

EUROPEAN PARLIAMENT

2004



2009

Committee on the Environment, Public Health and Food Safety

16.11.2006

PE 380.989v01-00

COMPROMISE AMENDMENTS 1-14

Draft report
Caroline Jackson
Waste

(PE 374.384v01-00)

Proposal for a directive (COM(2005)0667 – C6-0009/2006 – 2005/0281(COD))

Text proposed by the Commission

Amendments by Parliament

Compromise amendment by Caroline Jackson

Compromise amendment 1

(Compromise amendment replacing Amendment 12, 70, 93, 160, 161, 163, 164, 167, 168 2nd part, 170-172, 175-179, 255, 256, 268, 269-275, 280, 284-285, 287, 405)

Recital 14 a (new)

(14a) In order to clarify certain aspects of the definition of waste, it would also be useful to specify when a material or a substance, which is the result of a production or extraction process not primarily aimed at producing it, and which the holder intends not to discard but to exploit, becomes a by-product. The Commission should issue interpretative guidelines on the basis of existing jurisprudence. If this proves insufficient, the Commission should, if appropriate, having had particular regard to environment and health concerns and

AM\640292EN.doc

PE 380.989v01-00

EN

EN

conditions established in the jurisprudence, put forward legislative proposals with clear criteria for determining case by case when such materials and substances could be considered as falling outside the scope of the definition of waste. In the absence of such measures adopted at EU level or applicable European jurisprudence, the materials or substances concerned should continue to be considered a waste.

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 2

(Compromise amendment replacing Amendment 3-5, 95-119, 121-135)

Article 1

This Directive lays down measures with a view to **reducing** the overall environmental impacts, **related to the use of resources**, of the generation and management of waste.

For **the same** purposes, **it also makes provisions whereby** the Member States **are to take measures, as a matter of priority**, for the prevention **or** reduction of waste **production and its harmfulness and, secondly, for the recovery of waste by means of** re-use, recycling **and** other recovery operations.

This Directive lays down measures with a view to **minimising** the overall environmental **and health** impacts of the generation and management of waste, **and contributing also to a reduction in the use of resources.**

For **these** purposes, **as a general rule**, the Member States **and the Community shall** take measures, **in descending order of priority**, for:

- (1)** the prevention **and** reduction of waste,
- (2)** **the re-use of waste,**
- (3)** **the recycling of waste,**
- (4)** other recovery operations,
- (5)** **the safe and environmentally sound disposal of waste.**

When life-cycle assessments and cost-benefit analyses indicate clearly that an alternative treatment option shows a better

record for a specific waste stream, Member States may depart from the priorities established in the second paragraph. These assessments and analyses shall be made public. If necessary, the Commission will draw up guidelines for the application of such assessments and analyses.

Or. en

Consolidated amendment by Caroline Jackson

Consolidated amendment 3
(Consolidated amendment replacing Amendments 137-149)
Article 2, introduction and subparagraph 1

This Directive shall not cover gaseous effluents emitted into the atmosphere.

This Directive shall not cover:

- gaseous effluents emitted into the atmosphere,

- uncontaminated excavated materials which can be used in their natural state whether on the same site or another site.

1. It shall not cover the following categories of waste, as regards certain specific aspects of those categories which are already covered by other Community legislation:

- (a) radioactive waste;
- (b) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
- (c) Faecal matter and other natural, non-dangerous substances used in farming;
- (d) waste waters, with the exception of waste in liquid form;
- (e) decommissioned explosives;
- (f) unexcavated contaminated soil.

1. It shall not cover the following categories of waste, as regards certain specific aspects of those categories which are already covered by other Community legislation:

- (a) radioactive waste;
- (b) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
- (c) Faecal matter and other natural, non-dangerous substances used in farming;
- (d) waste waters, with the exception of waste in liquid form;
- (e) decommissioned explosives;
- (f) unexcavated contaminated soil.

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 4

(Compromise amendment replacing Amendment 190, 191, 192, 193, 194, 195, 200, 233, 258, ITRE16)

Article 3, point (e a) (new)

(ea) 'prevention' means any action that is taken before products or substances have become waste and that is aimed at reducing the generation of waste or its harmfulness; it also refers to the reduction of the harmfulness through restrictions on the use in products of substances or materials that are hazardous and any action taken to prevent formation, transfer and dispersion of hazardous substances during waste management;

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 5

(Compromise amendment replacing Amendment 213, 214, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228)

Article 3, point (g)

(g) 'recycling' means the ***recovery of waste into*** products, materials or substances whether for the original or other purposes. It does not include energy recovery;

(g) 'recycling' means the ***reprocessing of materials or substances in wastes through a production process whereby they produce or are incorporated in new*** products, materials or substances whether for the original or other purposes. It ***includes reprocessing of organic material, but*** does not include, ***inter alia***, energy recovery, ***conversion for use as a fuel, processes involving combustion or use as a source of energy, including chemical energy, or backfilling operations;***

Or. en

Consolidated amendment by Caroline Jackson

Consolidated amendment 6

(Consolidated amendment replacing Amendment 10, 196, 197, 198, 217, 239, 240, 241, 242, 243, 245, 246, 257, 259, 260, 276, 277, 282, 316, ITRE 18)

Article 3, point (g a) (new)

(ga) 'recovery' means a final waste treatment operation that meets the following criteria:

- 1) results in waste substituting for other resources that would have been used to fulfil that function;***
- 2) results in waste serving a genuine useful purpose, whether in the plant or in the wider economy, by that substitution;***
- 3) meets certain efficiency criteria, established in accordance with Article 5(2);***
- 4) decreases the overall negative environmental effects by using waste as a substitute for other resources;***
- 5) ensures that pollutants are not transferred into the product and minimises the formation, transfer and dispersion of hazardous substances in the process;***
- 6) gives a high priority to the protection of human health and the environment.***

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 7

(Compromise amendment replacing Amendment 178 and 373)

Article 3 a (new)

Article 3a

Producer responsibility

1. Member States and the Community shall, in order to reinforce producer

responsibility, take measures to hold producers or importers responsible for the waste which is generated as a result of their product being placed on the market. This may be done, inter alia, in the following ways:

- by introducing take-back obligations for producers/importers,

- by introducing the obligation to provide publicly available information as to the extent to which the product is recyclable,

- by requiring producers to use materials and product design which help to avoid or reduce the generation of waste and to render the waste generated less damaging,

- by establishing facilities to make repair and reuse possible,

- by establishing facilities for separate collection, take back and disposing of products in a responsible manner at the end of their life.

2. Member States shall report to the Commission on the implementation of paragraph 1. The Commission shall assess the appropriateness of introducing extended producer responsibility schemes for specific waste streams at EU level, based on the experiences of Member States.

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 8

(Compromise amendment replacing Amendment 295, 296, 297, 298, 299, 300, 301)

Article 4 a (new)

Article 4a

Prevention of waste

Member States shall, in accordance with Article 1, take all necessary measures to stabilise their overall waste production by 2012 as compared to their overall annual

waste production in 2008.

Stabilisation shall mean no further increase in generation relative to the start of the stabilisation period.

Following the consultation of all stakeholders, the Commission shall submit to the European Parliament and the Council proposals for measures required in support of the Member States' prevention activities, to cover:

(a) by 2008, a list of indicators that will enable Member States to monitor, assess and report on the progress of their waste prevention programmes and measures;

(b) by 2010, the formulation of a product eco-design policy addressing both the generation of waste and the presence of hazardous substances in waste, with a view to promoting technologies focusing on durable, reusable and recyclable products;

(c) by 2010, the setting of further qualitative and quantitative waste reduction objectives for 2020, based on best available practice;

(d) by 2010, the formulation of an action plan for further support measures at European level seeking in particular to change current consumption patterns.

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 9

(Compromise amendment replacing Amendment 16, 17, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, ITRE 24-26)

Article 5

1. Member States shall take the necessary measures to ensure that all waste undergoes operations *that result in it serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a*

1. Member States shall take the necessary measures, *consistent with the provisions stated in Article 1*, to ensure that *where practicable* all waste undergoes *recovery* operations. *These shall include* at least the operations listed in Annex II, *provided that they satisfy the definition of recovery in*

use, hereinafter “recovery operations”.

2. The Commission *may*, in accordance with the procedure *referred to in Article 36(2)*, *adopt* implementing measures in order to set efficiency criteria on the basis of which operations listed in Annex II may be considered to have resulted in *a useful purpose, as referred to in paragraph 1*.

Article 3.

For the avoidance of doubt, operations shall fall under Annex II despite producing some material which thereafter undergoes disposal operations if their primary purpose is a recovery operation falling under Annex II.

2. The Commission *shall put forward by...** *a legislative proposal* in accordance with the procedure *laid down in Article 251 of the Treaty, for the adoption of* implementing measures in order to set *environmental and* efficiency criteria on the basis of which *final* operations listed in Annex II may be considered to have resulted in *a recovery operation*.

** Two years after entry into force of this Directive.*

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 10

(Compromise amendment replacing Amendment 22, 23, 389-427, 618, 619, ITRE 33-36)

Article 11

1. *With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a re-use, recycling or recovery operation, and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met:*

(a) reclassification would not lead to overall

1. *Member States may request the Commission to determine whether, on an exceptional basis, a given waste has ceased to be a waste on the basis that:*

(-a) it has completed a re-use, recycling or recovery operation in accordance with the provisions of this Directive and is hence to be reclassified as secondary products, materials or substances;

(a) *such* reclassification would not lead to overall negative environmental *or health*

negative environmental impacts;

(b) a market exists for such a secondary product, material or substance.

2. On the basis of its assessment pursuant to paragraph 1, ***the Commission shall, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in respect of a specific product, material or substance category of waste,*** specifying the environmental and quality criteria to be met in order for ***that*** waste to be deemed to have become a secondary product material or substance

3. The criteria set pursuant to paragraph 2 shall be such as to ensure that the resulting secondary product, material or substance meets the necessary conditions to be placed on the market.

The criteria shall take into account any risks of environmentally harmful use or shipment of the secondary material or substance, and shall be set at a level that guarantees a high level of protection for human health and the environment.

impacts;

(b) a market exists, ***or would exist***, for such a secondary product, material or substance.

2. ***By ... * the Commission shall, if appropriate,*** on the basis of its assessment pursuant to paragraph 1, ***put forward a legislative proposal*** specifying the environmental and quality criteria to be met in order for ***specific products, materials or substance categories of waste*** to be deemed to have become a secondary product, material or substance.

3. The criteria set pursuant to paragraph 2 shall be such as to ensure that the resulting secondary product, material or substance meets the necessary conditions to be placed on the market.

The criteria shall take into account any risks of environmentally harmful use or shipment of the secondary material or substance, and shall be set at a level that guarantees a high level of protection for human health and the environment.

3a. By... ** the Commission shall, if appropriate, make proposals for determining whether the following waste streams fall under the provisions of this Article, and if so, what specifications should apply to them:

- ***compost,***

- ***aggregates,***

- ***paper,***

- ***glass,***

- ***metal,***

- ***end-of-life tyres,***

- ***second-hand clothing.***

**** Two years after entry into force of this Directive***

***** Five years after entry into force of this directive.***

Or. en

Justification

These are the most urgent areas for new proposals.

Compromise amendment by Caroline Jackson

Compromise amendment 11

(Compromise amendment replacing Amendment 427, 428, 431, 446, 448, 495, 496)
Article 15 a (new)

Article 15a

Traceability and control of hazardous waste

In accordance with the provisions set out in this Directive regarding hazardous waste, Member States shall take the necessary action to ensure that the collection, production and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing optimum protection for the environment and human health and safety for operators, industrial sites and individuals, including as a minimum taking measures to ensure traceability and control from production to final destination of any hazardous waste and proper risk assessment during its management.

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 12

(Compromise amendment replacing Amendment 27, 90-92, 458-468, ITRE 43-44)
Article 18

Without prejudice to the obligations related to the **handling** of hazardous waste laid down in Articles 16 and 17, Member States shall take the necessary measures to ensure

Without prejudice to the obligations related to the **management** of hazardous waste laid down in Articles 16 and 17, Member States shall take the necessary measures to ensure

that mineral waste oils are collected ***and handled in accordance with*** Article 7.

that mineral waste oils are collected ***separately from other waste where this is technically feasible and then treated in accordance with the waste hierarchy referred to in the second paragraph of Article 1, under the conditions outlined in Article 7; the preference given to regeneration in Directive 75/439/EEC should be maintained wherever possible.***

Or. en

Compromise amendment by Caroline Jackson

Compromise amendment 13
(Compromise amendment replacing Amendment 447, 457, 489, 490, 491, 494)
Article 19 a (new)

Article 19a

Permit requirements

All hazardous waste treatment installations shall be subject to a permit requirement in accordance with Directive 96/61/EC.

Without prejudice to Directive 96/61/EC, a permit application to the competent authorities shall include a description of the planned measures intended to ensure that the plant is designed, equipped and operated in a manner in keeping with the waste categories treated and their related risks.

The permit issued by the competent authorities shall state:

- the amounts and the categories of hazardous waste treated;***
- the technical characteristics of the waste treatments providing optimum environmental protection and guaranteeing a high level of safety.***

When the operator of a non-hazardous waste treatment plant is envisaging a change of operation which would involve hazardous waste, this shall be regarded as a substantial change within the meaning of

Consolidated amendment by Caroline Jackson

Consolidated amendment 14
(Consolidated amendment replacing Amendment 30, 505-518)
Article 26, paragraphs 1 to 3

1. Member States shall ensure that their competent authorities establish, in accordance with Article 1, one or more waste management plans which shall be revised at least every 5 years.

Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.

2. The Waste Management plans provided for in paragraph 1 shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken for the prevention, re-use, recycling, recovery and safe disposal of waste.

3. The waste management plans shall contain at least the following:

(a) the type, quantity and origin of waste generated as well as waste likely to be treated *from outside* the national territory;

(b) *general technical requirements, including* collection schemes and treatment methods;

1. Member states shall ensure that their competent authorities establish in accordance with Article 1, one or more waste managements plans, which shall be revised at least every 5 years.

Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.

2. The Waste Management plans provided for in paragraph 1 shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken for the prevention, re-use, recycling, recovery and safe disposal of waste.

3. The waste management plans shall contain all the information necessary to fulfil the obligation in paragraph 2 and to enable competent authorities, establishments and undertakings to act so as to give effect to the plan. The Commission shall, as appropriate, provide guidelines for waste management planning.

The waste management plans shall contain at least the following:

(a) the type, quantity and origin of waste generated as well as waste likely to be treated *that has originated* outside the national territory;

(b) collection schemes and treatment methods;

(c) any special arrangements for waste streams ***that pose specific policy, technical or waste management problems;***

(d) an identification and assessment of existing disposal and major recovery installations as well as historical contaminated waste disposal sites and measures for their rehabilitation;

(e) sufficient information in the form of criteria for site identification, to enable the competent authorities to decide whether to grant authorisation or not for future disposal or major recovery installations;

(f) the natural or legal persons empowered to carry out the management of waste;

(g) financial and organisational aspects related to the management of waste;

(h) an assessment of the usefulness and suitability of particular economic instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market.

(c) any special arrangements for waste streams, ***including those addressed by specific Community legislation;***

(d) an identification and assessment of existing disposal and major recovery installations as well as historical contaminated waste disposal sites and measures for their rehabilitation;

(e) sufficient information in the form of criteria for site identification, to enable the competent authorities ***in the Member States*** to decide whether to grant authorisation or not for future disposal or major recovery installations;

(g) general waste management policies, including planned waste management technologies and methods.

Or. en