



The Waste Framework Directive and the List of Waste

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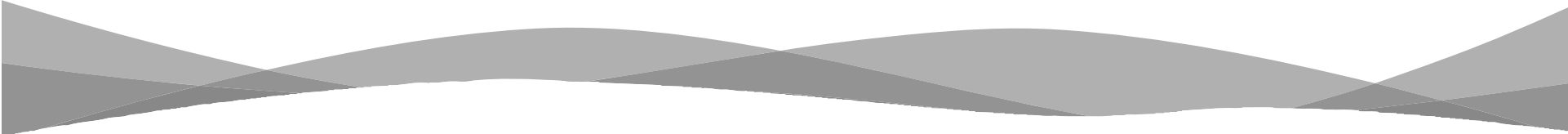
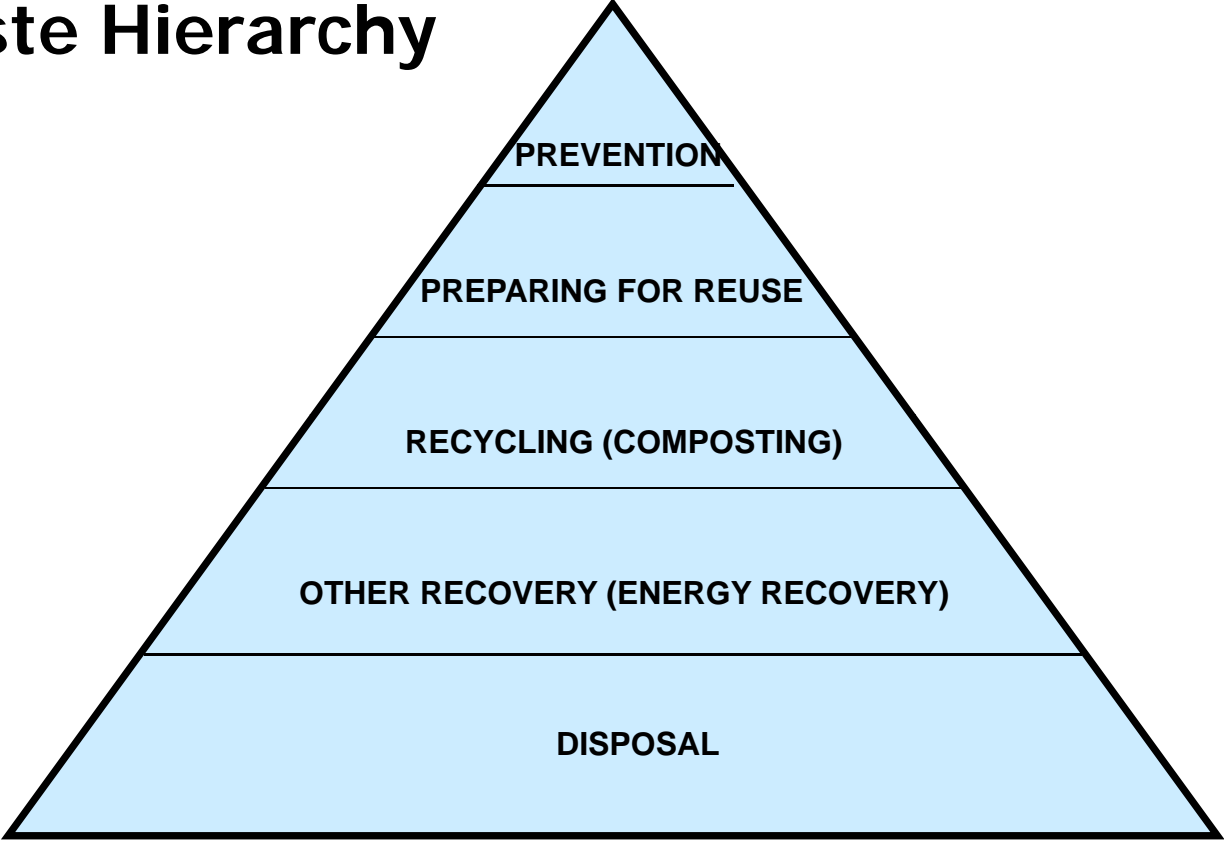
... the usual disclaimer!

Please note that these remarks only reflect the opinion of the Commission services and are not legally binding. A final binding legal interpretation of EU legislation can only be provided by the Court of Justice of the European Union. The remarks are without prejudice to the position the Commission might take should the issue arise in a procedure before the Court of Justice.

European waste policies - Principles:

- **Minimise the negative environmental impacts**
- **Waste prevention**
- **Life cycle thinking (from cradle to cradle)**
- **Waste as a valuable resource**
- **Waste hierarchy**

Waste Hierarchy



Waste Framework Directive (WFD): Timeline

- Directive published on 22 November 2008, entered into force on 12 December 2008
- Deadline for MS transposition 12 December 2010
- Directives 2006/12/EC, Directives 75/439/EEC on waste oils and 91/689/EC on hazardous waste still binding

WFD: Structure

- **CHAPTER I: SUBJECT MATTER, SCOPE AND DEFINITIONS, Art. 1-7**
- **CHAPTER II: GENERAL REQUIREMENTS, Art. 8-14**
- **CHAPTER III: WASTE MANAGEMENT, Art. 15-22**
- **CHAPTER IV: PERMITS AND REGISTRATIONS, Art. 23-27**
- **CHAPTER V: PLANS AND PROGRAMMES, Art. 28-33**
- **CHAPTER VI: INSPECTIONS AND RECORDS Art. 34-36**
- **CHAPTER VII: FINAL PROVISIONS, Art. 37-43**
- **Annexes: Disposal Op., Recovery Op., Hazardous Properties**

WFD: References to dredging

■ Art. 2 Exclusions from the scope

Sediments relocated inside surface waters shall be excluded from the scope of the WFD under the following conditions:

1. Dredging is done for one of the following purposes:

- managing waters and waterways or
- preventing floods or
- mitigating the effects of floods and droughts or
- land reclamation

2. It is proved that the sediments are non-hazardous.

■ (21) Disposal operations consisting of release to seas and oceans including sea bed insertion are also regulated by international conventions, in particular the London Convention

WFD: Waste Management

Article 17 Control of hazardous waste

MS shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, **are carried out in conditions providing protection for the environment and human health (...)**, including action to ensure **traceability** from production to final destination and **control** of hazardous waste in order to meet the requirements of Articles 35 and 36.

Article 18 Ban on the mixing of hazardous waste

Member States shall take the necessary measures to ensure that hazardous waste is **not mixed (...)**. Mixing shall include the dilution of hazardous substances. Derogation possible under certain conditions

- (a) undertaking has a **permit**
- (b) adverse **impact not increased**;
- (c) **BAT** applied.

3. Subject to technical and economic feasibility criteria, where hazardous waste has been mixed in a manner contrary to paragraph 1, **separation shall be carried out where possible and necessary** in order to comply with Article 13.



Article 19 Labelling of hazardous waste



WFD: Definitions and Hazardous Properties

■ Art. 3 Definitions

- 'waste' means any substance or object which the holder discards or intends or is required to discard
- '**hazardous waste**' means waste which displays one or more of the hazardous properties listed in Annex III;

■ Annex III: Hazardous Properties

H 1 'Explosive':

H 2 'Oxidizing': (highly exothermic reactions when in contact with other substances)

H 3-A 'Highly flammable'

H 3-B 'Flammable'

H 4 'Irritant'

H 5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks

H 6 '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.

H 7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

WFD: Hazardous Properties

- H 8 'Corrosive': substances and preparations which may destroy living tissue on contact.
- H 9 '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.
- H 10 '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.
- H 11 '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.
- H 12 Waste which releases toxic or very toxic gases in contact with water, air or an acid.
- H 13 (*) '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.

WFD: Hazardous Properties

- H 14 'Ecotoxic': waste which presents or may present immediate or delayed risks for one or more sectors of the environment.
- H 15 Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

Notes

1. Attribution of the hazardous properties H4, H5, H6, H8, H7, 'H10, H11, H14 is made on the basis of the criteria laid down by Annex VI to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1).
2. Where relevant the limit values listed in Annex II and III to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (2) shall apply.

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

Review of the List of Waste

- European List of Waste (LoW) established by Commission Decision 2000/532/EC1.
- Purposes: transport of waste, installation permits, decisions about recyclability of the waste or as a basis for waste statistics.
- LoW should be revised regularly on the basis of new knowledge and, in particular, of research results.
- Revision of the system under way aimed at simplifying and modernising waste legislation.
- CLP Regulation replaces the Dangerous Substance Directive (DSD) and the Dangerous Preparations Directive (DPD). Existing link between the LoW and chemicals legislation to be updated.
 - ➔ Adaptation need relates, inter alia, to the link between H-criteria of the waste legislation and R-phrases which will not exist under the CLP-Regulation any more. The classification according to the CLP Regulation comprises the naming of a hazard class and a signal word.
- Link from waste legislation - and the H-criteria - to the testing methods has to be updated.
- WG established to review LoW. Work in progress, to be concluded in 2011. Experts from industry may be invited to provide input.

H 14: definitions

Haz. Property	Hazardous waste	DSD	CLP
H14 - Ecotoxic	waste which presents or may present immediate or delayed risks for one or more sectors of the environment	[dangerous for the environment] substances and preparations which, were they to enter the environment, would present or may present an immediate or delayed danger for one or more components of the environment	<p>[Hazardous to the aquatic environment] Acute aquatic toxicity means the intrinsic property of a substance to be injurious to an organism in a short term exposure to that substance.</p> <p>Chronic aquatic toxicity means the intrinsic property of a substance to cause adverse effects to aquatic organisms during exposures which are determined in relation to the life-cycle of the organism.</p> <p>Substance Hazardous to the Ozone Layer means a substance which, on the basis of the available evidence concerning its properties and its predicted or observed environmental fate and behaviour may present a danger to the structure and/or the functioning of the stratospheric ozone layer.</p>

ONLY ONE EARTH



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