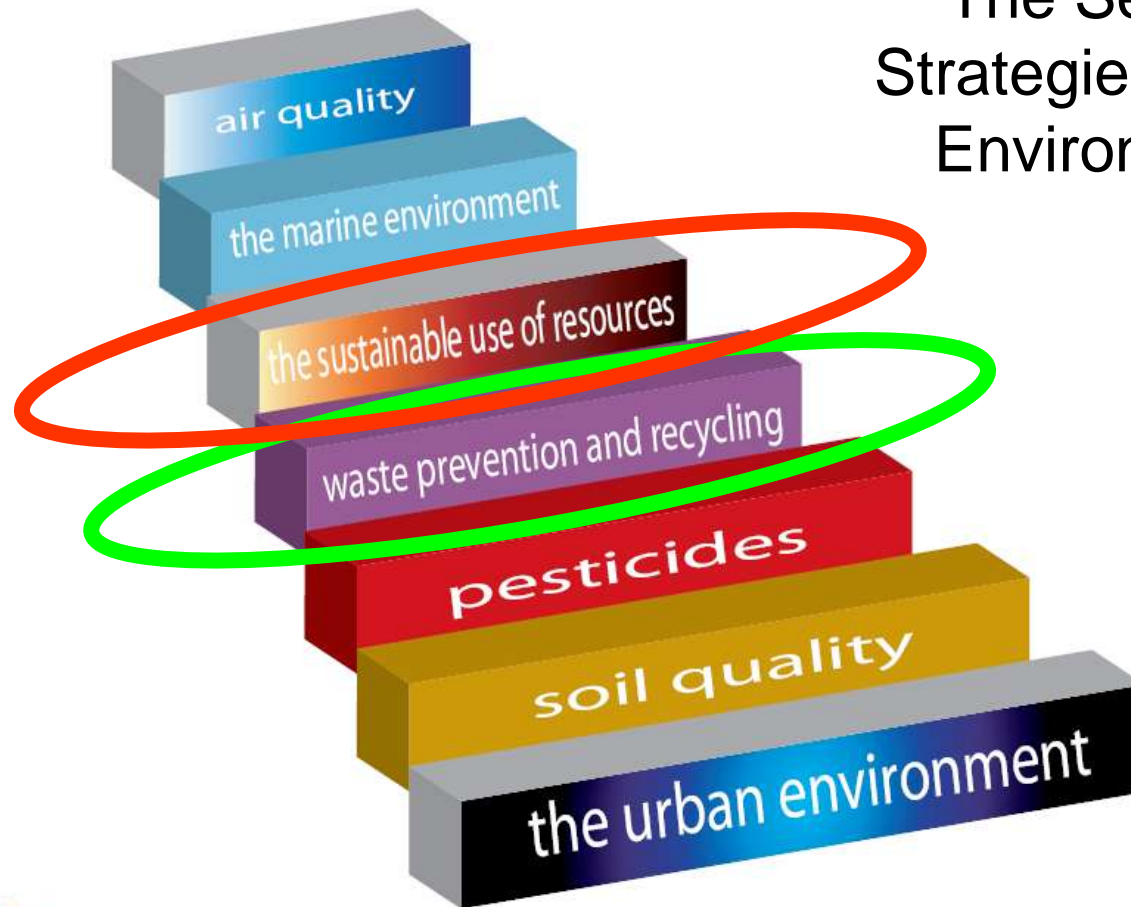
- 6<sup>th</sup> Environmental Action Programme
- EU Waste Strategy
  - Community Strategy for Waste Management [18.09.1989, SEC(89) 934 final]
  - Community Strategy for Waste Management [30.07.1996, COM(96) 399 final]
  - Taking Sustainable Use of Resources Forward - A Thematic Strategy on the Prevention and Recycling of Waste [21.12.2005, Com(2005) 666 final]

# 6<sup>th</sup> EU Environmental Action Programme & Waste

- The Sixth Environment Action Programme (6th EAP) is a programme of Community action on the environment with key objectives covering a period of ten years (2001 – 2010).
- The priorities of the 6th EAP are climate change, nature and biodiversity, health and quality of life, and **natural resources** and **waste**.
- The 6th EAP develops a vision integrating resource, product and waste policies. It calls for the development of **seven thematic strategies** including a strategy on the **sustainable use of natural resources** and a strategy on the **recycling of waste**. The scope of the recycling strategy was later expanded to cover both **prevention and recycling of waste**.

# EU Waste Policy in Environmental Policy Context

The Seven Thematic Strategies of the 6<sup>th</sup> EU Environmental Action Programme





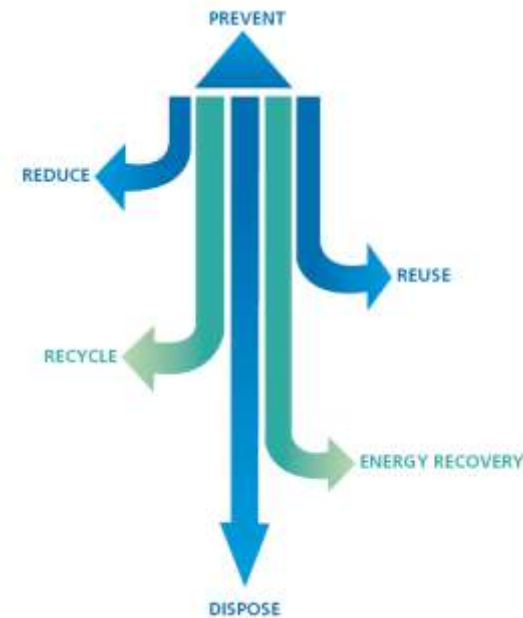
# EU Waste Strategy – Current Strategy

- 6<sup>th</sup> Environmental Action Programme
- EU Waste Strategy
  - Community Strategy for Waste Management [18.09.1989, SEC(89) 934 final]
  - Community Strategy for Waste Management [30.07.1996, COM(96) 399 final]
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# Evolution of themes in EU Waste Strategy

- First Strategy – 1989
  - Identify, Capture & Control waste movement and disposal
  - Specific controls for high risk wastes
- Second Strategy – 1996
  - Waste Hierarachy
  - Technical Standards for waste activities
- Third Strategy – 2005 ...



# Taking Sustainable Use of Resources Forward - A Thematic Strategy on the Prevention and Recycling of Waste, 2005

- The aim of the current Strategy is to secure a higher level of environmental protection by modernising the existing legal framework
- **The long-term goal is for the EU to become a recycling society, that seeks to avoid waste and which uses waste as a resource.** With high environmental reference standards in place the internal market will facilitate recycling and recovery activities.

# Taking Sustainable Use of Resources Forward - A Thematic Strategy on the Prevention and Recycling of Waste, 2005

## ■ Key Themes

- Simplification and modernisation of existing legislation
  - A renewed emphasis on full implementation of existing legislation
  - Introduction of life-cycle thinking into waste policy
  - Promotion of more ambitious waste prevention policies
  - Better knowledge and information
  - Development of common reference standards for recycling
  - Further elaboration of the EU's recycling policy
- ## ■ Strong emphasis on waste prevention

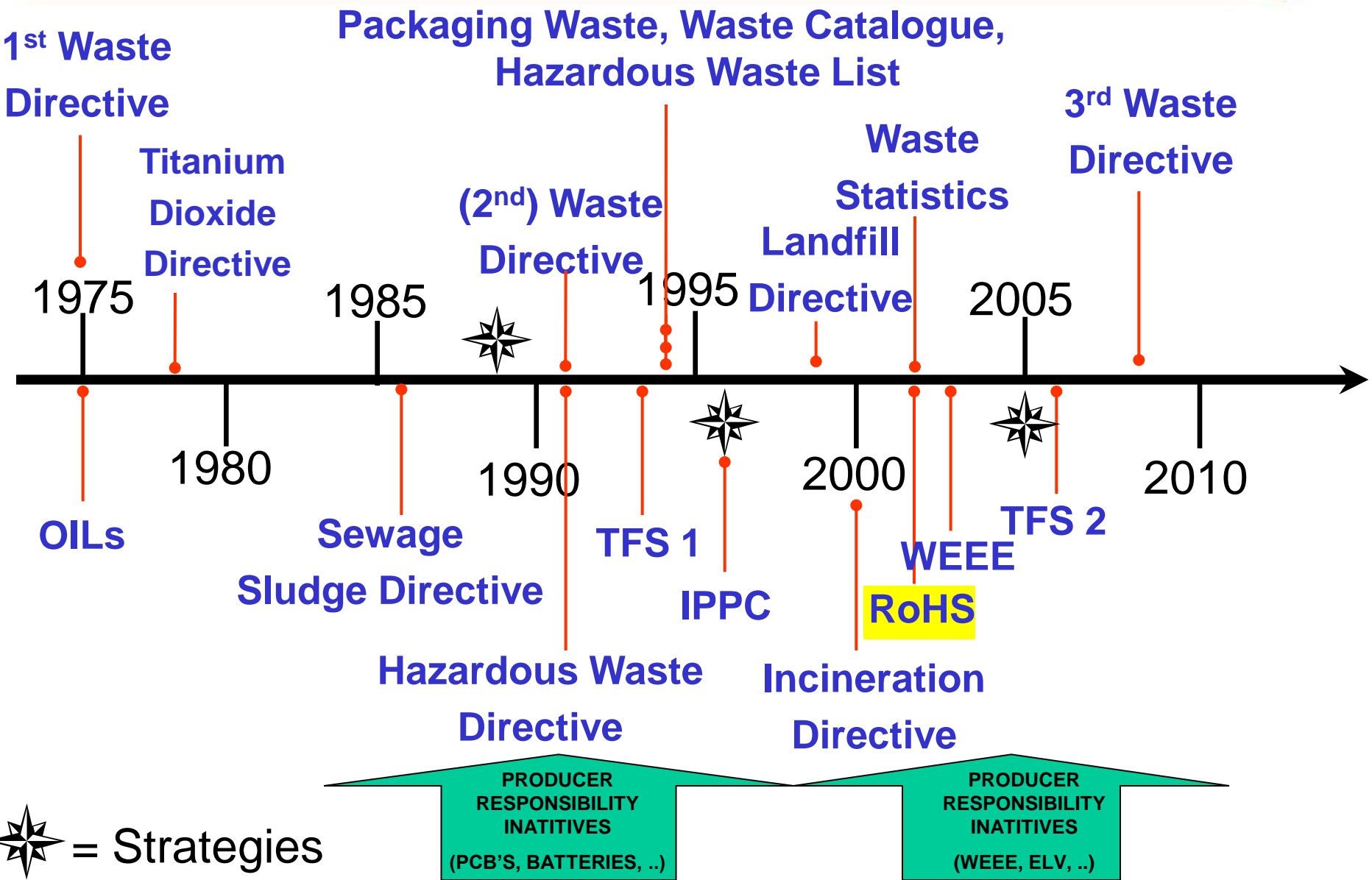
# Taking Sustainable Use of Resources Forward - A Thematic Strategy on the Prevention and Recycling of Waste, 2005

- Main Anticipated Impacts of Current Strategy
  - Less waste to landfill
  - More compost recovery from waste
  - More energy recovery from waste
  - More and better recycling
  - Better prevention of waste
  - More clarity
    - ▶ e.g. Deregulation for secondary resources and by-products

# EU Waste Architecture



# EU Policy Map / Timeline - KEY DEVELOPMENTS



# Structure of Waste Legislation

Waste Lists,  
Waste Testing  
(33/2003),  
Statistics

**CLASSIFICATION &  
REPORTING**

Packaging, PCBs,  
RoHS, WEEE,  
Sewage Sludge,  
ELVs, etc

**SUBSTANCE /  
MATERIAL**

**FRAMEWORK**

Directive

2008/98/EC

TFS,  
Basil

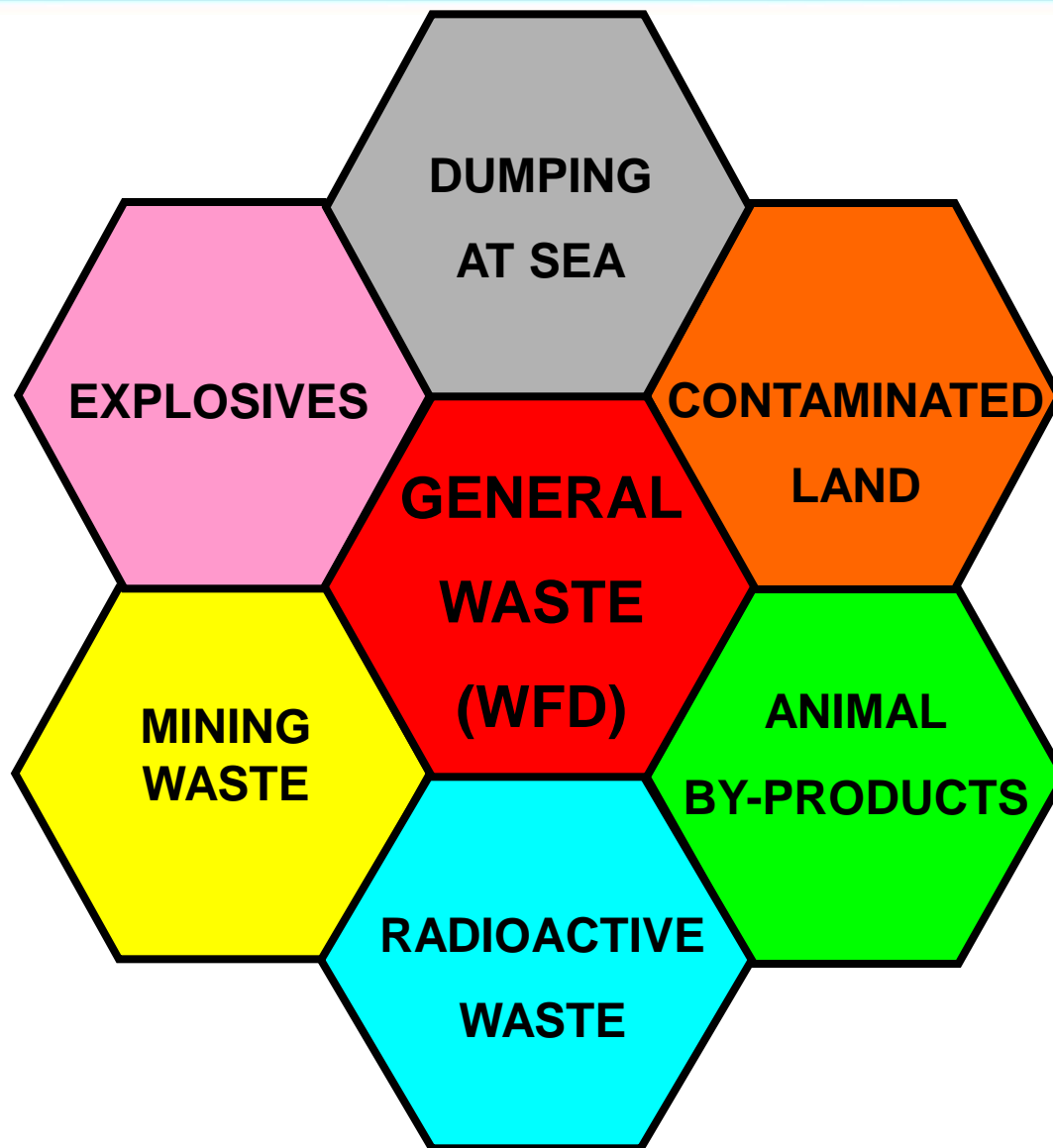
**MOVEMENT**

Incineration,  
Landfill

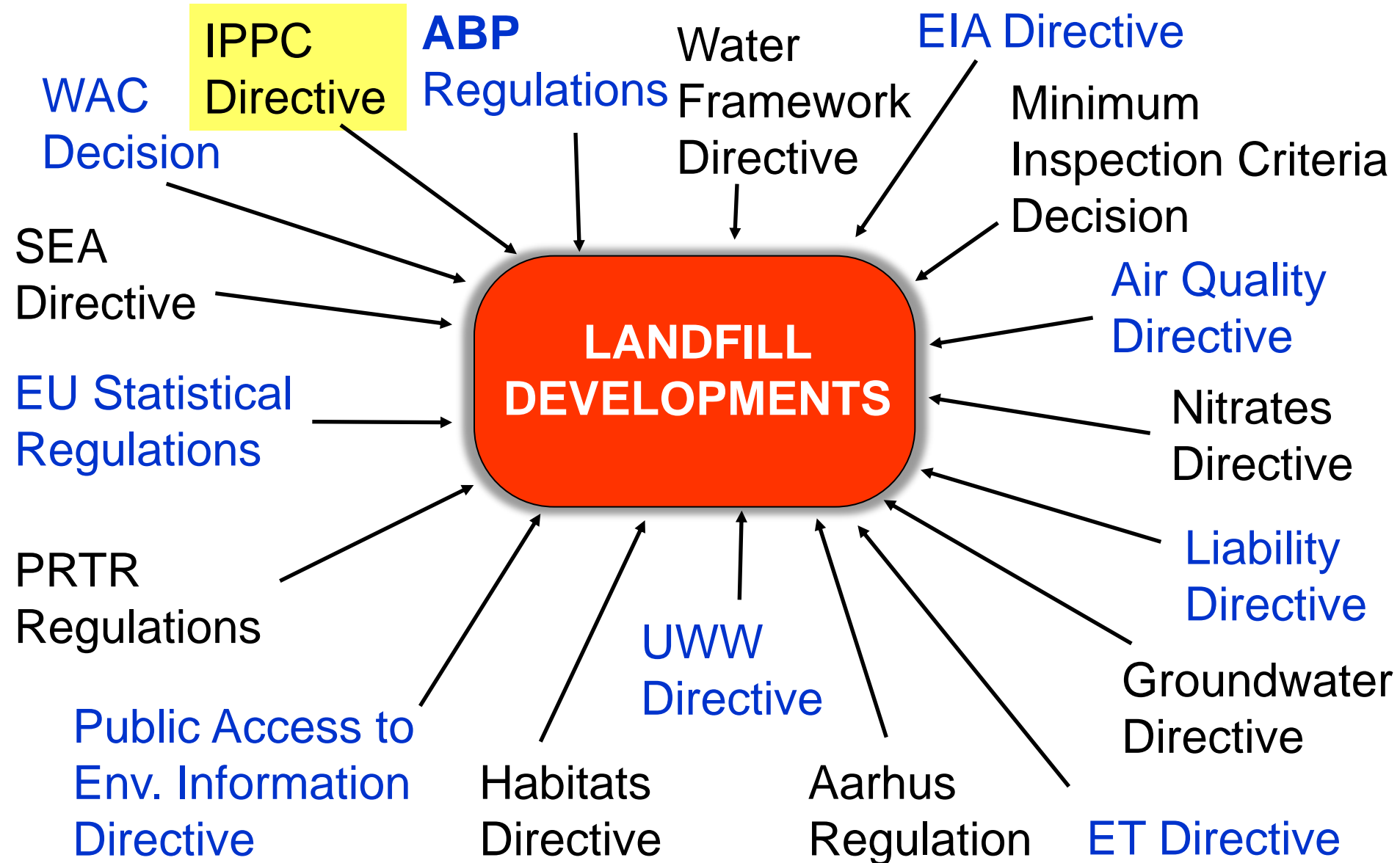
**TREATMENT**



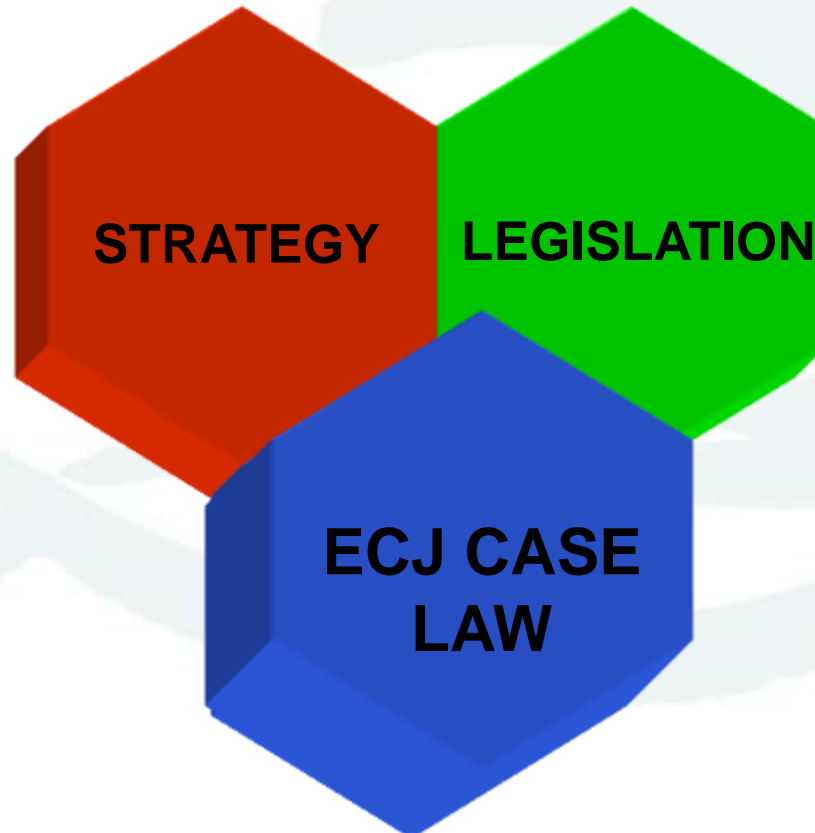
# Waste Framework Directive & other waste regulation



# Interrelationships with other EU Law



# EU Waste Architecture



# European Court of Justice Decisions

- Very important resource for regulators and operators on the interpretation EU Directives and Regulations
- For Example
  - What is a waste?
  - What is discard?
  - What is recovery?
  - What is disposal?
  - Interrelationships between different laws
  - EIS and development of waste infrastructure
  - Habitats Directive and waste infrastructure
  - Etc., ...
- ECJ Decisions influence development of EU Law

# European Court of Justice Decisions

## ■ Some Key Decisions

- Palin Granite Oy (Case C-9-00)
- Avesta Polarit (Case C-114-01)
- Van De Walle (Case C-1-03)
- Kingdom of Spain (Cases C-416-02 & C-121-03)
- Archo Chemie (Cases C-418-97 & C-419-97)
- Total Oil (Case C-188-07)
- Niselli (Case C-457-02)
- Mayer Parry (Case C-444-00)
- Gavle Sweden (Case C-251-07)
- Germany Waste shipments (Case C-228-00)

Mining, Quarrying,  
Contaminated Land

# New Waste Framework Directive 2008/98/EC (I)

- Comes into force 12 December 2010
- Consolidates & Repeals
  - Waste Framework Directive 2006
  - Hazardous Waste Directive
  - Waste Oils Directive
- Clarity
  - Exclusions
  - Definitions (Recycling, Recovery, Re-Use, ...)
  - End of Waste
  - Waste versus By-Product
  - Waste categories gone

# Directive 2008/98/EC - Notable Exclusions

- Contaminated Land & connected buildings
- Uncontaminated soil and other natural material generated during construction and used again on site of production
- Radioactive waste
- Decommissioned Explosives
- Faecal matter
- Waste covered by Extractive Waste Directive
- Non-hazardous dredging sediments



# New Waste Framework Directive 2008/98/EC (II)

- By-Product
  - Further use certain
  - Can be used directly without special processing
  - Produced in an production process
  - Use is lawful, meets product, environmental & safe use standards
- Similar proofs for End of Waste status
- Role of Technical Adaptation Committee

# New Waste Framework Directive 2008/98/EC (III)

## New or enhanced provisions:

- Extended Waste Producer Responsibility
- Waste Prevention
- Waste Prevention Programmes
- Bio-Waste
- Waste Hierarchy
- Product Producer Responsibility
- Inspections
- Enforcement sanctions
- Separate collections for waste streams

# New Waste Framework Directive 2008/98/EC (IV)

- Product Producer Responsibility & Waste Prevention
  - Manufacturers to accept producer responsibilities
  - Product / Eco-Design
  - Life-cycle analysis
  - Reduction/elimination of hazardous substances in products
  - Promotion of durable, re-usable & recyclable products
  - Changing in consumption patterns
  - Decoupling waste generation from economic growth

# New Waste Framework Directive 2008/98/EC (V)

## ■ Early Actions

- By 2015 Separate Collections for –
  - ▶ Paper
  - ▶ Metal
  - ▶ Plastic
  - ▶ Glass
- By 2020, recycling & preparing for reuse of 50% by weight of discarded household paper, glass, metal and glass
- By 2020, recycling, recovery & preparing for reuse 70% by weight of discarded non-hazardous Construction & Demolition waste

# Concluding Comments

- New Framework Directive will have profound impact over coming years
- EU 2005 waste strategy will continue to inform policy making
- EU Court of Justice significant influence on waste management for both regulators and operators
- Product producer responsibility to expand in scope and deepen in impact
- Potential for convergence of responsible product development obligations under REACH and waste prevention product Life-Cycle Analysis. REACH also relevant for End-of-Waste status
- Complex relationship with geo-environmental issues

Thank You !

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