



# 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



# HWD: Key provisions



- 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



# HWD: Key provisions



- 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





# HWD Current Status



- 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



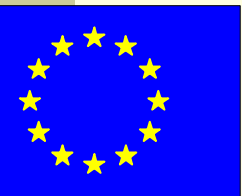
# Current status of implementation



- Many infringement cases motivated by a bad application of the Directive, mainly connected with Article 4 of the Waste Framework Directive 75/442/EEC and the Landfill Directive 99/31/EC
- 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:
  - Most of the provisions covered by other EU Directives: Landfill Directive, Waste Incineration Directive, IPPC Directive, PCB Directive, Hazardous Waste Directive...
  - Waste oils collection obligation significantly contributes to environmental protection
  - Priority for waste oils processing by regeneration has no clear and significant environmental advantage
  
- ->



# WOD: Current Status



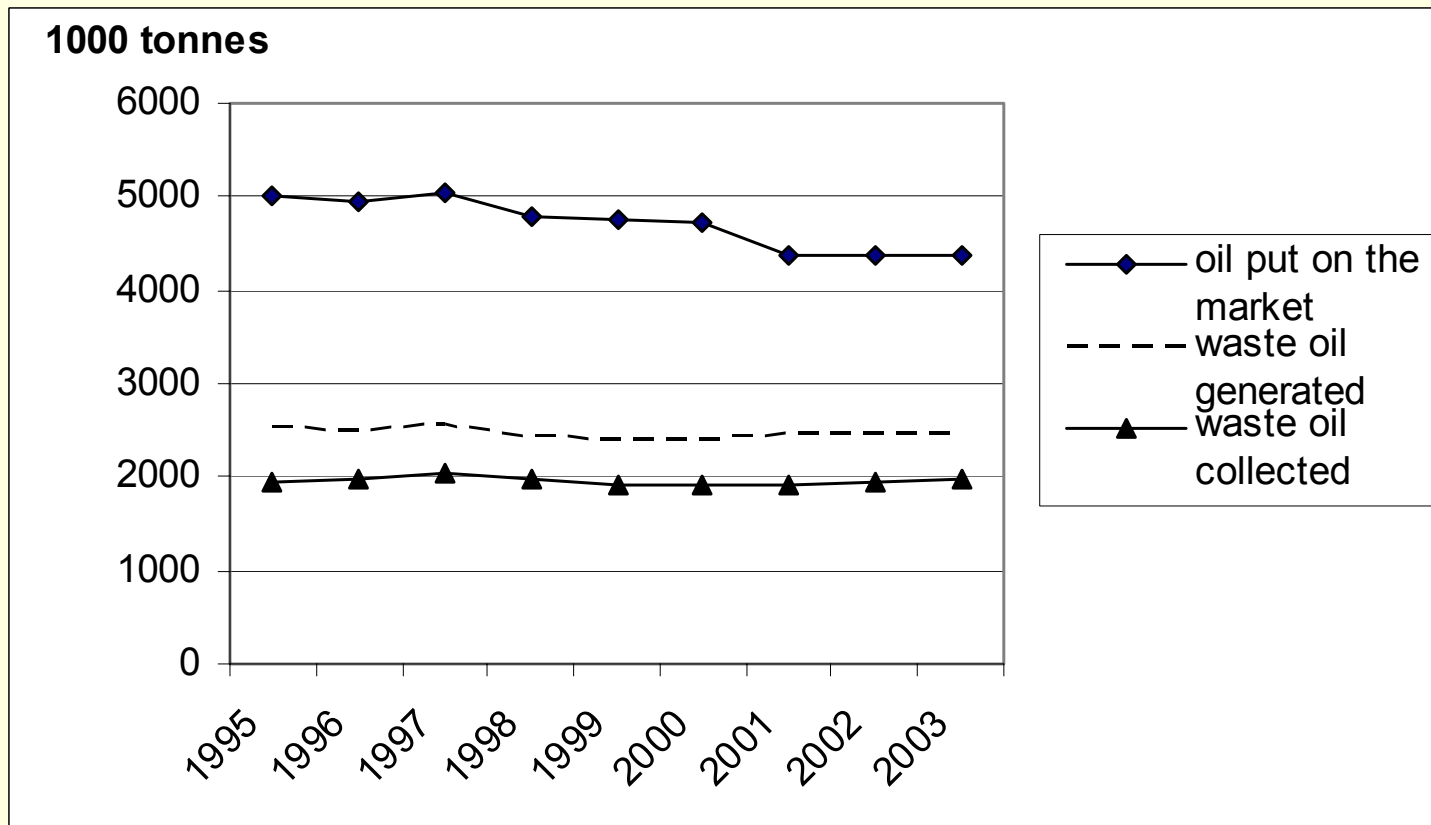
- Integration of the HWD into the Waste Framework Directive
- Commission Proposal in December 2005 is part of the measures adopted with the Thematic Strategy on Waste Prevention and Recycling



# Current status of implementation



## ■ Implementation questionnaire compilation





- 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 dm<sup>3</sup> 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



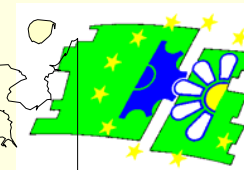
# Current status of implementation



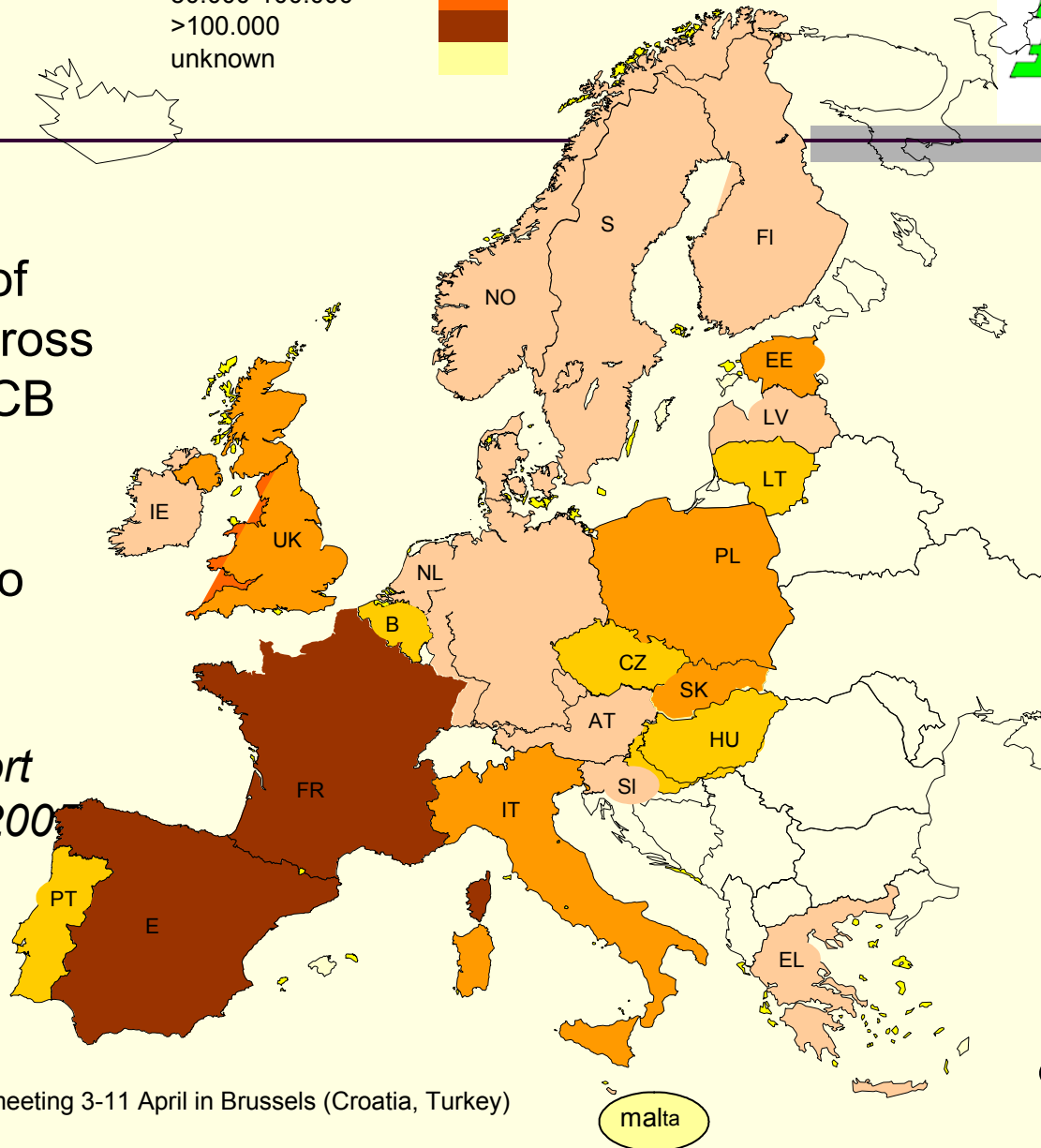
- Inventories:
  - Most MS have sent summaries of their inventories to the Commission
  - Exception: Walloon, Slovenia
  - 8 MS with remaining PCB quantities > 5000 tons: Czech Republic, Estonia, France, Italy, Poland, Slovakia, Spain, United Kingdom



<1.000  
1.000-10.000  
10.000-50.000  
50.000-100.000  
>100.000  
unknown



- Estimation of remaining gross weight of PCB containing equipment; total: 1,1 Mio tons (gross weight)  
*MEURS report for CLEEN, 200*

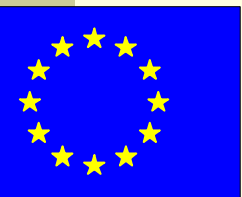




# Implementation of PCB Plans



- 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