

# ЕВРОПЕЙСКИ ПАРЛАМЕНТ

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ОКОНЧАТЕЛЕН  
**A6-0466/2006**

15.12.2006

**\*\*\*I**

## **ДОКЛАД**

по предложението за директива на Европейския парламент и на Съвета  
относно отпадъците  
(COM(2005)0667 – C6-0009/2006 – 2005/0281(COD))

Комисия по околната среда, здравеопазването и безопасността на храните

Докладчик: Caroline Jackson

### ***Легенда на използваните знаци***

- \* Процедура на консултация  
*мнозинство от подадените гласове*
- \*\*I Процедура на сътрудничество (първо четене)  
*мнозинство от подадените гласове*
- \*\*II Процедура на сътрудничество (второ четене)  
*мнозинство от подадените гласове за одобрение на общата позиция мнозинство от всички членове на Парламента за отхвърляне или изменение на общата позиция*
- \*\*\* Одобрение  
*мнозинство от всички депутати, освен в случаите по членове 105, 107, 161 и 300 от Договора за ЕО и член 7 от Договора за ЕС*
- \*\*\*I Процедура на съвместно решение (първо четене)  
*мнозинство от подадените гласове*
- \*\*\*II Процедура на съвместно решение (второ четене)  
*мнозинство от подадените гласове за одобрение на общата позиция мнозинство от всички членове на Парламента за отхвърляне или изменение на общата позиция*
- \*\*\*III Процедура на съвместно решение (трето четене)  
*мнозинство от подадените гласове за одобрение на общия проект*

(Посочената процедура се базира на правното основание, предложено от Комисията.)

### ***Изменения на законодателен текст***

Измененията, внесени от Парламента, са отбелязани с ***потъмняване и курсив***. Отбелязването с *курсив без потъмняване* е предназначено за техническите служби и се отнася до частите от законодателния текст, за които е предложена поправка с оглед изготвяне на окончателния текст (например очевидни грешни или липсващи части в дадена езикова версия). Предложенията за поправка подлежат на съгласуване със засегнатите технически служби.

## СЪДЪРЖАНИЕ

	<b>Страница</b>
ЗАКОНОДАТЕЛНА ПРОЕКТОРЕЗОЛЮЦИЯ НА ЕВРОПЕЙСКИЯ ПАРЛАМЕНТ .....	5
EXPLANATORY STATEMENT .....	8
OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY .....	8
PROCEDURE.....	8



## ЗАКОНОДАТЕЛНА ПРОЕКТОРЕЗОЛЮЦИЯ НА ЕВРОПЕЙСКИЯ ПАРЛАМЕНТ

за предложението за директива на Европейския парламент и на Съвета относно  
относно отпадъците  
(COM(2005)0667 – С6-0009/2006 – 2005/0281(COD))

(Процедура на съвместно вземане на решение: първо четене)

*Европейският парламент,*

- като взе предвид предложението на Комисията до Европейския парламент и до Съвета (COM(2005)0667)<sup>1</sup>,
  - като взе предвид член 251, параграф 2 и член 175, пар. 1 от Договора за ЕО, съгласно които предложението му е представено от Комисията (С6-0009/2006),
  - като взе предвид член 51 от своя правилник,
  - като взе предвид доклада на комисията по околната среда, здравеопазването и безопасността на храните (А6-0466/2007),
1. одобрява предложението на Комисията във вида, в който е изменено;
  2. призовава Комисията да се отнесе до него отново, в случай че възнамерява да внесе съществени изменения в своето предложение или да го замени с друг текст;
  3. възлага на своя председател да предаде позицията на Парламента на Съвета и на Комисията.

Текст, предложен от Комисията

Изменения, внесени от Парламента

Изменение 1  
Съображения 1а до 1в (ново)

*(1а) Първата цел на всяка политика в областта на отпадъците следва да бъде намаляването на отрицателните въздействия на производството и управлението на отпадъците върху човешкото здраве и околната среда. Законодателството в областта на отпадъците следва също да се стреми към намаляване на употребата на ресурсите и да отдава предпочитание на практическото прилагане на*

<sup>1</sup> ОВ С ... / Все още непубликувано в ОВ.

**йерархията в областта на отпадъците.**

**(1б) В своята резолюция от 24 февруари 1997 г. Съветът потвърди, че превенцията в областта на отпадъците следва да бъде на първо място сред приоритетите на управлението на отпадъците и че повторната употреба и рециклирането на материалите следва да бъде предпочетено пред използването на отпадъците за получаване на енергия, когато и доколкото те са по-добрите варианти за околната среда.**

**(1с) Шестата програма за действие на Общността в областта на околната среда потвърди тази ориентация с цел постигане на съществено цялостно намаление на обемите на произведените отпадъци и поставяне на цели, които да бъдат изпълнени впоследствие.**

#### *Justification*

*The objective of waste management should be about the minimization of the impacts related to the generation and management of waste, in turn contributing to a reduction in the use of resources. An established hierarchy should be, therefore, put into practice and applied ensuring continuity of existing policy objectives.*

*The aim is to recall the existing basis for the five step hierarchy on waste management starting from prevention as the priority steps and then following the best environmentally friendly solutions.*

*The Sixth Community Environment Action Programme decision as adopted by the EP and the Council on the objective for waste prevention is recalled to stress the importance of overall reduction and of setting targets.*

#### Изменение 2 Съображение ба (ново)

**(ба) Спешно се налага промяна на настоящата система на производство и потребление. Основната цел е потреблението да стане устойчиво и**

**процесите на добив на суровини, производство и проектиране на продуктите да отговаря в по-голяма степен на естествените процеси и предназначения.**

Изменение 3  
Съображение 6б (ново)

**(6б) Обществото зависи преди всичко от продукти, произведени от редица различни материали, например биологични, неорганични и изкуствени материали, които често се комбинират, за производството на съставни материали. Такива материали следва да бъдат използвани и с тях следва да се борави по такъв начин, че когато полезният им живот на продукта изтече те да не се остават безполезен отпадък.**

Изменение 4  
Съображение 10 а (ново)

**(10а) Законодателството в областта на отпадъците следва да има за цел намаляване на употребата на природните ресурси и да засилва прилагането на йерархията в областта на отпадъците.**

*Justification*

*Waste hierarchy should be the ground for waste policy as it is based on environmental considerations. Therefore to apply waste hierarchy leads to environmental gains, contribute to the efficient use of natural resources and the reduction of energy dependency, by promoting the minimization of waste production and the material recycling of wastes.*

Изменение 5  
Съображение 11

(11) A definition of re-use should be added in order to clarify the ambit of this operation

(11) Следва да се добави определение за понятието „повторна употреба”, така че

in *general waste treatment and the role of the re-use of materials or products that are within the scope of the definition of waste. The definition of re-use should not cover the re-use of products which do not become waste in the first place, and should relate, therefore, only to activities which lead to the re-use of products or components that have become waste.*

да се изясни обсега на тази операция в *контекста на политиката на ЕС в областта на управлението на отпадъците. Това определение следва да бъде съставено по такъв начин, че да се покриват всички операции, определени като „повторна употреба” в съществуващото специфично за продуктите законодателство в областта на отпадъците.*

#### *Justification*

*New definitions under the Waste Framework Directive should take into account existing definitions under product specific waste directives (i.e. the definitions of “re-use” laid down in Directive 94/62/EC on packaging and packaging waste (Art. 3.5), Directive 2000/53/EC on end-of life vehicles (Art. 2.6) and Directive 2002/96/EC on waste electrical and electronic equipment (Art. 3.d)).*

#### Изменение 6 Съображение 13

(13) The definitions of recovery and disposal need to be modified in order to ensure a clear distinction between the two concepts, based on a genuine difference in environmental impact, and *more specifically* on whether or not the operation leads to *the* substitution of natural resources in the economy. In addition it is necessary to add a corrective mechanism to clarify *cases where this distinction is difficult to apply in practice or* where the classification of the activity as recovery does not match the real environmental impact *or* the operation.

(13) Определенията на понятията „оползотворяване” и „унищожаване” трябва да бъдат променени, така че да се осигури ясно различаване между двата термина, основаващо се на същинската разлика при влиянието върху околната среда *и здравето* и на това дали операцията води до *предпочитано* заместване на природни ресурси в икономиката или не. Освен това е необходимо да се добави коригиращ механизъм за изясняване на това дали класификацията на дейността като „оползотворяване” не съчетава истинското влияние *на* операцията върху околната среда.

#### *Justification*

*Health impact also needs to be considered. The substitution of natural resources by waste for the distinction between recovery and disposal should be preferable and not just any substitution. A corrective mechanism via comitology is only acceptable for action against sham recovery, but nor for the setting of specific distinctions between recovery and disposal.*



Изменение 7  
Съображение 14а (ново)

*(14а) С оглед изясняване на определени аспекти на определението за отпадъци, би било полезно да се направи уточнение когато даден материал или вещество, което е получено чрез производство или процес на извличане, които първоначално не са целели неговото произвеждане, и което притежателят не възнамерява да предаде като отпадък, а – да използва, се превръща в страничен продукт. Комисията следва да излезе с ръководни принципи за интерпретация въз основа съществуващата юриспруденция. Ако това се окаже недостатъчно, Комисията следва, ако се налага, след като е обърнала особено внимание на съображенията, свързани с околната среда и здравето и на условията, установени от юриспруденцията, да представи законодателни предложения с ясни критерии за определяне на всеки случай поотделно, когато за подобни материали и вещества може да се счете, че попадат извън обсега на определението за отпадък. При липса на подобни мерки, приети на равнище ЕС или приложима европейска юриспруденция, съответните материали и вещества следва да продължават да бъдат считани да отпадъци.*

Изменение 8  
Съображение 15

(15) It is appropriate that costs be allocated in such a way as to reflect the real cost to the environment of the generation and management of that waste.

(15) Подходящо е разходите да бъдат разпределени по такъв начин, че да отразяват същинската цена за околната среда от производството и управлението на отпадъците. **Принципът**

**„замърсителят плаща” и отговорността на производителя следва да се използват в тази връзка. В частност, отговорността на индивидуалния производител е инструмент, който може да бъде използван за насърчаване на превенцията в областта на отпадъците, при повторната употреба и при рециклирането чрез съблюдаване на това производителите да вземат предвид въздействието на цикъла на живот, включително въздействието на края на полезния живот на техните продукти и да разработват подходящи проекти.**

#### *Justification*

*Waste prevention programmes developed in the past have fallen short of expectations. By expressly emphasising the 'polluter pays' principle and producer responsibility, it is intended to take account of the particular importance of waste prevention. Measures resulting solely in increased administrative effort and hence increased costs, without commensurate ecological value-added, must be rejected.*

*The 6EAP specifically called for the “further development of producer responsibility” and the principle has already been incorporated within other elements of waste legislation, notably the WEEE directive and end-of-life vehicles directive.*

#### Изменение 9 Съображение 16а (ново)

**(а) Поддържайки необходимото ниво на защита на околната среда държавите-членки следва да осигурят достатъчни и рентабилни варианти за управление в областта на отпадъците, получени при операции на рециклиране, което да бъде признание за ключовата роля на инсталациите за рециклиране при ограничаването на окончателното унищожаване. Подобни остатъчни отпадъци представляват сериозна пречка за по-нататъшното нарастване на капацитета за рециклиране и компетентните органи**

*следва да предприемат необходимите действия в съгласие с целта за постигане на „общество, което рециклира“.*

*Justification*

*More recycling means more residual waste arising which should be appropriately planned for before getting to 'recycling society'.*

Изменение 10  
Съображение 18

(18) In order to improve the way in which waste prevention actions are taken forward in the Member States and to facilitate the circulation of best practice in this area, it is necessary to **strengthen the provisions** relating to waste prevention and to introduce a requirement for the Member States to develop waste prevention programmes concentrating on the key environmental impacts and taking into account the whole life-cycle. Such objectives and measures should aim to break the link between economic growth and the environmental impacts associated with the generation of waste. **Stakeholders**, as well as the general public, should have the opportunity to participate in the drawing up of the programmes, and should have access to them once drawn up, in line with Directive 2003/35/EC of the European Parliament and of the Council.

(18) С оглед подобряване на начина, по който действията за превенция в областта на отпадъците се провеждат в държавите-членки, и за улесняване на разпространяването на най-добрите практики в тази област, е необходимо да **се приемат общностни цели и мерки във връзка с** превенцията в областта на отпадъците и да се въведе изискване, налагащо на държавите-членки да изготвят програми за превенция в областта на отпадъците, които да са съсредоточени върху основните влияния върху околната среда и да взимат предвид цялостния цикъл на живот. Тези цели и мерки следва да имат за цел прекратяването на взаимовръзката между икономически растеж, **нарастването на обема на отпадъците и** екологичните **и здравни** последствия, свързани с производството на отпадъци **чрез осъществяване на нетно намаление на производството на отпадъци, на тяхната вредност и на отрицателните им влияния.** **Местните и регионалните органи,** както и **заинтересованите страни и** широката общественост, следва да имат възможността да участват при изготвянето на тези програми и да имат достъп до тях след тяхното създаване съгласно Директива 2003/35/ЕО на Европейския парламент и на Съвета.

### *Justification*

*The growth in waste volumes remains unsustainable and increases the burden and cost of waste management in all EU Member States (and particularly in the new Member States).*

*Prevention targets at Community level are more necessary than ever, and are indeed required by the Sixth Environment Action Programme. Moreover, it is not good enough to break the link between economic growth and environmental impacts in relative terms, as this may still allow for an increase of environmental impacts in absolute terms. The measures must lead to an absolute reduction of the generation of waste and the corresponding adverse effects.*

### Изменение 11 Съображение 18a (ново)

***(18a) Опасните отпадъци се качествяват според тяхната опасност и рисковите критерии. В резултат на това, те трябва да се регулират от стриктни спецификации, така че да се предотвратят или ограничат, в рамките на възможното, отрицателните ефекти от неподходящо управление, които могат да засегнат околната среда и да създадат рискове за човешкото здраве и безопасността.***

***Поради техните опасни свойства опасните отпадъци се нуждаят от подходящо управление, което да включва специфични и пригодени техники за събиране и обработка, специални проверки и подходящи модалности за проследяване. Всички лица, обработващи опасни отпадъци трябва да притежават съответната квалификация и да са преминали обучение.***

### *Justification*

*There is a need for the repeal of the current Hazardous Waste Directive not to be interpreted as a loophole to be less demanding on Hazardous Waste management. Therefore it is important to stress on this subject in a recital.*

Изменение 12  
Съображение 19

***(19) Certaines dispositions concernant le traitement des déchets, prévues dans la directive 91/689/CEE du Conseil, du 12 décembre 1991, relative aux déchets dangereux, devraient être modifiées de manière à supprimer les références aux matières devenues obsolètes et à rendre le texte plus clair. Par souci de simplification de la législation communautaire, ces dispositions devraient être intégrées dans la présente directive. Pour clarifier les choses en ce qui concerne l'interdiction de mélanger des déchets et pour protéger l'environnement et la santé humaine, les dérogations à l'interdiction de mélanger des déchets prévues dans la directive 91/689/CEE devraient être limitées à des situations où ces opérations de mélange correspondent aux meilleures techniques disponibles au sens de la directive 96/61/CE. Il y a donc lieu d'abroger la directive 91/689/CEE.*** **заличава се**

*Justification*

*Amendement de cohérence avec les amendements aux articles 22 à 24.*

Изменение 13  
Съображение 20

***(20) Since the priority given to regeneration in Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils no longer reflects a clear environmental benefit, that Directive should be repealed. However, as the separate collection of waste oils remains crucial to their proper management and the prevention of damage to the environment from their improper disposal, the collection obligation for waste*** **заличава се**

***oils should be integrated into the present Directive. Directive 75/439/EEC should therefore be repealed.***

#### *Justification*

*The proposed repeal of the waste oils directive stands in stark contrast to the Commission's stated objective for the EU to become a "recycling society". Regeneration of waste oil is of environmental benefit and should therefore continue to be given priority. "Simplification" of legislation should not lead to confusion by mixing framework legislation with sector-specific legislation. Various other waste streams are regulated by specific stand-alone directives, and will remain so. The same should apply for the waste oils directive.*

#### Изменение 14

##### Член 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.

Настоящата директива установява мерки, целящи ***минимализирането*** на цялостното влияние на производството и управлението на отпадъците върху околната среда ***и здравето***, а също така ***и за ограничаване на експлоатацията на ресурсите***.

За ***тези*** цели, ***като общо правило***, държавите-членки ***и Общността следва*** да вземат мерки, ***в низходящ ред според техния приоритет***, за:

- (1)*** превенция ***и*** ограничаване на отпадъците,
- (2)*** повторната употреба ***на отпадъците***,
- (3)*** рециклирането ***на отпадъците***,
- (4)*** други операции по оползотворяване,
- (5)*** ***безопасно и съобразено с околната среда унищожаване на отпадъците***.

***Когато оценките на цикъла на живот и анализите на икономическата ефективност ясно показват, че друга възможност за обработка дава по-добър резултат за определен поток на***

**отпадъци, държавите-членки могат да се отклонят от приоритетите, изложени в параграф 2 Тези оценки и анализи се правят обществено достояние и се разглеждат от независими научни органи. Предприемат се консултации и се гарантира цялостна и прозрачна процедура, включително чрез участието на засегнатите части на обществеността. При необходимост Комисията установява ръководни принципи относно приложението на тези оценки и анализи.**

### *Justification*

*Life Cycle Assessments (LCA) instruments cannot take into account unquantifiable aspects such as educational effects of separate collection or biodiversity benefits of less resource extraction. A precautionary approach in using such instruments in relation to overturning the captioned hierarchy is therefore important. Derogations from the hierarchy should be case-by-case, where evidence of gains is unequivocal and in order to ensure full transparency it is essential that the assessments are made public and are reviewed by an independent scientific body according to appropriate consultations as laid down in a new proposed annexe Va.*

### Изменение 15 Член 2

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

Тази директива не се отнася до:

- газообразните отпадъци, изпуснати в атмосферата,,

**- незаразени изкопаеми материали, които могат да бъдат използвани в естественото им състояние на същото или на друго място.**

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:

1. Тя не се отнася до следните категории отпадъци поради някои специфични аспекти на последните, които вече са визирани от други разпоредби на общностното право:

- (a) radioactive waste;
- (b) waste resulting from prospecting, extraction, treatment and storage of mineral

- (a) радиоактивни отпадъци;
- (б) отпадъци, получени вследствие проучването, добиването, обработката и съхранението на природни изкопаеми и

- 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.

**2. It shall not cover animal carcasses or animal by-products intended for uses in accordance with Regulation (EC) No 1774/2002 without prejudice to the application of the present Directive to the treatment of biowaste that contains animal by-products.**

3. **It shall not cover faecal matter, straw and other natural non-hazardous substances from agricultural production** that are used in farming or for the production of energy from biomass through using processes or methods which do not harm the environment or endanger human health.

- експлоатацията на кариери;
- (в) фекални маси и други естествени и неопасни вещества, използвани в земеделието;
- (г) отпадъчни води, с изключение на отпадъците в течно състояние;
- (д) Извадени от употреба взривни вещества;

**(ea) животински трупове или странични животински продукти по Регламент (ЕО) № 1774/2002 без да се накърнява прилагането на настоящата директива за обработката на отпадъци, които съдържат странични животински продукти и странични животински продукти, които не са подходящи за използване като продукт поради здравословни съображения и поради тази причина трябва да бъдат третираны като отпадък;**

(ж) неизкопана заразена почва.

**2a. Комисията представя предложение с цел насърчаване на рециклирането във връзка със специфичните материали не по-късно от две години след влизането в сила на настоящата директива.**

3. Тази директива не засяга фекалните маси, сеното и други естествени и не представляващи опасност вещества, които се използват в земеделието или при производството на енергия от биомаса чрез използване на процедури и методи, които не вредят на околната среда и не застрашават човешкото здраве.

**Утайките от пречистване на отпадъчни води попадат в обсега на**



*настоящата директива освен в случаите на използването им в земеделието съгласно Директива 86/278/ЕИО на Съвета от 12 юни 1986 г. за опазването на околната среда, и по-специално на почвата, при използване на утайки от отпадъчни води в земеделието<sup>1</sup>.*

4. 'animal carcasses' as referred to in **paragraph 2** means animals that die other than by being slaughtered, including animals killed to eradicate an epizootic disease, in the context of agricultural or farming practices.

4. „животински трупове” съгласно **параграф 1(еа)** означава животни, умрели по начин, различен от заколване, включително животни, които са убити с цел премахване на епизоотия в контекста на земеделските или селскостопанските практики.

<sup>1</sup> *ОВ L 181, 4.7.1986 г., стр. 6. Директива, последно изменена с Регламент (ЕО) №807/2003 на Съвета (ОВ L 122, 16.5.2003, стр.36).*

#### *Justification*

*No less than 1000 million tonnes of excavated material are moved annually by contractors in the EU. Where material is re-used on the same site, public administrations generally do not consider it as being waste, but this remains an "informal" interpretation of the legislation in force, that has not always been consistently supported by the Court.*

*But when the same material, which is intended to be used for the same purposes elsewhere, is removed from that site, it is invariably considered, in the sense of the Community definition, as being waste. This involves considerable additional costs and administrative burdens for the enterprise concerned as to its further use or disposal which in turn, is reflected in construction prices.*

*It would therefore be appropriate to exclude from the scope of the Directive, natural materials which are not contaminated, which can be used in their natural state, either on the same site or another site.*

*- Animal carcasses and animal by-products are also wastes but should be excluded from the scope of this Directive. Further it is clarified that animal by-products must be covered by the Animal By-Product Regulation and not just "intended for uses" in accordance with that Regulation.*

*The recycling of sludge for agricultural use, after appropriate processing, should be exempted from this Directive since it is already covered by Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil. That Directive covers the processing of sludge in such a way as to prevent any possible detrimental effects on soil, plants, animals and humans. Overlapping of the two Directives should be avoided. The long term vision of a "Recycling Society" as proposed by the Commission in the Thematic Strategy on Waste Prevention and Recycling is generally supported. However, neither this Directive nor the Thematic Strategy include any concrete measures to promote recycling. It is therefore considered necessary to specify in this Directive that the Commission shall present*

*a proposal that aims at promoting recycling in specific materials within two years after the entry into force of the Directive – e.g. a horizontal recycling Directive or a number of Directives on specific waste streams.*

Изменение 16  
Член 3, буква (а)

(a) ‘waste’ means any substance or object which the holder discards or intends or is required to discard;

(а) „отпадък” означава всяко вещество, или предмет, от което притежателят му се освобождава, има намерение да се освободи или е задължен да се освободи;

***Всички категории отпадъци са изброени в Европейския каталог на отпадъците (EWC) съгласно Решение на Комисията 2000/532/ЕО<sup>1</sup>.***

<sup>1</sup>*ОВ L 226, 6.9.2000 г., стр. 3. Решение, последно изменено с Решение 2001/573/ЕО на Съвета (ОВ L 2003, 28.7.2001 г., стр. 18).*

*Justification*

*For clarity it is good to refer to the European Waste Catalogue.*

Изменение 17  
Член 3, буква (г)

(d) ‘management’ means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;

(г) „управление” означава събирането, превозването, **обработката**, оползотворяването и унищожаването на отпадъците, включително контрола над подобни операции и наблюдението на центровете за унищожаване на отпадъци след тяхното затваряне;

*Justification*

*Treatment is part of the waste management process and may be a separate operation to recovery and disposal.*

Изменение 18  
Член 3 буква (да) (ново)

***(ea) „разделно събиране” означава събиране когато поток от отпадъци се разделя според вида на отпадъците и се***

*транспортира поотделно;*

*Justification*

*Member States should ensure that separate collection systems are put in place to ensure the domestic waste is collected in a form that meets the quality standards of the appropriate reprocessing sector.*

Изменение 19

Член 3, буква (дб) (ново)

**(дб) „превенция” означава всяко действие, предприето преди продуктите или веществата да са се превърнали в отпадък и което е насочено към ограничаване на производството и на отпадъци или на тяхната вредност; Терминът означава също ограничаването на вредността чрез ограничения относно употребата в продуктите на вещества или материали, които са опасни и всяко действие, предприето с оглед предотвратяване на образуването, преноса и разпръскването на опасни вещества при управлението на отпадъците;**

Изменение 20

Член 3, буква (е)

**(f) ‘re-use’ means *any recovery operation by which products or components that have become waste are used again* for the same purpose for which they were conceived;**

**(е) „повторна употреба” означава използването на продукти или компоненти, били те отпадъци или не, със същото предназначение, за което са били създадени, без предварителна обработка освен изчистване или поправяне;**

*Justification*

*The Commission’s definition is unsatisfactory because it only deals with the re-use of products that have become waste. But re-use activities can also be carried out on products that are sent directly from consumer to re-user and have, therefore, never become waste.*

Изменение 21  
Член 3, буква (ж)

(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;

(ж) „рециклиране” означава *преработката на материали или вещества, съдържащи се в отпадъци, посредством процес на производство, така че от тях да бъдат създадени или да станат част от нови* продукти, материали или вещества по първоначалното им или друго предназначение. В това *се включва преработката на органични материали, но* не се включват, *между другото*, оползотворяването на енергия, *преобразуването с цел използване като гориво, процеси, включващи изгаряне или използване като източник на енергия, включително химическа енергия, или насипни дейности;*

Изменение 22  
Член 3, буква (жа) (ново)

(жа) „оползотворяване” означава *окончателна операция по обработка на отпадъци, която отговаря на следните критерии:*

- 1) в резултат от нея отпадъците заместват други ресурси, които биха били използвани за съответната цел;*
- 2) в резултат от нея отпадъците служат по наистина полезен начин за завода или за цялата икономика чрез използването им като заместител ;*
- 3) отговаря на определени критерии за ефективност съгласно член 5, параграф 2;*
- 4) ограничава цялостния отрицателен ефект върху околната среда чрез използването на отпадъци като заместител на други ресурси;*

**5) гарантира, че замърсяващите вещества не се прехвърлят в продукта и свежда до минимум образуването, прехвърлянето и разпространяването на опасни вещества по време на процеса;**

**б) прави важен приоритет защитата на човешкото здраве и околната среда.**

Изменение 23  
Член 3, буква (з)

(h) ‘*mineral* waste oils’ means any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, *mineral* lubricating oils, oils for turbines and hydraulic oils;

(з) „отработени масла” означава всяко минерално, **изкуствено или биологично** индустриално или лубрифициращо масло, което е станало негодно за първоначално предвиденото предназначение, и в частност, използвани масла на мотори с вътрешно горене и системи за предавка, лубрифициращи масла, масла за турбини и за хидравлични системи;

*Justification*

*This definition should in principle include all waste oils. It is better to use a wide definition. Lubrication and industrial oils are frequently based on synthetic base stock and in some cases on base stocks derived from vegetable oils. This definition ensures inclusion of all lubrication and industrial oils.*

Изменение 24  
Член 3, буква (и)

(i) ‘treatment’ means recovery or disposal.

(и) „обработка” означава оползотворяването или унищожаването **и включва междинни операции като повторно балиране, размяна, комбиниране, смесване или складиране преди оползотворяването или унищожаването;**

*Justification*

*A more comprehensive and informative definition is needed.*

Изменение 25

Член 3 буква (иа) (ново)

**(иа) „унищожаване” означава всяка операция, която не отговаря на условията за оползотворяване или повторна употреба, или поне на действията, изброени в Приложение I. Всички действия по унищожаване отдават приоритетно значение на защитата на човешкото здраве и околната среда.**

*Justification*

*In view of the importance attached to it in the directive, the term 'disposal' should also be defined. It is better to place all definitions in Article 3 than spread them between Articles 3 and 5, as the Commission proposal does. The Directive should continue to prioritise health and environmental considerations.*

Изменение 26

Член 3, буква (иб) (ново)

**(иб) „енергийно оползотворяване” означава употребата на горивни отпадъци като гориво за производство на енергия чрез пряко изгаряне с или без други отпадъци или горива, но с оползотворяване на топлината. Изгарянето на отпадъци, при което се изисква повече енергия, отколкото се получава, не се счита за енергийно оползотворяване;**

*Justification*

*Correct implementation of the directive requires precise definition of “energy recovery” to be placed in Article 3. According to proposed definition energy recovery should mean any operation where the combustible waste is used as a fuel for generating energy. For distinction between recovery and disposal, the proposal states that the process could be treated as energy recovery only if efficiency of the process shows that energy is generated from waste.*

Изменение 27

Член 3, буква (ив) (ново)

**(ив) „търговец” означава всяко лице, което осигурява закупуването и последващото продаване на отпадъците, включително търговците, които физически не влизат в притежание на отпадъците;**

*Justification*

*There is a reference to dealers in Article 25. The definition is taken from the Regulation on shipment of waste.*

Изменение 28

Член 3, буква (иг) (ново)

**(иг) „търговски посредник” означава всяко лице, което осигурява оползотворяването или унищожаването на отпадъците за сметка на трето лице, включително търговските посредници, които физически не влизат в притежание на отпадъците;**

*Justification*

*There is a reference to brokers in Article 25. The definition is taken from the Regulation on shipment of waste.*

Изменение 29

Член 3, буква (ид) (ново)

**(ид) „оператор” означава всяко лице, което действа от името на трето лице при закупуването или продаването на отпадъци.**

*Justification*

*This retains the concept of someone who negotiates on behalf of someone else and is not necessarily in possession of the product.*

Изменение 30  
Член 3, буква (ие) (ново)

*(ие) „биоотпадъци” означава отпадъци за оползотворяване с животински или растителен произход, които микроорганизмите, организмите, живеещи в почвата или ензимите могат да разградят; не са биологични отпадъци почви, лишени от значително количество биологични отпадъци, и растителните остатъци от земеделската продукция, попадащи в полето на действие на член 2, параграф 3*

Изменение 31  
Член 3, буква(иж) (ново)

*(иж) „най-добри съществуващи практики” означава най-добрите налични техники съгласно член 1, параграф 11 от Директива 96/61/ЕО;*

*Justification*

*To make definitions in the waste framework directive more precise, environmental standards for recovery operations (best available techniques, separation requirements) and quality standards for substances extracted should be introduced to a greater extent.*

Изменение 32  
Член 3, буква (из) (ново)

*(из) „най-добри налични техники за управление на отпадъците“ означава най-ефективния и най-напредналия етап в развитието на дейностите и методите за тяхната реализация, показващи практическата пригодност на съответните техники с цел избягване на опасностите за човешкото здраве и вредите за*



**околната среда при действия по управление на отпадъците; Член 2, параграф 11 от Приложение IV към Директива 96/61/ЕО се прилага също така;**

*Justification*

*To make definitions in the waste framework directive more precise, environmental standards for recovery operations (best available techniques, separation requirements) and quality standards for substances extracted should be introduced to a greater extent.*

Изменение 33

Член 3, буква (ии) (ново)

**(ии) „почистване” означава всеки процес, който има за цел премахването на замърсяването от вещества и материали, така че материалите и веществата да могат още да бъдат използвани в първоначалния им вид;**

*Justification*

*It stands to reason that cleaning processes should not be associated with waste discussions. A grease spotted coat will not be classified as waste. You will clean it to continue to use it as a coat.*

*In the chemical industry a cleaning process is aiming at removing impurities from substances so you can use them as an equivalent to a new substance.*

*Many different types of purification / cleaning processes are applied in the chemical industry, for instance:*

- *distillation (e.g. solvents)*
- *filtration of liquids*
- *regeneration of catalysts/activated carbon*
- *washing processes.*

*If a substance undergoes only a cleaning process like the above named examples and the substance is used again as the fresh product, this process should not be subject to waste law and regulations.*

Изменение 34

Член 3, буква (ик) (ново)

**(ик) „регенерация” означава всеки процес, който позволява производството на базисни масла чрез рафиниране на употребени масла, в**

*частност чрез премахване на замърсителите, окисляващите продукти и добавките, съдържащи се в подобни масла.*

#### *Justification*

*The repeal of Waste oils directive means that regeneration is no longer defined in EU law. If the existing priority to regeneration is maintained in the Waste directive, one needs to provide a definition of regeneration in order to avoid diverging interpretations of the term.*

Изменение 35  
Член 3а (нов)

#### **Член 3а**

##### **Отговорност на производителя**

**1. Държавите-членки и Общността приемат мерки за търсенето на отговорност от производителите или вносителите за отпадъци, които са били произведени в резултат от пускането на пазара на техния продукт, с оглед засилването на отговорността на производителите. Това може да бъде извършено, между другото, по следните начини:**

- въвеждане на задължение за производителите/вносителите да приемат обратно продадените стоки,**
- въвеждане на задължение за предоставяне на достъпна за обществеността информация относно това доколко продуктът се поддава на рециклиране,**
- задължаване на производителите да използват материали и да проектират продуктите така, че да се предотврати или ограничи производството на отпадъци, както и тяхната вредност,**
- създаване на съоръжения за поправка и повторна употреба,,**

**- създаване на съоръжения за разделно събиране, приемане обратно на продукти и унищожаване на продуктите с изтекъл полезен живот по отговорен начин.**

**2. Държавите-членки докладват пред Комисията за изпълнението на параграф 1. Комисията оценява доколко е уместно въвеждането на механизми за разширена отговорност на производителите за специфичните потоци отпадъци, основаващи се на опита на държавите-членки.**

Изменение 36  
Член 4

*A list of wastes **shall be** established by **the** Commission, in accordance with the procedure referred to in Article 36(2).*

The list shall include waste to be regarded as hazardous pursuant to Articles 12 to 15, taking into account the origin and composition of the waste and, where necessary, limit values of concentration.

Списъкът на отпадъците, установен с **Решение 2000/532/ЕО<sup>1</sup> на Комисията, се прилага към настоящата директива и е пряко приложим във всички държави-членки. Списъкът може да бъде изменен от Комисията съгласно процедурата по член 36, параграф 2.**

Списъкът **се поддържа и изменя от Комисията с цел събиране на данни** и включва също така отпадъци, считани за опасни съобразно членове 12-15, и взема предвид произхода и съдържанието на отпадъците и, при необходимост, пределни стойности на концентрация.

**Комисията гарантира, че този списък е достатъчно лесно разбираем за МСП и е лесно достъпен.**

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<sup>1</sup> *ОВ L 226, 6.9.2000 г., стр. 3. Решение, последно изменено с Решение 2001/573/ЕО на Съвета (ОВ L 203, 28.7.2001 г., стр. 18).*

*Justification*

*The amendment is in the interests of greater clarity. In practice, this is a long list containing descriptions that are either very technical or very vague, making it difficult for SMEs to use. It must therefore be made more reader-friendly.*

*The European Waste Catalogue is being incompletely and inadequately transposed in the Member States. For consistent transposition across the Community, it must be incorporated into the directive and made mandatory.*

Изменение 37  
Член 4а (нов)

#### **Член 4а**

##### ***Предотвратяване на замърсяване***

***Съобразно член 1, държавите-членки вземат всички необходими мерки за стабилизиране в неговата цялост на собственото производство на отпадъци до 2012 г. в сравнение с цялостното им годишно производство на отпадъци за 2008 г.***

***Стабилизиране означава спиране на нарастването на производството на отпадъци в сравнение с началото на периода на стабилизиране.***

***След консултация с всички засегнати страни, Комисията представя на Европейския парламент и на Съвета предложения за мерки, необходими за поддържането на дейностите на държавите-членки във връзка с превенцията, а именно:***

***(а) до 2008 г. - списък с индикатори, които да позволят на държавите-членки да контролират, оценяват и докладват за напредъка на техните мерки и програми за превенция;***

***(б) до 2010 – формулиране на политика за екологично проектиране на продукти както против производството на отпадъци, така и против присъствието на опасни вещества в отпадъците, с оглед насърчаване на технологиите, които се концентрират върху трайните, позволяващите повторна употреба и рециклиране продукти;***

(с) до 2010 г. – определяне на по-нататъшни количествени и качествени цели за ограничаване на отпадъците до 2020 г., които се основават на най-добрата налична практика;

(г) до 2010 г. – формулиране на план за действие за по-нататъшни мерки за подкрепа на европейско равнище, чиято цел е в частност промяната на настоящото консуматорско поведение.

Изменение 38  
Член 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 use, hereinafter “recovery operations”*.

1. Държавите-членки вземат необходимите мерки, *отговарящи на разпоредбите на член 1*, за гарантиране, че *когато това е възможно* всички отпадъци преминават през дейности *по оползотворяване*. *В това се включват най-малко дейностите, изброени в Приложение II, при условие, че отговарят на определението за оползотворяване по член 3.*

*С цел избягване на объркване дейностите се покриват от Приложение II, дори и да водят до производството на материали, които впоследствие преминават през дейности по унищожаване, ако първоначалното им предназначение е дейност по оползотворяване по Приложение II.*

*Нови дейности по оползотворяване могат да бъдат добавени към списъка на дейностите в Приложение II, въз основа предложение на Комисията към Европейския парламент и Съвета.*

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*

2. Комисията *представя преди...\** законодателно предложение съгласно процедурата, *залегнала в член 251 от Договора, относно приемането* на мерки за прилагане с оглед създаване на *екологични и* критерии и критерии за

*purpose, as referred to in paragraph 1.*

ефективност, въз основа на които да може да се приеме, че **окончателните** действия, изброени в Приложение II са довели до **действие по оползотворяване**.

**2а. Преди да измени Приложение II и да приеме мерки за прилагане по параграф 2, Комисията се консултира с държавите-членки и засегнатите промишлени, екологични, работнически и потребителски организации.**

**2б. Държавите-членки приемат мерки за насърчаване повторната употреба на продуктите, в частност чрез създаване и оказване на подкрепа на акредитирани центрове за повторна употреба и оползотворяване и чрез създаване, при необходимост, на съответните норми за продуктите и методиките.**

**Държавите-членки могат да предприемат други мерки за насърчаване повторната употреба, като например използването на икономически инструменти, критерии за възлагане на обществени поръчки, количествени цели и забрани за пускането на пазара на определени продукти.**

**\* Две години след влизането в сила на настоящата директива..**

*Before operations to be regarded as recovery operations are defined, the stakeholders should be consulted.*

*There is a need for clear measures to promote reuse.*

*The Commission should have a pro-active role in this area, so as to enable the list to be adapted in line with developments in technology.*

Изменение 39

Член 6

1. Member States shall ensure that, where recovery **in accordance with Article 5(1) is**

**1. Без да се накърнява параграф 2 от член 1**, държавите-членки гарантират, че

*not possible*, all waste undergoes disposal operations.

They shall prohibit the abandonment, dumping or uncontrolled disposal of waste.

2. *Member States shall regard as disposal operations at least the operations listed in Annex I, even where the operation has as a secondary consequence the reclamation of substances or energy.*

3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, *it has only a low potential*, the Commission may, *in accordance with the procedure referred to in Article 36(2), adopt implementing measures* adding that specific operation to the list set out in Annex I.

когато *превенцията, повторната употреба, рециклирането или друго* оползотворяване *не се извършват* всички отпадъци преминават през *безопасни* действия по унищожаване, *които отговарят на целите, изложени в член 7.*

Те забраняват изоставянето, изхвърлянето или безразборното унищожаване на отпадъци.

2. Действията по унищожаването *включват* дейностите, изброени в Приложение I.

*Държавите-членки приемат като дейности по унищожаване тези действия, при които отпадъците не се използват основно като гориво или друго средство за произвеждане на енергия.*

*Държавите-членки могат да прилагат и да се позоват на принципите на близост и самодостатъчност във връзка с всеки отпадък, предназначен за унищожаване или изгаряне, или комбинирано изгаряне.*

*Дейности по унищожаване, класирани като Г 11 (изгаряне по море) и Г 7 (изпускане в море/океан, включително зариване под морското дъно) се забраняват.*

3. В случаите, когато въпреки заместването на ресурсите резултатите от дадено действие сочат, че, по член 1, *заместването има единствено ограничен характер*, Комисията *може да предложи законодателно предложение* с оглед включване на специфичното действие в списъка към Приложение I.

*Преди да измени Приложение I Комисията се консултира с*

**държавите-членки и със засегнатите  
промишлени, екологични,  
работнически и потребителски  
организации.**

#### *Justification*

*The amendment tightens up more precisely on the conditions for disposal and sets out the obligations on Member States more clearly. This is the kind of waste most likely to be illegally dumped or exported.*

*The deleted wording in paragraph 2 is unnecessary and confusing. The intention elsewhere in the proposal is to distinguish between R1 and D10 operations by means of an efficiency threshold and not by identifying the principal or secondary aim of the operation. A landfill site where energy is recovered from the methane produced from the waste is still a disposal site whether or not these words are included: it will not fall within the definition of recovery.*

*The amendment to paragraph 3 is designed to give greater clarity and at reducing the scope of the comitology procedure.*

*The principles of proximity and self-sufficiency should be applied to any kind of incineration, co-incineration and disposal.*

*It should be made explicit that incineration at sea (D11) and release of waste into seas/oceans including sea-bed insertion is prohibited.*

*Before operations to be regarded as disposal operations are defined, the stakeholders should be consulted.*

#### Изменение 40

##### Член 7

Member States shall ensure that ***the recovery or disposal of waste*** is carried out ***as follows***:

- (a) ***without endangering*** human health;
- (b) ***without using processes or methods which could harm*** the environment;
- (c) ***without risk to*** water, air, soil and plants ***and animals***;
- (d) without causing a nuisance through noise or odours;

Държавите-членки ***вземат мерки***, за да гарантират, че ***управлението на отпадъците, от събирането им до тяхното оползотворяване или унищожаване***, се провежда ***чрез процедури и методи, осигуряващи високо ниво на защита за:***

- (a) човешкото здраве,
  - (б) околната среда,
  - (в) водата, въздуха, почвата и растенията,
- и без да се причиняват неудобства поради шум или миризми или вреди на пейзажите или места от особен интерес.***



**(e) without** adversely affecting the countryside or places of special interest.

*Justification*

*Strictly speaking, “without risk” means with zero risk and that, sadly, does not exist. Existing Community case law recognises this: in Commission v. Ireland (2005) the Court held that, in relation to Article 4 of the existing directive “ it is for the Community and the Member States to prevent, reduce and, insofar as is possible, eliminate from the outset the source of pollution or nuisance by adopting measures of such a nature as to eliminate recognised risks”. This is a lot more carefully worded than the Commission’s text in this proposal.*

Изменение 41

Член 7, параграф 1а (нов)

***Критериите за оползотворяване и унищожаване на отпадъци, заложенi от държавите-членки под формата на общозадължителни правила, се основават на най-добрите налични техники в областта на управлението на отпадъците.***

***Ако това се изисква от съображения за защита на човешкото здраве и околната среда, Комисията представя предложения за специфични директиви, поставящи, за отпадъци и дейности по оползотворяване, които са от особен екологичен или икономически интерес в количествен аспект, изисквания по отношение на оползотворяването, веществата или предметите, получени от дейностите по оползотворяване, и последващата употреба на тези вещества и предмети. Тези изисквания се основават на най-добрите налични техники за управление на отпадъците. Директивите могат също така подробно да определят кога оползотворените отпадъци вече не се ползват със статуса на отпадък.***

*Justification*

*Environmental standards for recovery operations (best available techniques, separation requirements) and quality standards for substances extracted should be introduced to a greater extent.*

Изменение 42  
Член 7а (нов)

**Член 7а**

**Разреждане на отпадъци**

**Забранява се смесването на отпадъци с една или повече други материи с оглед занижаване на концентрацията на един или повече компонента, които присъстват в отпадъка, с цел:**

- използване на метод на унищожаване на разредените отпадъци, който не се разрешава за неразредения отпадък;**
- оползотворяване на разредения отпадък в случаи, когато неразреденият отпадък трябва да бъде унищожен;**
- повторна употреба на разреден отпадък или неговото превръщане във вторичен продукт, ако неразреденият отпадък не е подходящ за тази цел.**

*Justification*

*Both the Landfill Directive and the Waste Shipments Regulation prohibit the 'dilution of waste'. The new Waste Directive is the ideal framework to give this much-needed clarification to avoid misunderstandings.*

Изменение 43  
Член 8

Member States shall ensure that any holder of waste carries out its recovery or disposal himself or has its recovery or disposal handled by an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector.

**В съответствие с принципа „замърсителят плаща”,** държавите-членки гарантират, че всеки притежател на отпадъци провежда сам оползотворяването или унищожаването на отпадъците или възлага това на учреждение или предприятие, което извърша дейности по обработка на отпадъци, или на частен или обществен извозвач на отпадъци.

### *Justification*

*The concept of 'polluter pays' should be included in the text as it plays a key role in waste management.*

### Изменение 44

#### Член 9

***Member States shall ensure that the costs entailed in the recovery or disposal of waste are allocated, as appropriate, between the holder, previous holders and the producer.***

***В съответствие с принципа „замърсителят плаща”, цената на управлението на отпадъците се поема от:***

- притежателят на събраните отпадъци или управлявани от извозвач или предприятие, и/или***
- предишните притежатели, и/или***
- производителят на продукта, от които отпадъкът е произведен.***

### *Justification*

*The current directive is clearer as regards costs and this amendment is based on Article 15 thereof. Its purpose is to:*

- re-introduce the 'polluter pays' principle;*
- ensure that costs are 'borne' and not 'allocated' by the Member States;*
- ensure that costs are borne by the producer of the waste and are upstream as far as the producer of the product and not downstream of the producer of the waste;*
- ensure that the costs cover not only recovery and disposal but also the overall costs of waste management (such as the cost of collection).*

### Изменение 45

#### Член 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:***

***1. Държавите-членки могат да поискат от Комисията да определи дали при изключителни случаи определен отпадък вече е престанал да бъде отпадък при условие, че:***

(a) reclassification would not lead to overall 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.

***(-a) въпросният*** отпадък е претърпял действие по повторна употреба, рециклиране или оползотворяване ***съгласно разпоредбите на настоящата директива и следователно трябва да бъде прекласиран*** като вторични продукти, материали или вещества;

(a) ***подобно*** прекласиране не би довело до отрицателни последици за околната среда ***или човешкото здраве*** като цяло;

(б) съществува или ще съществува пазар за подобни вторични продукти, материали или вещества.

2. ***До ... \* Комисията следва, при необходимост,*** въз основа предвидената в параграф 1 оценка, ***да излезе със законодателно предложение***, в което се уточняват екологичните и качествени критерии, които трябва да бъдат изпълнени, за да може ***специфични категории отпадъци от*** продукти, материали или вещества да бъдат считани за вторични продукти, материали или вещества.

3. Критериите по параграф 2 гарантират, че полученният вторичен продукт, материал или вещество отговаря на необходимите условия, за да бъде пуснат на пазара.

Критериите вземат предвид всички рискове за околната среда при превоза на вторичните материали или вещества и са достатъчно стриктни, за да гарантират високо ниво на защита на човешкото здраве и околната среда.

***За. До... \*\* Комисията излиза, при необходимост, с предложения за определяне на това дали следните потоци отпадъци се ръководят от разпоредбите на настоящия член и ако това е така, какви спецификации ще бъдат приложими за тях:***

***- компост,***

- *строителни материали,*
- *хартия,*
- *стъкло,*
- *метал,*
- *гуми с изтекъл полезен живот,*
- *дрехи втора ръка.*

*Две години след влизането в сила на настоящата директива \*\* Пет години след влизането в сила на настоящата директива..*

Изменение 46

Член 12, параграф 1а (нов)

***1а. Прекласирането на опасните отпадъци като неопасни отпадъци не може да се извършва чрез разреждане или смесване на отпадъците с цел намаляване на началните концентрации на замърсителите на нива под праговете, определящи отпадъците като опасни.***

*Justification*

*The intention here is to make hazardous waste treatment safer.*

Изменение 47

Член 12, параграф 2

Hazardous waste produced by households shall not be regarded as hazardous waste until it is collected by an undertaking which carries out **waste** treatment operations or by a private or public **waste** collector.

**2. Опасни отпадъци от домакинствата, не се считат за опасни отпадъци, ако са събирани от предприятие, което извършва обработване на отпадъците **чрез разделно събиране на опасните отпадъци** или от частен или обществен извозвач на **опасни отпадъци**.**

*Justification*

*Article 12 exempts household hazardous waste from the requirements applicable to hazardous waste until it is collected for treatment. This could result in an automatic obligation that any collection process be carried out under the conditions required for hazardous waste, as it is always possible that a small fraction of hazardous waste might*

*appear as part of the municipal waste stream or the selective packaging waste collection. Article 12 should clarify the consideration of household waste as hazardous from the moment it is separately collected for treatment as hazardous waste.*

Изменение 48  
Член 13, параграф 1

*The Commission shall, in accordance with the procedure referred to in Article 36(2), establish a list of hazardous wastes, hereinafter “the list”.*

*Списъкът с отпадъците, установен с Решение № 2000/532/ЕО е приложени към настоящата директива. Списъкът може да бъде изменен от Комисията в съответствие с процедурата по член 36, параграф 2.*

*Justification*

*Brings the text into line with amendment to Article 4.*

Изменение 49  
Член 13, параграф 2

The list shall take into account the **origin and** composition of the waste and, where necessary, limit values of concentration.

Списъкът взема предвид състава на отпадъците и, при необходимост, граничните стойности на концентрация **и произхода на отпадъците.**

*Justification*

*Origin is no determining factor to declare a waste as hazardous. Only the composition of the waste is the determining factor. It is possible that there is sometimes a correlation between origin and composition, but in general origin is not determining whether the waste is hazardous.*

Изменение 50  
Член 14, параграф 1

1. A Member State **may treat** waste as hazardous where, even though it does not appear as such on the list of wastes referred to in Article 4, hereinafter “the list”, it displays one or more of the properties listed in Annex III.

The Member State shall notify any such cases to the Commission **in the report**

1. **Когато** държава-членка **счете, че** отпадъците **трябва да бъдат считани** за опасни, дори ако не присъстват като такива в списъка с отпадъците, споменат в член 4 (назован "списъкът"), **и** ако проявява едно или повече от свойствата, изброени в Приложение III, държавата-членка **незабавно** уведомява Комисията

*provided for in Article 34(1)*, and shall provide the Commission with all relevant information.

за всеки такъв случай и предоставя на Комисията необходимата информация.

### *Justification*

*A decision on whether waste is to be declared hazardous or not must be notified to the Commission before a Member State takes specific measures, in line with EU policies on harmonisation of chemical and hazardous products.*

### Изменение 51

#### Член 15

1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it ***may treat that waste as non-hazardous waste.***

***The Member State*** shall notify any such cases to the Commission ***in the report provided for in Article 34(1)*** and shall provide the Commission with the necessary evidence.

2. The Commission shall, in the light of notifications received, review the list in order to decide on its adaptation, in accordance with the procedure referred to in Article 36(2).

1. Когато държава-членка разполага с доказателство, че специфичен отпадък, който е включен в списъка за опасни отпадъци, не проявява нито едно от качествата, изброени в Приложение III, тя ***незабавно*** уведомява Комисията за всеки такъв случай и предоставя доказателството на Комисията.

2. Комисията, с оглед получената нотификация, преразглежда списъка и решава относно неговото адаптиране, в съответствие с процедурата по член 36, параграф 2.

***2а. Държавите-членки могат да обработва отпадъците като неопасни след приемането на адаптирания списък.***

### *Justification*

*The provisions set out in the Commission's proposal are unacceptable and likely to lead to divergent applications of the Directive since they would allow Member States to treat listed wastes as non-hazardous before notification of this to the Commission and, as importantly, before the Commission's confirmation.*

### Изменение 52

#### Член 15 а (нов)

#### **Член 15а**

**Проследяване и контрол на опасни отпадъци**

**В съответствие с разпоредбите на тази директива относно опасните отпадъци, държавите-членки предприемат необходимите действия, за да гарантират, че събирането, производството, превоза, съхранението и обработката на опасни отпадъци се извършва при условия, осигуряващи максимална защита за околната среда, човешкото здраве, безопасността на обработващите, инсталациите и хората, включително осигуряване на проследяване и контрол от производството до крайната цел и измерването на риска по време на управлението на опасните отпадъци.**

Изменение 53

Член 16, параграф 1

1. Member States shall take the necessary measures to ***ensure that the following conditions are met where hazardous waste is mixed, either with other hazardous waste possessing different properties or with other waste, substances or materials:***

***(a) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with Article 19;***

***(b) the conditions laid down in Article 7 are complied with;***

***(c) the environmental impact of the management of the waste is not worsened;***

***(d) such an operation conforms to best available techniques.***

1. Държавите-членки вземат необходимите мерки за ***изискване от учрежденията или предприятията, които работят с опасни отпадъци, да не смесват различните категории опасни отпадъци, или да не смесват опасни отпадъци с неопасни отпадъци.***

*Justification*

*At all times, hazardous waste should be kept separate from non-hazardous waste.*



Изменение 54  
Член 16, параграф 1 а (нов)

*1а. Държавите-членки насърчават разделянето на опасни съединения от всички отпадъчни потоци, преди да влезнат във веригата на оползотворяване.*

Изменение 55  
Член 16, параграф 2

*2. Subject to technical and economical feasibility criteria to be determined by the Member States, where hazardous waste has been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7.* *заличава се*

Изменение 56  
Член 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 that mineral waste oils are collected **and handled in accordance with** Article 7.

Без да се накърняват задълженията, свързани с **управлението** на опасни отпадъци, посочени в член 16 и 17, държавите-членки вземат необходимите мерки, за да гарантират, че минералните оползотворени масла се събират **отделно от други отпадъци, когато това е технически възможно, като в следствие са обработвани според йерархията на отпадъците, посочена в параграф 2 на член 1, при условията, посочени в член 7; Приоритетът, който се дава на регенерацията по Директива 75/439/ЕИО, се поддържа когато нова е възможно.**

Изменение 57  
Член 19

1. Member States shall require any establishment or undertaking intending to

1. Държавите-членки изискват всяко учреждение или предприятие, което има

carry out disposal or recovery operations to obtain a permit from the national competent authorities.

Such permits shall specify the following:

- (a) the types and quantities of waste that may be treated;
- (b) for each type of operation permitted, the technical requirements relevant to the site concerned;
- (c) the security precautions to be taken;
- (d) the method to be used for each type of operation.

Permits may specify additional conditions and obligations.

2. Permits may be granted for a specified period and they may be renewable.
3. Where the national competent authority considers that the intended method of treatment is unacceptable from the point of view of environmental protection, it shall refuse to issue a permit.
4. It shall be a condition of any permit covering *energy recovery* that the recovery of energy is to take place with a high level of energy efficiency.

намерение да извършва операция по унищожаване или оползотворяване, или **което възнамерява да извърши тези операции от името на трета страна**, да се снабди с разрешително от националните компетентни власти, **спазвайки условията, посочени в член 7.**

Това разрешително съдържа следните данни:

- (а) вид и количество на отпадъците, които могат да бъдат обработвани;
- (б) за всеки вид разрешено действие, техническите изисквания относно мястото **и съответните инсталации за обработване на отпадъци**;
- (в) предвидените мерки за безопасност;
- (г) методът, който ще се използва за всеки вид действие;

**(га) отчет на входящи/изходящи потоци отпадъци.**

Разрешителните могат да съдържат допълнителни условия и задължения **като изисквания, относно качеството на обработването.**

2. Разрешителни могат да се издават за определен период и подлежат на преиздаване.
3. Когато националните компетентни органи сметат, че методът на обработка не отговаря на изискванията за опазване на околната среда и **човешкото здраве**, те отказват издаването на разрешително.
4. Всяко разрешително, позволяващо **използването на отпадъци като енергиен източник** е подчинено на условието, че използването на отпадъци за добиване на енергия трябва да става при висока енергийна ефективност.

**Относно общинските инсталации за изгаряне на отпадъци, висока енергийна ефективност означава комбинирано оползотворяване и използване на топлина и сила.**

*Относно инсталациите за изгаряне и комбинирано изгаряне енергийната ефективност е равна или по-висока от:*

- 0.40 за действащите инсталации, които отговарят на изискванията на общностното законодателство, приложимо преди 1 януари 2009 г.;*
- 0.50 за инсталации, които имат разрешение, издадено след 31 декември 2008 г. и преди 1 януари 2013 г.;*
- 0.60 за инсталации, които имат разрешение, издадено след 31 декември 2012 г.*

*Енергийна ефективност =  $(E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$*

*E<sub>p</sub> представлява годишното производство на енергия, под формата на топлина или електричество.*

*Изчислението се извършва чрез умножаване по 2.6 на енергията, произведена под формата на електричество, и по 1.1 на енергията, произведена под формата на топлина за търговска употреба (GJ/на година); E<sub>f</sub> представлява годишната употреба на енергия на системата, от горива, използвани за производството на пара (GJ/на година);*

*E<sub>w</sub> представлява годишното количество енергия, съдържащо се в обработените отпадъци, изчислено, чрез използване на най-ниската калоричност на отпадъците (GJ/на година);*

*E<sub>i</sub> представлява количеството внесена годишна енергия без E<sub>w</sub> и E<sub>f</sub> (GJ/на година)*

*0.97 представлява коефициент на загубите на енергия, вследствие на остатъците от изгарянето и излъчването.*

#### *Justification*

*If the exemptions to this permit obligation can only be allowed when rules have been set that comply with article 7. So it is only natural that the permits themselves also comply with article 7.*

*The use of the word “energy recovery” should be avoided because this could imply that high energy efficiency is only applicable in R1 installations. Also D 10 incinerators should strive for high energy efficiency.*

*Input/output mass flow accounts should be established, to ensure transparency and enable comparisons of the efficiency of different processes and expose ‘sham-recovery’ (very low efficiency) operations.*

*The Waste Incineration Directive requires all incinerators to recover energy ‘as far as practicable’. The Waste Incineration IPPC BREF specifies that for municipal waste incineration this should mean the recovery of energy through the production of both heat and electricity. The efficiency of the energy recovery is defined in a similar way as the Commission has proposed in Annex II, but with a longer implementation period.*

Изменение58  
Член 19 а (нов)

#### **Член 19а**

***Условия за издаване на разрешително***  
***Всички инсталации за обработване на опасни отпадъци разполагат с разрешително по смисъла на Директива 69/61/ЕО.***

***Без да се накърнява действието на Директива 96/61/ЕО, заявлението за издаване на разрешително до компетентните органи трябва да включва описание на предвидените мерки, предназначени да гарантират, че инсталацията е построена, оборудвана и ще бъде използвана в съответствие с категориите на обработваните отпадъци и рисковете, които те представляват.***

***Разрешителното, издадено от компетентните органи включва:***

***- количествата и категориите на обработваните опасни отпадъци;***

***- техническите характеристики на обработването на отпадъци, гарантиращи максимална защита на околната среда и високо ниво на безопасност.***

*Когато оператор на инсталация за обработване на неопасни отпадъци, планира промяна в работата на инсталацията, така че да се включва обработване на опасни отпадъци, тази промяна ще се счита за съществена, по смисъла на член 2, параграф 10, точка (б) на Директива 96/61/ЕО и в този случай ще се прилага член 12, параграф 2 от настоящата директива.*

Изменение 59

Член 20

Article 19(1) of this Directive shall not apply in the case of an establishment or undertaking which has obtained a permit under Directive 96/61/EC.

Член 19, параграф 1 от настоящата директива не се прилага в случаи на учреждение или предприятие, които вече разполагат с разрешително по смисъла на Директива 96/61ЕО, *при условие, че разрешителното съдържа всички елементи, изброени в член 19, параграф 1.*

*Justification*

*IPPC permits can only be accepted instead of specific permits as laid down in Article 19 if all the elements given in Article 19 are included to avoid loopholes.*

Изменение 60

Член 21

The Commission *may, in accordance with the procedure referred to in Article 36(2), adopt* minimum standards for permits designed to ensure that the waste is treated in *an environmentally sound manner*.

Комисията, *при необходимост, прави, предложения за специфични директиви, определящи* минимални изисквания за разрешителните, които да гарантират, че отпадъците са обработвани *в съответствие с целите по член 7.*

*На базата на оценка на заявленията за издаване на разрешително на местно ниво и на принципа на пропорционалност, в съответствие с Договорите, държавите-членки*

**могат да поставят по-стриктни изисквания за издаване на разрешително.**

#### *Justification*

*This is another example where the Directive leaves to comitology issues which should be the subject of a Commission proposal to the Parliament and Council. This is a framework directive. If there is a need to supplement it with specific rules to cover particular activities then that should be done by means of individual Directives. The Waste Thematic Strategy proposes that minimum standards will be applied to selected recovery operations. This suggests that this is exactly the type of case where a Framework Directive should be supplemented by means of an individual Directive, as is currently the case under article 2(2) of the existing Directive 75/442/EC.*

Изменение 61  
Член 21 а (нов)

#### **Член 21а**

##### **Допълнителни мерки**

**До...** \* Комисията изготвя доклад, с оглед вземането на мерки, които да допринесат по-ефективно за постигането на целите, посочени в член 1. Докладът с необходимите предложения се предава на Европейския парламент и на Съвета, в срок от шест месеца, считано от неговото съставяне.

**Докладът разглежда по-специално:**

**(а) необходимостта да се измени**

**Приложение II, за да:**

**(i) пропусне случаите, когато изброените операции не водят до достатъчно високи съотношения на отпадъците, използвани за полезни цели, за да отговарят на целите на член 1.**

**(ii) установи случаите, при които съотношението на използваните отпадъци и на унищожените, в рамките на операция по оползотворяване, трябва да бъде упоменато, за да се гарантира, че целта, посочена в член 1, е**

*постигната;*  
*(iii) посочи едно или повече различни нива на енергийна ефективност, във връзка с операцията по оползотворяване на отпадъците R1;*  
*(iv) адаптира референциите с оглед научно-техническия прогрес.*  
*(б) необходимостта да се промени Приложение I, за да:*  
*(i) се добавят всички операции, пропуснати в Приложение II;*  
*(ii) адаптира референциите с оглед научно-техническия прогрес; и*  
*(в) когато специфичните минимални изисквания, особено за операции по обезвреждане или оползотворяване, ще допринесат за постигане на целите, посочени в член 7.*  
*Изискването за този доклад, няма да попречи на Комисията да представи междувременно нови предложения.*

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*\* Две години след влизането в сила на настоящата директива.*

#### *Justification*

*The proposal includes numerous references to the comitology procedure which leaves several important areas subject to amendment without proper scrutiny. This amendment would remedy this by requiring the Commission to report on several important areas with the intention that they would then be in a position to come forward with new proposals for the Parliament and Council to consider. The Commission must have in mind specific proposals already for the areas where it has proposed comitology procedures and it should therefore be in a position to bring these forward quickly. This should not prevent change in the interim, as the amendment makes clear that the Commission can come forward with its own proposals in the interim.*

#### Изменение 62 Член 25, параграф 1, алинея 2

Those establishments or undertakings shall comply with certain *minimum standards*.

Тези предприятия и фирми трябва да отговарят на някои *изисквания за регистрация*.

### *Justification*

*Imposing minimum standards implies that each Member State would be free to impose additional requirements. This is undesirable, in the interests of harmonisation. Formulating registration requirements will have the effect that the same qualitative requirements apply in each Member State to the establishments and undertakings referred to in paragraph 1.*

### Изменение 63

Член 25, параграф 2, алинея 1 а (нова)

***Доколкото е възможно, съществуващите досиета, с които разполагат компетентните органи, ще бъдат използвани за придобиването на необходимата при регистрирането информация, за да се намалят бюрократичните формалности.***

### *Justification*

*The necessary Registration for simple exempt activities should be simplified as much as possible to minimise bureaucratic/administrative burden on both the competent authority and establishments/undertakings.*

### Изменение 64

Член 25, параграф 3

3. The Commission shall, in accordance with the procedure referred to in **Article 36(2)**, adopt the **minimum standards** referred to in the second subparagraph of paragraph 1.

3. Комисията, в съответствие с процедурата по **член 36, параграф 2, буква (а) и след консултация с представители на промишлеността**, приема **изискванията за регистриране**, посочени във втората алинея на параграф 1.

### *Justification*

*The amendment is needed to align the text to the provisions of the new "comitology" Decision, and in particular to replace the ordinary "regulatory committee" procedure with the "regulatory committee with scrutiny", since the measures concerned are measures of general scope designed to amend non-essential elements of the draft legislation.*

*(AM\629709 am 501, just)At present there are various differences in the ways in which the Member States register establishments and undertakings as referred to in Article 25(1). These differences are often seen as obstacles to operating in more than one Member State. An*



*unambiguous, uniform registration system devised in consultation with industry and above all mutual acceptance of the various registers will ensure the desired harmonisation.*

Изменение 65  
Член 25, параграф 4

4. Member States shall ensure that the system of waste collection **and** transport within their territory ensures that the waste collected and transported is delivered to appropriate treatment installations respecting the obligations in Article 7.

4. Държавите-членки гарантират, че системата за събиране на отпадъци, превозването им на територията на държавите-членки и **трансграничното им превозване**, осигуряват доставянето на отпадъците в подходящите инсталации за обработване, съобразно изискванията на член 7.

**За превоз на отпадъци се прилагат разпоредбите на Регламент ЕО № 1013/2006 г. на Европейския парламент и на Съвета от 14 юни 2006 г.<sup>1</sup>.**

<sup>1</sup> **ОВ L 190, 12.7.2006 г., стр. 1.**

*Justification*

*Member States should ensure that the obligations of article 7 are fulfilled, not only when collecting and transporting waste within the territory, but also when allowing or permitting transboundary shipments of waste.*

*For clarity it is good to refer to the legislation on waste shipment.*

Изменение 66  
Член 26, параграф 3

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

**3. Плановете за управление на отпадъците трябва да съдържат цялата необходима информация, за да се изпълнят задълженията по параграф 2 и да бъде възможно компетентните органи, учрежденията и предприятията да работят, за изпълнението на настоящия план. Комисията предоставя, при необходимост, ръководни принципи за планирането на управлението на отпадъци.**

- (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;
- (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.*

Плановете за управление на отпадъците съдържат поне следните данни:

- а) видът, количеството и произхода на произведените отпадъци, както и отпадъците, *произлизащи* извън националната територия;
- б) схеми за събиране и на отпадъците и методи за тяхната обработка;
- в) всякакви специални споразумения за отпадъчните потоци *включително тези, посочени в специфичното законодателство на Общността*;
- г) идентифициране и оценка на по-значителните инсталации за обезвреждане и инсталациите по оползотворяване, както и използвани преди заразени площадки за обезвреждане на отпадъци и мерки за тяхното възстановяване;
- д) достатъчно информация под формата на критерии за оценка на площадките, така че компетентните *в държавите-членки* да преценят дали да издадат разрешително или не, за бъдещо унищожаване или за инсталации по оползотворяване;
- е) *общи политики за управление на отпадъците, включващи планиране на технологии и методи за управление на отпадъците*;

Изменение 67  
Член 26, параграф 3 а (нов)

***3а. Държавите-членки могат да предприемат необходимите действия, за да предотвратят превозването на отпадъци ако те не съответстват на плановете на държавите-членки за управление на отпадъците. Държавите-членки уведомяват Комисията и останалите държави-членки за такива действия.***

*Justification*

*It is important that Member States include in their waste management plans information as to why certain cross-border waste shipments do not meet the required conditions.*

Изменение 68  
Член 28

***Article 28***

***заличава се***

***Implementing measures***

***The Commission shall, in accordance with the procedure referred to in Article 36(2), adopt the format for notification under Article 26(5).***

*Justification*

*Waste planning should be done by local communities finding effective ways to manage their waste. Local communities should be able to decide what their plans look like and what format is most helpful for them .*

Изменение 69  
Член 29

Member States shall establish, in accordance with Article 1, waste prevention programmes no later than [***three years after the entry into force of this Directive***].

1. Държавите-членки в съгласие с член 1 ***и член 4а***, изработват програми за превенция в областта на отпадъците, не по-късно от (***18 месеца от влизането в сила на настоящата Директива***).

Such programmes shall either be integrated into the waste management plans provided for in Article 26, or shall function as separate programmes. They shall be drawn up at the geographical level most appropriate for their effective application.

2. Member States shall ensure that stakeholders and the general public have the opportunity to participate in the elaboration of the programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC.

***Тези програми и произтичащите от тях мерки, имат за минимално изискване стабилизирането на производството на отпадъци до 2012 г. и значителното намаление на тяхното производство до 2020 г.***

Тези програми се включват в плановете за управление на отпадъци, предвидени в член 26 или функционират като отделни програми. Те се изработват според географското местоположение и където тяхното приложение е най-подходящо.

2. Държавите-членки гарантират, че ***местните и регионални власти са включени в подготовката на тези програми и че*** заинтересованите страни и широката общественост имат възможност да участват в изработването на програмите, и имат достъп до вече готовите програми, в съответствие с Директива 2003/35/ЕО.

***2а. Комисията създава система за обмен на информация на най-добрата практика относно превенцията в областта на отпадъците.***

#### *Justification*

*18 months should be enough time to adopt the first waste prevention programmes. Assuming entry into force in December 2007 this translates into approximately June 2009 (enough time to take into account the common indicators developed at EU level and the measures to achieve intermediate objectives set for 2012).*

*Even if integrated into the waste management plans, the programmes should be clearly distinguishable to ensure they can be assessed independently, and to ensure that prevention policies are given the necessary priority attention alongside general waste management planning.*

*Local and regional authorities are key players in the implementation of waste prevention measure and must be associated to the drawing up of waste prevention programmes.*

*This system would allow authorities to take inspiration from effective measures taken in another Member State.*

Изменение 70  
Член 30

*Article 30*

*заличава се*

*Content*

***1. In their programmes, Member States shall set waste prevention objectives and shall assess opportunities of taking measures as set out in Annex IV.***

***Such objectives and measures shall be designed to break the link between economic growth and the environmental impacts associated with the generation of waste.***

***2. Member States shall determine specific qualitative and quantitative targets and indicators for any measure or combination of measures adopted in order to monitor and assess the progress of individual measures.***

Изменение 71  
Член 31

Member States shall regularly evaluate the waste prevention programmes, and as a minimum ***before submitting their reports in accordance with Article 34(1).***

Държавите-членки трябва редовно да правят оценка на програмите за превенция в областта на отпадъците и да ги ***преразглеждат минимум веднъж на всеки 5 години. Европейската агенция по околна среда включва в годишния си доклад преглед на постигнатия напредък, завършеност и изпълнение на тези програми.***

*Justification*

*The EEA needs to be brought into play to help the Commission and Parliament find out what is going on continuously on the ground. Member States can easily evade surveillance by simply delaying the submission of their reports to the Commission. According to Directive 91/692/EEC, Member States had to submit their periodic reports on the existing Waste Framework Directive by 30 September 2004. By 31 December 2004, only 9 had done so. They were Germany, Denmark, Greece, Finland, Portugal, Sweden, the Czech Republic, Slovenia and Slovakia.*

Изменение 72  
Член 31, параграф 1 а и б (нов)

*Комисията се консултира с Консултационния форум, създаден по член 36а, относно основните линии за оценка на програмите за превенция в областта на отпадъците, включително и показателите, посочени в член 4а.*

*Комисията предприема оценка на тези програми на базата на основните линии на сътрудничество със съответните органи. В срок от 18 месеца след края на петгодишния срок, Комисията представя доклад за оценка на приноса на програмите за постигането на целите, заложен в настоящата Директива.*

*Justification*

*Evaluation and standardisation of the information collected is necessary to assess progress in general and whether the measures proposed in prevention programmes meet the objectives and targets set.*

*In order to avoid additional formal reporting requirements the regular task of data collection can be placed on the European Environment Agency or another body such as the Joint Research Center in order to provide appropriate evaluation using indicators to be set by 2008 in cooperation with the competent national authorities and stakeholders. On the basis of this evaluation the responsible agency should provide the Commission with an assessment report.*

Изменение 73  
Член 31 а (нов)

**Член 31а**

*Доклад за плановете и програмите*  
*Като взема предвид извършените оценки, Комисията докладва на Европейския парламент и на Съвета не по-късно от 2 години след всеки*

*петгодишен период на преразглеждане на плановете и програмите, предвидени в член 31 и 36, относно ефективността на техните мерки.*

*Въз основа този доклад Комисията представя при необходимост допълнителни мерки, различни от тези, предвидени в член 4а.*

#### *Justification*

*On the basis of the evaluations the Commission should also provide a timely report to the European Parliament and the Council and, if necessary, propose further measures in addition to those already foreseen in article 4a and the EU action plan. This ensures that Parliament is regularly involved in assessment of the progress and sufficiency of the measures established in this Directive.*

#### Изменение 74 Article 33

1. Establishments or undertakings referred to in **Article 19(1)**, producers of **hazardous** waste and establishments and undertakings which collect or transport **hazardous** waste shall keep a record of the **quantity**, nature, origin, and, where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste and make that information available, on request, to the competent authorities.

2. For hazardous waste, the records shall be preserved for at least **three** years **except in the case of establishments and undertakings transporting hazardous waste which must keep such records for at least 12 months.**

Documentary evidence that the management operations have been carried out shall be supplied at the request of the competent

1. Учреждения или предприятия, описани в **Глава V, Раздел 1**, производители на отпадъци, учреждения или предприятия, които осигуряват събирането, или превоза на отпадъци съхраняват **хронологично** описание на **количествата входящи и изходящи отпадъци, техния вид, секторен и географски** произход, и, при необходимост, дестинацията и честотата на събиране, начина на превоз и според вида отпадъци - предвидения метод на обработка. Те правят тази информация достъпна при поискване от компетентните органи.

2. За опасните отпадъци, записите трябва да се съхраняват в срок от поне **нем** години.

Документални доказателства, че операциите по управлението са били извършвани, се предоставят при поискване от компетентните органи или

authorities or of a previous holder.

от предишния притежател.

*Държавите-членки гарантират, че националните компетентни власти пазят досиетата на всички учреждения и предприятия, посочени в глава V, раздел 1 и могат да изискат тези учреждения и предприятия да им предоставят доклади.*

*Държавите-членки могат също да изискат от производителите на неопасни отпадъци да спазват разпоредбите на настоящия член.*

#### *Justification*

*Input/output waste streams should both be registered so that controls can be done more efficiently. A period of 12 months is too short for inspection purposes.*

*Not only the hazardous waste but also non-hazardous waste production should be registered otherwise we cannot fulfil reporting obligations on amounts of waste produced.*

*As regards the recording of hazardous waste treatment operations, the provisions of this article should be extended to cover retailers and the records' retention periods.*

*In order to monitor the impact of measures to prevent the generation of waste it is important that statistics to be compiled on waste should include information on the origin of waste, meaning both its sectoral origin and its geographical place of origin.*

*In order to ensure the traceability of, and controls on, waste streams and to meet reporting requirements, a requirement to include all parties in a register held by the national authorities should be laid down and the possibility of requiring reports or summaries (input/output accounts) to be submitted should be provided for.*

*Requirements for producers of non-hazardous waste to keep records exist under the current law (see Article 14 of the framework directive), and such requirements are laid down by the Member States. For example, old electrical appliances, which largely do not comprise hazardous waste, have to be handled in accordance with the rules. Record keeping is an essential prerequisite for checking that conveyance and treatment are carried out in accordance with the rules.*

#### Изменение 75

##### Член 34

1. At intervals of **three** years Member States shall inform the Commission of the implementation of this Directive, in the form

1. На интервали от **четири** години държавите-членки информират Комисията за изпълнението на



of a sectoral report.

The report shall be drawn up on the basis of a questionnaire or outline established by the Commission in accordance with the procedure referred to in Article 6 of Directive 91/692/EEC. The report shall be made to the Commission within nine months of the end of the three year period covered by it.

Member States shall include in these reports information on their progress in the implementation of their waste prevention programmes.

In the context of the reporting obligations, data shall be collected on catering waste, enabling the establishment of rules on its safe use, recovery, recycling and disposal.

2. The Commission shall send the questionnaire or outline to the Member States six months before the start of the period covered by the report.

3. The Commission shall publish a Community report on the implementation of this Directive within nine months of receiving the reports from the Member States in accordance with paragraph 1.

4. In the first report that intervenes five years after the entry into force of this Directive the Commission will review the

настоящата директива под формата на секторен доклад.

Докладът се съставя под формата на въпросник или схема от Комисията, в съответствие с член 6 на Директива 91/692/ЕИО. Докладът се предава на Комисията в срок от девет месеца, считано от края на тригодишния период, за който се отнася.

Държавите-членки включат *между другото* в тези доклади специфична информация, относно *разширени схеми на отговорност на производителите и осъществения от тях напредък при изпълнението на техните програми за превенция в областта на отпадъците и при постигането на целите по превенция в областта на отпадъците, посочени в член 4а.*

В контекста на задълженията при докладване, ще се събира информацията за кухненските и ресторантските отпадъци, позволяваща установяването на правила за безопасната им употреба, оползотворяване, рециклиране и унищожаване.

2. Комисията изпраща въпросника или схемата на държавите-членки в срок от шест месеца преди началото на периода, който покрива доклада.

3. Комисията публикува доклад на Общността относно въвеждането на настоящата директива, в срок от девет месеца, считано от получаването на доклада от държавите-членки, в съответствие с параграф 1. *Комисията публикува доклад за оценка, относно възможността да се разширят схемите за отговорност на производителите за специфични отпадъчни потоци на ниво ЕС.*

4. В първия доклад, който се представя пет години след дата на влизане в сила на настоящата директива, Комисията ще

implementation of the Directive and will present a proposal for revision if appropriate.

преразгледа изпълнението на настоящата директива и при необходимост ще представи предложения за преразглеждане.

#### *Justification*

*The interval for the submission of sectoral reports should be synchronised with the intervals for the revision of waste prevention programmes and waste management plans.*

*In article 8 there is the reference to EPR schemes and here is the place to guarantee that the Commission receives all information to assess the opportunities of introducing extended producing responsibilities for new waste streams, based on Member States experiences.*

*Given the overarching objective of prevention, it is important to clarify that Member States should report specifically on the achievement of the waste prevention objectives.*

#### Изменение 76

##### Член 35

The Commission shall, in accordance with the procedure referred to in Article 36(2), adopt the amendments necessary for adapting *the* Annexes to scientific and technical progress.

Комисията, в съответствие с процедурата по член 36, параграф 2, приема необходимите изменения за адаптиране на Приложения **III и IV** към научно-техническия прогрес.

#### *Justification*

*This is necessary if the Parliament is to restrict resort to the comitology procedure.*

#### Изменение 77

##### Член 35 а (нов)

#### **Член 35а**

##### ***Санкции за неизпълнение***

***Държавите-членки определят разпоредбите относно наказанията, приложими при неизпълнение на разпоредбите на настоящата директива, по-специално с оглед на член 16, и вземат необходимите мерки, за да гарантират изпълнението на разпоредбите. Предвидените наказателните мерки трябва да бъдат***

**ефективни, пропорционални и разубеждаващи. Държавите-членки нотифицират настоящите разпоредби на Комисията не по-късно от ...\* и я нотифицират незабавно за всяко последващо изменение по тях.**

**\* 24 месеца след влизането в сила на настоящата директива.**

*Justification*

*In line with other framework legislation (e.g. water framework directive) or other waste legislation (e.g. directive on waste electrical and electronic equipment), the waste framework directive should also provide for sanctions for non-compliance. The wording here has been taken verbatim from the common position on REACH, with the addition of a specific reference to Article 16 for which sanctions are of particular relevance.*

Изменение 78

Член 36, параграф 2 а (нов)

**2а. Когато се прави позоваване на този параграф, се прилага член 5а, параграф от 1 до 4 и член 7 от Решение 1999/468 ЕО.**

*Justification*

*The amendment is needed to align the text to the provisions of the new "comitology" Decision, and in particular to include the "regulatory committee with scrutiny", since some the measures concerned are measures of general scope designed to amend non-essential elements of the draft legislation.*

Изменение 79

Член 36, параграф 3 а (нов)

**3а. Когато се приемат мерки в съответствие с този член, Комисията:**

**а) провежда при необходимост консултация със заинтересованите страни;**

**б) представя ясен график;**

*в) осигурява хармонизацията на Правилника за дейността за всички процедури на комитология, посочени в настоящата директива;*

*г) осигурява прилагането на процедурата;*

*д) осигурява обществен достъп до документите по процедурата;*

*е) при необходимост извършва изследване на влиянието на планираната мярка върху околната среда и пазара.*

#### *Justification*

*Reinstates amendment 35 by the rapporteur, with the addition of the requirement for an impact assessment if necessary.*

Изменение 80  
Член 36 а (нов)

#### **Член 36а**

**Консултационен форум по управление на отпадъците**

**1. Комисията създава Консултационен форум по управление на отпадъците.**

**2. Целта на този Консултативен форум е да снабдява Комисията със становища по искане на Комисията и по собствена инициатива:**

**а) относно формулиране на политика за управление на отпадъците, като взема предвид необходимостта да осигури най-доброто използване на ресурсите, превенцията в произвеждането на отпадъци и съобразеното с околната среда управление на отпадъците;**

**б) различните технически, икономически, административни и правни аспекти относно управлението на отпадъците;**

**в) въвеждането на законодателството**

*на Общността в областта на управление на отпадъците, включително плановете и програми, докладващи за постигнатия напредък, и формулирането на нови предложения за законодателство в тази област.*

*3. Консултативният форум ще бъде равномерно съставен от представители на държавите-членки и на всички заинтересувани от тази тема групи, както и на представители от промишлеността - малки и средни предприятия и сектора на занаятите, синдикатите, търговците и търговците на дребно, групите за защита на околната среда и организациите за защита на потребителите.*

*4. Консултационният форум заседава поне три пъти годишно. Свиква се от Комисията. Комисията ще председателства заседанията.*

*Justification*

*It is crucial to establish a proper Forum for the purposes of implementing the Directive, as has been done in other environmental policy fields such as Air and Water. This EU level forum, essentially a Waste Management and Implementation Consultation Committee, should include both Member State competent bodies and stakeholders and should be used also for specific duties of scrutiny and to participate in the development of implementing measures as far as possible and relevant.*

Изменение 81  
Приложение I, точка Г 7

***D 7 Release into seas/oceans including seabed insertion***      ***заличава се***

*Justification*

*Releasing or dumping of waste into the sea should be prohibited because it is unsafe in the long term.*

Изменение 82  
Приложение I, точка Г 11

***D11 Incineration at sea***

***заличава се***

*Justification*

*The OSPAR Convention bans incineration at sea from the date that the European Community became a signatory to it – 7 October 1997.*

Изменение 83  
Приложение II, точка С 1

***R1 Use principally as a fuel or other means to generate energy.***

***С 1 Използва се предимно като гориво или друг източник на енергия.***

*This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:*

*– 0.60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,*

*– 0.65 for installations permitted after 31 December 2008,*

*Energy efficiency =  $(E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$*

*E<sub>p</sub> means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)*

*E<sub>f</sub> means annual energy input to the system from fuels contributing to the production of steam (GJ/year)*

*E<sub>w</sub> means annual energy contained in the treated waste calculated using the lower net calorific value of the waste (GJ/year)*

*E<sub>i</sub> means annual energy imported excluding E<sub>w</sub> and E<sub>f</sub> (GJ/year)*

**0.97 is a factor accounting for energy losses due to bottom ash and radiation.**

*Justification*

*The Commissions proposal to reclassify municipal waste incinerators based on their energy efficiency does not recognise that installations dedicated to handling mixed wastes with a variable and unpredictable composition should be primarily concerned with the proper environmental treatment (mineralisation) of that waste and controlling emissions. Energy (and heat) recuperation should remain a secondary consideration. The energy efficiency formula as the sole criteria for municipal solid waste incineration plants being classified as recovery is not coherent with the multi-criteria approach to the definition of recovery and the primary environmental concern of controlling emissions.*

Изменение 84  
Приложение II, точка 9 а (нова)

***С 9а. Други оползотворяващи дейности за производството на вторични продукти, материали и вещества.***

*Justification*

*The amendment aims in clarifying the situation where recovery constitutes of several consecutive steps. Such recovery chain of several industries is usual in Europe.*

Изменение 85  
Приложение II, точка С 11 а (нова)

***R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10***

***С 11 Оползотворяване на енергия от газ, произлизащ от отпадъци, изгорени под земята.***

*Justification*

*Modern engineered landfills can be effective bio-generators through the conversion of landfill gas to energy. Optimisation of this form of energy recovery should be encouraged through recognition in the Directive. Whereas modern flare technologies can achieve most of the objectives of gas management such as odour control, destruction of toxic constituents and low pollutant emissions, landfill gas to energy provides the additional benefit of displacing non-renewable fossil fuels that would be used to generate the same of amount of energy elsewhere.*

Изменение 86  
Приложение II, точка С 11 а (нова)

***С 11а. Употреба на отпадъци за строителни, технически, цели за безопасност или екологични цели, за които биха били използвани други материали.***

*Justification*

*In order to promote the sustainable use of resources, the list of recovery operations contained in Annex II B should be updated, taking account of Court of Justice case law and technical developments.*

Изменение 87  
Приложение II, точка С 13 а (нова)

***С 13а. Употреба на материали, получени от всяка от операциите от С 1 до С 10.***

*Justification*

*The amendment aims at clarifying the situation where recovery is made up of several consecutive steps and for example the recycling is completed after (intermediate) recovery operations where the legal waste status has already been changed. Such recovery chain of several industries is usual in Europe.*

Изменение 88  
Приложение II, точка С 13 а (нова)

***С 13 б. Повторна употреба на продукти и компоненти, които са станали отпадъци.***

*Justification*

*Linked to part of an amendment by the same authors to Recital 11.*

*Re-use of products or components is different from the reclamation of certain materials and should be listed explicitly in the Annex on recovery operations. As such an additional entry is*



needed in Annex II.

Изменение 89  
Приложение II а (ново)

**ПРИЛОЖЕНИЕ II а**

*Приложения, за които отпадъците могат да се използват като вторични продукти, материали или вещества*

- *Употреба в/ като тор или като подобрител на почвата*
- *Употреба в/като строителен материал;*
- *Употреба като субстрат*

*Justification*

*Amendment is linked with amendment on article 11, " the secondary products, materials and substances are to be used in one of the applications listed in annex IIa".*

Изменение 90  
Приложение III, точки 3 13 и 3 14

**H13** Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

**H14** 'Ecotoxic': substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

3 14 Вещества и препарати, които могат след унищожаване да произведат по какъвто и да е начин, друго вещество, като например препарат от перколация, който притежава всяка от **другите** характеристики, посочени по-горе.

**3 13** "Екотоксични": вещества и препарати, които представляват непосредствен риск или риск в по-късен етап, за един или повече от секторите на околната среда.

*Justification*

*This amendment is necessary to align the order of the list of properties of wastes which render them hazardous with international law, notably the Basel Convention. The criterion H 13 is very important, as it includes hazardous properties that occur after disposal. As the criterion H13 refers to any of the characteristics listed "above", in the current order, the property "ecotoxic" is excluded from consideration. In line with the Basel Convention, the order should be inverted so that the property "ecotoxic" is also considered after disposal, e.g.*

*in a leachate.*

Изменение 91  
Приложение IV, точка 3 а (нова)

***3а. Държавите-членки уведомяват Комисията за продуктите, които могат да бъдат подложени на сравнение на методите на производство, на ниво ЕС, основно от гледна точка на превенцията в областта на отпадъците.***

*Justification*

*If manufacturers/importers market the least environmentally damaging materials, this will make a significant contribution to the objective of this directive. The choices made by manufacturers/importers should be inspired by indicators which represent the environmental damage caused by various materials.*

Изменение 92  
Приложение IV, точка 3 б (нова)

***3б. Определяне на критериите за избираемост на проекти от ЕС и от страни извън ЕС за финансиране от Структурните и регионалните фондове на ЕС, за да се даде приоритет на превенцията в областта на отпадъците, по-специално употребата на най-добрите съществуващи техники и на критерии за чиста продукция.***

Изменение 93  
Приложение IV, точка 3 в (нова)

***3в. Насърчаването от страна на държавите-членки на разделното събиране на отпадъци, с оглед събиране на отпадъците от домакинството в съответствие със стандартите за***

*качество в съответните сектори.*

Изменение 94  
Приложение IV, подзаглавие 2

*Measures that can affect the design and production phase*

*Мерки, които засягат фазата на създаване, производство и разпространение.*

*Justification*

*Distributors should not be forgotten as an important actor. Consumer behaviour is important issue to be tackled in the prevention programs.*

Изменение 95  
Приложение IV, точка 7

7. The inclusion of measures to prevent waste production at installations not falling under Directive 96/61/EC. **Where appropriate, such** measures could include waste prevention assessments or plans.

7. Приемането на мерки за превенция на отпадъците в инсталациите, които не попадат в приложното поле на Директива 96/61/ЕО. **Такива** мерки могат да включват оценки или планове за превенция на отпадъци.

*Justification*

*see justification to Annex IV, subtitle 2.*

Изменение 96  
Приложение IV, точка 9

9. The use of voluntary agreements, consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.

9. Употребата на **законодателство**, доброволни споразумения, кръгли маси между производители и потребители, секторни преговори, за насърчаване на съответните учреждения и промишления сектор да съставят свои собствени планове в областта на превенцията на отпадъци и цели да променят продуктите или опаковането, произвеждащи много отпадъци.

*Justification*

*see justification to Annex IV, subtitle 2.*

Изменение 97  
Приложение IV, точка 11

11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.

11. Употреба на икономически инструменти и мерки, насърчаващи потребителите да извършват екологични покупки или въвеждането на задължително заплащане, от потребителите на продукт или опаковъчен елемент, който се предлага **безплатно или на по-ниски цени.**

*Justification*

*See justification to Annex IV, subtitle 2.*

## EXPLANATORY STATEMENT

This Directive carries forward the debate begun by the first EU Waste Directives in the 1970s and given greater focus by the Landfill Directive of 1999. The questions for our times are how do we reduce the amount of waste that our increasing prosperity encourages us produce, and how do we now need to change our policies so that we deal with waste primarily as a resource from which value can be extracted, rather than as a residue that can only be stored in a landfill.

Given the number of Court of Justice cases that have arisen on the interpretation of EU waste law to date, the first thing we should try to ensure is that whatever law we finally adopt establishes certainty - about definitions and policy intentions. This is why the committee has suggested a number of additions to Article 3 and a consolidation there of definitions appearing elsewhere in the Directive.

The rapporteur has received many representations about the need for the Directive to contain a reference to the waste hierarchy in its fullest - 5 stage - form. It is important to remember that the hierarchy has no legal force. However stating it sends out a signal about priorities and, in the case of this directive, resolves what is rather a confusingly drafted Article (Article 1). It is, however, immediately clear that allowance must be made for departures from the hierarchy when conditions demand it. The question is: what conditions? The committee's suggestions are contained in the last part of the amendment to Article 1. There seems to be a consensus that departures should be based on life-cycle thinking/analysis/assessment, and a cost-benefit analysis has to fit in there somewhere. The question is how rigorous a clearance/approval on this basis would have to be: would a Member State operate clearance procedures on a case-by-case basis? Would there be a reference to the Commission each time? Perhaps, the best course - or at least one suggestion - is contained in the committee's idea that the Commission might establish guidelines as to how life cycle analysis might work.

Then there is the question of what happens next. We need further action to determine which waste streams will be covered by the provisions of Article 11 and moved from categorisation as waste to classification as a product. The committee's amendment to Article 11, new paragraph 3a, sets out an agenda for future action by the Commission.

On the question of procedure, the rapporteur concludes that there is far too great a reliance in the directive on the use of the comitology process, as set out in Council Decision 1999/468/EC. The Directive contains 11 references in various articles to decisions that are to be referred to the comitology process. But a distinction needs to be made between using comitology for technical adaptations, and mis-using it to take decisions of a more general, highly political nature, that are best taken through the co-decision process. For this reason, it is suggested that we move to the co-decision procedure in article 5 (to establish efficiency criteria), in article 11 (to establish criteria for when waste becomes a product) and in article 21 (minimum standards for permits.)

Changes to the Comitology process are certainly under discussion but the rapporteur is not optimistic that they will add up to more powers for MEPs to veto a decision, or to more involvements by outside interests. It suits the Member States and Commission to keep the process as closed as possible. That is why we must resolutely resist its inappropriate

encroachment on democratic decision taking.

The Directive encompasses the existing directives on hazardous waste and waste oils. The rapporteur considers that it does this adequately and safely: she would be resistant to reversing the process of simplification to re-build these directives in their entirety. One amendment to article 18 in the direction of the promotion of waste oil regeneration has however been included.

The question of what will qualify under the Directive as a recovery process and what will qualify as a disposal process is a vital one. The Directive introduces a qualification based on efficiency criteria in article 5. The criteria are set out in Annex II, section R1. Neither the Directive, nor the thematic strategy nor the impact assessment attached to it gives any details at all of the likely economic and social impact of the application of these criteria. Yet they are vital: an incinerator that qualifies as a recovery operation can deal with imported waste, and can be part of a strategy for meeting recovery targets in such EU legislation as the packaging Directive. An incinerator that qualifies as a disposal operation has no such options. Given the short time scale before the new standards are supposed to apply, it seems unlikely that existing operators could adjust their processes in time. The new criteria are highly likely to cut across existing contracts and may damage jobs and local authority waste plans.

Evidence from France suggests that out of a total of 85 existing plants, only 14 could satisfy the recovery criteria chosen. It cannot be right that at a time when the air is thick with suggestions for making impact assessment more efficient, we should miss such an assessment out completely on this crucial aspect of the Directive.

Finally, the Directive contains two sets of proposals for waste plans and programmes. The committee's amendments retain the overall objective of encouraging planning for waste plans and prevention programmes. But the changes proposed make the detailed requirements less bureaucratic and better matched, in tune with the principle of subsidiarity, with differing local conditions. We should also ask what precisely the Commission is going to do with the plethora of plans and programmes that it will now have to monitor. Such continuous monitoring is better left to the work of the European Environment Agency. The Agency is not mentioned in the Directive but should surely play a key role in ensuring that Member States are broadly in step with each other in the war against waste and for the better use of resources.

(COD)  
15.9.2006

## OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council on waste (COM(2005)0667 – C6-0009/2006 – 2005/0281(COD))

Draftswoman: Cristina Gutiérrez-Cortines

### SHORT JUSTIFICATION

The revision of directive 75/442/EEC which has been submitted to Parliament undoubtedly seeks to update some aspects, such as introducing environmental objectives and remedying shortcomings in the definitions and other concepts which, in the view of many sectors and experts, are one of the weak points of the previous directive.

In addition to these clearly stated objectives there are other proposals: (1) to simplify the current legal framework; (2) to propose repeal of Directive 75/439/EC on the disposal of waste oils and Council Framework Directive 91/689/EEC on hazardous waste. There is also a clear intention throughout the text not to perpetuate the hierarchies of waste and prioritisation which have been an essential feature of EU waste policy in previous decades.

This urge towards simplification is particularly worrying in the case of the directive on hazardous waste, a directive that society had accepted and applied with relative success. Its repeal could leave a vacuum without sufficient safeguards in one of the sectors most fraught with risks. If there is a proposal for prioritisation, we consider that this should be the first and clearest. With regard to waste oil, our proposal takes account of its usefulness and the need not to harm the existing industry and market.

The main reason to revise the legislation is the numerous judgments issued by the Court of Justice in Luxembourg against various countries for failure to transpose the European legislation, or their slowness in doing so, or what could be called an insufficient definition of the basic concepts in the previous directives. In effect, one of the innovations in this proposal is that new definitions have been drawn up in line with best practices. This concern is recognised by some of the Member States and sectors involved, which have serious misgivings about the definitions in Articles 3 and 5, fearing that once more the directive may generate legal uncertainty. This proposal, while seeking to remedy some deficiencies, has added others. For all the definitions, the reference text has been the definitions drawn up by the Court of Justice in its explanations of decisions.

Another innovation in this draft directive is the environmental impact of waste, including two assessments: risks posed by waste to health and the environment, and also the energy costs of

recycling and recovery. Thus a new **concept (the 'life cycle')** has been introduced, which must be taken into account before decisions are taken on the alternatives which exist to deal with waste. The life cycle approach must specifically include assessment of energy costs. Although on paper the life cycle assessment is very 'good', and it seems logical to include energy costs in the decision-making process, the reality is much more complex, and it can become a particularly dangerous criterion. Therefore in one recital and article we call for a scientific study of the definition of the life cycle, and for diverse and flexible proposals depending on types of waste, territories, transport, calorific capacity, economic measures, etc and for the Member States to be responsible for carrying this out, since in each case they have expert knowledge of existing waste, costs and technical capacity.

The fundamental question in this directive is whether the priority should lie in recovery and recycling rather than disposal. A major industry and market for recycling and recovery has developed in Europe in the last 30 years and it seems logical that this new directive should not interfere with this process by giving priority to disposal. On the other hand, another view maintains that energy expenditure must be reduced, and the possibility of producing energy from waste obliges us to consider disposal as an alternative which in future could replace some recycling operations. Certainly we cannot forget that the main objective of this directive is to reduce as far as possible the risks associated with waste, prevent its creation and make the maximum possible use of resources and products, which means that the disappearance of previous or current waste dumps, and the recovery or removal of them is a priority. Consequently, the figures for energy recovery which should come from scientific studies in which each category of products is analysed, must be taken into account.

## AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

### Amendment 1 Съображение 2

(2) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the sixth Community Environment Action Programme calls for development or revision of the legislation on wastes, including, inter alia, clarification of the distinction between waste and non-waste and development of adequate criteria for the

(2) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the sixth Community Environment Action Programme calls for ***developing and implementing measures on waste prevention and management by, inter alia, developing a set of quantitative and qualitative reduction targets covering all***

<sup>1</sup> Not yet published in OJ.



further elaboration of Annexes IIA and IIB to Directive 75/442/EEC.

***relevant waste, to be achieved by 2010; encouraging ecologically sound and sustainable product design; the formulation of operational measures to encourage waste prevention, e.g. by stimulating re-use and recovery, the phasing out of certain substances and materials through product-related measures; the development or revision of the legislation on wastes, including, inter alia, construction and demolition waste, biodegradable wastes, clarification of the distinction between waste and non-waste and development of adequate criteria for the further elaboration of Annexes IIA and IIB to Directive 75/442/EEC.***

#### *Justification*

*The Commission cherry-picked only a few of the priority actions for the pursuit of the objectives laid down in Article 8 of the 6EAP on the sustainable use and management of natural resources and wastes. It is important to fully represent the priority actions of the 6EAP that are applicable here.*

#### Amendment 2

Съображение 6 а (new)

***(6a) An analysis should be carried out of the life cycle of categories of products and materials, taking account of the novelty and complexity of that concept. The criteria should be economic and environmental, including factors such as transport, energy expenditure, technologies that may be used and their cost, from a purely scientific point of view. All those concerned – industry, public administrations and consumers – should participate in drawing up the criteria.***

#### Amendment 3

Съображение 10 а (new)

***(10a) Waste legislation should aim at reducing the use of natural resources, and***

***foster the application of the waste hierarchy.***

*Justification*

*Waste hierarchy should be the ground for waste policy as it is based on environmental considerations. Therefore to apply waste hierarchy leads to environmental gains, contribute to the efficient use of natural resources and the reduction of energy dependency, by promoting the minimization of waste production and the material recycling of wastes.*

Amendment 4

Съображение 17 а (new)

***(17a) Member States should be free to invoke and apply the principles of proximity and self-sufficiency to waste destined for incineration with energy recovery, so as to allow for adequate planning of treatment capacity and to ensure that combustible waste produced within their territory is given access to national incineration facilities.***

Amendment 5

Съображение 18 а (new)

***(18a) Hazardous waste is defined on the basis of risk and risk criteria, hence it must be regulated by means of strict specifications designed to prevent or to limit to the greatest possible extent the harmful effects which inappropriate management may have on the environment and to provide protection against risks to security and human health. On account of its hazardous properties, hazardous waste requires appropriate management involving suitable specific collection and treatment techniques, special checks and a traceability scheme. All hazardous-waste operators must have suitable skills, training and permits.***

*Justification*

*Hazardous waste is not just ordinary waste - it has its own special characteristics which should be spelt out in the interests of safety and legal clarity.*

Amendment 6  
Съображение 20

(20) ***Since the*** priority given to regeneration in Council Directive 75/439/EEC of 16 June 1975 ***on the disposal of waste oils no longer reflects a clear environmental benefit, that Directive should be repealed.*** However, as the separate collection of waste oils remains crucial to their proper management and the prevention of damage to the environment from their improper disposal, the collection obligation for waste oils should be integrated into the present Directive. Directive 75/439/EEC ***should*** therefore be repealed.

(20) ***The*** priority given to regeneration in Council Directive 75/439/EEC of 16 June 1975 ***should be maintained, despite the repeal of that directive.*** However, as the separate collection of waste oils remains crucial to their proper management and the prevention of damage to the environment from their improper disposal, the collection obligation for waste oils should be integrated into the present Directive. Directive 75/439/EEC ***is*** therefore ***to*** be repealed.

*Justification*

*Repeal of the directive as part of the 'better lawmaking' policy does not imply that the aims it sought must not be maintained.*

Amendment 7  
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 provision 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.***

1. This Directive lays down measures with a view to ***improving the sustainable use of resources and mitigating the*** environmental impacts of the generation and management of waste.

2. ***It instructs*** the Member States to take measures, ***in descending order of priority, for:***

(a) ***prevention or reduction of waste production;***

(b) ***re-use of waste;***

(c) ***recycling of waste;***

(d) ***other recovery operations;***

(e) ***disposal of waste.***

3. ***On the basis of environmental criteria adopted at Community level, Member States may, after carrying out a life cycle analysis and an economic impact study for***

*a relevant category of waste, take measures that derogate from the priorities established in paragraph 2.*

*4. Until such criteria are adopted and where an impact assessment indicates clearly that one of the treatments referred to in paragraph 2 shows a better record for a specific waste category, Member States may, in a similar manner, take measures that derogate from the priorities established in paragraph 2.*

*5. Responsibility for validating the results of the assessments referred to in paragraph 4 shall lie with the competent national authorities. The validated results shall be reported to the Commission and shall be the subject of a review in accordance with the procedure referred to in Article 36(2).*

Or. en

#### Amendment 8

Article 1, paragraph 2 a (new)

*Furthermore, it makes provision whereby Member States shall take the necessary measures to require that the production, collection and/or transport, storage and treatment of hazardous waste shall be carried out in conditions which allow optimum environmental protection and safety for operators, industrial plants and the general public.*

#### *Justification*

*Because specific attention needs to be paid to hazardous waste, it should be highlighted in a separate objective to be added to article 1. The objective proposed deals not only with environmental protection but also with health and safety.*

#### Amendment 9

Article 2, introductory phrase

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

This Directive shall not cover

- a) gaseous effluents emitted into the atmosphere,*
- b) the soil,*
- c) by-products within the meaning of Article 3,*
- d) secondary raw material ( products, materials, substances) and*
- e) the process-related use within the plant of production residues.*

*Justification*

*Industrial by-products do not constitute waste and should therefore be excluded from the scope of this directive. Restructuring is necessary in order to adopt a systematic approach. In complex production processes it is, moreover, beneficial in terms of saving resources, both for economic and environmental reasons, for production residues that are generated on-site to be used again in suitable production processes. Such substances or materials, which are used in a closed material cycle within a plant, never become waste.*

Amendment 10

Article 2, paragraph 4 a (new)

***4a. Specific rules governing particular cases, or supplementing the rules laid down in this Directive, concerning the management of particular categories of waste may be laid down by means of individual Directives.***

Amendment 11

Article 2, paragraph 4 b (new)

***4b. It shall not cover the use of sludge in accordance with Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture<sup>1</sup>.***

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<sup>1</sup> OJ L 181, 4.7.1986, p. 6.

*Justification*

*The recycling of sludge for agricultural use, after appropriate processing, should be exempted from this Directive since it is already covered by Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil. That Directive covers the processing of sludge in such a way as to prevent any possible detrimental effects on soil, plants, animals and humans. Overlapping of the two Directives should be avoided.*

Amendment 12  
Article 3, point (c)

(c) ‘holder’ means ***the producer or*** the natural or legal person who is in possession of the waste;

(c) ‘holder’ means the natural or legal person who is in possession of the waste;

*Justification*

*The holder must be the person who is in possession of the waste at the time, not its producer.*

Amendment 13  
Article 3, point (c a) (new)

***(ca) ‘dealer’ means any person who acts in the role of principal in the purchase and subsequent sale of waste, including such dealers who do not take physical possession of the waste;***

Amendment 14  
Article 3, point (c b) (new)

***(cb) ‘broker’ means anyone who arranges the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;***

Amendment 15  
Article 3, point (d)

(d) ‘management’ means the collection, transport, recovery and disposal of waste,

(d) “management” means the collection, transport, ***treatment***, recovery and disposal

including the supervision of such operations and after-care of disposal sites;

of waste, including the supervision of such operations and after-care of disposal sites;

*Justification*

*Treatment is part of the waste management process and may be a separate operation to recovery and disposal.*

Amendment 16  
Article 3, point (e a) (new)

***(ea) 'prevention' means any action that is taken before products or substances have become waste and is aimed at reducing the production of waste or its harmfulness, or the environmental impact of resource use in general;***

Amendment 17  
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 ***a process which takes place after the production process and involves the recovery of waste, by means of disassembly, separation or other production processes, into products, materials or substances serving as secondary raw materials***, whether for the original or other purposes. It does not include energy recovery;

Amendment 18  
Article 3, point (g a) (new)

***(ga) 'recovery' means any treatment operation that:***

***- results in the waste serving a useful purpose by replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or by being prepared for such a use;***

***- meets efficiency criteria on the basis of which it may be considered to have resulted***

*in a useful purpose;*

*- ensures that the overall environmental impact is not worsened by the use of waste as a substitute for other resources;*

*- ensures that pollutants are not transferred during the process into the final product;*

Amendment 19  
Article 3, point (h)

(h) '*mineral* waste oils' means any *mineral-based* lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, *mineral* lubricating oils, oils for turbines and hydraulic oils;

(h) 'waste oils' means any lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;

*Justification*

*These days, waste oils comprise a mixture of mineral and synthetic oils and the definition should be adapted accordingly.*

Amendment 20  
Article 3, point (h b) (new)

*(hb) 'secondary raw materials' means products, materials and substances recovered from waste which have market value;*

Amendment 21  
Article 3, point (i)

(i) 'treatment' means recovery or disposal.

(i) "treatment" means recovery or disposal *and preparation for recovery or disposal resulting in a change in the nature or composition of the waste.*



*Justification*

*Waste preparation which results in a change in the nature or composition of the waste is treatment and as a result part of waste management, so it needs to be included in the treatment definition. This wording is consistent with article 3 (b) on the producer definition.*

Amendment 22  
Article 3, point (i a) (new)

**(ia) ‘agent’ means anyone who acts on behalf of another to buy and sell waste.**

*Justification*

*This retains the concept of someone who negotiates on behalf of someone else and is not necessarily in possession of the product.*

Amendment 23  
Article 4, paragraph 1

A list of wastes shall be **established** by the Commission, in accordance with the procedure referred to in Article 36(2).

**The existing** list of wastes **in Commission Decision 2000/532/EC of 3 May 2001<sup>1</sup>** shall be **revised if necessary** by the Commission, in accordance with the procedure referred to in Article 36(2).

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<sup>1</sup> OJ L 226, 6.9.2000. Decision as last amended by Council Decision 2001/573/EC (OJ L 203, 28.7.2001, p. 18).

*Justification*

*The list - which has been rendered necessary by the current directive - already exists. It has proved effective and it may need to be updated, but it does not need to be completely replaced.*

Amendment 24  
Article 5, Title

Recovery

Recovery **and residual waste minimisation**

*Justification*

*In order to act in accordance with the hierarchy, it is important to include the minimisation of residual waste that cannot be reused or recycled into the hierarchy.*

Amendment 25  
Article 5, paragraph 1

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 use, hereinafter “recovery operations”. They shall regard as recovery operations at least the operations listed in Annex II.

1. **Without prejudice to Article 1(2) and Article 6(1)**, Member States **should** 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 use, hereinafter “recovery operations”. They shall regard as recovery operations at least the operations listed in Annex II.

*Justification*

*Recovery needs to be done according to the waste hierarchy. There are a number of waste streams for which, for various reasons, recovery is not possible. Without a reference to Article 6(1), Member States would be obliged to recover all waste.*

Amendment 26  
Article 5, paragraph 1, subparagraph 1 a (new)

***Further recovery operations may be added to the list of operations set out in Annex II, on the basis of a Commission proposal to the Council and the European Parliament.***

*Justification*

*The Commission should have a pro-active role in this area, so as to enable the list to be adapted in line with developments in technology.*

Amendment 27  
Article 6, paragraph 1, subparagraph 1

1. Member States shall ensure that, **where recovery** in accordance with Article 5(1) **is not possible, all waste** undergoes disposal operations.

1. Member States shall ensure that **waste which has not been able to be recovered** in accordance with Article 5(1) undergoes disposal operations.

*Justification*

*There is no procedure capable of demonstrating that recovery is not possible. Further recovery is always possible if the economic and environmental costs are disregarded and if market prospects for the recovered material are ignored. Hence the disposal requirement must be imposed in respect of any waste which has not been able to be recovered.*

Amendment 28  
Article 6, paragraph 3

3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, it has only a low potential, ***the Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures adding that specific operation to the list set out in Annex I.***

3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, it has only a low potential, ***this specific operation shall be added to the list contained in Annex I on a proposal from the Commission to the European Parliament and the Council in accordance with the procedure referred to in Article 21.***

*Justification*

*The purpose of this amendment is to apply the codecision procedure to a political issue and thereby to restore consistency within the text, in particular with the amendment to Article 5 which has been suggested by the rapporteur. Applying codecision to Article 5 and comitology to Article 6 could result in contradictory decisions: a specific operation could involve recovery under codecision and disposal under comitology.*

Amendment 29  
Article 7

Member States shall ensure that the recovery or disposal of waste ***is*** carried out as follows:

- (a) ***without endangering human*** health;
- (b) ***without using processes or methods which could harm*** the environment;
- (c) ***without risk to water, air, soil and plants and animals;***
- (d) ***without causing a nuisance through noise or odours;***

Member States shall ***endeavour to*** ensure that the ***processes of*** recovery or disposal of waste ***are*** carried out ***with the greatest possible attention to:***

- (a) ***protecting public*** health;
- (b) ***protecting*** the environment (***including water, air, soil, animals, plants, countryside or places of special interest***);
- (c) ***preventing nuisance through noise or odours.***

***(e) without adversely affecting the countryside or places of special interest.***

*Justification*

*The objectives for the implementation of legislation on waste must be realistic with regard to the available measures; the undesirable effects of an activity cannot be entirely eliminated.*

Amendment 30  
Article 8

Member States shall ensure that any holder of waste carries out its recovery or disposal himself or has its recovery or disposal handled by an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector.

***Pursuant to the ‘polluter pays’ principle the*** Member States shall ensure that any holder of waste carries out its recovery or disposal himself or has its recovery or disposal handled by an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector.

*Justification*

*Reference must be made to the ‘polluter pays’ principle, which has always played an essential role in waste management. It forms part of Directive 75/442/EC and the amended versions thereof and it must be mentioned at this stage.*

Amendment 31  
Article 9

***Member States shall ensure that the costs entailed in the recovery or disposal of waste are allocated, as appropriate, between the holder, previous holders and the producer.***

***In accordance with the ‘polluter pays’ principle the cost of waste management must be borne by:***  
***- the holder of the waste collected or managed by a collector or by an enterprise, and/or***  
***- the previous holders, and/or***  
***- the producer of the product from which the waste is derived.***

*Justification*

*The current directive is clearer as regards costs and this amendment is based on Article 15 thereof. Its purpose is to:*

- re-introduce the 'polluter pays' principle;
- ensure that costs are 'borne' and not 'allocated' by the Member States;
- ensure that costs are borne by the producer of the waste and are upstream as far as the producer of the product and not downstream of the producer of the waste;
- ensure that the costs cover not only recovery and disposal but also the overall costs of waste management (such as the cost of collection).

Amendment 32  
Article 10, subparagraph 1

Each Member State shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of disposal installations, taking account of the **best available** techniques **within the meaning of Article 2(11) of Directive 96/61/EC, hereinafter "best available techniques"**.

Each Member State shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of disposal installations, taking account of the **most efficient and viable** techniques.

*Justification*

*Suitable techniques for the treatment of waste, including disposal, must be appropriate to the place and they should be chosen on the basis of economic, environmental and public health criteria.*

Amendment 33  
Article 11, paragraph 1

**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 negative environmental impacts;
- (b) a market exists for such a secondary

**1. The Commission shall determine or request Member States to determine whether a given waste has ceased to be a waste, on the basis that:**

**(- a) it has completed a re-use, recycling, recovery or adaptation operation and is hence to be re-classified as secondary products, materials or substances; and**

- (a) **such** reclassification would not lead to overall negative environmental impacts **and**
- (b) a market exists **or would exist** for such a

product, material or substance.

secondary product, material or substance.

### *Justification*

*Re-worded for more clarity. Some waste materials (i.e. wood waste) are a source for environmental friendly energy production. Adaptation of such materials must be taken in the enumeration of actions. Special attention needs to be given to the swift reclassification of such waste materials. The Commission has the last word on the determination of 'waste' classification.*

### Amendment 34

Article 11, paragraph 1, point (b a) (new)

***(ba) the secondary product, material or substance has undergone treatment and is about to enter a new cycle as a secondary raw material with properties similar to those of virgin products, materials or substances.***

### Amendment 35

Article 11, paragraph 2

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.

2. ***By ... \****, ***on*** the basis of its assessment pursuant to paragraph 1, the Commission shall ***submit - if necessary - a legislative proposal setting out*** the environmental criteria to be met in order for ***product, material or substance waste*** to be deemed to have become a secondary product, material or substance.

***The considered criteria are defined after the consultation of the concerned sectors of industry. The procedure sees to a democratic decision-making and the possibility of appeal. The assessment takes into account all relevant aspects, including the entire supply chain from the origin of the substance, product or material to the final application, recovery or disposal.***

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*\* Two years from the date of entry into force of this Directive*

*Justification*

*The question of knowing which 'sister directives' should stem from this directive and the question of knowing what form those directives should take are political in nature, hence they should be covered by the codecision procedure. The requirements applying to secondary products should not be more stringent than those applying to the similar primary products which they replace.*

Amendment 36  
Article 11, paragraph 3 a (new)

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

- compost,***
- construction and demolition waste,***
- recovered paper,***
- recovered glass,***
- Solid Recovered Fuel (SRF).***

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***\*\* Five years from the date of entry into force of this Directive***

*Justification*

*These are the most urgent candidates for new proposals. In particular for SRF, its inclusion into the urgent candidates is due because some Member States have already developed and consolidated an environmentally sustainable industrial usage of quality-SRF in coal-powered power plants and cements kilns. Quality SRF substitutes, in part, the fossil fuel (coal) used in such plants.*

Amendment 37  
Article 11 a (new)

## *Article 11a*

### ***Knowledge and traceability of hazardous waste***

***1. Before it is accepted at a waste-treatment plant, each consignment of hazardous waste shall be subjected to a specific procedure designed to establish the risks and the treatment to be applied.***

***2. Any admission of hazardous waste to a site shall be governed in accordance with a specific procedure in order to ensure that the waste concerned does indeed display the same properties as the waste approved during the acceptance procedure.***

***3. Any producer, collector or holder of hazardous waste who transfers that waste to a treatment plant shall make available a specific notification and movement document accompanying the waste from the place at which it was produced to its destination.***

***4. The reporting requirements laid down in Article 5 of European Parliament and Council Regulation (EC) No 166/2006 of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register<sup>1</sup> shall apply to all producers of hazardous waste and all operators of plants at which such waste is treated.***

<sup>1</sup> OJ L 33, 4.2.2006, p. 1.

### *Justification*

*Knowledge and traceability of hazardous waste are essential if such waste is to be processed in optimum fashion and without jeopardising security and the environment.*

*(1) The nature of the waste must be known before the waste is accepted and each consignment must be checked in order to ensure that the waste corresponds to what has been accepted.*

*(2a) A notification and movement document constitutes a valuable traceability tool.*

*(2b) The reporting requirement is laid down in the E-PRTR rules but the Annex does not cover all producers of hazardous waste and all treatment plants.*



Amendment 38  
Article 14, paragraph 1

1. *A* Member State **may treat** waste as hazardous where, even though it does not appear as such on the list of wastes referred to in Article 4, hereinafter “the list”, it displays one or more of the properties listed in Annex III.

**The** Member State shall notify any such cases to the Commission **in the report provided for in Article 34(1)**, and shall provide the Commission with all relevant information.

1. **Where a** Member State **considers that** waste **should be treated** as hazardous, even though it does not appear as such on the list of wastes referred to in Article 4, (hereinafter “the list”), **and** it displays one or more of the properties listed in Annex III **the** Member State shall **immediately** notify any such cases to the Commission and shall provide the Commission with all relevant information.

*Justification*

*A decision on whether waste is to be declared hazardous or not must be notified to the Commission before a Member State takes specific measures, in line with EU policies on harmonisation of chemical and hazardous products.*

Amendment 39  
Article 15, paragraph 1

1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it **may treat that waste as non-hazardous waste**.

**The Member State** shall notify **any such cases to** the Commission **in the report provided for in Article 34(1)** and shall provide **the Commission with** the necessary evidence.

1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it shall **immediately** notify the Commission thereof and provide the necessary evidence.

*Justification*

*A decision on whether waste is to be declared hazardous or not must be notified to the Commission before a Member State takes specific measures, in line with EU policies on harmonisation of chemical and hazardous products.*

Amendment 40  
Article 16, paragraph 1

1. Member States shall take the necessary measures to ***ensure that the following conditions are met where hazardous waste is mixed, either with other hazardous waste possessing different properties or with other waste, substances or materials:***

***(a) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with Article 19;***

***(b) the conditions laid down in Article 7 are complied with;***

***(c) the environmental impact of the management of the waste is not worsened;***

***(d) such an operation conforms to best available techniques.***

1. Member States shall take the necessary measures to ***require establishments or undertakings dealing with hazardous waste not to mix different categories of hazardous waste or to mix hazardous waste with non-hazardous waste.***

*Justification*

*At all times, hazardous waste should be kept separate from non-hazardous waste.*

Amendment 41

Article 16, paragraph 1 a (new)

***1a. A mixing operation without chemical reaction should, under no circumstance, lead to a declassification of a hazardous waste to a non-hazardous waste and/or to a declassification of a Persistent Organic Pollutants (POP) containing waste to a non-POP-containing waste.***

*Justification*

*Article 16 proposals linked with rules of “mixing” need to be strengthened in order to apply to these operations IPPC permit and safety rules to avoid hazardous waste declassification.*

Amendment 42

Article 16, paragraph 2

***2. Subject to technical and economical feasibility criteria to be determined by the Member States, where hazardous waste has***

***2. Where hazardous waste has been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different***

been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7.

properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7, **taking account of the need for traceability of the various substances or materials.**

*Justification*

*In the case of hazardous waste that has been mixed, traceability must be established so that it can be monitored.*

Amendment 43  
Article 18

***Mineral waste oils***

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

***Specifications concerning waste oils***

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 that waste oils are collected ***separately and are*** handled ***and treated*** in accordance with Articles 7, 19 and 20 of this Directive and with the provisions laid down in European Parliament and Council Directive 2000/76/EC of 4 December 2000 concerning the incineration of waste<sup>1</sup>. ***Collectors of waste oils shall submit an application for specific authorisation which shall be dealt with by means of a suitable procedure.***

<sup>1</sup> OJ L 332, 28.12.2000, p. 91.

*Justification*

*Waste oils continue to be a major source of pollution.*

*The extreme fragmentation of the market makes the checking process complex. The consistent progress which has been made thanks to the 1975 directive must not be jeopardised by the repeal of the directive on waste oils. The new framework directive must therefore include explicit provisions on this topic: collection must continue and treatment plants must operate under IPPC or some other specific authorisation, and plants which burn waste oil must comply with the directive on the incineration of waste.*

Amendment 44  
Article 18, paragraph 2 (new)

***Provided that there are no obstacles of a technical, financial or organisational nature, Member States shall take the necessary measures to give priority to the processing of mineral waste oils through regeneration.***

*Justification*

*Repealing Directive 75/439/EEC in order to simplify the legislation should not automatically imply abandoning the priority given to regeneration. The amendment reinstates the relevant provision of Directive 75/439/EEC. The recycling of waste is a general principle of European environment policy and it should therefore also apply to mineral oils (good quality products which help to deal with our energy problem), retaining regeneration as the priority. Unless clear priority is given to regeneration, combustion will be put forward as a simpler solution.*

Amendment 45  
Article 19, paragraph 1, last sentence

Permits may specify additional conditions and obligations.

Permits may specify additional conditions and obligations ***such as requirements regarding the quality of the treatment.***

Amendment 46  
Article 21

The Commission may, in accordance with ***the procedure referred to in Article 36(2)***, adopt minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner.

The Commission may, in accordance with ***a procedure in which the relevant actors are involved and after carrying out an impact assessment of the proposed measures***, adopt minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner.

***Member States may set higher standards for permits on the basis of a national assessment of needs and the principle of proportionality and in accordance with the Treaties.***

Amendment 47  
Article 24

***Hazardous waste***

***In the case of hazardous waste, Member States may allow the exemption under Article 22 only of establishments or undertakings that carry out recovery operations.***

***In addition to the general rules provided for in Article 23(1), the Member States shall lay down specific conditions for exemptions relating to hazardous waste, including limit values for the content of hazardous substances in the waste, emission limit values, types of activity, as well as any other necessary requirements for carrying out different forms of recovery.***

***Terms and conditions for authorising hazardous-waste treatment plants***

***All hazardous-waste treatment plants must hold an authorisation issued in accordance with Directive 96/61/EC.***

***Without prejudice to Directive 96/61/EC, an application for authorisation from the competent authorities shall include a description of the planned measures intended to ensure that the plant is designed, equipped and operated in accordance with the categories of waste treated and the associated risks.***

***The authorisation issued by the competent authorities shall state:***

***- the amounts and the categories of hazardous waste treated,***

***- the technical specifications designed to ensure that waste is treated in optimum fashion without harming the environment and at the same time providing a high level of security.***

***Where the operator of a non-hazardous-waste treatment plant intends to carry out operations involving hazardous waste, this shall be regarded as a substantial change under the terms of the definition laid down in Article 2(10)(b) of Directive 96/61/EC ; Article 12(2) of that same directive shall then apply.***

*Justification*

*Pursuant to the IPPC directive, hazardous-waste treatment of any kind requires authorisation. This rule should apply strictly to each and every individual who carries out operations involving hazardous waste.*

*The first part of this amendment is concerned with obtaining IPPC authorisation. The second part describes some of the information which the authorisation should include. The final part is intended to ensure that an operator who normally treats non-hazardous waste is required to apply for further authorisation if he wishes to accept hazardous waste.*

Amendment 48  
Article 26, paragraph 1, subparagraph 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 **five** years.

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 **four** years.

Amendment 49  
Article 26, paragraph 4

4. Waste management plans shall be in accordance with the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC, including significant awareness raising campaigns **and the use of economic instruments**.

4. Waste management plans shall be in accordance with the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC, including significant awareness raising campaigns.

*Justification*

*The 'use of economic instruments' has neither been defined nor examined in detail to date. Such instruments could possibly have undesirable effects or lead to price rises for 'green' alternatives which do not reflect environmental friendliness factors.*

Amendment 50  
Article 29, paragraph 1, subparagraph 1

Member States shall establish, in accordance with Article 1, waste prevention **programmes** no later than [three years after the entry into force of this Directive].

Member States shall establish, in accordance with Article 1, **programmes of technical and organisational** waste prevention **measures** no later than [three years after the entry into force of this Directive]. **The programmes shall be revised at no more**

*than four-yearly intervals.*

*These programmes and the measures therein should, as a minimum requirement, aim for the stabilisation of waste generation by 2010 and further significant reductions in generation by 2020.*

Amendment 51  
Article 30, paragraph 2

2. Member States shall determine specific qualitative and quantitative targets *and indicators for any measure or combination of measures adopted in order* to monitor and assess the progress *of* individual measures.

2. Member States shall determine specific qualitative and quantitative targets. *The Commission may, in accordance with the procedure referred to in Article 36(2), establish quantitative and qualitative indicative targets and general indicators that will be used by Member States* to monitor and assess the progress *achieved through* individual measures.

Amendment 52  
Article 30, paragraph 2 a (new)

*2a. Member States shall as a minimum take the following measures:*

*a) The promotion of reusable packaging through establishing appropriate distribution and take-back systems, including if necessary, the use of taxes or deposits*

*b) The promotion of repair of products as an alternative to discarding, through the establishment of repair facilities.*

*c) The provision of information on waste prevention techniques through the establishment of national centres for identification and promotion of information for achieving cleaner and less wasteful products, technologies and distribution systems with a view to facilitating the implementation of sectoral*

*Best Practice benchmarks (similar to the UNEP Cleaner Production Centres) suitable in particular for SMEs*

*d) The use of sectoral requirements in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.*

*Justification*

*It is not enough that Member States should only assess opportunities for prevention. Several measures need to become an obligation for all Member States.*

Amendment 53

Article 33, paragraph 2, subparagraph 1

2. For hazardous waste, the records shall be preserved for at least **three** years except in the case of establishments and undertakings transporting hazardous waste which must keep such records for at least **12 months**.

2. For hazardous waste, the records shall be preserved for at least **five** years except in the case of establishments and undertakings transporting hazardous waste which must keep such records for at least **two years**.

*Justification*

*The special characteristics of hazardous products mean that records must be kept for longer than for any other product.*

Amendment 54

Annex I, point D 7

***D 7 Release into seas/oceans including seabed insertion***                      ***deleted***

Amendment 55

Annex I, point D 11

***D 11 Incineration at sea***                      ***deleted***



Amendment 56  
Annex II, point R1, paragraph 2, indents 1 and 2

– **0.60** for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,

– **0.65** for installations permitted after 31 December 2008,

– **0.45** for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,

– **0.50** for installations permitted after 31 December 2008,

*Justification*

*Classification of incinerators as efficient or inefficient in energy terms will have a great impact on these installations and the legislation that directly affects them, in the same way as other legislation such as the directive on landfill. The Commission must therefore carry out a study on waste as an energy source and the setting of thresholds.*

Amendment 57  
Annex IV, point 1

**1. The use of planning measures, or other economic instruments affecting the availability and price of primary resources.** *deleted*

*Justification*

*Economic instruments would not encourage the production of steel from steel scrap in place of iron ore, but would, rather, only have a negative impact on a well-functioning market and an already existing recovery chain. See also amendment to Article 26(4).*

Amendment 58  
Annex IV, point 11

**11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.** *deleted*

*Justification*

*See amendment to Article 26(4).*



## PROCEDURE

<b>Title</b>	Proposal for a directive of the European Parliament and of the Council on waste
<b>References</b>	COM(2005)0667 – C6-0009/2006 – 2005/0281(COD)
<b>Committee responsible</b>	ENVI
<b>Opinion by</b> Date announced in plenary	ITRE 19.1.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Cristina Gutiérrez-Cortines 26.1.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	19.4.2006      3.5.2006      13.7.2006      12.9.2006
<b>Date adopted</b>	12.9.2006
<b>Result of final vote</b>	+:    37 -:    6 0:    0
<b>Members present for the final vote</b>	John Attard-Montalto, Šarūnas Birutis, Jan Březina, Philippe Busquin, Jerzy Buzek, Pilar del Castillo Vera, Jorgo Chatzimarkakis, Giles Chichester, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierek, Norbert Glante, Umberto Guidoni, András Gyürk, Fiona Hall, David Hammerstein Mintz, Rebecca Harms, Erna Hennicot-Schoepges, Ján Hudacký, Romana Jordan Cizelj, Anne Laperrouze, Eugenijus Maldeikis, Eluned Morgan, Reino Paasilinna, Aldo Patriciello, Miloslav Ransdorf, Vladimír Remek, Herbert Reul, Mechtild Rothe, Paul Rübig, Andres Tarand, Britta Thomsen, Patrizia Toia, Catherine Trautmann, Claude Turmes, Dominique Vlasto
<b>Substitute(s) present for the final vote</b>	María del Pilar Ayuso González, Daniel Caspary, Neena Gill, Cristina Gutiérrez-Cortines, Edit Herczog, Lambert van Nistelrooij
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	

## PROCEDURE

<b>Title</b>	Proposal for a directive of the European Parliament and of the Council on waste			
<b>References</b>	COM(2005)0667 – C6-0009/2006 – 2005/0281(COD))			
<b>Date submitted to Parliament</b>	21.12.2005			
<b>Committee responsible</b> Date announced in plenary	ENVI 19.1.2006			
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ITRE			
	19.1.2006			
<b>Not delivering opinion(s)</b> Date of decision				
<b>Enhanced cooperation</b> Date announced in plenary				
<b>Rapporteur(s)</b> Date appointed	Caroline F. Jackson 21.2.2006			
<b>Previous rapporteur(s)</b>				
<b>Simplified procedure – date of decision</b>				
<b>Legal basis disputed</b> Date of JURI opinion				
<b>Financial endowment amended</b> Date of BUDG opinion				
<b>European Economic and Social Committee consulted – date of decision in plenary</b>				
<b>Committee of the Regions consulted – date of decision in plenary</b>				
<b>Discussed in committee</b>	10.10.2006			
<b>Date adopted</b>	28.11.2006			
<b>Result of final vote</b>	+	48		
	–	6		
	0	2		
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Edite Estrela, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Jens Holm, Marie Anne Isler Béguin, Caroline Jackson, Christa Kläß, Eija-Riitta Korhola, Holger Kraemer, Marie-Noëlle Lienemann, Linda McAvan, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Carl Schlyter, Horst Schnellhardt, Richard Seeber, Kathy Sinnott, Bogusław Sonik, Antonios Trakatellis, Evangelia Tzampazi, Thomas Ulmer, Marcello Vernola, Anja Weisgerber, Åsa Westlund			
<b>Substitute(s) present for the final vote</b>	Pilar Ayuso, Giovanni Berlinguer, Niels Busk, Bairbre de Brún, Hélène Goudin, Ambroise Guellec, Jutta Haug, Karsten Friedrich Hoppenstedt, Miroslav Mikolášik, Ria Oomen-Ruijten			
<b>Substitute(s) under Rule 178(2)</b>				

<b>present for the final vote</b>	
<b>Date tabled</b>	15.12.2006
<b>Comments (available in one language only)</b>	...