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NOTE

from : General Secretariat
to : Working Party on the Environment
on : 20 March 2007

Subject : Proposal for a Directive of the European Parliament and of the Council on **waste**

Delegations will find annexed comments from BE/HU/IT/UK.

BELGIUM

Belgian comments on art. 22 – annex IV (excluding annex II)

1. *New article 16a:*

Dilution ban

It is forbidden to dilute a waste with one or more other materials with the aim to lower the concentration of one or more dangerous substances or pollutants which are present in the waste, in order to use an alternative disposal or recovery method which would not have been allowed if the concentration of these components had not been lowered, unless this dilution is necessary for safeguarding the environmentally sound operation of the waste treatment installation.

Motivation

Apart from a mixing ban for hazardous wastes, there should be a ban on diluting wastes (regardless whether they are hazardous or not) in order to avoid any sham treatments. A similar dilution ban was supported by Parliament in amendment 131.

2. Article 22

We propose to reformulate this article as

Member States may exempt establishments or undertakings from the requirement laid down in article 19(1) for the following treatment activities:

- (a) the treatment of their own non hazardous waste at the place of production*
- (b) the recovery of waste.*

Motivation

We think that this reformulation does not change the essence of the article, but makes it clearer what we mean by this article. We want to avoid that the article would be interpreted in such a way that undertakings that undertake both recovery and disposal are exempted also for their disposal activities.

3. Article 23

We support footnote 71 of NL.

4. Article 25

We propose the deletion of “Where the following establishments or undertakings are not subject to permit requirements”. One of the purposes of the register is that the list of undertakings that are allowed to collect and transport waste, is made publicly available so that waste producers can see whom they can contact for transporting their waste on a legal basis. Therefore it is important that the list is complete and also includes undertakings that both transport waste and treat it. If these are not registered as transporters, it will make it only more difficult for waste producers to see who is a legal transporter and who is not.

5. Article 26a

We maintain footnote 89 and support footnote 90 and think they will be necessary to reach agreement with Parliament (see their amendment 37 on prevention targets).

6. Article 32

We support footnote 97.

7. Article 35a

We support footnote 105 and 107 of DK/IE.

8. Annex IV

We maintain our footnotes 123, 124 and 125 as they are also supported by Parliament.

We also support amendment 96 by EP for adding legislation to item 9.

We propose that item 16 is turned into an obligation by moving it to an article and rewording it as the EP did in amendment 38, 108, 157, 140 and 141:

“Member States shall take measures to promote the re-use of products, notably through the establishment and support of accredited re-use and repair networks and by establishing, where necessary, the relevant process and product standards.”

HUNGARY

Hungarian position on "pre-processing"

Article 3

...

(Proposal for a new paragraph (ia))

(ia) "pre-processing" means any operation by which waste components are prepared for recovery or disposal (such as collected, stored, crushed, compacted, pelletised, dried, shredded, conditioned, repackaged, separated, blended or mixed);

...

Article 9

Responsibility for waste management

...

3. Member States may decide that the responsibility for arranging treatment, including collection and pre-processing, shall be borne partly or wholly by the producer of the product from which the waste came and that distributors of such products participate in these schemes.

Article 22

Exemptions from permit requirements

1. Member States may exempt the following from the requirement laid down in Article 19(1):
 - (a) establishments or undertakings carrying out their own non-hazardous waste treatment at the place of production; or
 - (b) establishments or undertakings that carry out waste recovery;
 - (c) establishments or undertakings carrying out pre-processing operations for the purpose of further recovery or disposal.

...

Annex I to the ANNEX

Disposal operations

...

(New asterisk markings „**” for D 13, D 14, D 15, R 12, R 13)

D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 **

D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13 **

D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced) **

...

** The establishment or undertaking carrying out the operation shall clearly indicate the code of the further operation purpose.

Annex II to the ANNEX

Recovery operations

...

R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11 **

R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) **

...

** The establishment or undertaking carrying out the operation shall clearly indicate the code of the further operation purpose.

ITALY

Comments and proposals by Italy on 6242/07

Article 3 Definitions

For the purposes of this Directive, the following definitions shall apply:

Substitute the current proposal on definition of recycling with the following one:

[EP Plenary Amendment 21] Article 3, point (g): “**recycling** means the reprocessing of materials or substances in wastes through a production process whereby they produce or are incorporated in new products, materials or substances whether for the original or other purposes. It includes reprocessing of organic material, but does not include, inter alia, energy recovery, conversion for use as a fuel, processes involving combustion or use as a source of energy, including chemical energy, or backfilling operations”

Add the following definition:

"Regeneration" means any process whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, oxidation products and additives contained in such oils.

Article 5 Recovery

1. Without prejudice to Art. 7a, Member States shall take the necessary measures to ensure that all waste undergoes recovery operations.
- ~~2. Where necessary to comply with the provisions of paragraph 1 or to facilitate or improve recovery, wastes shall be kept separately and shall not be mixed with other waste or other material with different properties~~
2. **In accordance with waste hierarchy, Member States shall take the necessary measures to create adequate separate collect system for the reuse, recycling and recovery of materials**
3. **[EP Plenary (Amendment 38, 108, 157, 140 and 141) Art.5(2)c]: “In order to move towards a European Recycling Society and contribute towards a high level of resource efficiency, by 2020 Member States shall achieve at least an overall re-use and recycling level of 50% for Municipal Solid Waste and 70% for construction, demolition, industrial and manufacturing waste. For those countries with less than 5% recycling in either category or no official figures, according to Eurostat data of 2000-2005, an additional period of 5 years may be granted to reach the targets.”**

Art 7 a
Waste hierarchy

We propose the text voted in the EP Plenary [**Amendment 101 and 14, Art.1**]:

For these purposes, as a general rule, the Member States and the Community shall take measures, in descending order of priority, for:

- (1) the prevention and reduction of waste,
- (2) the re-use of waste,
- (3) the recycling of waste,
- (4) other recovery operations,
- (5) the safe and environmentally sound disposal of waste.

When life-cycle assessments and cost-benefit analyses indicate clearly that an alternative treatment option shows a better record for a specific waste stream, Member States may depart from the priorities established in the second paragraph. These assessments and analyses shall be made public and be reviewed by independent scientific bodies. ~~Consultation shall be undertaken in order to ensure a full and transparent process, including stakeholder and citizen involvement. If necessary, the Commission will draw up guidelines for the use of such assessments and analyses.~~

UNITED KINGDOM

UK proposal for Article on hazardous waste produced by households

"Article 17a

Article 16 shall not impose obligations on householders in relation to hazardous waste produced by households.

Articles 17 and 33 shall not apply to separate fractions of hazardous waste produced by households until it is accepted at premises for collection, disposal or recovery by an establishment or an undertaking which has obtained a permit or has been registered in accordance with Articles 19 or 25."

Explanation:

The existing Presidency text exempts householders from Articles 16, 17 & 33 by only applying controls once the waste is collected. However, if the labelling and record keeping requirements apply from the point of collection, the collector will need to gather information about waste being collected from householders - which would impose a burden on householders of the kind which the provision is seeking to avoid. Requiring the information to be provided by collectors may serve to discourage separate collection of household hazardous waste. The UK's amendment is intended to ensure that there are no obligations on householders and that the requirements of Articles 17 & 33 apply only once the waste reaches premises for authorised collection, disposal or recovery.

The second paragraph refers to separately collected hazardous fractions. This is because mixed municipal waste is classified as non-hazardous under the European Catalogue (category 20 03 01) and so is not subject to hazardous waste controls. Where hazardous household waste is separately collected, it will be subject to the ban on mixing from the point of collection (which is consistent with the Presidency text).
