Directive 91/689/EEC on hazardous waste

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General approach of the Directive:

Sets additional requirements to those laid down in the Waste Directive 75/442/EEC

Essentially provides strict control and monitoring measures for hazardous wastes

- Also: Landfilling requirements refer to the hazardous/non hazardous waste classification
Article 1: Definition of hazardous waste
- Classification based on properties H1-H14 (explosive, toxic, carcinogenic, infectious, ecotoxic,...) and
- featuring on a List
  - Decision 2001/573/EC on the European Waste List:
    - Classification system (analysis methods, risk phrases, principle of the concentration limits) based on EU chemicals legislation
    - Structured by waste source
    - Mirror entries for hazardous and non hazardous waste
    - Over 800 waste codes (more than 400 are hazardous wastes)
HWD Key provisions

- Article 2
  - Ban of mixing different categories of HW and to mix HW with non HW
  - Derogation possible, provided
    - No harm for the environment
    - Safety of recovery or disposal is improved
    - Mixing operation is permitted
Article 3:

- Restricts possibilities for waiving permitting requirements to undertakings recovering hazardous waste if certain conditions are met:
  - MS has adopted general rules listing the type, quantity, specific conditions, type of activity
  - Rules ensure compliance with Art. 4 of the Waste Framework Directive
  - Undertakings are registered
  - Rules are notified to the Commission
HWD: Key provisions

- Art. 4:
  - Inspections also for HW producers
  - Record keeping also for HW producers and transporters
HWD: Key provisions

Art. 5:
- Also HW transports within the MS to be accompanied by form laid down in Waste Shipment Regulation
- Labelling and packaging required in accordance with international and Community standards in force
HWD: Key provisions

- Article 6: planning obligations
  - (similar to Waste Framework Directive)
- Article 7: temporary derogations in cases of emergency or grave danger
  - (no applications known)
- Article 8: reporting obligations
Review of the HWD in 2004/2005:
- Doubling provisions with Waste Framework Directive
- Some obsolete provisions (i.e. emergency derogation)
- Some ambiguous provisions (i.e. mixing ban)

-> Integration of the HWD into the Waste Framework Directive

- Commission Proposal in December 2005
Current status of implementation

- Some difficulties concerning the correct transposition of various provisions
Directive 75/439/EEC on the disposal of waste oils
WOD Current Status

- Review of the HWD in 2004/2005:
  - Waste oils collection obligation significantly contributes to environmental protection
  - Priority for waste oils processing by regeneration has no clear and significant environmental advantage

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WOD: Current Status

- Integration of the HWD into the Waste Framework Directive
- Commission Proposal in December 2005 is part of the measures adopted with the Thematic Strategy on Waste Prevention and Recycling
Current status of implementation

Implementation questionnaire compilation

Explanatory meeting 3-11 April in Brussels (Croatia, Turkey)
Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls
PCB-Dir.: General Approach

- Identification and control of PCB containing equipment
- Restricted disposal operations allowed or decontamination after equipment lifetime, for large volumes until 2010
  - → Further obligations are laid down in the Regulation 850/2004/EC on POPs
PCB-Directive: Key provisions

- Art. 1: Objective
  - Controlled disposal of PCBs, decontamination and/or disposal of used PCBs in order to eliminate them completely
PCB-Directive: Key provisions

- Article 2: Definitions
  - PCBs: …mixtures containing more than 50 mg/kg PCB/PCT
  - Decontamination: replacement of PCB containing fluids with others
  - Disposal:
    - D8 Biological treatment
    - D9 Physico-chemical treatment
    - D10 Incineration on land
    - D12 Safe, deep underground storage in dry rock formations and only for equipment and used PCBs which cannot be contaminated
    - D15 Storage
PCB-Directive: Key provisions

- Article 3 Disposal/decontamination:
  - Disposal/Decontamination as soon as possible
  - For equipment subject to inventory until 2010
PCB-Directive: Key provisions

- Article 4: Inventory
  - Equipment with PCB volumes of more than 5 dm³ must be inventoried; summaries of the inventories to be sent to the Commission
  - Inventory comprise
    - Names and addresses of the holders
    - Location and description of the equipment
    - Quantity of PCBs contained in the equipment
    - Dates and types of treatment carried out or envisaged
    - Dates of declaration
PCB-Directive: Key provisions

- Article 4: Inventory (continuation)
  - Holders must notify equipment to CA
  - Equipment must be labelled
  - PCB-disposal undertakings must keep registers of delivered equipment and notify it to the CA
  - CA must monitor the notified quantities
PCB-Directive: Key provisions

- Article 6 Transferral of equipment
  - Inventoried equipment as soon as possible to licensed undertakings
  - Not inventoried equipment: removal and separate collection where practical
PCB-Directive: Key provisions

- Article 7: Prohibition of PCB incineration on ships
- Article 8: Permitting and obligations to develop disposal, decontamination and storage capacities
PCB-Directive: Key provisions

- Article 9: Decontamination
  - Mandatory for equipment containing more than 500 mg/kg PCB
  - Objective: Reduction to less than 50 mg/kg PCB, if possible
  - Equipment containing 50-500 mg/kg PCB may be either decontaminated or disposed of at the end of their useful lifetime
PCB-Directive: Key provisions

- **Article 10: Reference methods:**
  - CEN standards EN 12766-1 and -2 must be applied for PCBs in petroleum products and used oils

- **Commission list of production names:**
  - Has been elaborated based on the information from MS, but incomplete
PCB-Directive: Key provisions

- Article 11: Plans
  - Plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein
  - Outlines for the collection and subsequent disposal of equipment which is not subject to inventory
Inventories:

- Most MS have sent summaries of their inventories to the Commission
- Exception: Walloon, Slovenia
- 8 MS with remaining PCB quantities > 5000 tons: Czech Republic, Estonia, France, Italy, Poland, Slovakia, Spain, United Kingdom
Estimation of remaining gross weight of PCB containing equipment; total: 1,1 Mio tons (gross weight)

MEURS report for CLEEN, 2005

Explanatory meeting 3-11 April in Brussels (Croatia, Turkey)
Implementation of PCB Plans

- Most MS have sent their disposal/decontamination plans to the Commission except for:
  - **Cyprus** (not yet adopted?)
  - **Malta** (only included in hazardous waste management plan)
  - **Slovakia**
  - **Greece**, France, Germany and Spain condemned by the EJC because of non-communication of the plans (France, Germany and Spain have communicated their plans in the meantime)
- 2 MS (Denmark, Germany), where no significant quantities of PCB equipment is still in operation
Implementation of PCB outlines

- Most MS have sent their collection/disposal outlines to the Commission except for:
  - Estonia (unclear if covered by plans under indent 1),
  - Cyprus (not adopted yet?)
  - Malta (PCBs only included in general hazardous waste management plan)
  - Slovenia (incomplete)
  - Slovakia
  - Spain condemned by the ECJ because of non-communication of the outlines