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from :	General Secretariat
to :	Delegations
Subject :	Proposal for a Directive of the European Parliament and of the Council on <b>waste</b> – Political agreement

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Delegations will find attached, in Annex I, the text of the Presidency compromise on the above-mentioned proposal as agreed at the Council (Environment) on 28 June 2007.

In Annex II are draft statements to be included in the minutes of the Council.

*p60325-Allegato2.pdf*

**Proposal for a**  
**Directive of the European Parliament and of the Council**  
**on waste**

*Article 1*  
*Subject matter and scope*

This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste, and by reducing overall impacts of resource use and improving the efficiency of such use.

*Article 2*  
*Exclusions from the scope*

1. The following shall be excluded from the scope of this Directive:
  - (a) gaseous effluents emitted into the atmosphere;
  - (b) land (in situ) including unexcavated contaminated soil and buildings permanently connected with land;<sup>\*</sup>
  - (ba) uncontaminated soil and other naturally occurring material<sup>\*</sup> excavated in the course of construction activities where it is certain the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
  - (bb) radioactive waste;
  - (bc) decommissioned explosives;
  - (c) faecal matter, if not covered under paragraph 2(b), straw and other natural non-hazardous agricultural or forestry material that are used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health;

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2. The following shall be excluded from the scope of this Directive to the extent that they are covered by other Community legislation:
  - (a) waste waters;

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<sup>\*</sup> New recital: "Effective and consistent rules on waste treatment should be applied, subject to certain exemptions, to movable property which the holder discards or intends or is required to discard."

<sup>\*</sup> New recital: "The waste status of uncontaminated excavated soils and other naturally occurring material which are used on sites other than the one they were excavated from shall be considered according to the waste definition, the provisions on by-products or on the end of waste status under this Directive."

<sup>\*\*</sup> Statement for the minutes of the Council: "The Council and the Commission agree that in future legislation for carbon capture and storage consideration will be given to the specific conditions required by such techniques in relation to the legislation on waste."

- (b) animal by-products including processed products covered by Regulation (EC) No 1774/2002, except those which are destined for incineration, landfilling or use in a biogas or composting plant;
  - (c) carcasses of animals that have died other than by being slaughtered, including animals killed to eradicate epizootic diseases, and that are disposed of in accordance with Regulation (EC) No 1774/2002;
  - (d) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries covered by Directive 2006/21/EC.
3. Sediments relocated inside of surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts shall be excluded from the scope of this Directive if it is proven that the sediments are non-hazardous and without prejudice to compliance with obligations under other relevant Community legislation.
4. Specific rules for particular instances, or supplementing those of this Directive, on the management of particular categories of waste, may be laid down by means of individual Directives.

### *Article 3* *Definitions*

For the purposes of this Directive, the following definitions shall apply:

- (a) "waste" means any substance or object which the holder discards or intends or is required to discard;
- (b) "hazardous waste" means waste which displays one or more of the hazardous properties listed in Annex III<sup>\*</sup>;
- (c) "waste oils" means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;
- (ca) "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;
- (d) "waste producer" means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;
- (e) "waste holder" means the waste producer or the natural or legal person who is in possession of the waste;
- (ea) "dealer" is any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;
- (eb) "broker" is any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;
- (f) "waste management" means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites and including actions taken as a dealer or broker;
- (g) "collection" means the gathering of waste, including the preliminary sorting and preliminary storage<sup>\*</sup> of waste for the purposes of transport to a waste treatment facility;

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<sup>\*</sup> New recital: "The classification of waste as hazardous waste should be based *inter-alia* on the Community legislation on chemicals, in particular concerning classification of preparations as hazardous including concentration limit values used thereto."

- (h) "prevention" means measures taken before a substance, material or product has become waste, that reduce:
  - (i) the quantity of waste, including *via* the re-use of products or the extension of life span of products;
  - (ii) the adverse impacts on the environment and human health of the waste generated, or
  - (iii) the content of harmful substances in materials and products;
- (ha) "re-use" means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;
- (i) "treatment" means recovery or disposal operations, which include preparation prior to recovery or disposal;
- (j) "recovery" means any operation provided that its principal result is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or in it being prepared to fulfil that function, in the plant or in the wider economy. Annex II sets out a non-exhaustive list of recovery operations;
- (k) "preparing for re-use" means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they will be re-used without any other pre-processing;
- (l) "recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;
- (la) "regeneration of waste oils" means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;
- (m) "disposal" means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy. Annex I sets out a non-exhaustive list of disposal operations;
- (n) "best available techniques" means best available techniques as defined in Article 2(11) of Directive 96/61/EC.

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New recitals:

"It is necessary to distinguish between the preliminary storage of waste pending its collection, the collection of waste and the storage of waste pending treatment. Establishments or undertakings that produce waste in the course of their activities should not be regarded as engaged in waste management and subject to authorisation for the storage of their waste pending its collection.

Waste collection schemes which are not conducted on a professional basis should not be subject to registration as they present a lower risk and contribute to the separate collection of waste. Examples of such schemes are waste medicines collected by pharmacies, take-back schemes in shops for consumer goods and community schemes in schools.

Preliminary storage within the definition of collection is understood as a storage activity pending its collection in facilities where waste is unloaded in order to permit its preparation for further transport for recovery or disposal elsewhere. The distinction between preliminary storage of waste pending collection and the storage of waste pending treatment should be made, with a view to the objective of this directive, according to the type of waste, the size and time period of storage and the objective of the collection. This distinction should be made by Member States. It has to be pointed out that storage of waste prior to recovery for a period of 3 years or longer and for storage of waste prior to disposal for a period of 1 year or longer is subject to Directive 1999/31/EC on landfills."

*Article 3a*  
*By-products*

1. A substance or object, resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste as referred to in Article 3(a) but as being a by-product only if the following conditions are met:
  - (a) further use of the substance or object is certain;
  - (b) the substance or object can be used directly without any further processing other than normal industrial practice;
  - (c) the substance or object is produced as an integral part of a production process; and
  - (d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.
2. On the basis of the conditions laid down in paragraph 1, measures may be adopted to determine the circumstances to be met for specific substances or objects to be regarded as a by-product and not as a waste as referred to in Article 3(a). These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(1a).

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Replace recital (14) by the following:

"There should be no confusion between the various aspects of the waste definition and appropriate procedures should be applied, where necessary, to by-products that are not waste on the one hand or to waste that ceases to be a waste on the other hand. In order to specify certain aspects of the definition of waste, this Directive should clarify:

- when substances or objects resulting from a production process not primarily aimed at producing such substances or objects are by-products and not waste. The decision that a substance is not a waste can only be taken on the basis of a coordinated approach, to be regularly updated, and where this is consistent with the protection of the environment and human health. If the use of a by-product is allowed under an environmental licence or general environmental rules, this can be used by Member States as a tool to decide that no overall adverse environmental or human health impacts are expected to occur;
- when certain waste ceases to be a waste, laying down end-of-waste criteria that provide a high level of environmental protection and an environmental and economic benefit; possible categories of waste for which "end-of-waste" specifications and criteria should be developed are, among others, construction and demolition waste, some ashes and slags, scrap metals, compost, waste paper and glass; for the purposes of reaching end-of-waste status a recovery operation may be as simple as the checking of waste to verify that it fulfils the end-of-waste criteria;

In order to verify or calculate if the recycling and recovery targets set in Directives 94/62/EC, 2004/12/EC, 2000/53/EC, 2002/96/EC and 2006/66/EC and other relevant Community legislation are met, the amounts of waste which have ceased to be waste should be accounted for as recycled and recovered waste;

On the basis of the definition of waste, in order to promote certainty and consistency, the Commission may adopt guidelines to specify in certain cases when substances or objects

*Article 3c*  
*End of waste status*

1. Certain specified waste shall cease to be waste as referred to in Article 3(a) when they have undergone a recovery operation and comply with specific criteria to be developed in accordance with the following conditions:
  - (a) the substance or object is commonly used for the specific purposes;
  - (aa) a market or demand exists for such a substance or object;
  - (b) the substance or object fulfils the technical requirements for the specific purpose and meets the existing legislation and standards applicable to products; and
  - (c) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

The criteria shall include limit values for pollutants where necessary.

The measures relating to the adoption of such criteria and specifying the waste, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(1a).

- 1a. Waste which, in accordance with the conditions specified in paragraph 1 above, complies with specific criteria developed in accordance with the regulatory procedure with scrutiny referred to in Article 36(1a) shall also cease to be waste for the purpose of the recovery and recycling targets, set in Directives 94/62/EC, 2004/12/EC, 2000/53/EC, 2002/96/EC and 2006/66/EC and other relevant Community legislation.
2. Where criteria have not been set at Community level under the procedure set out in paragraph 1, Member States may decide case by case whether a certain waste has ceased to be a waste taking into account the applicable case law. They shall notify such decisions to the Commission according to Directive 98/34/EC where required by that Directive.

*Article 4*  
*List of waste*

1. The list of waste established by Commission Decision 2000/532/EC may be updated in accordance with the regulatory procedure with scrutiny referred to in Article 36(1a). The list of waste shall include hazardous waste and shall take into account the origin and composition of the waste and, where necessary, limit values of concentration of hazardous substances. The list of waste is binding as regards determination of the waste which is to be considered as hazardous waste. The inclusion of a substance or object in the list does not mean that it is a waste in all circumstances. A substance or object is considered to be a waste only where the definition of Article 3(a) is met.
2. A Member State may consider waste as hazardous waste where, even though it does not appear as such on the list of wastes, 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. In the light of notifications received, the list shall be reviewed in order to decide on its adaptation.

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become waste. Such guidelines on the beginning of waste may be developed inter-alia for electrical and electronic equipment and vehicles."

3. 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 consider 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. In the light of notifications received, the list shall be reviewed in order to decide on its adaptation.
4. The measures relating to the revision of the list in order to decide on its adaptation according to paragraphs 2 and 3, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(1a).

## **Chapter II**

### **General requirements**

#### *Article 4a*

#### *Extended producer responsibility\**

1. In order to strengthen the prevention and recovery of waste, Member States may take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes and treats or sells products (producer of the product) has extended producer responsibility.

Such measures may include, inter alia, an acceptance of returned products and of the waste that remains after those products have been used, as well as the subsequent management of the waste and financial responsibility for such activities.

2. Member States may take appropriate measures to encourage the design of products in order to reduce their environmental impacts and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste takes place according to Art. 7 and 7a.

Such measures may encourage, inter alia, the development, production and marketing of products that are suitable for multiple usage, that are technically durable and that are, after having become waste, suitable for proper and safe recovery and environmentally compatible disposal.

3. When applying extended producer responsibility, Member States shall take into account the technical feasibility and economic viability and the overall environmental, human health and social impacts, respecting the need to ensure the proper functioning of the internal market.
4. The extended producer responsibility shall be applied without prejudice to the responsibility for waste management as referred to in Article 9(1).

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New recital:

"The introduction of the extended producer responsibility in this Directive is one of the means to support the design and production of goods which take into full account and facilitate their repair, reuse, disassembly and recycling without compromising the free circulation of goods on the internal market."

### *Article 5*

#### *Recovery*

1. Member States shall take the necessary measures to ensure that waste undergoes recovery operations, in accordance with Articles 7 and 7a.
2. Where necessary to comply with the provisions of paragraph 1 and to facilitate or improve recovery, wastes shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties.

### *Article 6*

#### *Disposal*

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

### *Article 7\**

#### *Protection of human health and the environment*

Member States shall take the necessary measures to ensure that waste management is carried out without endangering human health and without harming the environment, and in particular:

- (a) without risk to water, air or soil, or to plants or animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

### *Article 7a*

#### *Waste hierarchy*

1. The following waste hierarchy shall apply as a guiding principle<sup>\*\*</sup> in waste prevention and management legislation and policy :
  - (a) prevention;
  - (b) preparing for re-use;
  - (c) recycling;
  - (d) other recovery, e.g. energy recovery; and
  - (e) disposal.
2. When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This

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\* New recital: "In order to implement the principles of precaution and preventative action contained in article 174(2) of the Treaty, it is necessary to set general environmental objectives for the management of waste within the Community. By virtue of those principles, it is for the Community and the Member States to establish a framework to prevent, reduce and, in so far as is possible, eliminate from the outset, the sources of pollution or nuisance by adopting measures of a nature such as to eliminate recognised risks."

\*\* New recital: "Considering that the waste hierarchy generally constitutes the best overall environmental option in waste legislation and policy, while departing from the hierarchy may be necessary for specific waste streams when justified for reasons of, *inter-alia*, technical feasibility, economic viability and environmental protection."



may require for specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.

Member States shall take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts, in accordance with Articles 1 and 7.

#### *Article 8* *Costs*

1. In accordance with the polluter-pays principle the costs of waste management must be borne by the original waste producer, the current or the previous waste holders.
2. Member States may decide that the costs of waste management must be borne partly or wholly by the producer of the product from which the waste came and that distributors of such products may share these costs.

### **Chapter III** **Waste management**

#### *Article 9* *Responsibility for waste management*

1. Member States shall take the necessary measures to ensure that any original waste producer or other holder carries out the treatment of waste himself or has the treatment handled by a dealer or an establishment or undertaking which carries out waste treatment operations or arranged by a private or public waste collector in accordance with Articles 7 and 7a.
- 1a. When the waste is transferred from the original producer or holder to one of the natural or legal persons referred to in paragraph 1 for preliminary treatment, the responsibility for carrying out a complete recovery or disposal operation is not discharged as a general rule.

Without prejudice to Regulation (EC) 1013/2006 on shipment, of waste Member States may specify the conditions of responsibility and [...] decide in which cases the original producer shall retain responsibility for the whole treatment chain or in which cases the responsibility of the producer and the holder can be shared or delegated among the actors of the treatment chain.

2. Member States may decide, in accordance with Article 4a, that the responsibility for arranging waste management shall be borne partly or wholly by the producer of the product from which the waste came and that distributors of such products may share this responsibility.
- 2a. Member States shall take the necessary measures to ensure that, within their territory, the establishments or undertakings which collect or transport waste on a professional basis deliver the waste collected and transported to appropriate treatment installations respecting the obligations in Article 7.

*Article 10*  
*Principles of self-sufficiency and proximity*

1. The Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private household, including where such collection also covers such waste from other producers, taking into account best available techniques.\*

In derogation from Regulation (EC) 1013/2006 on shipment of waste, Member States may, in order to protect the ir network, limit incoming shipments of waste destined to incinerators that are classified as recovery, where it has been established that such shipments would have the consequence that national waste [...] would have to be disposed of or that waste would have been treated in a way that is not in coherence with their national waste management plan. The Member States shall notify such a decision to the Commission. Member States may also limit outgoing shipments of waste on environmental grounds as set out in Regulation (EC) 1013/2006 on shipment of waste.

2. The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in recovery of waste referred to in paragraph 1, and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.
3. The network shall enable waste to be disposed of or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.
4. The principles of proximity and self-sufficiency do not mean that each Member State must possess the full range of final recovery facilities within that Member State.

*Article 16*  
*Mixing ban of hazardous wastes*

1. Member States shall take the necessary measures to ensure that hazardous waste is not mixed, either with other categories of hazardous waste or with other waste, substances or materials. Mixing includes the dilution of hazardous substances.
2. By way of derogation from paragraph 1, Member States may allow mixing provided that:
  - (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 and the adverse impact of the waste management on human health and the environment is not increased; and

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\* New recital: "For the purposes of the application of the Regulation (EC) 1013/2006 on shipment of waste, mixed municipal waste as referred to in Article 3(5) of that Regulation remains mixed municipal waste even when it has been subject to a waste treatment operation that has not substantially altered its properties."

- (c) such an operation conforms to best available techniques.
3. Subject to technical and economic feasibility criteria, where hazardous waste has been mixed in a manner contrary to paragraph 1, separation shall be effected where possible and necessary in order to comply with Article 7.

*Article 17*  
*Labelling of hazardous wastes*

1. Member States shall take the necessary measures to ensure that, in the course of collection, transport and temporary storage, hazardous waste is packaged and labelled in accordance with the international and Community standards in force.
2. Whenever hazardous waste is transferred within a Member State, it shall be accompanied by an identification document, which may be in electronic format, containing the appropriate data specified in Annex IB of Regulation (EC) No 1013/2006.

*Article 17a*  
*Hazardous wastes produced by households*

Articles 16, 17 and 33 shall not apply to mixed waste produced by households.

Articles 17 and 33 shall not apply to separate fractions of hazardous waste produced by households until they are accepted for collection, disposal or recovery by an establishment or an undertaking which has obtained a permit or has been registered in accordance with Articles 19 or 25.\*

*Article 18*  
*Waste oils*

1. Without prejudice to the obligations related to the management of hazardous waste laid down in Articles 16 and 17, Member States shall take the necessary measures to ensure that:
  - (a) waste oils are collected separately, where this is technically feasible;
  - (b) waste oils are treated in accordance with Articles 7 and 7a;
  - (ba) where this is technically feasible and economically viable, waste oils of different characteristics are not mixed and waste oils are not mixed with other kinds of waste or substances, if it impedes their treatment.
2. For the purposes of separate collection of waste oils and their proper treatment, Member States may, according to their national conditions, apply additional measures such as technical requirements, producer responsibility, economic instruments or voluntary agreements.
- 2a. If waste oils, according to national legislation, are subject to requirements of regeneration, Member States may prescribe that such waste oils shall be regenerated if technically feasible

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\* New recital: "It is important that hazardous waste is labelled in accordance with international and Community standards. However, where such waste is collected separately from households, this should not result in householders being obliged to complete the requisite documentation."

and, where Articles 11 or 12 of EC-Regulation 1013/2006 apply, restrict the transboundary shipment of waste oils from their territory to incineration or co-incineration facilities in order to give priority to the regeneration of waste oils.

*Article 18a*  
*Bio-waste*

Member States shall take measures, as appropriate, and in accordance with the Articles 7 and 7a, to encourage:

- (a) the separate collection of bio-waste;
- (b) the treatment of bio-waste in a way that fulfils a high level of environmental protection;
- (c) the use of environmentally safe materials produced from bio-waste.

The Commission will carry out an assessment on the management of bio-waste with a view to submit a proposal if appropriate.

**Chapter IV**  
**Permits and registrations**

*Article 19*  
*Issuing of permit*

1. Member States shall require any establishment or undertaking intending to carry out waste treatment to obtain a permit from the competent authority.

Such permits shall specify at least the following:

- (a) the types and quantities of waste that may be treated;
- (b) for each type of operation permitted, the technical and any other requirements relevant to the site concerned;
- (c) the safety and precautionary measures to be taken;
- (d) the method to be used for each type of operation;
- (e) the monitoring and control operations as may be necessary;
- (f) such closure and after-care provisions as may be necessary.

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2. Permits may be granted for a specified period and they may be renewable.
3. Where the competent authority considers that the intended method of treatment is unacceptable from the point of view of environmental protection, in particular when the method is not in accordance with Article 7, it shall refuse to issue a permit.
4. It shall be a condition of any permit covering incineration or co-incineration with energy recovery that the recovery of energy is to take place with a high level of energy efficiency.

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\* New recital: "Environmental authorisations or general environmental rules may be applied by Member States to certain waste producers without compromising the proper functioning of the internal market."

- 4a. Subject to compliance with the requirements of this Article, any permit produced pursuant to other national or Community legislation may be combined to form a single permit, where such a format obviates the unnecessary duplication of information and the repetition of work by the operator or the competent authority.

*Article 22*  
*Exemptions from permit requirements*

Member States may exempt from the requirement laid down in Article 19(1) establishments or undertakings for the following operations:

- (a) disposal of their own non-hazardous waste at the place of production; or
- (b) recovery of waste.

*Article 23*  
*Conditions for exemptions*

1. Where a Member State wishes to allow exemptions, as provided for in Article 22, it shall lay down, in respect of each type of activity, general rules specifying the types and quantities of waste that may be covered by an exemption, and the method of treatment to be used.

Those rules shall be designed to ensure that waste is treated in accordance with Article 7. In the case of disposal operations of Article 22(a) those rules should consider best available techniques.

2. In addition to the general rules provided for in paragraph 1, Member States shall lay down specific conditions for exemptions relating to hazardous waste, including types of activity, as well as any other necessary requirement for carrying out different forms of recovery and, where relevant, limit values for the content of hazardous substances in the waste and emission limit values.
3. Member States shall inform the Commission of the general rules laid down pursuant to paragraphs 1 and 2.

*Article 25*  
*Registration*

Where the following are not subject to permit requirements, Member States shall ensure that the competent authority keeps a register of:

- (a) establishments or undertakings which collect or transport waste on a professional basis;
- (b) dealers or brokers; and
- (c) establishments or undertakings which are subject to exemptions from the permit requirements pursuant to Article 22.

*Article 25a*  
*Minimum standards*

1. The Commission may, in accordance with the procedure referred to in Article 36(1a), adopt technical minimum standards for treatment activities which require a permit according to

Article 19 where there is evidence that a benefit in terms of protection of human health and the environment [...] would be gained from such minimum standards.

2. Such minimum standards shall cover only those waste treatment activities that are not covered by or appropriate for coverage by Directive 96/61/EC.
3. Such minimum standards shall:
  - a) be directed to the main significant environmental impacts of the waste treatment activity,
  - b) ensure that the waste is treated in accordance with Article 7,
  - c) take into account best available techniques, and
  - d) as appropriate, include elements regarding quality of treatment and process requirements.
4. Minimum standards for activities which require registration according to Article 25(a) and (b) shall be adopted where there is evidence that a benefit in terms of protection of human health and the environment or in avoiding disruption to the internal market would be gained from such minimum standards, including elements regarding the technical qualification of collectors, transporters, dealers or brokers.

These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the procedure referred to in Article 36(1a).

## **Chapter V**

### **Plans and programmes**

#### *Article 26*

#### *Waste management plans*

1. Member States shall ensure that their competent authorities establish, in accordance with Articles 1, 7, 7a and 10, one or more waste management plans.

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

2. The waste management plans provided for in paragraph 1 shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the aims and provisions of this Directive.
3. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:
  - (a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;

- (b) existing waste collection schemes and major disposal and recovery installations including any special arrangements for waste oils, hazardous wastes or waste streams addressed by specific Community legislation;
  - (ba) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 10, and, if necessary, the investments related there-to;
  - (bb) sufficient information on location criteria for site identification and capacity of future disposal or major recovery installations, if necessary;
  - (c) general waste management policies, including planned waste management technologies and methods or other waste posing specific management problems;
- 3a. The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:
- (a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out the waste management;
  - (b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market; \*
  - (c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;
  - (d) historical contaminated waste disposal sites and measures for their rehabilitation.
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 implementation of the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC.

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#### *Article 26a* *Waste prevention programmes*

1. Member States shall establish, in accordance with Articles 1 and 7a, waste prevention programmes not later than *[five years after the entry into force of this Directive]*.

Such programmes shall either be integrated into the waste management plans provided for in Article 26, or into other environmental policy programmes, as appropriate, or shall function as separate programmes. If such a programme is integrated into the waste management plan or into other programmes, the waste prevention measures shall be clearly identified.

2. The programmes provided for in paragraph 1 shall set out waste prevention objectives. Member States shall describe existing prevention measures and evaluate the usefulness of the examples of measures indicated in Annex IV or other appropriate measures.

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\* New recital: "Considering that economic instruments can play a crucial role in waste prevention and management and stressing that individual Member States can decide on the use of such instruments.".

\* New recital: "According to Regulation (EC) 1013/2006 on shipment of waste, Member States may take the measures necessary to prevent shipments of waste which are not in accordance with their waste management plans.".

Such objectives and measures shall be aimed at breaking the link between economic growth and the environmental impacts associated with the generation of waste.

3. Member States shall determine appropriate specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress of the measures and may determine specific qualitative or quantitative targets and indicators, other than those referred to in paragraph 3a, for the same purpose.
- 3a. Indicators for waste prevention measures may be adopted in accordance with the procedure referred to in Art. 36(2).
- 3b. The Commission will develop guidelines in order to assist the Member States in the preparation of the Programmes.

#### *Article 26b*

#### *Evaluation and Review of plans and programmes*

Member States shall ensure that the waste management plans and waste prevention programmes are evaluated as a minimum every sixth year, and revised, as appropriate.

#### *Article 26c*

#### *Public participation*

Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC. They shall place the plans and programmes on a publicly available website.

#### *Article 27*

#### *Cooperation*

Member States shall cooperate as appropriate with the other Member States concerned and the Commission to draw up the waste management plans and the waste prevention programmes in accordance with Articles 26 and 26a.

#### *Article 28*

#### *Information to be submitted to the Commission*

1. The Member States shall inform the Commission of the waste management plans and waste prevention programmes referred to in Articles 26 and 26a, once adopted, or of any substantial revisions to the plans and programmes.
2. The Commission shall adopt, in accordance with the procedure referred to in Art. 36(2), the format for notifying information on the adoption and the substantial revisions of these plans and programmes.

## **Chapter VI**

### **Inspections and records**



*Article 32*  
*Inspections*

1. Establishments or undertakings which carry out waste treatment operations, establishments or undertakings which collect or transport waste on a professional basis, brokers and dealers, and establishments and undertakings which produce hazardous waste shall be subject to appropriate periodic inspections by the competent authorities.
2. Inspections concerning collection and transport operations shall cover the origin, nature, quantity and destination of the waste collected and transported.
3. Member States may take account of registrations obtained under the EMAS scheme especially regarding the frequency and intensity of inspections.

*Article 33*  
*Record keeping*

1. Establishments or undertakings referred to in Article 19(1), producers of hazardous waste and establishments and undertakings which collect or transport hazardous waste on a professional basis or act as dealers and brokers of 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 authorities or of a previous holder.

3. Member States may require producers of non-hazardous waste to comply with the provisions of paragraphs 1 and 2.

*Article 33a*  
*Enforcement and sanctions*\*

1. Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled management of waste.
2. Member States shall lay down the provisions on penalties applicable for infringement of the provisions of this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

**Chapter VII**  
**Final provisions**

*Article 34*  
*Reporting and reviewing*

1. At intervals of three years Member States shall inform the Commission of the implementation of this Directive, in the form of a sectoral report in an electronic version. This report shall also contain information on the management of waste oil and on progress in the implementation of the waste prevention programmes.

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.

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 [six] years after the entry into force of this Directive the Commission will review the implementation of the Directive and will present a proposal for revision if appropriate. It will assess the existing Member State waste prevention programmes, targets and indicators and will review the opportunity of Community level programmes, targets and indicators.

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\* New recital: "Member States should provide for effective, proportionate and dissuasive penalties to be imposed on physical and legal persons responsible for waste management, such as waste producers, holders, brokers, dealers, transporters and collectors, establishments or undertakings which carry out waste treatment operations and waste management schemes, in case they infringe the provisions of this Directive. Member States may also take actions to recover the costs of non compliance and remediation measures, without prejudice to Directive (EU) .... on environmental liability with regard to the prevention and remedying of environmental damage.".

*Article 35*  
*Interpretation and adaptation to technical progress*

1. Guidelines may be developed by the Commission for the interpretation of the definitions of recovery and disposal in Article 3 paragraphs (j) and (m).

If necessary, the application of the formula for incineration facilities referred to in Annex II R1, shall be specified.\* Local climatic conditions may be taken into account such as the severity of the cold and the need for heating insofar as they influence the amounts of energy that can technically be used or produced in the form of electricity, heating, cooling or processing steam. Local conditions of the outermost regions as recognized in Article 299(2) of the treaty and of the territories mentioned in Article 25 of the Treaty of Accession of Spain and Portugal may also be taken into account. This measure, designed to amend non essential elements of this Directive, shall be adopted in accordance with the procedure referred to in Article 36(1a).

2. The Annexes may be amended in the light of scientific and technical progress. These measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(1a).

*Article 36*  
*The Committee*

1. The Commission shall be assisted by a committee, hereinafter "the Committee".
  - 1a. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
  2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

- 2a. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

*Article 37*  
*Transposition*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [insert date 24 months after the entry into force]. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.\*

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\* Add to recital (13) the following sentence: "This Directive should clarify when the incineration of municipal solid waste is energy efficient and can be considered a recovery operation."

\* New recital:

Article 38  
Repeal

Directives 75/439/EEC, 2006/12/EC and 91/689/EEC are repealed with effect from [insert date 24 months after entry into force of this Directive].

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex V.

Article 39  
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 40  
Addresses

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President

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"In accordance with paragraph 34 of the interinstitutional agreement on better lawmaking (OJ C 321, 31.12.2003, p. 1), Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, illustrating , as far as possible, the correlation between the Directive and the transposition measures and to make them public."

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**Disposal operations**

- D 1 Deposit into or onto land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release to seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
- D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea \*
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12 \*\*
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced) \*\*\*

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\* This operation is prohibited by EU legislation and international conventions.\*

\*\* If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.

\*\*\* Temporary storage means preliminary storage according to Article 3(g).

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\* New recital: "Disposal operations consisting of release to seas and oceans including sea bed insertion are also regulated by international conventions, namely the London Dumping Convention and the Protocols that implement it."

**Recovery operations**

- R 1 Use principally as a fuel or other means to generate energy\*
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) \*\*
- R 4 Recycling/reclamation of metals and metal compounds
- R 5 Recycling/reclamation of other inorganic materials \*\*\*
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11 \*\*\*\*
- R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced) \*\*\*\*\*

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- \* 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,  
 using the following formula:  

$$\text{Energy efficiency} \geq (E_p - (E_f + E_i)) / (0.97 \times (E_w + E_f))$$
 In which:  
 $E_p$  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)  
 $E_f$  means annual energy input to the system from fuels contributing to the production of steam (GJ/year)  
 $E_w$  means annual energy contained in the treated waste calculated using the lower net calorific value of the waste (GJ/year)  
 $E_i$  means annual energy imported excluding  $E_w$  and  $E_f$  (GJ/year)  
 0.97 is a factor accounting for energy losses due to bottom ash and radiation.  
 This formula shall be applied in accordance with the reference document on the Best Available Techniques for waste incineration.
- \*\* This includes gasification and pyrolysis using the components as chemicals.
- \*\*\* This includes soil cleaning resulting in recovery of the soil and recycling of inorganic construction materials.
- \*\*\*\* If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.
- \*\*\*\*\* Temporary storage means preliminary storage according to Article 3(g).
-

**Properties of wastes which render them hazardous**

- H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
- H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
- H3-A 'Highly flammable':
- liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or
  - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
  - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
  - gaseous substances and preparations which are flammable in air at normal pressure, or
  - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
- H3-B 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21 °C and less than or equal to 55 °C.
- H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
- H5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
- H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
- H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
- H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.
- H9 'Infectious': substances and preparations containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
- H10 'Toxic for reproduction': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

- H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
- H12 Wastes which release toxic or very toxic gases in contact with water, air or an acid.
- H13\* 'Sensitizing': substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitization such that on further exposure to the substance or preparation, characteristic adverse effects are produced.

\* as far as testing methods are available.

- H14 'Ecotoxic': wastes which present or may present immediate or delayed risks for one or more sectors of the environment.
- H15 Wastes capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed by above.

### Notes

1. Attribution of the hazardous properties 'toxic' (and 'very toxic'), 'harmful', 'corrosive', 'irritant', 'carcinogenic', 'toxic to reproduction', 'mutagenic' and 'eco-toxic' is made on the basis of the criteria laid down by Annex VI, of Council Directive 67/548/EEC as amended.
2. Where relevant the limit values listed in Annex II and III of Directive 99/45/EEC on dangerous preparations shall apply.

### Test methods

The methods to be used are described in Annex V to Directive 67/548/EEC as amended and in other relevant CEN-notes.

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**Examples of waste prevention measures referred to in Article 26a**

*Measures that can affect the framework conditions related to the generation of waste*

1. The use of planning measures, or other economic instruments promoting the efficient use of resources.
2. The promotion of research and development into the area of achieving cleaner and less wasteful products and technologies and the dissemination and use of the results of such research and development.
3. The development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from product comparisons at Community level through action by local authorities to national measures.

*Measures that can affect the design and production and distribution phase*

4. The promotion of eco-design (the systematic integration of environmental aspects into product design with the aim to improve the environmental performance of the product throughout its whole life cycle).
5. The provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques by industry.
6. Organise training of competent authorities as regards the insertion of waste prevention requirements in permits under this Directive and Directive 96/61/EC.
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.
8. The use of awareness campaigns or the provision of financial, decision making or other support to businesses. Such measures are likely to be particularly effective where they are aimed at, and adapted to, small and medium sized enterprises and work through established business networks.
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.
10. The promotion of creditable environmental management systems, including EMAS and ISO 14001.

*Measures that can affect the consumption and use phase*

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.

12. The use of awareness campaigns and information provision directed at the general public or a specific set of consumers.
  13. The promotion of creditable eco-labels.
  14. Agreements with industry, such as the use of product panels such as those being carried out within the framework of Integrated Product Policies or with retailers on the availability of waste prevention information and products with a lower environmental impact.
  15. In the context of public and corporate procurement, the integration of environmental and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on environmental public procurement published by the Commission on 29 October 2004.
  16. The promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational, economic, logistic or other measures such as support to or establishment of accredited repair and reuse-centres and networks especially in densely populated regions.
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*p.m.* : Annex V (correlation table)

**DRAFT STATEMENTS TO BE INCLUDED IN THE COUNCIL MINUTES****Statement by the Council and the Commission**

"The Council and the Commission agree that in future legislation for carbon capture and storage consideration will be given to the specific conditions required by such techniques in relation to the legislation on waste."

**Statements by the Commission**

"In relation to the implementing powers conferred on the Commission under Article 25a of this Directive relating to the adoption of minimum standards for permits referred to in Article 19 and for registration referred to in Article 25, the Commission considers that an appropriate impact assessment would be necessary before the use of any of these powers."

"The Commission notes that the exclusion of unexcavated contaminated soil from the Waste Framework Directive has not been made conditional to the existence of another EU regulatory regime covering the management of contaminated sites. It is the view of the Commission that this creates a gap in the level of environmental protection bestowed by the EU legislation. The Commission therefore stresses the need to fill in this gap as quickly as possible through the adoption of the framework Directive on soil protection."

**Statement by Spain and Italy**

"Consideramos que la Jerarquía de Residuos de cinco niveles, del artículo 7)a, debería aplicarse como una regla general porque así lo acordó por unanimidad el Consejo de ministros en su sesión del 27 de junio de 2006 (documento 11103/06) acerca de la "Estrategia Temática sobre prevención y reciclado de residuos". La Jerarquía de Residuos constituye, en general, la mejor opción ambiental para la legislación y la política para la prevención y gestión de los residuos. Por lo tanto así debería quedar expresado de manera clara y no como un simple principio guía u orientación.

En aras de un compromiso esta propuesta de Directiva, ha quedado aprobada en primera lectura. Esperamos con interés las futuras discusiones con el Parlamento Europeo."

**Statement by Ireland**

"Ireland considers that incineration must always be defined as disposal. Its definition as recovery within this Directive will undermine efforts to promote a recycling society and the promotion of reduction and reuse within the waste hierarchy."

**Statement by France**

"La France réaffirme son attachement fort au principe pollueur-payeur et, notamment à la

responsabilité du producteur ou détenteur initial du déchet jusqu'à son traitement définitif. L'expérience a souvent, et encore récemment, montré que la dilution de responsabilités dans la chaîne de traitement pouvait se révéler déresponsabilisante et donc problématique et conduire en cas de défaillance du traitement à des situations inacceptables pour la santé et l'environnement. Ceci peut aussi aboutir à faire porter in fine sur la collectivité publique la charge de l'élimination des déchets mal traités. Impliquer le producteur des déchets jusqu'au traitement final est vertueux car cela l'incite à rechercher et choisir des traitements de qualité et sécurisés. C'est aussi par ce principe que l'on peut contribuer à éviter le développement de trafics illicites de déchets.

Dans ce contexte la France réaffirme que dans sa législation elle continuera à mettre en oeuvre ce principe de responsabilité du producteur et ne fera pas usage des possibilités ouvertes par l'article 9 qui permet aux Etats membres de dire en quoi cette responsabilité peut être divisée entre les acteurs de la chaîne du traitement. Elle souhaite que la Commission et les Etats membres restent extrêmement vigilants sur cette question et que le suivi de la mise en oeuvre de la directive ainsi que du règlement 1013/2006 relatif aux transferts transfrontaliers de déchets, qui entre en vigueur le 12 juillet, porte en particulier sur cette question."

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