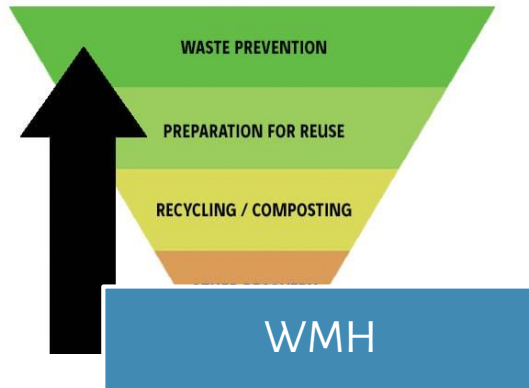




CEL - LEGAL REGIME OF WASTE DISPOSAL

Outline

2



Czech waste legislation: system

3

- **general framework**
 - ▣ Directive 2008/98/EC on waste (WFD)
 - ▣ Act no. 185/2001 Coll., on wastes (Waste Act)
 - ▣ Municipal ordinances/decrees
- **specific waste streams**
 - ▣ Act no. 477/2001 Coll., on packaging
 - ▣ Act no. 157/2009 Coll., on mining waste
- **waste management operations**
 - ▣ Regulation (EC) 1013/2006 on shipments of waste

Aims of waste legislation

4

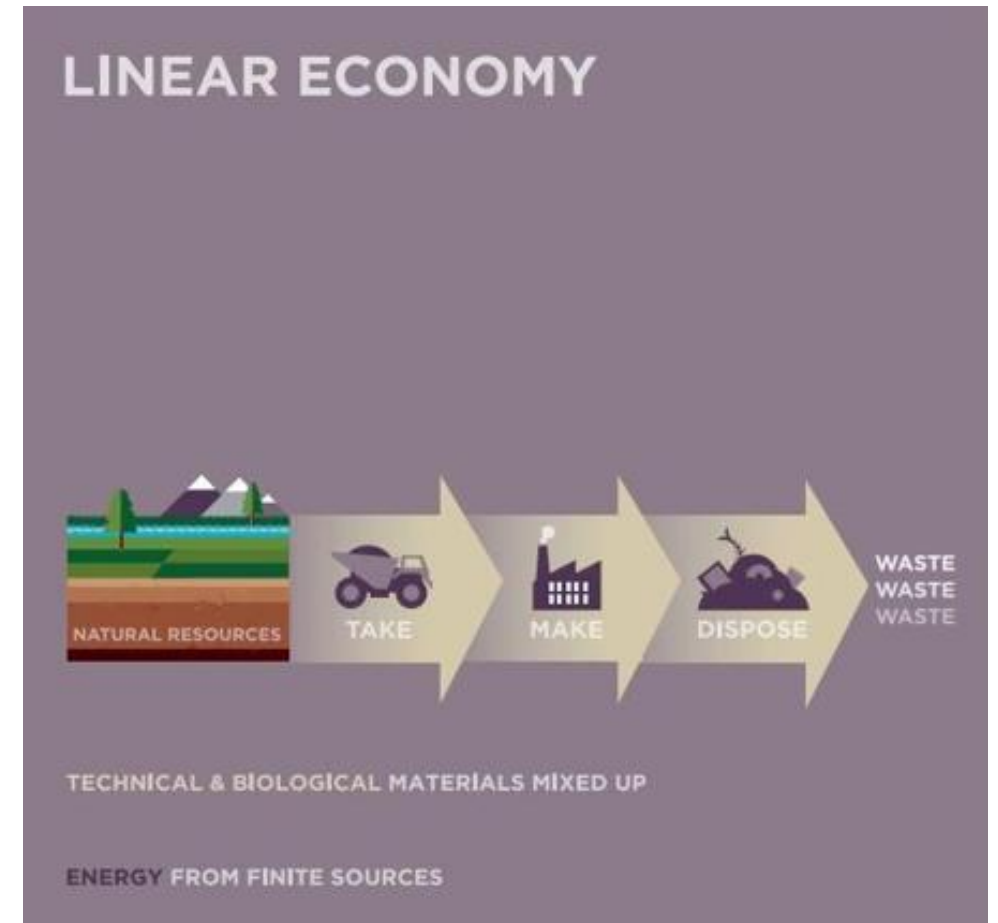
- proper waste management ⇒ without adverse impacts on environment and human health



Aims of waste legislation (2)

5

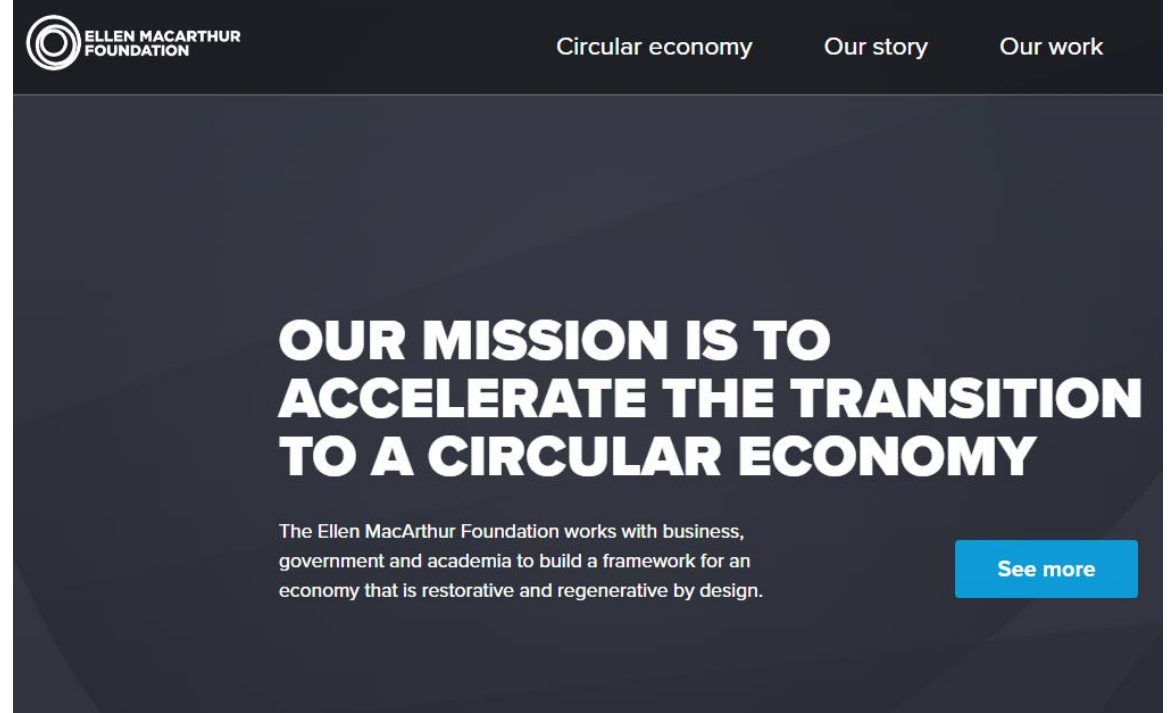
- reduce generation of waste
 - limit hazardous substances in waste
- improve resource efficiency
 - waste as a resource







Circular Economy



10 zero waste bloggers you should know



Katherine Martinko

[feistyredhair](#)

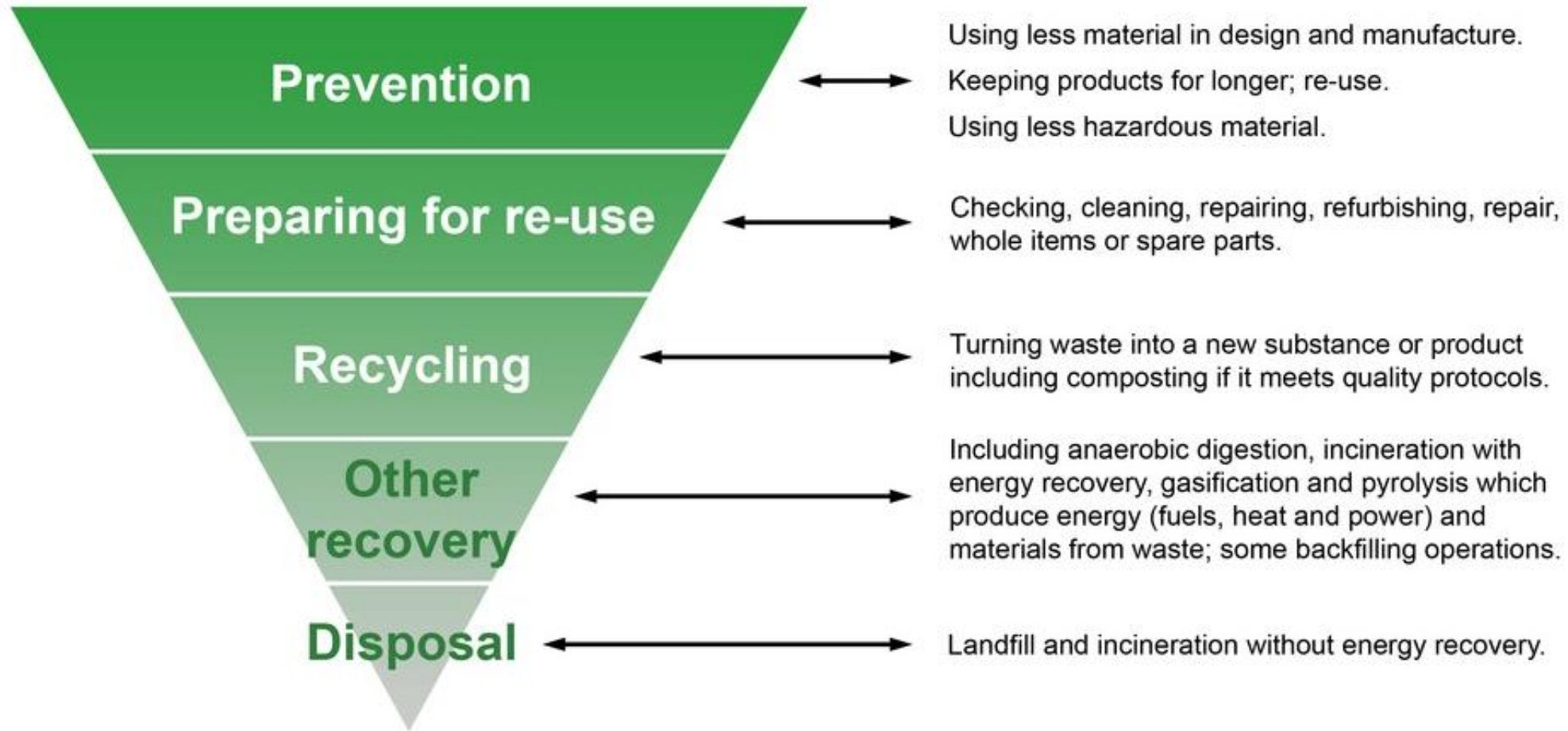
March 2, 2017



© Going Zero Waste/Facebook -- The amount of trash created by Kathryn Kellogg in one year

Waste management hierarchy

9

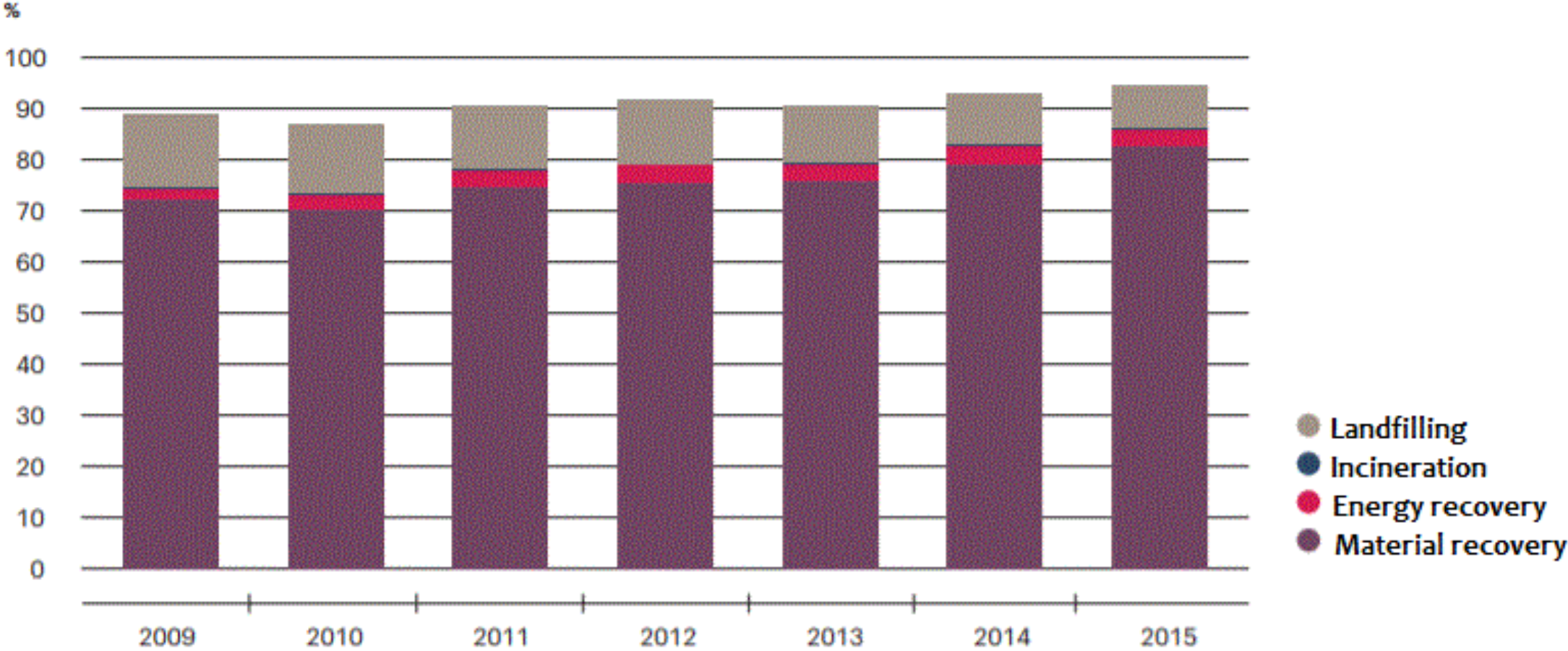


Waste management hierarchy (2)

10



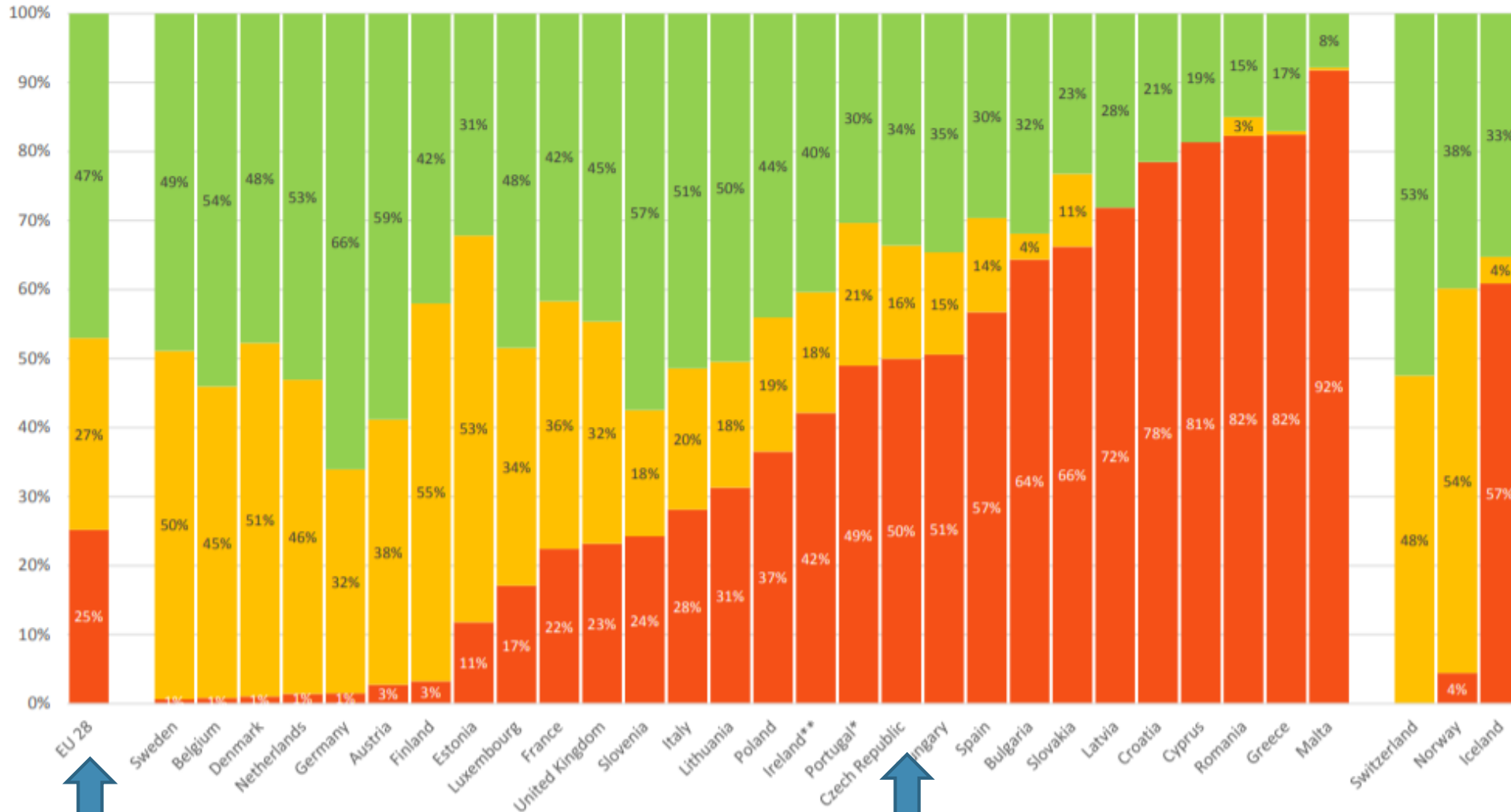
Waste treatment in the Czech Republic (2015)





Municipal waste treatment in 2016

EU 28 + Switzerland, Norway and Iceland



Graph by CEWEP, Source: EUROSTAT 2018
*: partial data for 2016
**: latest data 2014



Targets (e.g.)

13

- 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
- 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**



The circular economy package: new EU targets for recycling

Society - 16-04-2018 - 16:50



Circular economy: Europe cleans up its act

Waste legislation 2020

15

- **Circular economy package:** Directives (EU) 2018/849 - 852
 - ▣ implementation by July 5, 2020
- the main elements are:
 - ▣ increase of the preparing for re-use and **recycling target** for municipal waste to 60 % by 2030; 65 % by 2035
 - packaging waste – 70 % by 2030
 - ▣ gradual **limitation of the landfilling of municipal waste** to 10% by 2035
 - ▣ simplification of the legal framework on by-products and end-of-waste status
 - ▣ separate collection of bio-waste by 2024, textiles by 2025

Persons dealing with waste

16

State authorities

- Ministry of Environment
- Czech Environmental Inspectorate
- **regional governments** and authorities
- **municipalities** and municipal authorities

Private subjects

- **waste producers**
- person licensed to manage waste
- waste managers
- **inhabitants**

Is it waste?

17



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

Is it waste?

18



Definition of waste

19

- „*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)

20

□ **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)

21

- **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 slide 22

Definition of waste: indications (4)

22

- the object is a production residue
 - ▣ **produced intentionally** ⇒ **product**
- substances which are capable of **economic reutilization** (recovery) are not excluded
- ↑ the object holder **accepts that it is waste**
- ↑ the object holder uses a type of treatment which is commonly used to disposal of waste
- ↑ the method of production indicates that the object is unwanted
- no danger to environment

Is it waste?

23



By-products

24

- 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**

Collage of glass bottle recycling and production in factory



▶ 0:04 / 0:10 ⏏

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 use of the substance will not lead to overall adverse environmental or human health impacts
 - ▣ the substance fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products

End-of-waste criteria (2)

27



- ❖ 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

Hazardous waste

28

- ban on the mixing of hazardous waste with other waste or substances
- packaging and labelling **requirements**
- **traceability** from production to final destination

- is mentioned in the List of waste (*)
 - ▣ Commission Decision 2000/532/EC
- displays one or more of the properties listed in Annex III of WFD;
Regulation (EU) No 1357/2014
 - ▣ delisting petition

Proper waste management

29

- 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 (see later)
- transfer waste only to **persons licensed to handle** waste
- enforcement: inspections \Rightarrow **penalties**

Waste installations

30

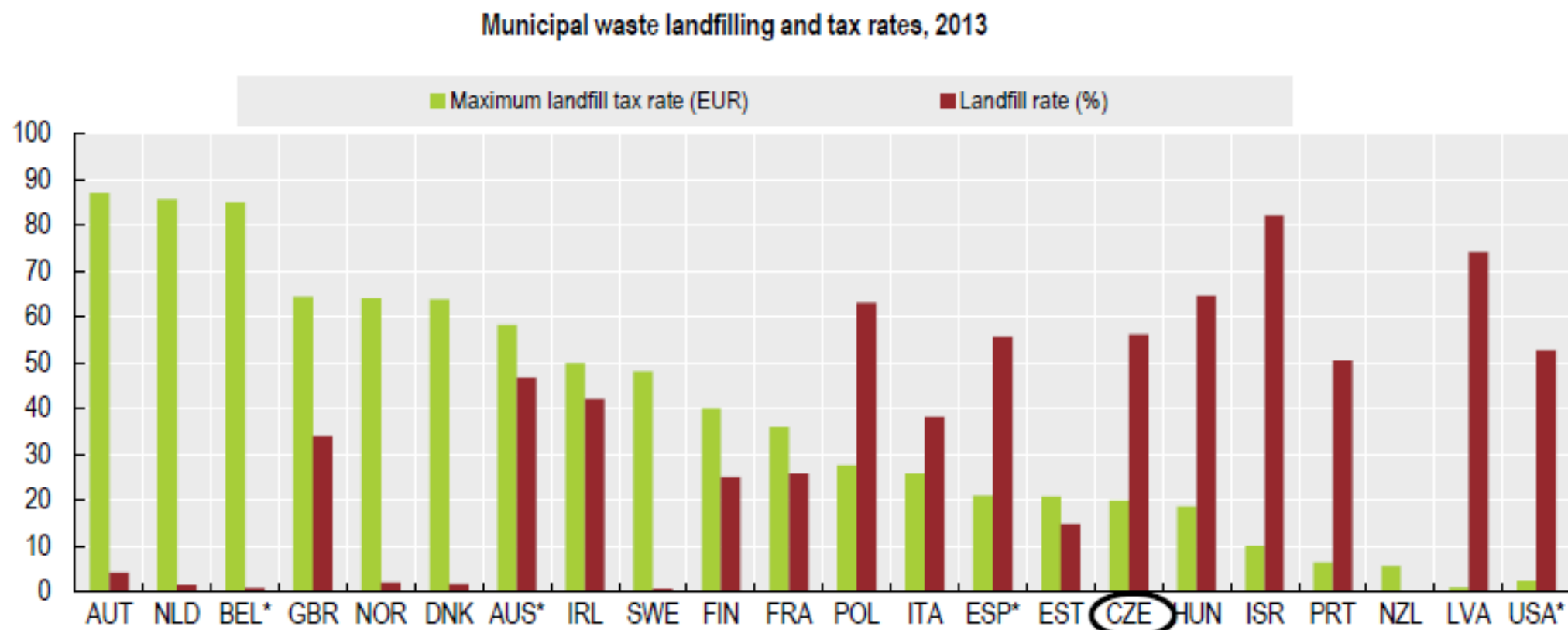
- shall obtain a **permit** from the competent authority
 - ▣ may be granted for a specified period
 - ▣ shall contain
 - the types and quantities of waste that may be treated
 - the method to be used for each type of operation
 - technical and any other requirements
- EIA, IPPC
 - ▣ e.g. landfill of hazardous waste, waste incineration plants

Landfilling of waste

31

- „waste disposal site for the deposit of the waste onto or into land (i.e. underground)“
- landfilling is the worst waste management option
 - ▣ greenhouse gas – loss of resources – soil and water pollution
- **landfill classes:** for hazardous – non-hazardous – inert waste
- **closing and after-care**
 - ▣ operator remains responsible for maintenance and control of the site
- **ban on** landfilling residual municipal waste and recyclable waste: since 2024

Figure 4.4. Landfilling of municipal waste is encouraged through low landfill taxes



Notes: *tax rates refer to Flanders for Belgium, to New South Wales for Australia, to Catalonia for Spain, and to New Jersey, North Carolina, Mississippi and Indiana for the United States. Landfill rate: Australia are 2015 data, Ireland are 2012 data.

Source: OECD (2017), "Municipal waste", *OECD Environment Statistics* (database); OECD (2017), "Environmental policy instruments", *OECD Environment Statistics* (database).

Economic instruments

- 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
- in the Czech Republic (**e.g.**)
 - ▣ landfilling fee
 - ▣ local fee for handling of household waste
 - ▣ payment for recovery and recycling of packaging waste

Municipal waste: definition

34

- all waste generated **in the territory of a municipality** in connection with the activities of natural persons and which is stated to be municipal waste in an implementing legal regulation, with the exception of waste produced by **legal entities authorized to conduct business**
- proposal of new definition in WFD
 - ▣ *waste from other sources that is comparable to household waste in nature, composition and quantity*
 - ▣ *waste from street cleaning services, the content of litter containers, waste from park and garden maintenance*

Municipal waste: obligations

35

- municipality is a **waste producer** of municipal waste
 - ▣ municipality acquire ownership of the waste when it is deposited in containers
- **separate collection** of paper, plastic, metal, glass and bio-waste
 - ▣ 2020 fats and oils
- waste collection **fee**
 - ▣ fee for municipal waste (PAYT) vs. local fee
 - owner of buildings vs. every resident of the city

Waste collection fee

Brno Expat Centre > Our services & FAQ > Waste collection fee

All foreign citizens who intend to stay in Brno for longer than 3 months have the responsibility to pay the waste collection fee.

The fee needs to be paid **by May 31** (if you arrive before May 31) **or within 15 days after the commencement date** (if you arrive after May 31).

New residents **register** through the [online form to the Environmental Department](#) (in Czech). As for the final line of the form – *Datum vzniku poplatkové povinnosti* (commencement date) – fill in the date when you arrived in Brno. Residents already registered in previous years don't have to register again, skip this step and proceed to the payment.

2.

Pay online to 111220022/0800 with your birth identification number (issued by the Czech Immigration office as *rodné číslo*) or your date of birth (in the format DD.MM.YYYY) as the payment's identification symbol (*variabilní symbol*).

OR

Pay in cash on [Šumavská 33](#), building A, 9th floor.

The waste collection fee is set to 670 CZK in 2017. If you arrive later in 2017, you can [deduct 56 CZK for each month](#) you hadn't lived here.

Waste Collection fee

Masaryk University is not responsible for this waste collection fee and is not able to provide further information. If you have any queries, please use contact details below.

WHO PAYS


From 1st January 2013, the local fees for Brno municipal waste collection shall be paid by all foreign nationals (EU and non-EU) staying in Brno for **more than 3 months** (detailed description is also available at [the City of Brno web pages](#)). The foresaid are obliged to 1) pay the fee for the respective number of months and a 2) report this fact to the fee administrator (read on).

This is only informative list of details, the description in full is available at [the web pages of the City of Brno](#).

PPP: guiding principle

38

'Pay as you throw' cuts waste and encourages recycling, French report finds

By Marine Jobert | Journal de l'environnement | translated by Samuel White  9. 3. 2016



Recycling habits improve with "pay as you throw" schemes. [KaliAntye/Shutterstock]

Heroes clean up an illegal dump in Brno-Židenice

Autor: [Denisa Marynčáková](#) | Kurz: [English section](#) | Kategorie: [News](#)

Supporters of Trash Hero movement picked up more than 300 kilograms of trash in Brno-Židenice. The group cooperated with the city district, which gave them waste bags and waste disposal.



Making bins more convenient boosts recycling and composting rates

Date: April 21, 2017

Source: University of British Columbia

Summary: Want to recycle or compost more? Try moving the bins closer, new research suggests. The study shows that placing bins 1.5 meters away from suite doors drastically boosts recycling and composting rates by 141 per cent. The findings highlight how small changes in convenience can have a big impact on performance.

Share: [!\[\]\(fa6f3af6bfa46c5d4a2d362681095beb_img.jpg\)](#) [!\[\]\(a9bc825d1a15412853cf9ebcbd72219d_img.jpg\)](#) [!\[\]\(855eb27d3d242e620031eb19ab2e732f_img.jpg\)](#) [!\[\]\(528d698dbdf3a7863b8ddb9bfdc0181d_img.jpg\)](#) [!\[\]\(74db6640e3542de97da9044296b61ac0_img.jpg\)](#) [!\[\]\(6702ba432e6ed220c908c99ca00fc2d7_img.jpg\)](#)

RELATED TOPICS

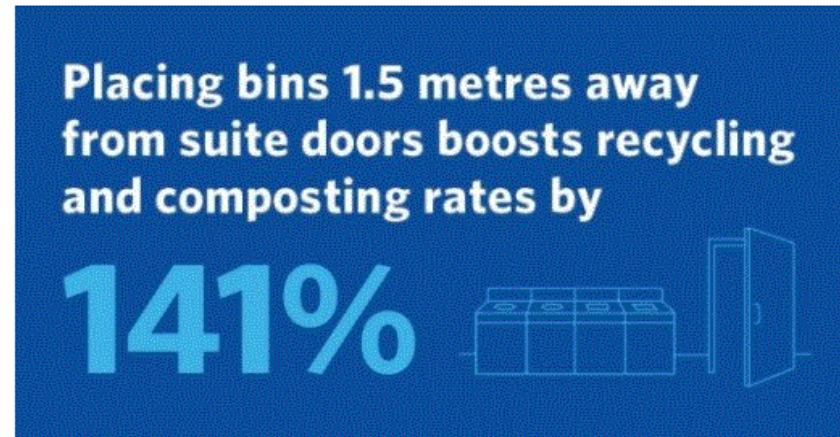
Earth & Climate

- > Recycling and Waste
- > Environmental Issues
- > Sustainability
- > Environmental Science

Science & Society

- > Environmental Policies

FULL STORY



Placing bins 1.5 metres away from suite doors boosts recycling and composting rates by **141%**

Extended producer liability: take-back duty

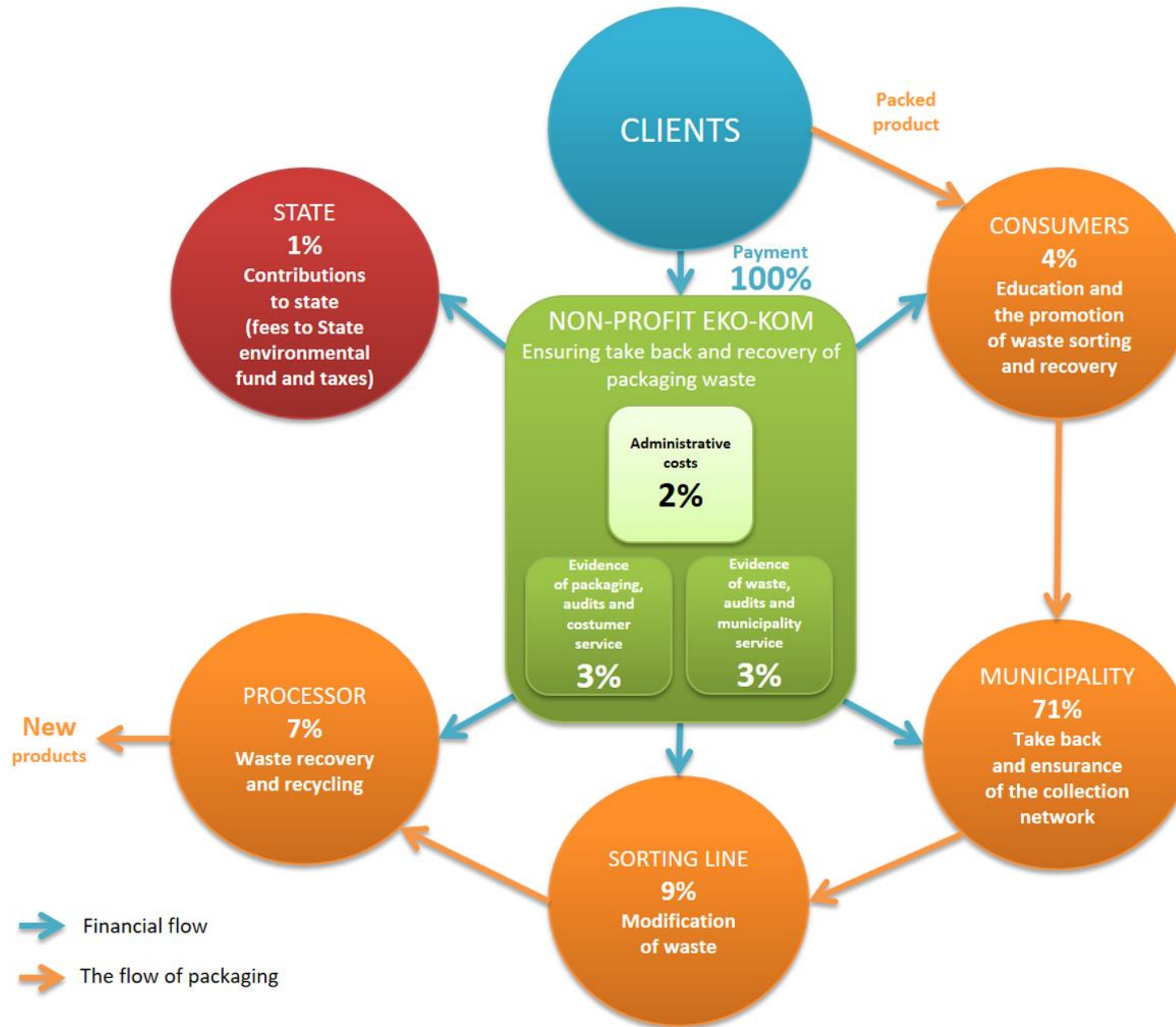
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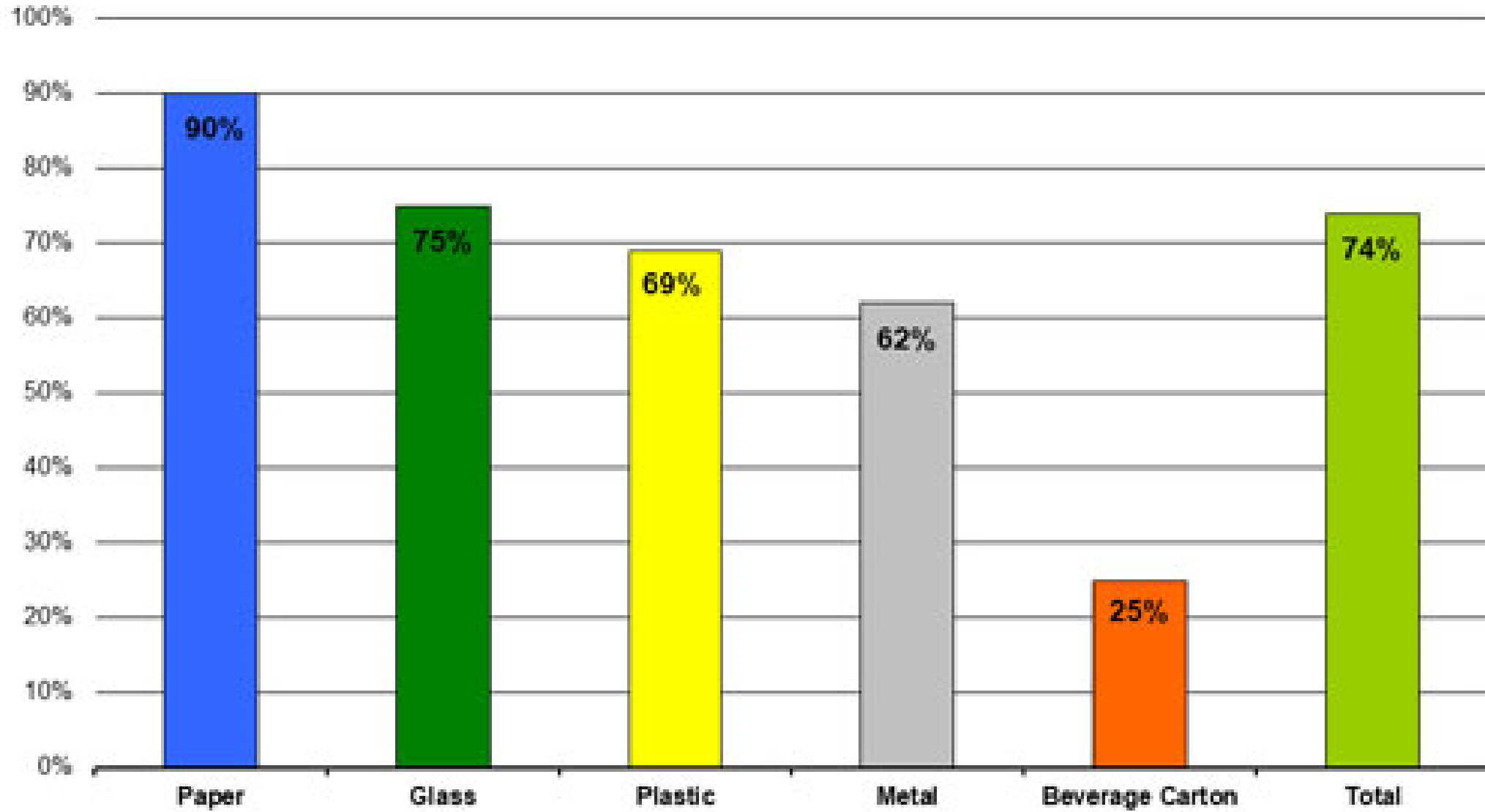
- duties of producers of products from which the waste came
 - ▣ an **acceptance of returned products**
 - ▣ **subsequent management of the waste** and financial responsibility for such activities
 - costs of waste management could be borne partly or wholly by the producer of the product
 - ▣ **e.g.**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

Packaging waste

42

- 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
 - ▣ by 2015 - separate collection shall be set up for at least the following: paper, metal, plastic and glass (art. 11 WFD)







Czech Republic Bids Farewell to Free Plastic Bags in 2018

🕒 18.12.2017 - 📰 In the News - 💬 1 Comment - 👤 Expats.cz



The Czech Ministry of the Environment (MOE) has issued a statement reminding retailers and consumers that as of January 1, shops must charge for plastic bags or pay a steep penalty.

Charging for plastic bags is not only [an obligation under European law](#), says the MOE of the amendment to the Packaging Act, but an important step toward eradicating the hazardous effects of plastic bags on the environment.

Plastic carrier bags

46

- **directive (EU) 2015/720** of 29 April 2015
 - ▣ CZ: Act no. 149/2017 Coll. – since 1/1/2018
- 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

Will we start paying deposits on plastic bottles? Deposit return system on plastic bottles in the Czech Republic

BD Staff January 26, 2018 Brno Daily Recommends, Lifestyle and Fashion, News No Comment



Deposit return system on plastic bottles – Experts are going to find out whether it will pay off in the Czech Republic, Czech online news server Aktualne.cz reports. Photo: @BrnoDaily

How would a PET deposit scheme work in Slovakia?

Plastic bottle producers and retailers will pay for the deposit return scheme. Not all the retailers will buy empty PET bottles, though.



WMP&WPP

48

- **Waste management plans**
 - ▣ obligation of MS
 - ▣ WMP shall cover the whole territory of the MS
 - CZ: state – regional – cities
 - ▣ evaluation at least every sixth year ⇒ review
- **Waste prevention programmes**
 - ▣ description and evaluation of existing prevention measures

Shipment of waste

49

- *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 ⇒ WSR in EU
 - 1. **notification** through competent authority of dispatch
 - 2. **prior consent** of the authority of destination
 - 3. **confirmation** of disposal or **re-import** into the State of dispatch