

Questions and Answers

Thematic Strategy on the prevention and recycling of waste and the proposal for the revision of the Waste Framework Directive

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1.) What is the issue?

Waste is a growing environmental, social and economic issue for all modern expanding economies. The way that waste is generated and handled has an impact on everyone, from individual citizens and small businesses to public authorities and international trade.

Waste generation and management is intimately related to the way we use resources - excessive waste generation is a symptom of inefficient use of resources. Avoiding waste generation and recovering materials and energy embedded in waste can help us use resources in a better way resulting in reduced pressure on natural resources and reduced pollution associated their extraction and transformation. Therefore, waste policies must be designed with the aim of reducing the overall environmental impacts of resources use.

The amounts of waste are increasing at rates comparable to economic growth. As a result, landfilling is only slightly decreasing despite increased recycling. From an environmental perspective, landfilling is the worst waste management option. It uses up space and could develop into a future environmental liability. It represents a waste of resources. EU legislation has introduced high standards for landfills to prevent soil and groundwater pollution, and to reduce emissions to air - for example of methane, which is a greenhouse gas. But in some cases the legislation is poorly implemented - there are still thousands of mismanaged and unauthorised landfills in the EU.

Incineration is also now regulated by stringent EU standards that have significantly reduced emissions. For example emissions to air of dioxins, a highly toxic group of substances, from the incineration of municipal waste has dropped to about 0.5% of total dioxin emissions in the EU 25. Incineration can also be useful in recovering energy contained in waste.

Hazardous waste poses particular problems because it needs to be treated before it can be safely disposed of, and some can only be disposed of in special sites.

Despite these improvements, in 2003 waste management is responsible for 2% of the EU's greenhouse gas emissions. In addition, waste management generates emissions to air, water and soil as well as noise and other nuisances. Waste is also an economic burden. In the EU, management of hazardous and municipal waste alone is estimated to cost industry and citizens up to €75 billion annually.

At the same time, Europe's drive to deal with waste in environmentally sound ways has generated jobs and business opportunities. The waste management and recycling sector has a high growth rate and an estimated turnover of over €100 billion for EU per year. It is labour intensive and provides for between 1.2 and 1.5 million jobs. The recycling industry supplies increasing amounts of resources to manufacturing industry: at least 50% of the paper and steel, 43% of glass and 40% of the non-ferrous metal produced in the EU are currently made from recycled materials.

2.) How much waste is produced in the EU and what are the estimates for the future?

Waste statistics are difficult to obtain. There are sound 2002 figures on waste from the construction sector (510 million tonnes), manufacturing (427 million tonnes), municipal waste (241 million tonnes) and energy production and water supply (127 million tonnes). But there are data gaps for waste from mining and quarrying, agriculture and forestry, fishery, and the service and public sectors. This means that well over 1.3 billion tonnes of waste is generated in the EU. This amount includes 58 million tonnes of hazardous waste.

Municipal waste generation per person and per year is around 530 kg. However, this average hides significant differences between Member States. For example, per capita waste generation in the ten Member States that joined in 2004 is an annual 300 to 350 kg, while it is around 570 in the EU-15 Member States.

Overall waste volumes have been growing at rates comparable to economic growth rates:

- Between 1990 and 1995 total waste generation in Europe increased by 10% whilst GDP increased by 6.5%;
- Municipal waste generation significantly contributed to this rise. Both municipal waste generation and GDP in EU-25 increased by 19% between 1995 and 2003;
- Smaller but important waste streams are also growing: hazardous waste generation increased by 13% between 1998 and 2002 whilst GDP grew by 10%.

With anticipated levels of economic growth, this trend is predicted to continue and will concern most wastes. For example, the European Environmental Agency predicts that paper/board, glass, and plastic waste will increase by 40% in 2020 compared to 1990 levels. The OECD predicts that municipal waste generation will continue to grow until 2020, but at a slightly slower rate. The European Commission's Joint Research Centre predicts an increase in municipal waste generation of 42.5% by 2020 compared to 1995 levels.

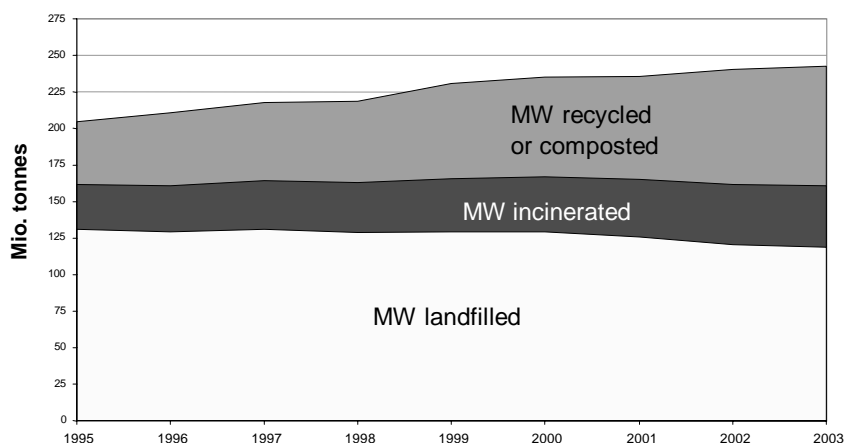
3.) How much waste is landfilled, how much incinerated, and how much recycled?

Reliable EU-wide statistics on waste treatment are only available for municipal waste, which represents about 14% of total waste produced. This situation will change with more reliable statistics being made available thanks to a new Regulation on waste statistics ([Regulation \(EC\) No 2150/2002](#)) under which Eurostat will collect and publish statistics on generation and management of all wastes. The first validated statistics will be available for the period starting 2004 - they are planned to be published by Eurostat in 2006.

In 2003, 49% of EU municipal waste was disposed of through landfill, 18% incinerated and 27% recycled or composted. There are wide discrepancies between Member States. Some landfill 90% of their municipal waste, and others only 10%.

As can be seen from the graph below, the proportion of municipal waste that is recycled has been increasing, but this has been almost completely offset by the increase in municipal waste generation. As a result, landfill is only reducing slowly. For example, the amount of plastic waste going to landfill has increased by 21.7% between 1990 and 2002, even though the percentage of plastic waste being landfilled has dropped from 77% to 62%.

Municipal Waste Treatment in the EU



Recycling of municipal waste nearly doubled between 1995 and 2003 and now accounts for 82.3 million tonnes per year. Incineration is slowly increasing and is now generating the equivalent of eight million tonnes of oil in energy.

Several EU-15 Member States also report that they recover and recycle high rates of waste from manufacturing, with only 10% going to landfills. There are also recycling figures for packaging waste – see [IP/05/1057](#).

4.) How has EU waste policy evolved so far?

Waste is one of the first issues that EU environmental legislation tackled in the 1970s. The Waste Framework Directive was adopted in 1975 (now 2006/12/EC) and provides the overall framework for waste management in the EU, seeking to ensure that it does not present a risk to water, air, soil, wildlife and human health. The Hazardous Waste Directive (91/689/EEC) complements it by setting standards for the management of hazardous waste. In 1984, a first Directive on the shipment of hazardous waste was adopted (84/631/EEC), which was later replaced by a Regulation on waste shipments ((EEC) 259/93). The Regulation aims to ensure safe shipment of all wastes and completes the body of horizontal waste legislation.

EU legislation also sets stringent requirements for landfills and incinerators. The EU adopted specific Directives on incinerators (now 2000/76/EC) and on landfilling (99/31/EC).

Finally, there is detailed legislation on specific waste streams, such as waste oils (75/439/EEC), sewage sludge (86/278/EEC), batteries (91/157/EEC, 93/86/EEC and COM (2003) 723), packaging (94/62/EC, certain industrial substances (96/59/EC), vehicles (2000/53/EC) and electrical and electronic equipment (2002/95/EC). Most of these individual waste streams are rapidly growing and particularly important due to their hazardous or particularly complex character, so the legislation seeks to ensure as much reuse, recycling and recovery as possible.

EU waste policy is based on a concept known as the waste hierarchy, which lists the different options for managing waste from 'best' to 'worst' from an environmental perspective:

- 1.) Prevent waste in the first place
- 2.) Reuse the product
- 3.) Recycle or compost the material
- 4.) Recover the energy by incineration
- 5.) Dispose of it in a landfill

However, the waste hierarchy should not be seen as a rigid prescription, particularly since different waste treatment methods can have different environmental impacts. So, if a waste management option that is normally lower in the hierarchy causes fewer environmental impacts in a specific situation, then it should be implemented.

THE THEMATIC STRATEGY

5.) What are the goals of the Thematic Strategy on Waste Prevention and Recycling?

In one sentence: the Thematic Strategy on Waste Prevention and Recycling is aimed at making Europe a recycling society that seeks to avoid waste and uses waste as a resource. It aims to:

1. **Reduce the environmental impacts** of waste by focusing waste policy on the key environmental impacts, taking account of the life-cycle of resources and products. The life-cycle approach examines environmental impacts at each stage in the life cycle of a resource or product with the aim of minimising the overall impacts. Applying the life cycle approach to waste – the last stage in the life cycle of a resource - means that waste policy does not only look at the pollution caused by waste, but also at how waste policies can contribute to reducing the environmental impacts of resource use. For this reason, the waste strategy is closely linked to the Thematic Strategy on Sustainable Natural Resource Use, which was also adopted on 21 December 2005. One example: there are different types of plastic. It makes sense to recycle high-quality plastics because they can be used to manufacture new plastic products. If mixed or contaminated plastic waste is recycled without sorting/purifying, the result is low-quality plastic for which there are only few applications - generally they can only replace materials such as concrete and wood chip, which are low in environmental impacts. So, the life cycle approach allows weighing the environmental impacts of recycling mixed plastic waste against the environmental impacts of producing the materials that it is supposed to replace, and conclude which option produces fewer impacts.
2. **Promote the prevention of waste** by putting in place a European framework that will take waste prevention forward in a practical and scientific manner. It aims to commit all Member States to developing waste prevention policies that result in better use of resources. These policies must reach out to the individuals and businesses whose decisions influence the generation of waste.
3. **Strengthen recycling activities** by setting standards. In some cases the EU has suffered from a history of dirty recycling, for example the production of contaminated compost. This has had a negative impact on markets because consumer confidence

fell. The setting of quality standards will support the development of an EU market for secondary (recycled) materials.

4. **Modernise and simplify waste legislation.** Legislation has evolved over time, there are some overlaps and practical application has shown the need for certain clarifications. It should be modernised to deliver a clear regulatory environment for waste management activities.
5. **Improve implementation.** Some pieces of waste legislation, such as the Landfill Directive and the Waste Shipment Regulation need to be better implemented. There are thousands of mismanaged or unauthorised landfills in the EU, and Member States fail to exert effective control over some shipments of waste.

6.) Which actions does the strategy envisage?

As a first step, the Commission is proposing a revision of the Waste Framework Directive to:

- Focus waste policy on the key environmental impacts and on improving the way we use resources by introducing the life-cycle approach into waste policy;
- Require Member States to develop national waste prevention programmes within three years of the entry into force of the revised Waste Framework Directive;
- Improve the recycling market by setting environmental standards that specify under which conditions certain recycled wastes are no longer considered waste, but high-quality secondary materials.
- Modernise and simplify waste legislation by clarifying definitions, streamlining provisions and integrating the Directive on hazardous waste in full and the Directive on waste oils in part (without the regeneration priority for waste oils). It will also be clarified that there is no need for two separate permits under waste legislation and the Directive on Integrated Pollution Prevention and Control (96/61/EC) for industries that use waste.

However, the strategy envisages many more actions over the coming years ([see table](#)). Some of these actions need to be developed on a step by step basis, others are better undertaken when the impact of the first measures and of existing legislation which is gradually coming into effect becomes evident.

The Commission also intends to use other avenues to reach the goals of the new strategy. For example, it is encouraging Member States to improve market conditions for recycling activities and market demand for recycled materials by considering these aspects in the national roadmaps for implementation of the [EU's Environmental Technologies Action Plan](#). It will ensure that European funds available for research and development of waste technology tackle the key environmental impacts of waste. In the context of the review of guidelines on state aid for environmental protection, it will clarify in which cases state aids may be granted to support waste recycling activities. The Commission will also support the dissemination and transfer of best practices concerning awareness, education and incentives for waste prevention and recycling at national, regional and local level.

In 2010, the Thematic Strategy on waste will be reviewed. If necessary, additional measures will be identified to advance waste prevention, the application of life-cycle thinking to waste management, and progress towards a European recycling society.

7.) How is the Thematic Strategy on waste linked to the Thematic Strategy on natural resources?

The resources strategy provides the scientific and conceptual foundation upon which the waste strategy rests. The resources strategy advocates the life-cycle approach to minimise the environmental impacts of natural resource use, from the extraction/harvesting of raw materials to the moment when their useful life ends – when they become waste. Avoiding and recycling waste can reduce the overall environmental load associated with resource use.

8.) How much will implementation cost, and who will bear the costs?

The Impact Assessment done for the strategy shows that this new policy will increase the focus on important environmental issues and deliver improvements of the regulatory environment. It will entail negligible costs for industry and in the longer run may generate economic benefits for the EU as the recycling sector becomes more competitive. Given the framework character of this policy, Member States will shoulder much of the responsibility for taking concrete actions to reap the environmental benefits of waste prevention and recycling.

9.) Does the strategy affect competitiveness, jobs and growth?

The Impact Assessment report shows that the strategy will not have any significant effects, but some limited positive impacts on competitiveness, jobs and growth. In general, waste recycling activities are labour-intensive activities, and increased recycling results in job creation. The recycling of 10.000 tonnes of waste creates around 240 jobs, incineration creates 20 to 40 and landfilling about 10.

Europe's industry uses a significant amount of recycled materials – at least 50% of the paper and steel, 43% of glass and 40% of the non-ferrous metal produced in the EU are currently manufactured from recycled materials – and energy from waste. Improving the regulatory environment for waste recycling and recovery activities will result in improved availability for these secondary materials and fuels. This in turn will have a limited positive effect on competitiveness and growth.

10.) How does the strategy contribute to simplifying and streamlining legislation and reducing red tape (Better Regulation)?

The strategy will clarify key concepts (definitions of “waste” and “recovery”) and improve their legal certainty, remove obsolete provisions, such as the regeneration priority in the Directive on waste oil, solve overlaps (e.g. the permit requirements of the waste Directive and of the IPPC Directive) and bring together separate Directives into one legal document. In doing so, it will bring about a substantial degree of simplification and clarification of the current legal framework, in line with the EU's Better Regulation objectives. It builds on existing legislation and extensive stakeholder consultation, and identifies full and effective implementation by Member States as a condition for making progress towards the goals set out in this strategy.

11.) How does the Strategy promote recycling?

The strategy concludes that recycling is currently moving in a positive direction, and that there are many actions from previously agreed legislation that will continue to promote

recycling over the next decade (for example, biowaste diversion targets from the Landfill Directive, further recycling and recovery targets under the packaging, end of life vehicles and electrical and electronic waste Directives).

Building on this, the Strategy sets a framework for promoting recycling generally. A market based approach combining EU standards for the recycling market and national economic instruments reflecting the environmental advantages of recycling in waste management costs will set the scene for recycling to develop further.

The Impact Assessment has also shown that rigid target-setting in new waste stream-based Directives would not always be effective. The environmental benefit could be exceeded by the costs and the administrative burden involved. If in the future action is found necessary to promote the recycling of specific wastes, this is likely to be taken on a material by material basis rather than a product basis. For example, a plastics recycling target would promote recycling of pipes from construction waste as well as plastic bottles, of agricultural films as well as car bumpers. Such targets would make it possible to recycle more of a material at lower costs because they would capture the fractions that have the highest recycling potential at lowest cost. Nevertheless, the choice of policy options must be made on the basis of the most cost effective way of achieving environmental benefits.

12.) What is life cycle thinking, how does it relate to the waste hierarchy and how can it be applied?

Life cycle thinking is a mindset for policymakers to make every effort to take into account all relevant environmental aspects for the determination of the best environmental option for a given waste flow. This must include consideration of the whole life cycle of the related resources or products. Applying the life cycle approach to waste – the last stage in the life cycle of a resource or a product - means that waste policy not only looks at the pollution caused by waste, but also at how waste policies can contribute to reducing the environmental impacts of resource use. For example, recycling avoids emissions of landfilling or incineration but also saves energy because recycling generally requires much less energy than the production of new materials. Another example would be the selection of priority waste prevention measures with a view to maximise their environmental return - it might be more efficient to avoid one tonne of food becoming waste than to avoid one tonne of waste paper.

The "waste hierarchy" and "life cycle thinking" are two intimately interlinked concepts as life cycle thinking is both the justification and the complement of the waste hierarchy. On the one hand, the waste hierarchy is justified by taking a life cycle approach to the environmental impacts associated to each option – as illustrated by the example of recycling given above. On the other hand, where because of its general nature the waste hierarchy does not give guidance for a specific case, life cycle thinking helps us identify the environmentally best option. Therefore, the waste hierarchy should remain as the guiding principle of waste policy whilst life cycle thinking will complement the hierarchy for specific cases. Examples of cases where the deviation from the waste hierarchy could be environmentally justified include:

- It can be better for the environment to shorten the life of old cars and to put new cars on the roads. The reduced emissions of using a new car may outweigh the environmental impacts of producing more waste cars and recycling them;
- Repair and reuse can be environmentally damaging.

- Repairing a low energy efficiency fridge can lead to environmental degradation because of continued high energy consumption and high emissions of greenhouse gases;
- It is often better to recycle old mobile phones in the EU than for them to be reused in developing countries. It is unlikely that once they have become waste developing countries would have the capacity to deal with these hazardous substances they contain;
- Disposal can be the best option. For example, EU legislation forbids the reuse or recycling of POPS (Persistent Organic Pollutants) waste because these substances are too dangerous.

In many cases taking a life cycle approach means using common sense to look at the wider picture. Over the years a substantial body of knowledge has been built that in most cases would be a sufficient basis for taking a life cycle approach to waste policies. However, this knowledge is not readily accessible to policy makers. Therefore the Commission will provide guidance on applying life cycle thinking to waste policies that will include a summary of the main conclusions of existing literature. This does not exclude that in specific cases a full environmental assessment might be needed to identify the environmentally best option for managing waste.

13.) Why does the strategy opt for national waste prevention programmes?

One of the findings from the analysis conducted for the strategy is that there is no single waste prevention measure that could work in all Member States, due to the variety of cultural and geographical conditions. Prevention can only be achieved through a basket of measures that are most effective when designed and applied at a national or even regional or local level. The Commission therefore concluded that it would be most effective to require Member States to develop waste prevention programmes, at the same time leaving them the freedom to determine which measures will be most effective. The national waste prevention programmes would be mandatory and would have to be developed within three years of the entry into force of the revised Waste Framework Directive. These programmes must aim at breaking the link between economic growth and the environmental impacts associated to the generation of waste. The Member States must take into consideration the measures listed in Annex four to the proposed Directive and are required to determine targets and indicators for the measures they include in their national programmes. This will be the best way of achieving cost effective waste prevention.

14.) How does the strategy deal with incinerators?

Over the last 15 years, incinerators have been cleaned up significantly. In some cities such as Vienna incinerators that recover energy and where emissions no longer present a risk to human health are located in populated areas.

Building on legislation introduced in the late 1980s, the 2000 Directive on the incineration of waste ([2000/76/EC](#)) has introduced even more stringent requirements and strict limit values for emissions of pollutants, such as dioxins, mercury and other heavy metals, and dust. It covers both waste incinerators and the use of waste as a fuel in industrial plants such as power plants and cement kilns (co-incineration plants). New plants have been obliged to comply

with the standards since 28 December 2002, while existing plants will have to comply from 28 December 2005.

Where it is part of an environmentally optimised strategy, clean incineration can make significant contributions to the recovery of energy resources from waste. The environmental benefits depend on the amount of energy actually extracted from the incinerated waste. In the context of the new waste strategy, the Commission has decided to further improve the efficiency of recovering energy from waste by setting an ambitious benchmark for municipal incinerators. This will be done through the revision of the Waste Framework Directive. The new energy efficiency benchmark will determine whether an incinerator can be identified as a recovery facility instead of a disposal facility. Waste processed in a facility classified as a recovery facility can count towards mandatory recovery targets set in EU Directives (e.g. waste electrical and electronic equipment).

THE PROPOSAL FOR A REVISION OF THE WASTE FRAMEWORK DIRECTIVE

15.) Why is the regeneration priority in the Directive on waste oils being repealed?

New scientific information shows that regeneration of waste oils (cleaning them to use again) and their use as fuel have comparable environmental impacts, i.e. both processes substantially reduce emissions of pollutants and greenhouse gases. There is therefore no justification for maintaining the legal priority for regeneration of waste oil at the EU level. Member States can maintain the priority nationally if they wish to do so.

Statistics and scientific information also show that collection of waste oils has not yet achieved its full potential. This indicates that uncontrolled and polluting waste oil disposal still takes place in the EU. This is why the Commission proposes to focus future efforts on improving the collection of waste oils rather than on favouring a particular recovery technique. This focus is made clear through the insertion of the collection obligation in the Waste Framework Directive.

16.) What measures are proposed to tackle biowaste?

The main environmental threat from biowaste is the production of methane in landfills, which accounted for some 3% of total greenhouse gas emissions in the EU-15 in 1995. The Landfill Directive obliges Member States to reduce the amount of biodegradable waste that they landfill to 35% of 1995 levels by 2016, which will significantly reduce the problem. The Commission's priority is to ensure that Member States comply with this legal requirement fully and on time.

The Member States have a number of choices that they can take in terms of alternative treatment for this biodegradable waste, taking into account local conditions such as climatic conditions to the composition of the collected biowaste. These choices must be taken in a transparent manner - this is why the Commission proposed in the draft Waste Framework Directive to require Member States to include these choices in their national waste management plans. This proposal also requires Member States to assess to what extent their choice of options for the management of biowaste contributes to the environmental objectives defined in the Directive. To support the Member States in this future legal obligation, the

Commission will provide criteria, in the form of a guidance document, to help with identifying the environmentally best option for the management of biowaste in the various countries and regions.

One potential option is composting. Actions that need to be taken at the EU level to promote composting include the definition of quality standards for compost so that markets for compost can develop. The Commission will start working on the standards next year, so that they are available when the revised Waste Framework Directive enters into force following adoption by the Council and the European Parliament. This will play an important role in helping the Member States to overcome one of the biggest obstacles to composting policies, the lack of user confidence and market acceptance.

It is also necessary to develop high environmental standards that can apply to facilities in which biological treatment takes place. This will be achieved through the upcoming review of the Directive on Integrated Pollution Prevention and Control (96/61/EC) under which national authorities issue permits for major industrial and agricultural installations based on the concept of Best Available Techniques (BAT).

Lastly, the upcoming Thematic Strategy on Soil will address the wider subject of carbon depletion in soil and how to avoid and remedy it. This will take into account the potential of using compost as a means to increase the carbon content of soil.

It will take the Member States some time to implement environmentally sound management of biowaste and the Commission will revisit the issue in the review of the Strategy in 2010. This review will assess the progress of the Member States and the need for additional measures, including additional legislative measures on top of the legislative measures already proposed in the Strategy package.

17.) Why is there an increase in the possibilities for implementation measures (comitology) to be taken under the Directive?

The revision seeks to set technical standards and improve the clarity of a number of definitions. In order to do this, the EU needs to be able to set technical criteria that can be put into place and revised rapidly as technology moves on. Co-decision (the procedure for adopting environmental Directives and Regulations) takes too long for this purpose. The rules for the implementing procedures (the political mandate given to the Commission to propose implementing procedures) are set in the Directive itself. Only the individual technical measures are developed by committees.

18.) Does the proposed change in the recovery definition mean that municipal waste destined for an incinerator can be moved across frontiers?

Community law on shipments of waste provides for stringent control procedures. These rules are contained in Regulation (EEC) 259/93. This regulation provides the legal framework for the Member States to object to imports of waste destined to disposal and shipments that lead to environmentally unacceptable recovery of waste. The grounds for such objections are listed in Articles 4 and 7 of the Regulation. In certain circumstances, there is also a possibility to take general measures with regard to waste for disposal in order to implement the principles of proximity, priority for recovery and self-sufficiency pursuant to Article 4(3)(a)(i) of the Regulation. In such cases, there is an obligation to notify the Commission.

An amendment to these rules was adopted by the Council on 29 May 2006 that will be applicable in 2007. This will *inter alia* tighten the controls of shipments of mixed household waste collected from private households, including where such collection includes waste from other producers. Such shipments will be made subject to the same provisions as waste for disposal, irrespective of the type of treatment the waste is destined for. As a consequence, this provision will extend the possibilities for Member States to object to imports of mixed household waste. This amendment is the result of an agreement between the Commission, the European Parliament and the Council.

It is unlikely that a regular flow of significant amounts of other waste would be sent to municipal incinerators. For example, combustible waste from construction or industry usually has too high an energy content to be processed in municipal incinerators. Therefore, this type of waste should not threaten the planning of municipal waste incineration capacities.

With these provisions the main concerns of the Member States who do not want to see mixed municipal waste travelling into their country are addressed and a good balance is struck with preserving an internal market for the recovery of industrial waste.

19.) Is the waste hierarchy weakened in the proposal?

The Commission considers that the waste hierarchy remains an extremely useful guiding principle for waste management decisions. In the proposal for a revision of the Waste Framework Directive, the hierarchy is now linked to the notion of trying to reduce environmental impacts across the whole life cycle. This makes sense, as the hierarchy is essentially based on a form of life cycle thinking, and the link can help make clear that the hierarchy should be followed except where there is evidence that it would be better to opt for a solution that is lower down the hierarchy – recover rather than recycle, for example. A concrete example of this kind of situation can be found in the Commission's actions on the Waste Oils Directive, where scientific evidence showed that it was no better to regenerate waste oils than to combust them and recover the energy. See also question 12 on life cycle thinking.

20.) Is the waste list repealed by the proposal?

No, the legal basis for the waste list is maintained in the proposal. There are ongoing technical discussions on adapting the waste list, but the co-decision procedure on the Waste Framework Directive will not have an impact on them.

21.) Have the hazardous waste provisions been weakened by the proposed repeal of the Hazardous Waste Directive and their inclusion in the proposed Waste Framework Directive?

No, overall, the hazardous waste provisions have been strengthened. In particular, the ban on mixing hazardous waste with non-hazardous waste or other types of hazardous waste has been made clearer and firmer. In the past, there was theoretically a ban on the mixing of such waste, but as the exemptions from the ban were not clear, it was impossible to implement. The new suggested text sets down four clear requirements that must all be satisfied in order to mix or dilute hazardous waste, thus offering a clearer and better protection of the environment.

In general, most of the hazardous waste provisions were simply moved across to the new proposal, with only obsolete articles being removed.

22.) What is proposed in relation to the waste definition?

The definition of waste has not been substantively amended, as there is no significantly clearer alternative that can deliver a high level of protection of the environment. However, the Commission has proposed two measures to clarify specific aspects of the definition of waste that were identified as being problematic.

Firstly, the Commission has proposed to establish a procedure in the Waste Framework Directive to set environmental criteria determining when specific waste streams cease to be a waste. This aims to achieve three objectives:

- improved environmental performance of recycled products;
- improved certainty and predictability for purchasers of recycled products or materials;
- regulatory relief for low risk wastes.

Secondly, the Commission will publish guidelines on by-products based on the jurisprudence of the European Court of Justice, on when by-products should or should not be considered as waste. These guidelines will include sectoral case studies.