North West Region Waste Management Group

European Waste Management Policy and Legislation

Key EU waste management Directives and Regulations which have an impact on UK waste policy are:

- Waste Framework Directive 75/442/EEC & Amended Framework Directive 91/156/EEC
- Landfill Directive 99/31/EC
- Waste Incineration Directive 2000/76/EC
- End of Life Vehicles Directive 2000/53/EC
- Waste Electrical and Electronic Equipment Draft Directive
- Ozone Depleting Regulations 2037/2000
- Waste Shipment Regulations 259/93/EEC
- Directive on Packaging and Packaging Waste 94/137/EEC
- Integrated Pollution Prevention and Control EEC/96/61

The Framework Directive

Council Directive 75/442/EEC, amended by Council Directive 91/556/EEC establishes the primary objectives for the Member States with regard to waste management. These are:

- To promote the prevention of waste production through the development of clean technologies as well as the reuse and recycling of materials
- The recovery and recycling of waste as a secondary material
- Waste recovery and disposal without environmental damage or danger to human health
- The development of waste management plans
- To prevent movements of waste not in accordance with their waste management plans
- Self sufficiency in waste disposal
- Use of waste as an energy source
- The establishment of an integrated network of waste treatment and disposal facilities (taking into account Best Available Techniques) which will enable the Community as a whole to be self sufficient

Article 1(a) of the Directive defines waste as being:
"any substance or object belonging to any of the categories set out in Annex 1 which the holder discards or intends or is required to discard"

The Landfill Directive

Council Directive 1999/31/EC on the landfill of waste (better know as the Landfill Directive) was agreed in Europe at Council on 26 April 1999 and came into force in the EU on 16 July 1999.

The Directive aims to harmonise controls on the landfill of waste throughout the European Union, and its main focus is to achieve common standards for the design, operation, and aftercare of landfill sites. It also aims to reduce the amount of methane, a powerful greenhouse gas, emitted from landfill sites. The most significant features of the Directive are:

1. The quantity of “biodegradable municipal solid waste” disposed of to landfill must be reduced to: • 75% of 1995 baseline levels by 2006 (2010 for NI) • 50% of 1995 baseline levels by 2009 (2013 for NI) • 35% of 1995 baseline levels by 2016 (2020 for NI) Note: Member states which rely on landfill for more than 80% of their municipal solid waste i.e. Northern Ireland can claim a four year derogation on these targets as shown above.
2. The following wastes would be banned from landfill within various time scales between 2003 and 2009: • Explosive, oxidising or flammable wastes • Infectious clinical waste • Tyres (whether whole or shredded) • Liquid wastes (except those suitable for disposal at an inert waste site)
3. The Directive defines three classes of landfill facility: • Hazardous waste facility • Non-hazardous waste facility • Inert waste facility
4. The Directive will ban the practice of “co-disposal” i.e. the mixing of Municipal Solid Waste (MSW) and hazardous wastes within a landfill site.
5. Operators of existing facilities must prepare a conditioning plan demonstrating how the site will be brought up to the standards required by the Directive within five years of the Directive coming into force.

Waste Incineration Directive 2000/76/EC

The aim of this Directive is to prevent or to limit as far as practicable negative effects on the environment, in particular pollution by emissions into air, soil, surface water and groundwater, and the resulting risks to human health, from the incineration and co-incineration of waste. This aim shall be met by means of stringent operational conditions and technical requirements, through setting emission limit values for waste incineration and co-incineration plants within the community and also through meeting the requirements of the Framework Directive.

End of Life Vehicles Directive 2000/53/EC

The End of Life Vehicles (ELV) Directive (2000/53/EC) applies to cars and light commercial vehicles. Its target is to recover a minimum of 85% of the ELV materials by 2005 and a minimum of 90% by 2015. The objectives are to prevent generation of waste, to increase recovery of components and to make manufacturers responsible for free vehicle take back. The Directive introduces regulation of permits for scrap dealers and breakers during the disassembly of vehicles.

Waste Electrical and Electronic Equipment Draft Directive

The Waste Electrical and Electronic Equipment (WEEE) Draft Directive applies to equipment containing ferrous and non-ferrous metals, glass and plastics. Such equipment contains significant quantities of

hazardous waste, including heavy metals and various halogenated substances. Its target is to recover a minimum of 90% of large WEEE by 2004 and a minimum of 70% of small WEEE. The provisions require producers to bear many of the costs for collection, treatment, recovery and disposal. Proposals for a phase out of hazardous substances have also been included.

Ozone Depleting Regulations 2037/2000

EC Regulations on Ozone Depleting Substances (ODS) require the extraction of Chloroflourocarbons (CFC) and Hydrochlorofluorocarbons (HCFC) foam from goods such as fridges and freezers prior to disposal or recovery. The regulations also state that the CFC's, once recovered, must be destroyed by an environmentally acceptable technology. There are currently no facilities in the UK for the removal of CFC or HCFC foam.

From 1 January 2002, waste refrigerators will be added to the European Hazardous Waste list which will be implemented in the UK through the revision of the Special Waste Regulations. The regulations will prevent whole fridges, freezers and foam containing ODS from being landfilled, incinerated or exported to any country outside the EU. However the use of CFC in domestic goods has ceased since 1995 and HCFC foam will cease to be used in 2003. The WEEE Directive, once implemented will require producers of white goods to bear many of the costs of their disposal.

Waste Shipment Regulations 259/93

The aim of the Waste Shipment Regulations is to control the transfrontier movement of waste within the European community and beyond, to ensure that waste is managed in an environmentally sound manner. The Regulations split the controls on waste movements into two types:

- Shipments for disposal
- Shipments for recovery

Shipment of Waste for Disposal

All shipments of waste for disposal must have prior written consent (authorisation) of the competent authority of destination. The authorisation can only be given in the absence of objections by the competent authorities concerned (i.e. competent authorities of dispatch and transit).

Shipment of Waste for Recovery

Shipments of waste for recovery are controlled by different procedures based on the degree of hazard associated with the waste.

- **Red List Waste** - is deemed to pose the greatest hazard, and as a result the movement of these wastes requires prior consent by the competent authorities concerned. Red List wastes include PCB waste, asbestos dust and fibres and leaded anti-knocking compound sludges.
- **Amber List Waste** - is subject to a streamlined procedure where shipment may proceed if no objections are lodged by the relevant competent authorities in the specified time period. This is known as "tacit consent". Amber List wastes include household waste.
- **Green List Waste** - is considered to be the least environmentally hazardous and when moved for recovery it is essentially subject to no specific transfrontier controls other than a requirement for tracking documentation which must accompany the shipment