

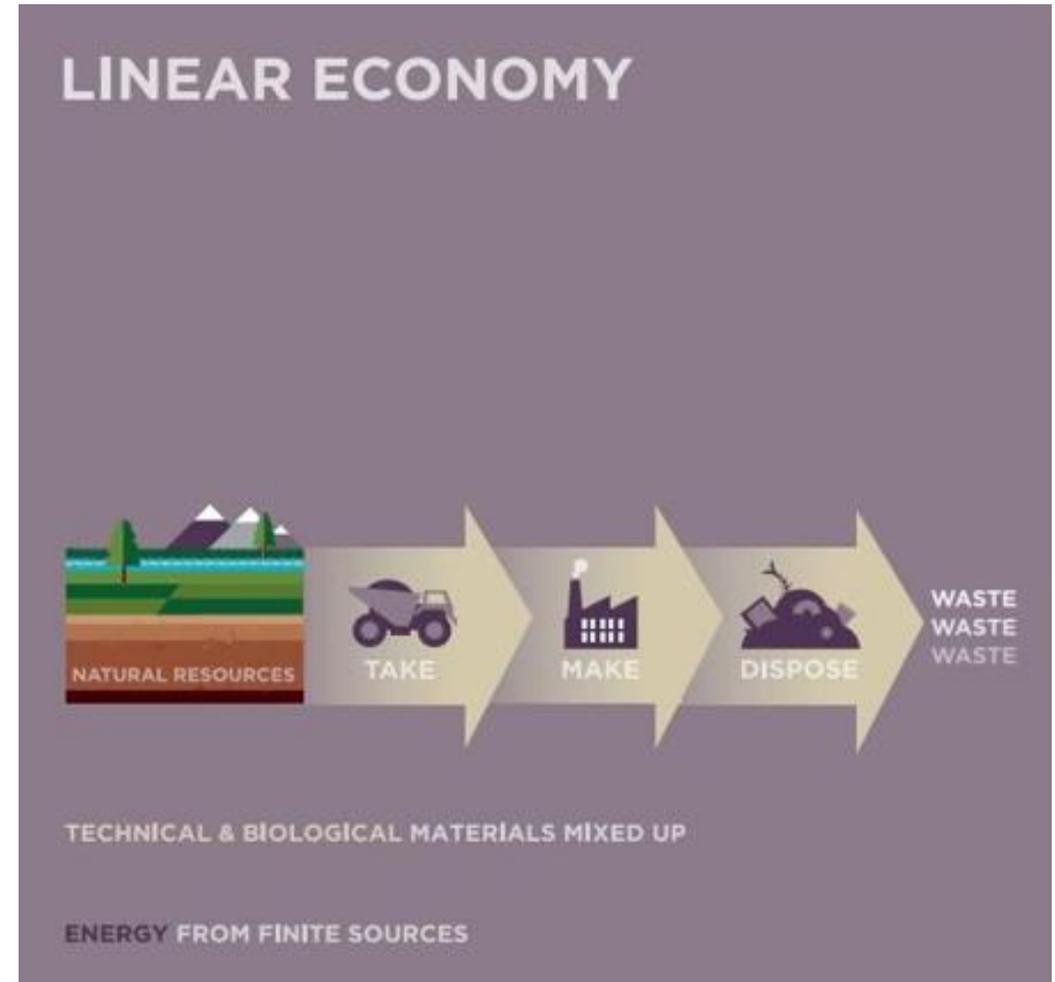


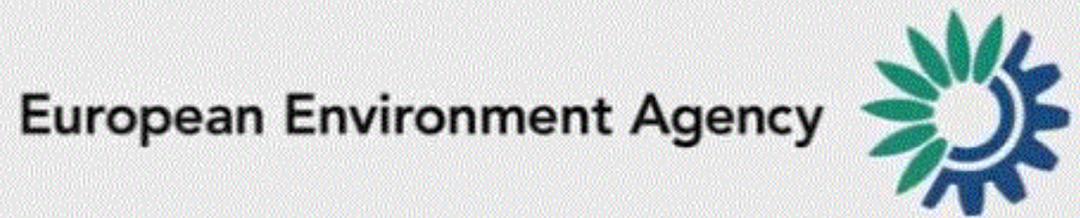
WASTE MANAGEMENT

Aims of waste legislation

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- **proper waste management**
 - ▣ without adverse impacts on environment and human health
- **reduce generation of waste**
 - ▣ limit hazardous substances in waste
- **improve resource efficiency**
 - ▣ waste as a resource





Circular Economy

https://www.youtube.com/watch?v=_9mHi93n2Al
<https://www.ellenmacarthurfoundation.org/>

EU waste legislation: system

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- **general framework**
 - ▣ Directive 2008/98/EC on waste (WFD)
 - ▣ Regulation (EC) 1013/2006 on shipments of waste (WSR)
- **waste management operations**
 - Directive 99/31/EC on the landfill of waste
 - Directive 2010/75/EU on industrial emissions: for waste incineration
- **specific waste streams (e.g.)**
 - ▣ Directive 94/62/EC on packaging and packaging waste
 - ▣ Directive 2000/53/EC on end-of-life vehicles (ELV)
 - ▣ Directive 2006/66/EC on batteries and accumulators
 - ▣ Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)

Future?

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- **Circular economy package**
 - December 2015
- **the main elements of proposal** are:
 - increase of the preparing for re-use and recycling target for municipal waste to 65 % by 2030
 - gradual limitation of the landfilling of municipal waste to 10 % by 2030
 - simplification of the legal framework on by-products and end-of-waste status
 - **+ proposals of European Parliament**
 - separate collection of textiles by 2020
 - reduce the amount of food waste to 50 % of the total amount of food waste produced in 2014

2017 timeline of the EU waste law negotiations



<http://eeb.org/monitoring-eu-waste-law-negotiations/>

Who is supporting the Circular Economy?

Leaders and laggards we reveal where EU governments stand



Recycling
Supports 65% or higher recycling target for Municipal Solid Waste

EPR Corporate responsibility
Supports binding minimum requirements for extended producer responsibility at EU level, including full cost coverage and modulated fees

Biowaste
Supports a mandatory separate collection of biowaste and/or a biowaste recycling target

Reuse
Supports specific targets for preparation for reuse of Municipal Solid Waste

Waste prevention
Supports waste prevention targets

Packaging
Supports 10% or higher packaging reuse target

Related country data **Waste generation**

- ✓ AT
- ✓ BE
- ✗ BG
- ✗ CY
- ✓ CZ
- ✓ DE
- ✗ DK
- ⊗ EE
- ✓ EL
- ⋯ ES
- ✗ FI
- ✓ FR
- ✗ HR
- ✗ HU
- ✗ IE
- ✓ IT
- ✗ LT
- ✓ LU
- ✗ LV
- ⊗ MT
- ✓ NL
- ✗ PL
- ⋯ PT
- ✗ RO
- ✓ SE
- ✓ SI
- ✗ SK
- ✗ UK

Country position

- ✓ Yes
- ⋯ Yes, but...
- ✗ No



A 65% recycling target in all member states would create 530,000 new green jobs by 2030 as well as €72 billion a year in savings for businesses, according the European Commission.

Data updated 15.05.2017
[See a historical view](#)

Czech Republic

✓ Yes

Country position
Czech Republic fully supports a 65% recycling target by 2030.

Our assessment
Czech Republic has intensified recycling over the last decade, bringing its ambition to the negotiating table in Brussels.



Source Eurostat, 2015

Zero-waste bloggers: the millennials who can fit a year's worth of trash in a jar

These bloggers treasure taking a sleek, modern approach to reducing waste in their efforts to save the planet - but they face their fair share of criticism, too

In pictures: [how to produce nearly zero waste](#)



i Kathryn Kellogg, a 'zero-waste' practitioner, with a jar containing the total amount of landfill waste she's generated in the past year. Photograph: Andrew Burton for the Guardian

<https://www.theguardian.com/environment/2016/apr/22/zero-waste-millennial-bloggers-trash-greenhouse-gas-emissions>

Waste management hierarchy

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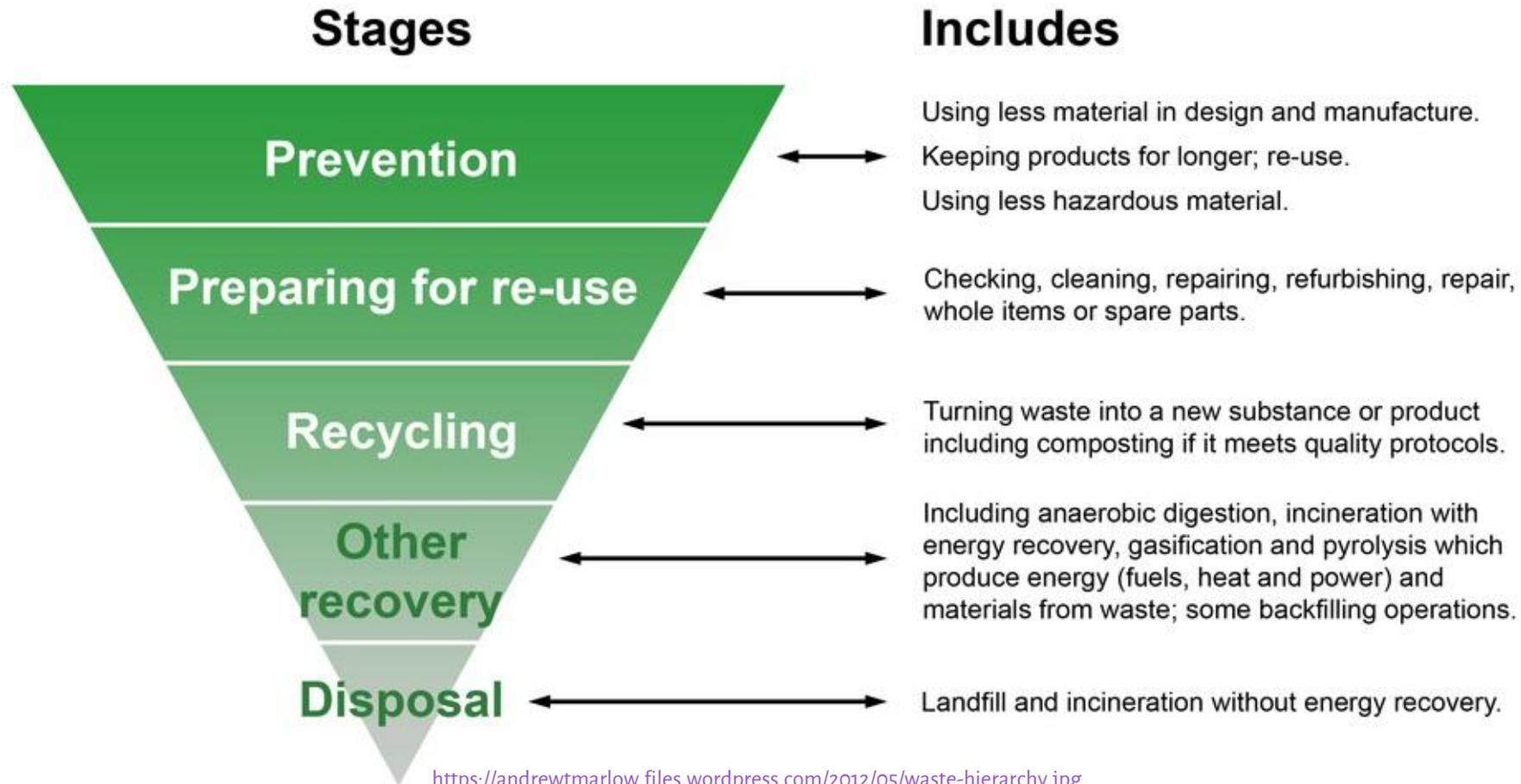
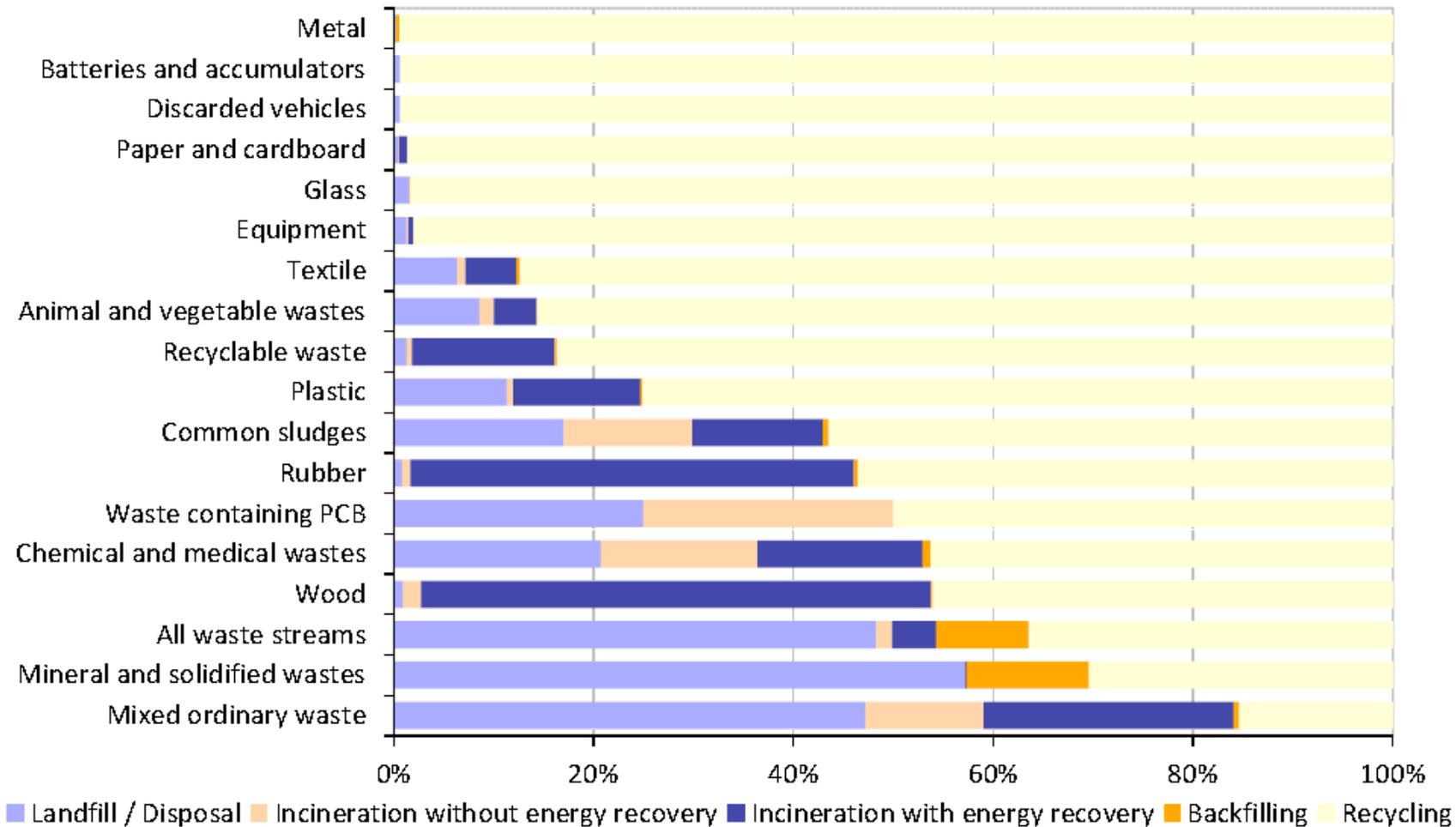


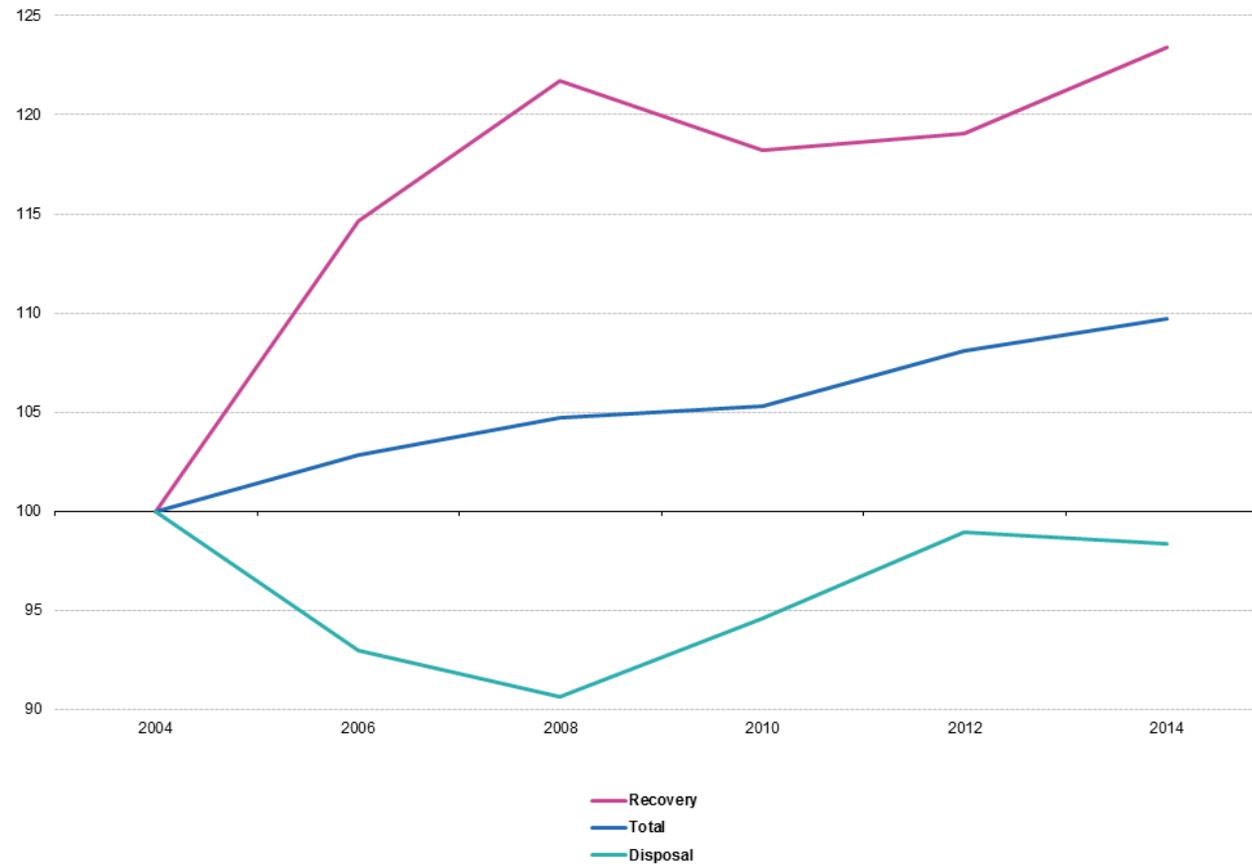
Figure 2 – Treatment method by waste category in EU28, 2012



Data source: Eurostat ([env_wastrt](#)), 2015.

Development of waste treatment

11



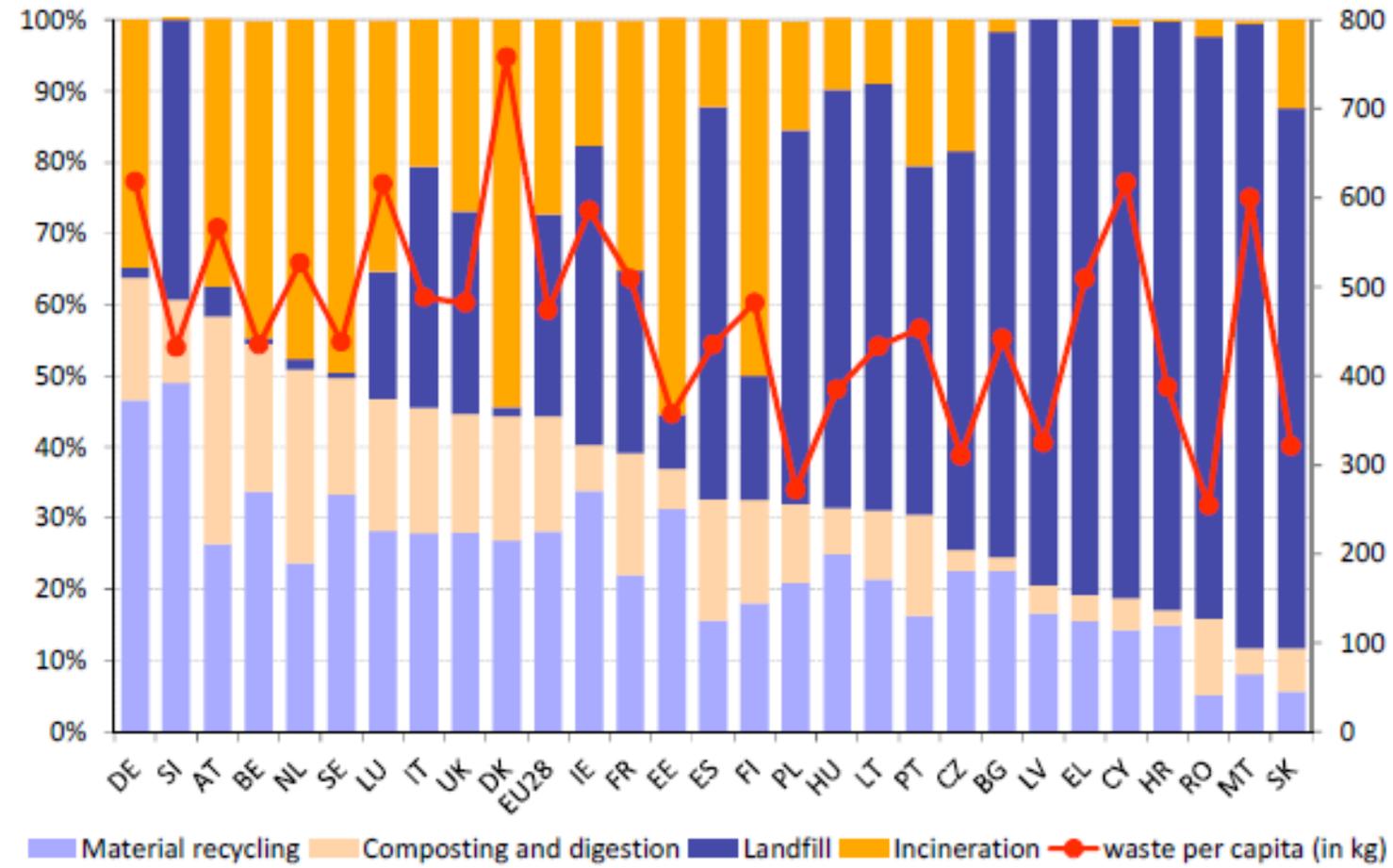
Source: Eurostat (online data code: env_wastrt)

Targets (e.g.)

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- by 2016/2020 - **biodegradable municipal waste going to landfills** must be reduced to 35 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 (art. 5 Landfill directive)
- 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** (art. 11 WFD)

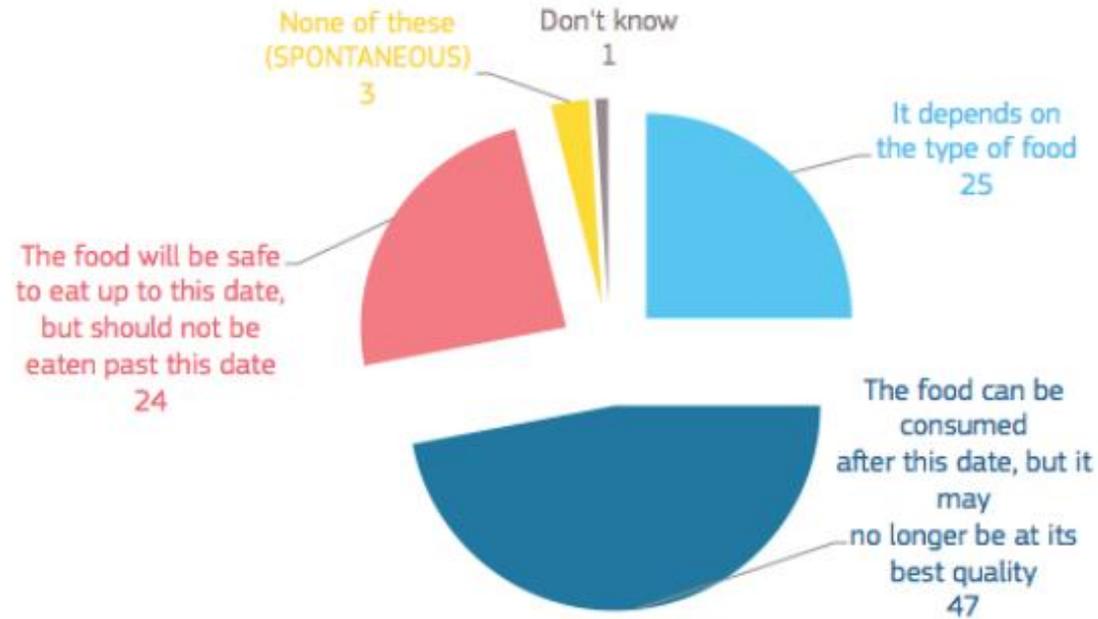
Figure 1 – Municipal waste treatment methods and waste per capita in the EU-28 (2014)



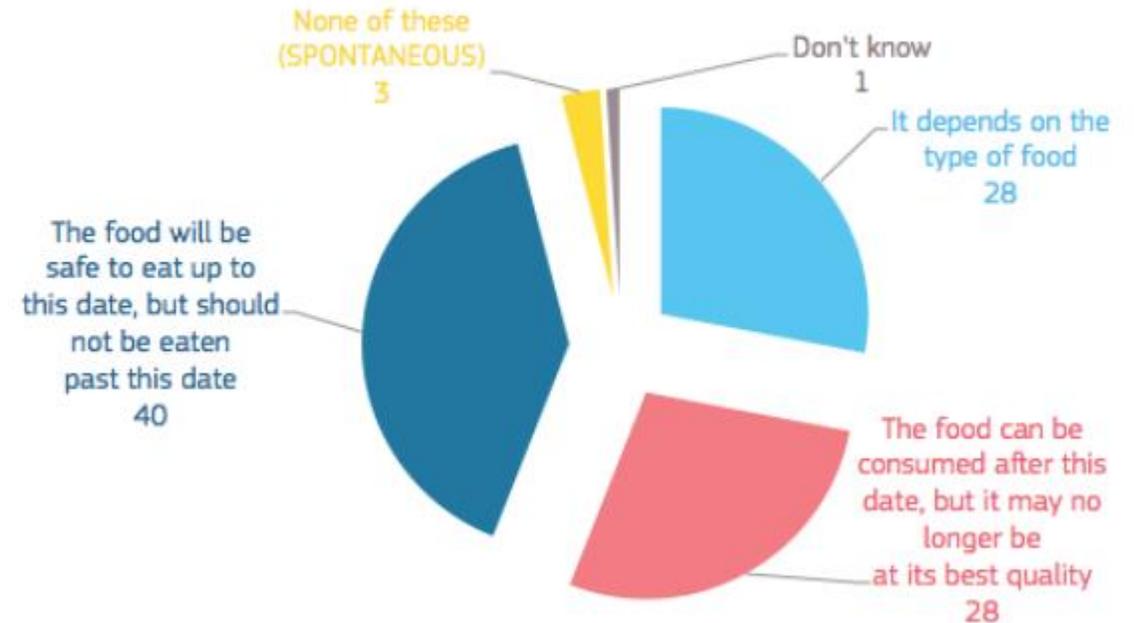
Data source: Eurostat ([env_wasmun](#)), 2016. Data for IE, EL and RO relate to 2013.

Food waste

What do you think "best before" on a food product actually means?
I am going to read out some options, please select the one that best applies.
(% - EU)

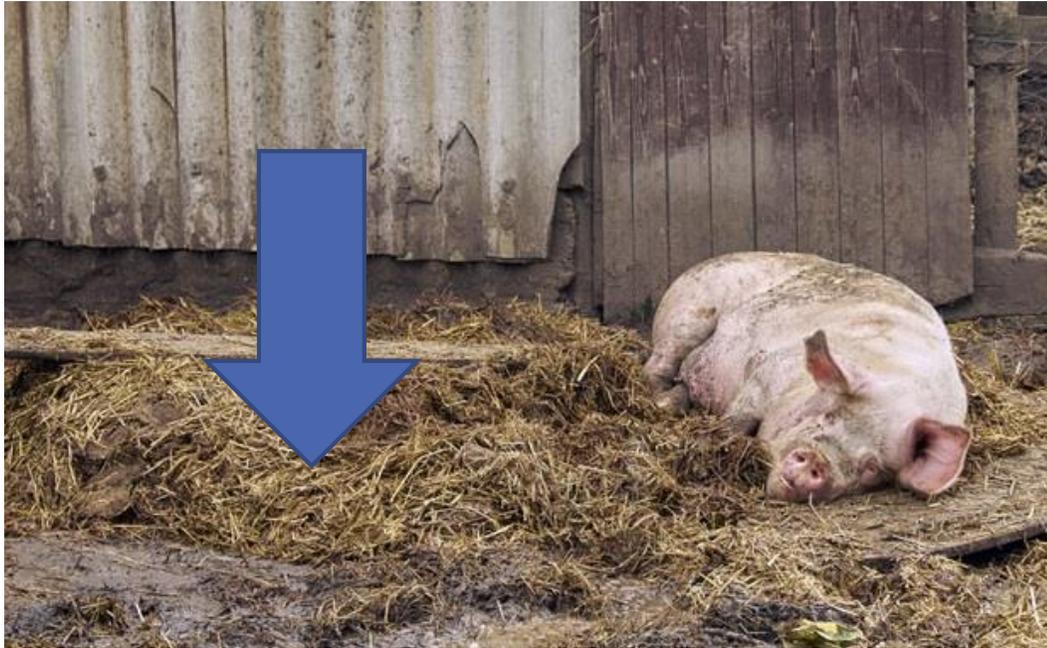


What do you think "use by" on a food product actually means?
I am going to read out some options, please select the one that best applies.
(% - EU)



https://data.europa.eu/euodp/en/data/dataset/S2095_425_ENG

Is it waste?



C-113/12. Donal Brady v. Environmental Protection Agency

Is it waste?

16



Vesso and Zanetti joined cases 206/88 and 207/88

Definition of waste

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- „*any object which the holder discards or intends or is required to discard*“
- these types of waste are **excluded**:
 - ▣ e.g. gaseous effluents emitted into the atmosphere
 - ▣ land (in situ) including unexcavated contaminated soil and buildings permanently connected with land (see case C-1/03 Van de Walle)
 - ▣ radioactive waste
- **excluded to the extent** that they are covered by other Community legislation
 - ▣ waste waters
 - ▣ waste from extractive industries (Directive 2006/21/EC)

Definition of waste (2)

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□ **European List of Waste:** Commission Decision 2000/532/EC

20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 01	separately collected fractions (except 15 01)
20 01 01	paper and cardboard
20 01 02	glass
20 01 08	biodegradable kitchen and canteen waste
20 01 10	clothes
20 01 11	textiles
20 01 13*	solvents
20 01 14*	acids
20 01 15*	alkalines
20 01 17*	photochemicals
20 01 19*	pesticides

Definition of waste: interpretation (3)

- restrictive interpretation is forbidden - high level of protection
- classification as 'waste' is **to be inferred primarily from the holder's actions** → only the holder of the products can prove that he intends not to discard those products (C-113/12; 38, 64)
- it is necessary to **consider all circumstances** → see page 20

Definition of waste: indications (4)

20

- the object is a **production residue**
 - ▣ produced intentionally \Rightarrow product
- substances which are **capable of economic reutilization (recovery)** are not excluded
- the object holder uses a **type of treatment** which is commonly used to disposal of waste
- the object holder accepts that it is waste
- **composition of the object** is not suitable for the use made of it
- the method of production indicates that the object is unwanted
- no danger to environment
- degree of **likelihood** that the object will be used

Is it waste?



By-products

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- substance (object) is result from production process
 - but primary aim is not the production of the substance
- conditions:
 - the substance is produced as an **integral part of a production** process
 - the substance **can be used directly** without any further processing other than normal industrial practice
 - further use is **lawful**
 - i.e. the substance fulfils all relevant product, environmental and health protection requirements for the specific use
 - will not lead to overall adverse environmental or human health impact
 - further **use of the substance is certain**

End-of-waste criteria

- waste **has undergone a recovery** and **complies with specific criteria** based on these conditions:
 - ▣ the substance is commonly used for specific purposes
 - ▣ a market or demand exists for such a substance
 - ▣ the substance fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products
 - ▣ the use of the substance will not lead to overall adverse environmental or human health impacts

End-of-waste criteria (2)

24



Commission Regulation (EU) No 1179/2012 establishing criteria determining when glass cullet ceases to be waste
Commission Regulation (EU) No 333/2011 establishing criteria determining when certain types of scrap metal cease to be waste
http://www.tradevenvironment.eu/uploads/papers/JEEP_009_02_deSadeleer-1.pdf

Hazardous waste

25

- is mentioned in the List of waste (*)
- displays one or more of the **properties listed in Annex III** of WFD; Regulation (EU) No 1357/2014
- **ban on the mixing** of hazardous waste with other waste or substances
- packaging and **labelling** requirements
- **traceability** from production to final destination
- C-358/11 (Lapin)

Proper waste management

26

- *MS shall take the necessary measures to ensure that waste management is carried out without endangering human health and the environment*
- **permits** for waste treatment facilities
 - ▣ may be granted for a specified period
 - ▣ shall contain
 - the types and quantities of waste that may be treated
 - the method to be used for each type of operation
 - technical and any other requirements
 - after-care provisions
 - ▣ EIA, IPPC

Landfilling of waste

27

- landfilling is **the worst waste management option**
 - greenhouse gas – loss of resources – soil and water pollution
- landfill: „*waste disposal site for the deposit of the waste onto or into land (i.e. underground)*“
- landfill **classes**
 - for hazardous – non-hazardous – inert waste
- proper treatment
 - permit is necessary
 - technical conditions (requirements)

Landfilling of waste (2)

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- the following waste may not be deposit:
 - liquid waste, tyres, waste with certain properties (e.g. explosive, flammable), infectious clinical waste
- **closing and after-care**
 - closed after final on site inspection carried out by competent authority
 - operator remains responsible for maintenance and control of the site
 - as long as is required by the authority (at least 30 years)
 - adequate financial security

Infringements: Waste: Commission refers Italy to Court over failure to rehabilitate or close down 44 landfills

Brussels, 17 May 2017

The European Commission is taking Italy to the Court of Justice of the EU for its failure to rehabilitate or close down 44 landfills, which represent a serious risk for human health and the environment.

Despite earlier warnings from the Commission, Italy has failed to take measures to rehabilitate or close down 44 non-compliant landfills, as required by article 14 of [the](#) Landfill Directive ([Council Directive 1999/31/EC](#)). Like other Member States, Italy was obliged, by 16 July 2009, to either rehabilitate landfills that had been granted a permit or which were already in operation before 16 July 2001 ("existing landfills"), bringing them to the safety standards set out in this Directive, or to close them.

http://europa.eu/rapid/press-release_IP-17-1283_en.htm

http://ec.europa.eu/environment/legal/law/press_en.htm

WMP&WPP

30

□ **Waste management plans**

- ▣ obligation of MS
- ▣ WMP shall cover the whole territory of the MS
- ▣ evaluation at least every sixth year ⇒ review

□ **Waste prevention programmes**

- ▣ separate document, integral part of WMP or other environmental policy programme
- ▣ description and evaluation of existing prevention measures
 - see Annex IV WFD: examples of waste prevention measures

Economic instruments

31

- Art. 14 WFD – *„In accordance with the polluter-pays principle, the costs of waste management shall be borne by the original waste producer or by the current or previous waste holders.“*
- **broad discretion by MS**
 - ▣ landfilling fee
 - ▣ incineration fee
 - ▣ local fee for handling of household waste
 - <https://www.interregeurope.eu/news-and-events/news/550/pay-as-you-throw-schemes-increase-recycling-rates/>
 - ▣ payment for recovery and recycling of packaging waste

Extended producer liability

32

- duties of producers of **products from which the waste came**
 - an acceptance of returned products
 - subsequent management of the waste and financial responsibility for such activities
 - costs of waste management could be borne partly or wholly by the producer of the product
 - e.g. packaging waste, end of life vehicles, batteries, electric and electronic equipment

Packaging waste

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- packaging: *„all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods“*
- **technical requirements**
 - ▣ standards – concentration levels of heavy metals
- **recycling targets** for materials contained in packaging waste
 - ▣ collection systems - producer responsibility organisations
 - ▣ separate collection shall be set up for at least the following: paper, metal, plastic and glass (art. 11 WFD)
 - ▣ obligation to offer re-usable packaging

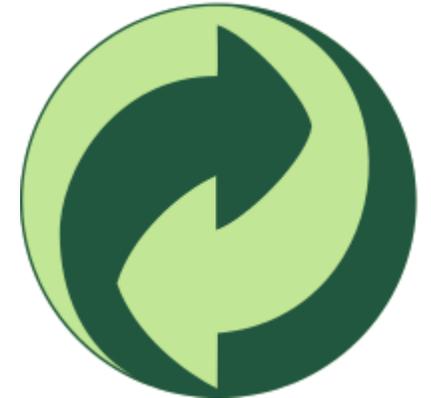
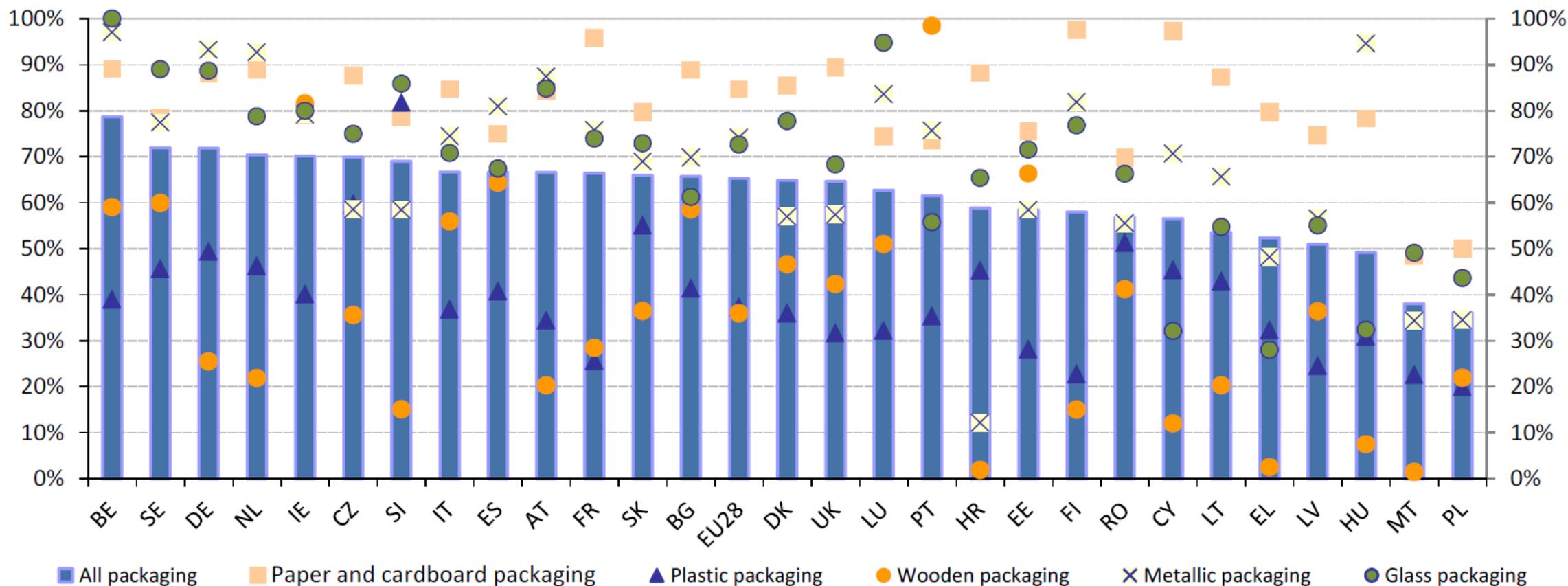


Figure 2 – Recycling rates for packaging waste by material in the EU-28 (2013)



Data source: Eurostat ([env_waspac](#)), 2016. Data for Romania relate to 2012.

England's plastic bag usage drops 85% since 5p charge introduced

Number of single-use bags handed out dropped to 500m in first six months since charge, compared with 7bn the previous year



 Plastic bag floating underwater at Pulau Bunaken, Indonesia. Around 8m tonnes of plastic flows into the world's oceans each year. Photograph: Paul Kennedy/Getty Images

<https://www.theguardian.com/environment/2016/jul/30/england-plastic-bag-usage-drops-85-per-cent-since-5p-charged-introduced>

Plastic carrier bags

36

- directive (EU) 2015/720 of 29 April 2015
 - ▣ CZ: Act no. 149/2017 Coll. – since 1/1/2018
 - ▣ however: <http://www.balkaneu.com/commission-requests-croatia-and-romania-to-reduce-plastic-bags>
- aim: **sustained reduction in the consumption of lightweight plastic carrier bags** (wall thickness below 50 micron)
 - ▣ annual consumption level does not exceed 90 lightweight plastic carrier bags per person by 31 December 2019
 - ▣ or by 31 December 2018, lightweight plastic carrier bags are not provided free of charge at the point of sale of goods

Shipment of waste

37

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
- Basel Ban: no export of hazardous waste and waste for disposal to non-OECD countries
- **information procedure**
 - ▣ waste has to be accompanied by documents signed by exporter and recovery facility
 - ▣ contract
- **notification procedure**

Notification procedure

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- all waste for disposal
 - including mixed municipal waste collected from private households
- waste listed in certain Annexes
- **notification** through competent authority of dispatch
- **prior consent** of the authority of destination
 - ▣ reasoned objection on the following reasons
 - disposal (art. 11) – bad record of notifier, such shipments would result in national waste having to be disposed; proximity principle
 - recovery (art. 12)

Proximity principle

- C-292/12 (Ragn-Sells AS)
- *(63) Accordingly, in the case of waste destined for disposal operations and mixed municipal waste collected from private households and, as applicable, other producers, a Member State may confer on local authorities, on the geographical scale it deems appropriate, powers to manage the waste produced on their territory in order to ensure compliance with its obligations under Article 16 of Directive 2008/98. Those authorities may, as part of the powers conferred upon them, provide that those types of waste will be treated in the nearest appropriate facility.*

Other issues

40

□ **enforcement**

- penalties
- take-back obligation (art. 22-25)
 - the shipment is illegal or cannot be completed
- financial guarantee
- checks on shipment (art. 50)
 - during the shipment – at frontiers – at the destination

□ **shipment within MS**

- appropriate system for supervision and control of shipment of waste