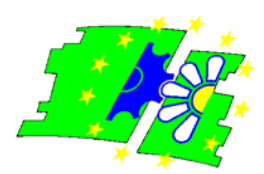


# The Waste Framework Directive and the Thematic Strategy on prevention and recycling of waste

Paul Speight  
DG ENVG4  
Production, Consumption & Waste  
European Commission  
[paul.speight@cec.eu.int](mailto:paul.speight@cec.eu.int)



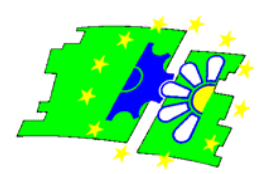
# Main function of the WFD

- Sets and defines the key concepts of EU waste legislation – what is a waste, what is recovery and so on.
- Puts in place the basic environmental safety net, protecting the environment from waste generation and management



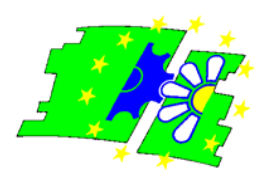
# Brief history of the WFD

- Adopted 1975 – one of the first pieces of EU environmental legislation
- Revised 1991
- Commission proposal for revision adopted 21 December 2005



# Art 1 - Definition of waste

- ‘Discards or intends to discard’
- Significant case law from the ECJ
  - Waste must be interpreted widely in order to protect the environment
  - Something can have an economic value and still be waste
  - Waste for recovery is still waste
  - Ignore Annex 1



## Definition of waste II – difficult issues

- Keep basic definition in revision
- Propose mechanism in WFD in order to clarify end of waste for some waste streams
- Commission Communication in 2006 on the distinction between by-products and waste
- Other issues – waste versus re-use, birth of waste – best tackled through a practical approach – does the car still work...



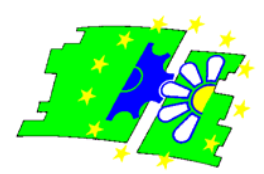
# Recovery and disposal (Art 1)

- Now - recovery + disposal based on Annexes IIA, IIB – link to Basel Convention + OECD
- Important for shipment, some recycling targets
- But – difficult to interpret eg distinction between energy recovery and incineration
- ECJ has said – depends on purpose of installation  
– so cement kiln = recovery, municipal incinerator = disposal.



# Recovery II – new proposals

- More clearly based on substitution of resources
- Possibility to set efficiency criteria to deal with difficult distinctions – starting with energy recovery – if municipal incinerators meet a certain efficiency level = recovery
- Also make it possible to declare certain techniques as disposal through comitology



## Scope of the Directive – Art 2

- Emissions to air excluded outright → air legislation
- Emissions to water etc excluded where covered by national or Community legislation (ECJ, Avesta Polarit case)
- Revision proposal – clarify relationship between waste and animal by-product legislation, exclude some agricultural by-products





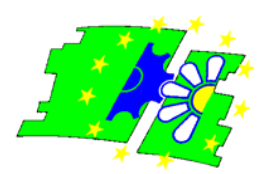
## Waste hierarchy – Art 3

- Prevent, re-use, recycle, recover, dispose of.
- Political principle – general objective for waste policy in the EU
- Revision – suggest that hierarchy should be complemented by life cycle + environmental impact thinking



## Minimum env conditions (Art 4)

- Basic environmental safety net – all waste management operations should not harm the environment
- Many Commission infraction cases based on this article



## Other key principles

- Self-sufficiency principle – Member States should have enough installations for waste for disposal
- Proximity principle – waste for disposal should be dealt with as close as possible to its generation
- ‘Polluter pays’ – producer of the waste should pay for its disposal costs
- Producer responsibility – producer of product responsible for waste generated (more concrete in recycling Directives)



## Competent authority (Art 6)

- Plays an important role – many key decisions on definition of waste, recovery and disposal, shipment, need to be taken on a case by case basis.



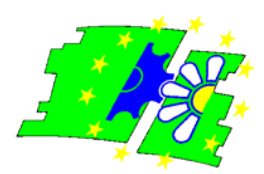
## Waste management plans (Art 7)

- Important – structures Member State waste efforts and policy – allows Commission to see what is happening
- Linked to infrastructure funding
- Must have full geographical coverage
- Clarified in revision proposal



## Permits, exemptions, registration

- Also important – all waste management operations must have a permit
- Exemptions can be put in place in some circumstances by the Member State, but general rules must then be set up
- Collectors, transporters, brokers must be registered



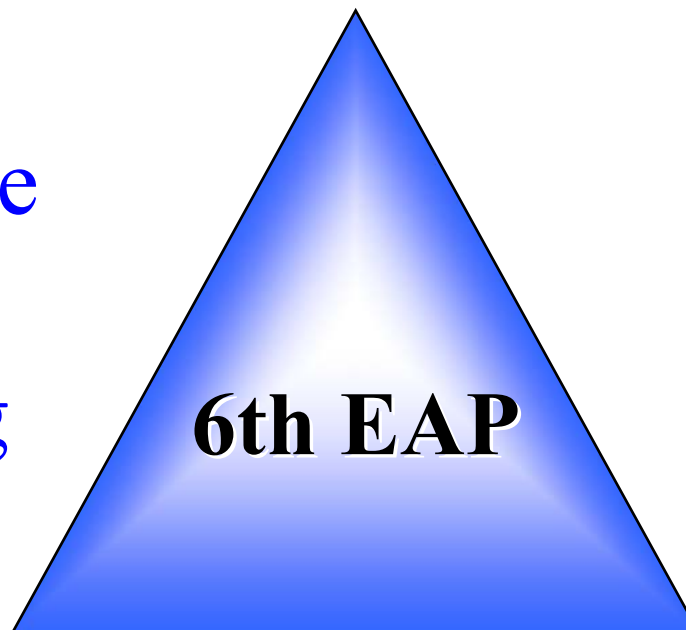
# **Thematic Strategy on the Prevention and Recycling of Waste**



# *Delivering the 6EAP*



Thematic  
Strategy on the  
Prevention  
and Recycling  
of Waste



Thematic  
Strategy on  
Sustainable  
Use of  
Resources

Integrated  
Product Policy





# *Waste and Resource Use*



- Resource Strategy
  - Highlights challenges and sets wide framework for action to manage natural resources
- Waste Strategy
  - Links waste policy with wider resources policy
  - Moves Europe towards recycling society



# *TS Waste package*



- Modernise
- Simplify (end of waste, definition of recovery)
- Reinforce where needed: waste prevention actions and recycling standards
- Explanation provided in: (short) Communication + (long) Impact Assessment, + a ‘story book’
- Immediate action:
  - Revise waste framework Directive
  - Integrate hazardous waste Directive
  - Repeal waste oils Directive



# Waste Prevention and Recycling Strategy

COM(2005)...

## Framework Legislation

**Rev. Waste Framework Dir**  
(Dir. 75/442/EEC)  
*Revised in Thematic Strategy*

~~**Hazardous Waste Directive**~~  
~~Dir. 91/676/EEC~~

**Waste Shipment Regulation**  
(Reg. (EEC) 259/93)  
*Just revised*

## Waste Treatment Operations

**Incineration**  
89/369 & 429 (MW) 94/67 (HW)  
Replaced by 2000/76/EC

**Landfill**  
99/31/EC

**Recycling**  
*EU Standards, ..., as part of Recycling Strategy*

## Waste Streams

~~**Waste Oils**~~  
~~Dir. 75/439/EEC~~

*repeal in Thematic Strategy*

~~**Titanium Dioxide**~~  
~~Dir. 78/176/EEC~~

*Simplify in 2006*

**Sewage Sludge**  
Dir. 86/278/EEC

*Up-date in 2007*

**Batteries and Accumulators**  
Dir. 91/157/EEC & 93/86/EEC  
COM(2003)723

*New proposal in co-decision*

**Packaging and Packaging Waste**  
Dir. 94/62/EC

**PCBs**  
Dir. 96/59/EC

**End-of-life Vehicles**  
Dir. 2000/53 EC

**Waste electric and electronic equipment**  
Dir. 2002/95EC

**Restriction of Hazardous Substances**  
Dir. 2002/95EC

**Mining Waste**  
Com (2003)319



# *Life Cycle Thinking*



- An environmental objective of waste policy
  - Reduce environmental impacts of resource use
  - Provides yardstick to assess policy effectiveness
- Where local conditions important
  - Action at local level
  - Justify with regard to objective
- Assist implementing LCT
  - Guidance
  - Information
  - Further research



# *Waste Prevention*



- In the past, targets have been set and missed. A political objective without concrete measures will never work
- Most waste prevention measures are best taken at a local, regional or national level
- Need a framework approach – gather best practice at the EU level, act at the appropriate level
- Also need to improve the science and knowledge behind waste prevention actions
- Waste Framework Directive will require waste prevention programmes



# A Decade for Change



Inc/co-inc  
emission  
limits

IPPC  
permits

Non-haz  
waste  
landfills

Final  
ELV  
targets

2004 2005 2006 2007 2008 2009 2010 2015 2016

Hazardous  
waste  
landfills

WEEE  
+ ELV  
targets

Pckg  
targets

PCBs  
destroyed

Final  
landfill  
diversion

Landfill  
diversion

- Landfill:
- Tyres Ban
  - Acceptance criteria

## 2005: Thematic Strategy



# *Developing Tomorrow's Recycling policy*



- Two clear conclusions:
- 1) Previous approach (WEEE, ELV) has been useful but cannot be extended indefinitely – env benefits would not justify the cost and administrative burden.
- 2) But market forces alone will not reach the full environmental benefits of recycling for all materials
- In the short term – pause to implement properly what has already been agreed (see previous slide)
- In the longer term – re-evaluate the situation on a material by material basis – use full range of tools



# Filling the waste treatment standards gap



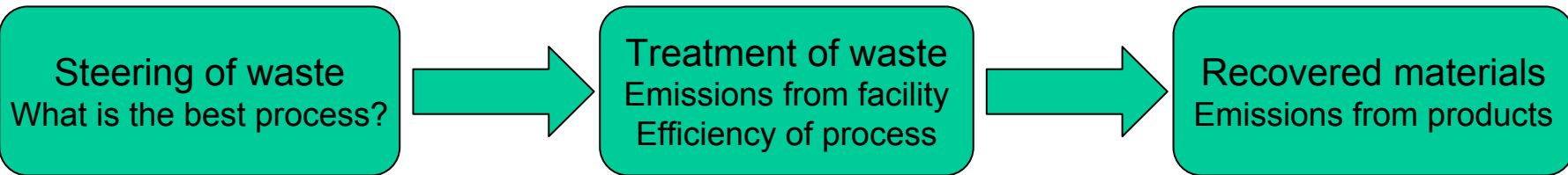
## We have

Proximity principle  
WEEE, ELV, and  
Packaging  
Directives

Incineration Directive  
Landfill Directive  
WEEE/ELV Directive

Chemicals legislation  
Substance bans in waste  
legislation

## Level at which the standards apply



## Future options

Guidelines for sham  
recovery  
Treatment targets

Extension of IPPC  
Efficiency criteria for  
R definitions

Reach regulation  
(where applicable)  
End of waste criteria