



# **A Report on the Implementation of Directive 75/439/EEC on Waste Oils**

**May 2009**

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# 1 Introduction

## 1.1 Waste Oil Directive

Directive 75/439/EEC on the disposal of waste oils<sup>1</sup>, amended by Directive 87/101/EEC is designed to create a harmonised system for the collection, treatment, storage and disposal of waste oils, such as lubricant oils for vehicles and engines. The Directive also aims to protect the environment against the harmful effects of such operations. Waste oils are hazardous because they are carcinogenic. Untreated waste oils that are found in rivers, lakes and streams can threaten aquatic life, while soil contamination results from untreated oils being left on the ground.

In particular, the main provisions of Directive 75/439/EEC are:

- definition of waste oils: any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, and also mineral lubricating oils, oils for turbines and hydraulic oils (Article 1);
- definition of regeneration: any process whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, oxidation products and additives contained therein (Article 1);
- definition of disposal which, unlike the definition of disposal in Directive 75/442/EEC, includes both recovery and disposal
- the obligation to ensure that waste oils are collected and disposed of without causing any avoidable damage to man and the environment (Article 2)
- the obligation to give the priority to the regeneration of waste oils upon other disposal option, when economic, organisational or technical constraint so allow (Article 3);
- if the constraint mentioned above prevent the regeneration of waste oils, the next option to consider is their combustion (Article 3);
- the prohibition of discharges of waste oils to surface water, groundwater, drainage systems or coastal waters or into the soil, and the prohibition of processing of waste oils that may result in air pollution exceeding prescribed levels (Article 4);
- the collection of waste oils must be ensured and controlled. Waste oil collectors have to be registered (Article 5).
- Undertakings regenerating or incinerating waste oils must have a permit (Article 6)
- Undertakings regenerating waste oils do not cause avoidable damage to the environment and are subject to periodic inspections (Article 7);

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<sup>1</sup> Council Directive of 16 June 1973 on the disposal of waste oils.

- The establishment of emission limit values for the incineration of waste oils (Article 8);
- The prohibition to use waste oils containing more than 50 ppm of PCBs (Polychlorinated biphenyl) as fuel (Article 8)
- Record keeping obligation for establishments producing, collecting and disposing of waste oils (Article 11)
- Obligations of periodical inspections for undertakings regenerating or incinerating waste oils (Article 13)
- Possibility of granting indemnities to a collection or disposal option (Article 14)

This report is based on the replies to the questionnaire established by Commission decision 94/741/EC49 for the period 2004-2006.

## 1.2 Remarks about this report

This report is a synopsis of the responses by Member States to the questionnaire (Commission Decision 97/622/EC) covering the period 2004-2006. The synopsis summarizes these responses article per article and country per country and in general observes a limit of 100 words per response. For practical reasons, the report does not differentiate between direct quotes from the Member States' responses and re-phrased or shortened passages. All due care has been taken in completing this synopsis. However, please mind that the original responses from the Member States constitute the only "authentic" document as submitted by the Member States.

The report produced is solely based on the information made available by the Commission.

## 2 Incorporation into national law

All respondents have answered affirmatively to the question whether the Commission has been provided with details of the current laws and regulations in force to incorporate the Directive as amended into national law.

### 2.1 Measures in compliance with Art. 7

Art. 7 requires MS to take measures necessary to ensure that (a) the operation of the regeneration plant will not cause avoidable damage to the environment and (b) the base oils derived from regeneration do not constitute a toxic and dangerous waste as defined in Art. 1(b) of the Hazardous Waste Directive and do not contain PCB/BCT.

The question put to the MS was, "Have measures been taken in compliance with Art. 7?"

The overwhelming majority of MS said to have taken such measures. The only MS to say no were Ireland, Latvia, Netherlands, Slovenia, Sweden.

Regarding the communication of these measures, only Greece has said not to have communicated the measures. Greece mentioned as the reason for this: "The measures that have been taken pursuant to Article 7, concerning the environmental authorization and controls of the regeneration plants, stem from the national legislation for which the Commission is already informed".

The Netherlands said that no waste oils are regenerated in the Netherlands.

Slovenia said, "There is no regeneration plant in Slovenia because the quantities of waste oils collected are too small. Waste oils are regenerated abroad or are processed by the R1 procedure (utilisation of waste oils as a source of energy) or incinerated by the D10 procedure in the Republic of Slovenia."

## 2.2 Stringent measures pursuant to Article. 16

**According to Article 16, MS may, whilst respecting the provisions of the Treaty, take measures for the purpose of environmental protection which are more stringent than those of the Directive. Such measures may, under the same provisions, include inter alia the prohibition of the combustion of waste oils.**

Have more stringent measures been adopted pursuant to Article 16?

The MS saying to have not taken more stringent measures are: Estonia, Greece, Ireland, Latvia, Lithuania, Poland, Portugal, Spain, UK.

Some MS voluntarily explained the reasons for this:

**Latvia:** Latvia takes the view that the measures set out in the Directive are sufficient to ensure a satisfactory level of environmental protection.

**Poland:** The transposition into Polish law of the provisions of Directive 75/439/EEC and of other EU provisions is considered sufficient for the management of waste oils.

**Portugal:** As with the previous three-year period, during the period 2004-06 it was not felt necessary to apply measures stricter than those laid down in Directive 75/439/EEC of 16 June 1975, as amended by Directive 87/101/EEC of 22 December 1987.

**Estonia:** Owing to the small quantities involved, waste oils are regenerated to a minimal extent in Estonia. Waste oils are disposed of by incineration according to the requirements of Directive 2000/76/EC.

**Slovenia:** for the incineration and co-incineration of waste oils in Slovenia, there are stricter emission limits than those laid down in the Annex to Directive 87/101/EEC amending Directive 75/439/EEC on the disposal of waste oils. These emission values are set out in the Decree on the emission of substances into the atmosphere from waste incineration and co-incineration plants, Official Gazette of the Republic of Slovenia No 50/01, and certain of them are listed in point 7a.

The following MS took up such stricter requirements: Belgium (all regions), Bulgaria, Denmark, Finland, Germany, Hungary, Italy, Luxemburg, Netherlands, Romania, Slovenia, Sweden. The Netherlands elaborated on the nature of the requirements: ban of combustion of waste oils in waste incineration plants or rotating drum furnaces. In addition, there are limit values for the halogen hydrocarbon and PCB content of waste oils used as fuel or in the manufacture of fuel. These limit values apply to all fuels. As a result, waste oil cannot simply be processed into fuel (which is not itself waste).

No MS said that they had not provided COM with details. However, not all MS answered to this question.

### 3 Implementation of the Directive

**Pursuant to Article 2, Member States shall take the necessary measures to ensure that waste oils are managed without causing any avoidable damage to man and the environment. According to Article 3 first priority shall be given to regeneration, second priority to combustion and last priority to safe destruction (treatment) and disposal.**

All MS answered affirmatively to the question whether they have taken the necessary measures to ensure that waste oils are collected and disposed of without causing any avoidable damage to man and the environment.<sup>2</sup>

#### Regeneration of waste oil

A series of countries achieves a very high rate<sup>3</sup> of waste oil generation. Greece and Luxembourg report regeneration rates of 100%. Other MS achieving a high reprocessing rate (over 70%) are Belgium (Brussels, Wallonia), Denmark, Germany, Italy, Netherlands, Poland.

Low regeneration rates (under 30%) are reached by: Finland, Estonia, UK. Lithuania, Portugal, Romania, Slovenia even feature a 0% rate.

#### Combustion of waste oil

Portugal and Slovenia feature an incineration rate of waste oil of 100%. Combustion rates of over 70% are attained by: Austria, Finland, Lithuania, Romania and the UK. Spain and the UK have also a substantial rate of waste reprocessing but privilege waste combustion over waste oil reprocessing.

France is balanced between waste oil processing and waste oil combustion.

#### Tipping

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<sup>2</sup> Brussels-Capitale said that an environmental agreement regarding the obligation to take back used oils is currently under negotiation with the relative sector.

<sup>3</sup> The questionnaire asked MS to give data on waste oil collected and on the treatment methods. Sometimes, the masses treated do not add up to all the waste oil collected. Thus, the treatment shares only consider those masses which have been reported as "treated".

Only the Czech Republic reports a tipping rate of nearly 40% while the rest of the MS remains below 10% (only Latvia is slightly beyond 10%).

### 3.1 Technical, economic and organizational constraints preventing MS from giving priority to the processing of waste oils by regeneration?

**Art. 3(1) reads: Where technical, economic and organizational constraints so allow, MS shall take the measures necessary to give priority to the processing of waste oils by regeneration.**

Question: Have any technical, economic and organizational constraints referred to in Article 3(1) prevented the MS from giving priority to the processing of waste oils by regeneration?

The following countries answered negatively: Austria, Belgium (all regions), Bulgaria, Denmark, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Poland, Slovakia.

Details for those countries having stated that there were such problems:

**Czech Republic:** There is no regeneration unit for processing waste oils for reuse in the Czech Republic.

**Estonia:** The volumes of waste oils are too small for regeneration. Waste oil regeneration is not cost-effective for economic reasons.

**Ireland:** A Strategy Study prepared for the first National Hazardous Waste Management Plan concluded that there was insufficient waste oil generated to justify investment in regeneration capacity.

**Lithuania:** Owing to the small quantity of waste oils generated, the poor quality of waste oils collected, also owing to the lack of regeneration facilities in Lithuania in the reporting period, waste oils were in practice not processed by regeneration.

**Netherlands:** In the early 1980s, government policy was directed towards processing waste oil in a central processing unit in order to regenerate base oil. This treatment was never actually implemented because of commercial restrictions. In 1986 a plan was made, together with the producers of lubricating oil, to construct a central processing unit for waste oils with the (main) aim of producing high-grade fuels (marine diesel oil). An undertaking was given a permit to that end. Although a government subsidy was approved, the plant was never built.

There is an open market for all forms of recovered waste. Some waste oil is now exported for regeneration into base oil. This market is hampered by the fact that collectors of waste oil turn to (cheaper) markets abroad where waste oil is used primarily as fuel.

**Portugal:** The scarcity of oils collected with the specific characteristics that enable them to be processed through regeneration has been the main obstacle to setting up a plant of this type in Portugal. However, the analysis of a feasibility study has allowed Portugal to conclude that, although from a solely technical point of view the setting up of a regeneration plant in Portugal (with a capacity of 30 kt/year) is feasible, it is not possible to reach such a definite conclusion from an economic point of view, given the conditions associated with the development of markets in new virgin and regenerated oils.

**Romania:** At present, in Romania there are no waste oils regeneration plants in operation. There is a project to build one regeneration plant with 27,000t/year capacity at Zlatna, Alba county. Additional technologies will be needed in order to obtain the base oil derived from regeneration which complies with the quality standards. In this moment to give priority to waste oils regeneration, comparing to recovery by co-incineration, for which there is sufficient capacity in Romania, would lead to large investment funds, additional to those estimated during Chapter 22- Environment negotiation.

**Slovenia:** In Slovenia, the Rules on waste oil management (Official Gazette of the Republic of Slovenia Nos 85/1998, 50/01 and 41-04-ZVO-1) put the regeneration of waste oils on a par with their use as fuel (co-incineration) by the R1 procedure (Article 21). In keeping with the study that was conducted, the programming document entitled 'Operational Programme for the Management of Waste Oils for the period 2003-2006' found that Slovenia does not collect sufficient quantities of waste oils in Slovenia to make their regeneration economically viable.

**Spain:** There is a lack of industrial regeneration installations, although the number of these types of installations is gradually increasing.

**Sweden:** The necessary parallel collection system is not developed. The nearest regeneration plant in Kalundborg, Denmark has been put in moth balls. The alternative plants in Germany are not available for tanker transports, which reduces the environmental advantages of regeneration and increases the cost. The contradicting messages concerning EU legislation on waste/waste oil has created a confused situation for business agreements and investments.

**UK:** One of the key barriers to the regeneration of waste oil in the UK has been economic, whereby the market for recovered fuel oil is strong, although this is reducing, because of the rising price of base oil, and a small plant for the regeneration of waste oil is being established, and at least one further larger one is in the early stages of development. Investors are also cautious because there is still ongoing work following a UK Court of Appeal case to clarify the end of waste for recovered waste oil to be used as a fuel. This might be classified as a definitional/legal constraint, but it manifests itself as an economic constraint.

**Resumé:** The most common reason for not reprocessing waste oil are the little quantities of oil produced and collected and, consequently, the lack of processing capacities. From an economic point of view, investment into waste oil reprocessing infrastructure would not seem reasonable for those countries. Lithuania also mentioned the "poor quality" of waste oil collected as an impediment. Slovenian law even treats the regeneration and the co-incineration of waste oil as equally good options given that Slovenia has too little quantities of waste oil for regenerating. Other MS simply referred to the lack of regeneration capacities as a technical impediment to regeneration (Romania, Spain). The UK said that the end-of-waste criteria are controversial as regards the regeneration of waste oil.

### **3.2 Have any technical, economic and organizational constraints referred to in Article 3 (2) affected the feasibility of the combustion of waste oils?**

Only Lithuania, Portugal and the UK said yes.

**Lithuania:** Owing to the small quantity of waste oils generated, the poor quality of waste oils collected, also owing to the lack of regeneration facilities in Lithuania in the reporting period, waste oils were not practically processed by regeneration, the greater part of the waste oils generated was managed by combustion.

**Portugal:** With regard to the combustion of waste oils, the publication of more restrictive legislation at the end of the last three-year period (2001-03) and during the three-year period covered by this report, in particular the entry into force of Decree-Law No 153/2003 and Decree-Law No 85/2005, imposed technical and economic requirements on companies operating in the waste oils management sector, and as soon as these companies were unable to meet these new environmental requirements they were closed down.

**UK:** The traditional users of "recovered fuel oil" (which is derived from waste oil) in the UK, prior to the full implementation of the Waste Incineration Directive (WID), were roadstone coating plant and power stations (used as start up fuel). The full implementation of the WID has meant that the power stations have ceased using RFO as fuel. Some roadstone plants have continued to use processed waste oil as fuel, but this outlet may reduce its role depending on the decision of the competent authority in England and Wales as to when processed waste oil ceases to be waste before being burned. Some waste oil is used as a reductant in steel plants.

**Resumé:** Portugal mentioned the stricter legal requirements and standards as the reasons why enterprises have problems carrying out waste incinerations of waste oils.

UK has alluded to the Waste Incineration Directive as limiting the incineration of waste oils in the "traditional" installations, such as roadstone coating plants and power stations. Also the "end of waste" criteria are not clear with regard to waste oil to be incinerated. Lithuania's answer rather seems to be an explanation of why combustion is done than an answer to the question whether certain constraints affect the feasibility of the combustion of waste oils.

### **3.3 Measures taken in case technical constraints prevent the regeneration or combustion of waste oils**

The answer was relevant for Finland, Italy, Latvia, Portugal, Romania, Spain, UK.

**Finland:** refers to former reports.

**Italy:** Where technical, economic and organisational constraints prevent regeneration and constraints related to the nature of the waste oil collected prevent combustion, as an alternative safe destruction or permanent storage or tipping may be used in accordance with Ministerial Decrees No. 392/96 and 124/00.

**Latvia:** Requirements regarding the safe destruction of waste oils, their controlled storage or stocking are set out in Cabinet Regulation No 529 of 18 December 2001 "on the management of certain types of hazardous waste", as well as Cabinet Regulation No 323 "on the requirements regarding the incineration of waste and regarding the operation of waste incineration plants" and Cabinet Regulation No 319 of 23 July 2002 "on the procedure governing the recording, identification, storage, packaging, labelling of hazardous wastes and their transport records".

**Portugal:** The requirements mentioned above did not make it completely impossible to burn waste oils in Portugal, since there was still a company operating that was licensed to do this.

It should also be noted that, in addition to combustion, and as regards recovery, generated waste oils may be sent for recycling within Portugal.

**Romania:** At present, in Romania, there are no plants for regeneration of waste oils. For this reason, co-incineration of waste oils is more efficient. Governmental Decision 235/2007 regarding waste oils management lays down requirements ensuring disposal of waste oils under environmentally acceptable conditions or storage/tipping under control. Significant penalties are applied in case of non-compliance are also provided. The National Environmental Guard is the institution responsible for inspection and control.

**Spain:** All waste oils collected have been regenerated, recycled or incinerated with energy recovery in authorised installations.

**UK:** Use of waste oil as a reductant in steel plant is permitted. Clarity on when processed waste oil ceases to be waste before being used as fuel is being provided by the competent authority in England and Wales, following a legal case in the UK Court of Appeal.

**Resumé:** The measures in general consist in laying down requirements for the safe disposal or storage of waste oils that are not destined for regeneration or incineration. There are no measures targeted at creating capacities for the regeneration or incineration of the waste oils.

Romania seems to consider the absence of plants for regenerations of waste oil as a constraint in the sense of Art. 3(1) and, in addition to favouring co-incineration, foresees certain requirements for the disposal of waste oils. Italy and Latvia refer to their respective laws laying down requirements for waste oil disposal. The UK permits the use of waste oil as a reductant in steel plants as a way of recovery.

### 3.4 Public information and promotional campaigns

Art. 5(1): Where necessary in order to achieve the objective of this Directive and without prejudice to the provisions of Article 2, MS shall carry out public information and promotional campaigns to ensure that waste oils are stored appropriately and collected as far as possible.

Have any public information and promotional campaigns, pursuant to Article 5 (1), been carried out?

Yes	No
Austria	Belgium (Flemish Region)
Belgium (Wallonia and Brussels)	Denmark
Bulgaria	Hungary
Czech Republic	Ireland
Estonia	Latvia
Finland, France	

Germany	
Greece	
Italy	
Lithuania	
Luxembourg	
Netherlands	
Portugal	
Romania	
Slovakia	
Slovenia	
Spain	
Sweden	
UK	

If the answer to (a) above is 'Yes', please provide details of national campaigns and where possible give examples of other campaigns, indicating among others the authority which launched the campaign, the nature of the campaign, the media (TV, radio, newspapers, etc.), the target groups, and any assessment of the effectiveness of the campaign, if this has been carried out (it can be expressed in terms of any increase of waste oil collection for treatment or regeneration).

**Austria:** The Austrian Waste Management Law 2002 includes specific obligations of sellers of motor oil to inform consumers buying oil how to handle motor oil – as product as well as waste. The federal and the regional (“Länder”) - level provides information. The obligations of collectors and operators of treatment plants are subject to specific information sheets.

**Belgium (Wallonia):** There was no specific campaign for waste oils but a general awareness raising campaign for waste management specifically targeted at household waste.

**Belgium (Brussels):** Information was produced about waste oil targeted at car repair shops (“garages”).

**Bulgaria:** Information brochures have been published with a print run of 5000 copies on the management of hazardous waste, including waste oils, in the framework of Bulgaria's Communication Strategy. They have been distributed to municipalities and to various institutions, schools, industrial enterprises, and non-governmental organizations. Six volumes containing environmental law data have been published with a print run of 2000 copies and 1000 magnetic disks. One of them concerns waste management law and has been

distributed to the regional offices of the Ministry of Environment and Water, to branch organizations, and to various institutions and businesses.

Recovery organizations and persons responsible on an individual basis which place oils on the market are obliged to carry out information campaigns. In this connection information brochures have been prepared and data are published at regular intervals. These are targeted at end users of oil so as to familiarise them with their role in the process of environmentally sound management of waste oils.

**Czech Republic:** The producers and the importers of the oil shall in accordance with the section 38 (art. 5) of the Act on waste provide through the distributors the information to the consumers on take back of the end of life oils.

**Estonia:** Larger municipalities organise waste oil collection campaigns among citizens once or twice a year. Citizens are informed of such campaigns via the media.

**Finland:** Waste management companies arrange regional hazardous waste collection campaigns once or twice a year. Information and guidance about hazardous waste is given in these occasions. JLY-Finnish Solid Waste Association has special hazardous waste web-sites giving the possibility to search location of the nearest hazardous waste collection point. Ekokem Oy Ab (the national hazardous waste treatment facility) has for instance taken up the following activities: campaigns for municipalities to promote the collection of lubricating oils - exhibitions - in professional papers there were numerous articles about sorting oils - information on the internet on management of hazardous waste, including waste oils - Ekokem organizes training occasions and lectures, in which the employees of companies, municipalities etc. can participate.

**France:** A national campaign has been run targeted to co-operation with automotive associations and the sector "used oils". This campaign was intended to raise awareness among the holders of waste oils to preserve their quality and to hand them over to waste collectors. In 2004, this campaign was targeted to automotive professionals. In 2005 this campaign was targeted at private persons who change oil themselves and in 2006 at professional mechanics and BTP (*short for: Batiment et Travaux Publics, A. Neubauer, Ecologic*).

**Germany:** The Kreislaufwirtschafts- und Abfallgesetz 1994 in §§ 38 and 39 obligates the public authorities having discretion over waste management and economic institutions involved in waste management to inform and advise regarding the options to prevent, recover and dispose of waste. The competent authorities of the Länder inform the public about the status quo (rates) of prevention and recovery as well as the organisation of waste disposal. The environmental authorities of Länder and municipalities in addition inform the citizens via press releases and periodical pieces of information about the environmentally sound disposal of waste oil, the obligation of oil sellers to take back motor and gear oil and about waste oil collection points.

**Greece:** The Hellenic Ministry of Environment, Physical Planning and Public Works has created a special web-page for recycling matters. One of the matters presented there is the management of waste oils. In the web-site, the users can find information concerning legislation (European and Greek), information about the certified collective system for the alternative management of waste oils etc. The user can also have a direct link to the web-page of the certified system in order to have more detailed information. Moreover, the web-page presents and promotes all the workshops and conferences that the Ministry organises, concerning recycling, addressed to all the relevant economic operators, local authorities, other public authorities and citizens.

Moreover, ELTEPE, the certified collective system for the alternative management of waste oils, participates in workshops and conferences, publishes articles in newspapers and magazines, creates DVDs and promotes advertisements.

**Italy:** Undertakings that market oils or base lubricants must create suitable advertising space to make customers aware of the need for the proper collection or disposal of waste oils. In addition, the Consorzio obbligatorio degli oli usati (mandatory consortium for waste oils) raises public awareness of the issue of the collection and disposal of waste oils.

**Lithuania:** Municipalities inform the population about the injury done to human health and the environment by improper management of domestic hazardous waste, the requirements for the safe collection and management of such waste, and about the collection sites for domestic hazardous waste and other wastes.

Producers and importers of oils are required to inform the public about the available waste oils management systems and the injury done to human health and the environment by improper management of waste oils. To implement those provisions, producers and importers of oils, also enterprises collecting and managing such waste provide information to the public on the safe collection of waste oils and their management through booklets, folders and announcements in the press.

Measure 3.3 of the State Hazardous Waste Management Programme for 2006–2008 approved by Government Resolution No 19 of 11 January 2006 (Official Gazette 2006, No 5-145) requires the Ministry of Economy, the Ministry of the Environment, County Governors' administrations and municipalities to advertise cases of good hazardous waste management in the press and to organise special TV programmes on the management of hazardous waste.

**Luxembourg:** The Ministry of Environment has initiated two actions for the collection of problematic waste. These two actions are "Super Drecks Kescht fir Biirger" for private persons and "Super DrecksKescht fir Betriber" for enterprises. Different campaigns in print media, exhibitions and on the web site were done. See: [www.sdk.lu](http://www.sdk.lu)

**Netherlands:** Various campaigns have been carried out for households at local and national level, involving the collection of "small chemical waste" (which includes waste oil from households).

**Poland:** Polish law requires recovery organizations, i.e. commercial enterprises which organize the collection and subsequent recovery and recycling of, i.a. waste oils, to conduct educational activities in the field of waste management. The activities conducted by the recovery organizations include:

- the publication of newsletters containing, besides details of the range of services offered, information on the proper handling of waste oil, including the proper classification of waste oils according to the waste catalogue, and a description of the state of the law in this area;
- the organization of conferences, meetings with young people and competitions for children.

The above activities are conducted on a regional basis, according to the operating area of the recovery organization concerned.

**Portugal:** With a view to ensuring appropriate coordination between the actions of the various participants involved in the lifecycle of oils, an integrated waste oils management system (SIGOU) was set up, run by the management body SOGILUB. The body has run the following promoting campaigns/events:

- Organisation of an event to present the integrated waste oils management system, which was held at the Lisbon Conference Centre on 4 October 2005 with the aim of familiarising all those involved in the lifecycle of waste oils with the integrated system.
- An awareness-raising campaign was launched targeting all producers of waste oils belonging to the integrated system, supported by individual visits to all the companies belonging to the system.
- The ECOLUB certificate which is a key component of the campaign, will be able to prove that the waste-oil producer is a member of the integrated system and is complying scrupulously with its rules. At the same time, the certificate will serve as a reward, not only for the company's managers and partners but also for its clients/consumers.
- Internet portal, which provides the best means of communicating and disseminating the message to the bodies dealing with waste oils and to the general public.

**Romania:** Project PHARE/2004/016-772.03.03/04.02- Education and information campaigns on waste management issues is on-going (Ministry of Environment and Sustainable Development). The project started in December 2006 and is scheduled to be finalized at the end of February 2008 and is dealing with the following waste types: waste oil, used tires, used batteries (automotive and portable), packaging waste, bulky waste and hazardous wastes from households.

**Slovakia:** The Recycling Fund has been established to promote the collection and recovery of waste and it provides publicity and public information on its activities through its press section every month in the form of a TV broadcast. Each part of the broadcast is focused on publicising the activities of a different sector of the Recycling Fund, one of the sectors being the waste oils sector. The Recycling Fund is a non-governmental special-purpose fund which brings together financial resources to promote the collection, recovery and processing of individual commodities in the context of waste management.

**Slovenia:** 1. the Environmental Agency of the Republic of Slovenia of the Ministry of the Environment and Spatial Planning extracts data from its databases on the collection, processing and disposal of waste oils for each individual year and publishes them in the report entitled Analysis of Annual Reports on Waste Oils in the Republic of Slovenia - management of waste oils (one for each calendar year): <http://www.arso.gov.si/varstvo%20okolja/odpadki/poro%c4%8dila%20in%20publikacije/>.

2. the Environmental Agency issues a brochure for certain calendar years entitled Environmental Indicators (one for each year). The brochure is printed in booklet form and is distributed to the public and, for educational purposes, to establishments of education and other State bodies as well as to members of the public who are interested in the state of the environment. The brochure also provides data on the management of waste oils, which are taken from the above-mentioned reports entitled "Analysis of annual reports on waste oils".

**Spain:** At national level, TV, radio and newspaper campaigns. The same campaigns at regional level, as well as the production and distribution of leaflets and other publications. Specific campaigns are also being carried out with cooperation from the relevant sectors and their associations.

**Sweden:** Local campaigns have been carried out for collecting hazardous waste from households, including waste oil.

**UK:** The Oil Care Campaign is part of an initiative to reduce oil pollution. The campaign aims to raise awareness of the problems of oil pollution and how it can be prevented through careful handling and storage, and through increased recovery and recycling. The campaign promotes the following initiatives. The Oil Bank Helpline (toll free) assists the public to find the location of their nearest oil recycling bank. The Emergency Hotline (toll free), helps the public to report pollution incidents. The Oil Care Code is a simple guide for domestic and commercial users to prevent oil pollution

**Resumé:** The MS have reported two approaches to run campaigns: In some countries, municipalities/public authorities are charged to deliver these campaigns, in other countries the producers/importers of waste oils or collective systems charged with the management of waste oils have to inform the public. Not all MS report **who** has the discretion over the design and the running of the campaigns. Some MS employ both approaches (e.g. Greece, Lithuania, in part Spain).

Not all MS have produced specific information material on waste oil independent of other more general information on waste in general, which might hamper the messages to get through to their targets. There is specific information targeted at households in some MS (Netherlands, Sweden). An extra info line has been established in the UK.

**3.5 Allocation of waste oils to a certain kind of processing**

**Art. 5(3) reads: To achieve the objectives defined in Articles 2 and 4, MS may decide to allocate the waste oils to any of the types of processing set out in Article 3.**

Has it been decided to allocate the waste oils to any of the types of processing set out in Article 3, as provided for in Article 5(3)?

The following table shows the answers of the respondents:

<b>Yes</b>	<b>No</b>
Bulgaria	Austria
Denmark	Belgium (all regions),
Estonia	Czech Republic
Finland	Hungary
France	Ireland
Germany	Latvia
Greece	Lithuania
Italy	Netherlands

Luxembourg,	Portugal
Poland	Romania
Slovenia	Slovakia
Spain	UK
Sweden	

A very “balanced” picture emerges from the reports from the MS.

The respondents responding “yes” were asked to give further details on the nature of the treatment.

**Bulgaria:** Under the Regulation on requirements for the treatment and transportation of waste oils and waste oil products, priority is given to recovery through regeneration, where the technical, economic and organizational conditions permit so. Waste oils which cannot be regenerated are incinerated with energy recovery.

**Denmark:** Statutory Order no. 1634 of 13 December 2006 on waste and an agreement with the private organisation "Miljøpuljen" established by the importers of lubricating and industrial oil.

**Estonia:** Waste oils are incinerated in cement kilns to obtain heat energy. Checks are made to ensure that incineration residues are disposed of according to the requirements of Directive 2000/76/EC on waste incineration, and sewage sludge, non-hazardous industrial waste

**Finland:** See the report for the period 1995-1997.

**France:** The types of treatment are in conformity with the Directive be it regeneration or incineration. The Environmental Code of France stipulates in its Article L.541-38 that the only way of use of waste oils are regeneration and industrial use as fuel.

**Germany:** The Waste Oil Ordinance (Altölverordnung) came into effect in the year 2002. This piece of legislation privileges the regeneration of waste oils to base oil over other treatment methods provided no technical or economic (including organizational) constraints impede this. The surveillance of the recovery installations according to the Bundes-Immissionsschutzgesetz and annexed legislation (ordinances, technical rules) ensures that the treatment processes do not do unnecessary harm to humans or the environment.

**Greece:** Greece applies the process of waste oils by regeneration. Where waste oils cannot be regenerated, the legislation ensures that the combustion of waste oils can be carried out under environmentally acceptable conditions. During 2004-2006 all the collected quantities of waste oils were led to regeneration. The process of waste oils by regeneration is applied by the following methods: 1. Method of catalytic hydrogenation and 2. Regeneration with distillation and chemical treatment.

**Italy:** Priority is given to the regeneration of waste oils. Where technical, economic or administrative constraints prevent this, combustion is employed. Where these two options are not practicable due to the nature of the waste oil collected, safe destruction or permanent storage or tipping may be used.

**Luxembourg:** In regard to the waste management law of 17th June 1994 material recycling has to be done in first order.

**Poland:** The assignment of waste oils to a specific recovery or disposal process is governed by the Decree of the Minister for the Economy and Labour of 4 August 2004 setting out in detail the method for handling waste oils. The method assignment follow specific criteria.<sup>4</sup>

**Slovenia:** The Operational Programme for Management of Waste Oils for the period 2003-2006 contains the policy guideline that when a good system for the collection of waste oils is set up, a system should also be set up for the re-use of waste oils; re-use includes regeneration of waste oils and co-incineration - utilisation of waste oils as a source of energy by means of procedure R1. Re-use has priority over disposal if the conditions of the currently applicable regulations on handling waste oils are met, if the technical capacity exists for this and if the costs of re-use are not unreasonably high in comparison with the costs of the disposal of such oils.

**Spain:** Regeneration, recycling and energy recovery including both heat and electricity.

**Sweden:** Regeneration (Article 3.1) is the prioritised process according to the Swedish national legislation.

**Resumé:** Most of the MS have taken **general** legal measures to assign the waste oils to a specific processing method, in the most cases opting to privilege *in general* waste oil regeneration over co-incineration and disposal. Thus, simply the system of the directive is reproduced without further providing criteria on which any “assignment” is based on (exception: Poland).

Estonia resorts to the incineration of waste oils as a general method. France and Spain seem to treat regeneration and energy recovery as equally good treatment methods.

### 3.6 Appropriate checks (Art. 5(3))

If the answer to the question above about allocation of waste oil is ‘Yes’, please state whether appropriate checks have been instituted and, if so, briefly describe them.

**Bulgaria:** Facilities which use waste oils have permits under Article 37 of the Waste Management Act (WMA) or an integrated permit. The permits are issued after on-site verification by the competent authority or its authorised representative, after inspection of the equipment and installations used for recovery operations. The WMA provides that the competent authority or duly authorised official shall carry out checks for compliance with the conditions set out in the permits for waste treatment activities and waste management programmes.

The WMA stipulates that the competent authorities must, at least once annually, inspect entities which place oils on the market to see that they meet the targets for the collection and transfer of waste oils for recovery purposes via individual systems and recovery organizations, in connection with implementing the measures set out in their programmes.

**Denmark:** no response

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<sup>4</sup> These criteria are not reproduced in this report.

**Finland:** See the report for the period 1995-1997.

**France:** The establishments treating used oils are subject to a public authorization by the prefect. In order to be allowed to carry out the treatment of waste oils, they need also to be licensed by the prefects. The issuing of this license is conditioned by the respect of the juridical, financial and technical conditions foreseen by the "cahier des charges annexé à l'arrêté du 28 janvier 1999 relatif aux conditions d'élimination des huiles usages". The compliance is controlled by the authorities (DRIRE).

**Germany:** The authority to whose surveillance the waste treatment installation is subject controls compliance with the privilege of regeneration. The authority has discretion in enforcing this provision. The authority can make use of the copies of the „records of proper waste management“ (Entsorgungsnachweise) and can issue concrete orders according to § 21 of the German Waste Law (KrW/Abfallgesetz).

**Greece:** Checks to the regeneration plants have been instituted. The competent authorities of the Ministry of Environment, Physical Planning and Public Works, the Environmental Inspectors and the competent authorities of Municipalities and Prefectures in order to examine if the conditions of authorization are fulfilled visit the plants and make the appropriate checks. Moreover, the competent office of the Ministry of Environment for the alternative management of used oils makes checks to the certified collective system concerning its co-operation with authorized treatment plants.

**Italy:** The sampling and analysis methods provided for in Articles 3 and 5 of Ministerial Decree No 392/96 are used to verify the suitability of the different types of treatment.

**Luxembourg:** Each enterprise asking for its permit has to introduce a waste management plan. Main controls in these plans are done on: destination of waste oils. As Luxembourg has no recycling facilities for waste oils, all waste oils are exported for treatment. Controls are done in the context of the waste shipment regulation 1013/2006 EC.

**Poland:** Waste-management plants (including plants handling waste oils) are subject to routine checks and intervention by the Environmental Protection Inspectorate. By way of example, in 2006, 3 559 facilities were inspected to assess whether waste, including hazardous waste, was being managed correctly. However, since 2004 there has been no separate round of checks exclusively focusing on waste oils.

**Slovenia:** Monitoring of the implementation of the Rules on Waste Oil Management is carried out by inspectors responsible for environment protection. The reports of the collectors of waste oils who subsequently pass on the waste oils for processing (for energy use - co-incineration by the R1 procedure) or disposal show the quantity of waste oils that was processed for energy and the quantity that was disposed of.

**Spain:** Yes, the checks established in the Order of 28 February 1989 regulating the disposal of waste oils and the Order of 13 June 1990 amending it, until the entry into force of Royal Decree No 679/2006 of 3 June 1976, all notified to the Commission.

**Sweden:** There is no Swedish waste oil regeneration facility which means that all transports can be followed according to the transport control regulation.

<p><b>Resumé:</b> Member States in general have responded that they use regular controls and inspections to check the establishments' compliance with permit conditions.</p>
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The answers do not so much concentrate on checking whether the waste oils assigned to a specific treatment method really follow this treatment method but report on the checks of compliance with waste law and permits in general.

### **3.7 Control that all appropriate environmental and protection measures have been taken (Art. 6(2))**

Art. 6(2) reads: "Without prejudice to the requirements laid down by national and Community provisions with a purpose other than that of this Directive, a permit may be granted to undertakings which regenerate waste oils or use waste oils as fuels only where the competent authority has satisfied itself that all appropriate environmental and health protection measures have been taken, including use of best technology available, where the cost is not excessive.

**Austria:** referred to the following actions: 1.) expert controls in the course of permitting procedures; 2.) The authorities are obligated to carry out regular inspections. Controls and inspections focus on whether the establishments have complied with the conditions as laid down in the permits.

**Belgium (Brussels):** not applicable in Bruxelles.

**Belgium (Flemish Region):** On the basis of the application for an environmental permit, the competent authority is able to check whether all appropriate measures have been taken to protect health and the environment (the requirements are laid down in Vlarem II). Where necessary, inspections are carried out on the spot.

**Belgium (Wallonia):** By a permitting procedure laying down requirements and by controls of compliance.

**Bulgaria:** Persons responsible for the collection, temporary storage, transportation, recovery and / or disposal of waste oils and waste oil products must have an authorisation under Article 37 WMA or an integrated permit issued under Chapter 7, Section II of the Environmental Protection Act (EPA).

**Czech Republic:** The competent authority (Regional body) gives a permission for the waste oil management and lays down the management requirements (including BATs).

**Denmark:** Inspection made by the region that issues the permit.

**Estonia:** The regeneration and incineration of waste oils is carried out on the basis of waste permits issued by the Regional Environment Services of the Ministry of Environment, which lay down operational and monitoring requirements. Waste oil treatment is carried out by companies holding a hazardous waste treatment licence issued by the Ministry of Environment.

**Finland:** See the report for the period 2001-2003.

**France:** The establishments disposing of waste oils must be authorised by the prefect (local authority). In addition, they need a licence by the prefects. Regular controls are carried out by the authorities (DRIRE). In the case of non-compliance with the legal requirements, the licence can be withdrawn or suspended.

**Germany:** Installations which reprocess or incinerate waste oil are subject to a permitting procedure according to § 10 Bundes-Immissionsschutzgesetz (BImSchG) in connection with § 5 BImSchG. Specific details concerning the permitting procedures are laid down in the 9. Verordnung (9. BImSchV) zur Durchführung des BImSchG. The permitting procedure includes the inspections of measures according to the state of the art („Stand der Technik“) avoiding emissions that have negative impacts on humans, animals, vegetation, soil, water, the atmosphere or cultural and other goods.

The production of plans for the prevention, recovery and disposal of waste is also controlled. The installations have to comply with emission limits as laid down in the Technischen Anleitung zur Reinhaltung der Luft or the 17. BImSchV. This is controlled by the competent Länder authorities.

**Greece:** The documents of authorization of regeneration plants include all the relevant prerequisites that must be fulfilled concerning the protection of environment and health. The checks which are carried out indicate whether these prerequisites are fulfilled or not and accordingly the competent authorities take the relevant measures.

**Hungary:** The environmental protection authority's permission is required for the treatment of hazardous waste. In waste management issues, unless otherwise provided for in an Act or governmental decree, the inspectorate for environmental protection shall exercise the jurisdiction of the authority of first instance.

The environmental protection authority shall restrict, suspend or prohibit any activities bound to an official permit but carried out in a manner deviating from the permit or without a permit, and any waste management activities harmful or seriously hazardous to the environment. The ruling shall be declared as enforced with immediate effect, regardless of legal remedy.

**Ireland:** The undertakings in question are subject to waste licensing under Part 5 of the Waste Management Act, 1996 (as amended). There is a stringent licensing regime in place, in accordance with section 40 of the Waste management Act, 1996 (as amended) and the Waste Management (Licensing) Regulations, 2004

**Italy:** The authority that issued the permit for the disposal of waste oil is authorised to carry out inspections and checks and take samples on the premises and at the installations of the undertaking, in particular to verify fulfilment of the conditions of issue of the permit.

**Latvia:** A licence is needed for the collection, transport, storage and handling of waste oils, this being issued by the State Environment Service's regional environment boards in accordance with Cabinet Regulation No 413 of 23 May 2006 "on the procedure governing the issue, extension, review and revoking of waste management licences".

Prior to the issue of a licence, an expert from the regional environment board visits the site where operations involving waste – including waste oils – are to be carried out. The waste management licences that are issued set out the requirements governing the execution of the operations in question. Inspectors from the regional environment boards regularly check compliance with the conditions set out in the licences.

**Lithuania:** 1. When submitting an application to the competent authority for a permit, the operator submits the following information: general information on the operator, description of the activities and their location on the territory, technologies applied, pollutants discharged into air, waters and soil subject to limit values, assignment or non-assignment of the operator's facilities to potentially hazardous facilities pursuant to the Law on the Control of Potentially Hazardous Facilities (Official Gazette 1996, No 46-1116; 2000, No 89-2742), the

working hours of the facility by indicating week days and the working hours in the daytime and at night. Operators of facilities emitting greenhouse gases covered according to the established procedure by the system of tradable pollution permits must submit a non-technical description summary of their activities and facilities.

2. The operator submits a plan for the conservation of natural resources, reduction of waste and measures for their implementation. The plan must provide for measures for natural resources and energy conservation and waste reduction. Operators who have implemented an environmental management system pursuant to the LST EN ISO 14001:2005 standard or an environmental management system meeting the requirements of Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) are not required to submit a plan for the conservation of natural resources and reduction of waste.

3. The information mentioned above is examined first of all by the environmental protection inspector of the undertaking. For each facility of the undertaking, the inspector has a separate file containing all the reports and certificates on the conducted inspections of the undertaking. Having examined the application, the inspector forwards it to the competent authority together with his/her comments on the quality of the application and the requirements for permits.

4. When the competent authority receives those comments and evaluations, it obtains reasonable assurance that all the environmental and health protection measures (provided for under Article 6(2) of the Directive) have really been taken.

**Luxembourg:** Permits are requested in the context of: a) Waste management law of 17th June 1994 (art. 10); b) Grand-Ducal regulation of 30th November 1989 on waste oils (art. 6) and c) law of 10th June 1999 on classified establishments. Permits do fix the technical and organisational conditions to run the facility.

**Netherlands:** Permits are granted and monitored by the provincial authorities. The permit involves conditions for the protection of health and the environment. Permit holders are monitored by the province in which the establishment is based.

**Poland:** Permits are not issued if the planned waste-management method (1) is incompatible with the provisions governing waste; (2) poses a potential threat to life, health or the environment; (3) is incompatible with waste-management plans. Furthermore, in the case of the thermal conversion of waste, the competent authority will refuse to issue a permit if the director of the waste incineration plant or co-incineration plant does not hold a certificate attesting to a waste-management qualification. Further reference is given in the Polish report to the need to obtain integrated permits according to the IPPC Directive in specific cases.

**Portugal:** refers to the previous report with changes to the permitting requirements.

In order to ensure the appropriate coordination between the actions of the various participants involved in the lifecycle of oils, an integrated waste oils management system was set up (SIGOU), run by the management body SOGILUB through the licence granted to it by Joint Order No 662/2005 of 6 September 2005 of the Ministry of the Economy and Innovation and the Ministry of the Environment, Regional Planning and Regional Development.

Decree-Law No 178/2006 of 5 September 2006 sets out the new arrangements for managing information on waste. This system aims to make available electronically a uniform

mechanism for recording and accessing data on all kinds of waste, replacing the old systems and registration maps.

**Romania:** In the environmental permit special conditions are stipulated to ensure that all the requirements regarding environmental protection are accomplished, according to the legislation in force.

**Slovakia:** The Ministry of the Environment, in the context of granting authorisations, conducts site inspections of the establishments of firms applying for authorisation. If the establishment concerned has a capacity of over 10 tonnes per day, an IPPC permit is required for the management of waste oils.

**Slovenia:** For each waste processing or disposal procedure an environmental permit is required in accordance with the Environmental Protection Act (Official Gazette of the Republic of Slovenia No 39/06-ZVO-1-UPB1 (official consolidated version No 1)).

**Spain:** As the competent authorities, the regional authorities (NUTS 2) check and ensure before issuing permits that the undertakings have implemented the measures established in Article 8 of the Order of 28 February 1989, the Order of 13 June 1990 amending it and Royal Decree No 679/2006 regulating the disposal of waste oils, already notified to the Commission

**Sweden:** The activities require permits and must follow the provisions of the permit, the Swedish ordinances on waste oil, waste incineration, operator self-supervision and authority supervision.

**UK:** All plants for combustion of waste oil are prescribed under Pollution Prevention and Control Act 1999 and can only operate after an application for a permit has been made and determined. All permits must contain conditions to secure and appropriate level of control. For the larger combustion processes, this is by specification of the reclaimed fuel oil.

**Resumé:** Most respondents refer to their permitting procedures which shall make sure that all appropriate environmental and health protection measures are taken with regard to treating waste oils. Mostly it seems that the permitting requirements for waste oil treatment installations follow the general requirements of the national waste laws. Only Lithuania went into detail as regards the specific standards to be fulfilled before a permit is issued.

Some MS reported on the controls and inspections making sure that the permit conditions are complied with.

### 3.8 Limit values set for the substances

According to Article 8 (1) Member States shall ensure that the emission values for combustion plants with a thermal input of more than 3 MW (Annex) are being observed. Member States may at any time set more stringent limit values or set limit values for other substances and parameters.

### 3.8.1 Limit values for combustion plants with an input of more than 3 MW:

The following countries have reported limit values not different from the Directive: Belgium (Brussels), Belgium (Wallonia), Estonia, Greece, Ireland, Lithuania<sup>5</sup>, Poland<sup>6</sup>, Spain, Sweden<sup>7</sup>, UK.

Lower limits feature: Austria, Flemish Region, Italy, Czech Republic, Denmark, Finland, Germany, Latvia, Romania, Slovenia,

Luxemburg reported not to have national limit values:

The Netherlands said that the limit values were not applicable. Waste oil is not incinerated in the Netherlands as a separate waste stream. Waste oil is, however, incinerated as an inherent part of other waste streams, e.g. as pollutants on wiping cloths or as residual oil build-up in oil filters.

Portugal: The limit values applicable regarding the operation of a plant using waste oils as a fuel, so as to prevent a significant level of atmospheric pollution, in particular from emissions of specific substances, are laid down in Decree-Law No 85/2005 of 28 April 2005, which sets out the arrangements governing the incineration and co-incineration of waste, transposing into national law the Incineration Directive (Directive 2000/76/EC).

Slovakia has provided lists of limit values for waste co-incineration plants, including specific conditions to be met by the co-incineration of waste in fuel-burning boilers.

Sweden: Use of waste oil as a fuel falls under the directive on waste incineration and its often stricter provisions and special provisions in the permits according to the Environmental Code . Waste oil must not be used as a fuel in units smaller than 10 MW.

**Resumé:** Most MS have enacted specific emission limit values for waste oil. A few MS do not lay down emission limit values for waste oil treatment but apply the general emission limit values for the incineration / co-incineration of waste. Luxembourg said not to have any national limit values.

### 3.8.2 Limit values for combustion plants with an input of less than 3 MW

The following countries have reported such values: Austria, Estonia, Belgium (Flemish Region), Czech Republic, Germany, Hungary, Latvia, Lithuania, Slovenia<sup>8</sup>, UK.

The following countries have rated the necessity for such limit values as “not applicable”: Finland, Greece.

**Belgium (Brussels and Wallonia)** fix the limit values in the authorisation/permits.

**Sweden** prohibits the use of waste oil in such combustion plants.

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<sup>5</sup> Reported also limit values for dust, NO<sub>x</sub>.

<sup>6</sup> Reported also limit values for dust, NO<sub>x</sub>.

<sup>7</sup> See comments below.

<sup>8</sup> Only reported for dust.

**Portugal:** The limit values applicable regarding the operation of a plant using waste oils as a fuel, so as to prevent a significant level of atmospheric pollution, in particular from emissions of specific substances, are laid down in Decree-Law No 85/2005 of 28 April 2005, which sets out the arrangements governing the incineration and co-incineration of waste, transposing into national law the Incineration Directive (Directive 2000/76/EC).

**Spain:** The controls that apply to plants with a thermal input of less than 3 MW are laid down in a special authorisation issued by the competent authorities specifying the actual controls to be carried out on the undertaking concerned. The undertakings must also fulfil all the requirements of Royal Decree No 679/2006. The national legislation sets no limit values different to those established in the Directive.

### 3.9 Indemnities (Art. 14)

**According to Article 14 as a reciprocal concession for the obligation imposed on them by Member States, indemnities may be granted to collection and/or disposal undertakings for the service rendered.**

Bulgaria, Finland, France, Ireland, Italy, and Spain said that indemnities were granted.

**Bulgaria:** Persons who place oils on the market must create systems for the collection and transfer for recovery of waste oils, which ensure:

1. receipt of the waste oils by the end user instead of changing oil;
2. collection of the waste oils;
3. transfer of the collected waste oil to waste oil recovery and / or disposal facilities and installations.

Persons who place oils on the market are responsible for the recovery of not less than 40% of the resulting waste oils. This target is to be achieved in stages -- 15% for 2006, 20% for 2007, 40% after 2007. Persons who place oils on the market shall meet the targets through the creation of individual systems or via collective systems, represented by the recovery organization.

**Finland:** The average amount of the indemnities is about 1,5-2,5 million euros/year. The indemnities are paid on account of real costs, excluding e.g. sales revenues of pretreated oil. The indemnities paid in 2006 were only 2,56 million euros. Pursuant to Waste Oil Charge Act 894/1986 producers and importers of lubricating oils are obliged to pay the waste oil charge, which is 4,2 cents per kilogram (Section 4). The waste oil charge shall be paid on lubricating oils and greases classified under Customs Tariff items 2710 00 81 - 2710 00 98, 3403 19 10 - 3403 19 99 and 3403 99 10 - 3403 99 90. The waste oil charge shall also be paid on transformer and circuit breaker oils, cutting, cleansing and mould release oils and hydraulic oils included in the items referred above (Section 2). Funds accruing from the waste oil charge may be used for covering expenses arising from waste oil and its collection, transport, storage and treatment including regeneration. They may also be used to cover the expenses if on-land oil pollution and combating thereof (Waste Oil Charge Act 894/1986, Section 7). Detailed provisions on the use of funds are laid down in the Government Decision 1191/1997. The indemnities are granted by the Ministry of the Environment.

**France:** The French Agency for the Environmental and Energy (ADEME) grants an indemnity to licensed collectors of waste oils. The concrete extent of this indemnity is calculated on the base of the collection costs with regard to the respective preceding year

and the value of the collected oils. In the first semester 2007, the extent of the indemnity was 56,3 Euro/ton as opposed to 49,58 Euro/ton in the second semester.

**Ireland:** These indemnities apply to the treatment facility as opposed to the collection activity. It is a requirement of the waste licence to have an indemnity in place.

**Italy:** Indemnities are paid for collection to undertakings that are members of the “Consorti nazionali per la gestione, raccolta e trattamento degli oli minerali usati” (National Associations for the Handling, Collection and Treatment of Waste Mineral Oils). The indemnities are financed by means of a levy on sales of lubricating oils.

**Spain:** Indemnities of up to €42.08/tonne are granted for collection, transportation, storage, chemical analysis and/or pre-treatment. This is funded from the general State budget by way of an annual call for proposals, which is notified to the Commission every year. The call for proposals covers all disposal activities. The Orders on subsidies for the disposal of waste oils earmarked the following amounts: €9.63 million in 2004, €9.26 million in 2005 and €7.00 million in 2006 for oil disposed of between 1 January and 2 June inclusive of that year.

**Resumé:** The MS who answered that they had instituted a system of indemnities handle these indemnities in different ways. Spain says that the indemnities are paid from the general State budget, in Finland the Ministry of the Environment grants these indemnities obviously financed by specific charges on oil. Italy finances the indemnities via levies on the sale of lubricating oils.

Ireland says that indemnities only apply to the treatment facility whereas France and Italy only grant indemnities to collectors. Ireland has specified that it is a requirement of the waste licence to have an indemnity in place. In France ADEME grants the indemnity.

## **4 Résumé**

The following résumé and conclusions do not replicate all the detailed, article specific, conclusions drawn throughout the report with regard to the Member State compliance. This section aims to present the most important issues identified in the report and set out the priorities. For the more detailed article-related conclusions please refer to the preceding chapters.

### **4.1 Mode of reporting by the Member States**

#### **4.1.1 Failure of reporting**

Malta and Cyprus have failed to report. Due to the absence of the reports of these two countries, they could not be taken into account in this report.

#### **4.1.2 Gaps of reporting**

In general, the reporting of the MS was extensive and sufficient for the purposes of the report, the few gaps that were discovered have been discussed in the résumés of the different articles, in our opinion follow-up on information is only necessary in a few cases.

### **4.2 Implementation of the Directive and possible gaps**

#### **4.2.1 Privilege of regeneration and combustion over waste oil disposal (Art. 3)**

In general, MS practice regeneration of waste oil to varying extents. Some small MS have said not to have sufficient capacity for the treatment of waste oil inter alia due to the little quantities of waste oil collected. Therefore, they seem to direct this waste stream to co-incineration and - to a lesser extent - disposal procedures. Other small MS like Luxemburg export the waste oils for regeneration.

Given that the waste treatment hierarchy laid down in Article 3 is rather “soft” and very general “constraints” seem to be accepted by the directive’s scheme to allow deviation from this hierarchy, the approaches of those smaller MS who refer to the lacking capacities as a reason for privileging co-incineration do not appear to conflict with the Waste Oil Directive.

At any rate, the simply tipping (including permanent storage) is practiced relatively rarely for waste oil in comparison to municipal waste. Therefore, the environmental risks emanating from tipping of waste oils are limited by the quantity of tipping practiced.

#### **4.2.2 UK case law**

The UK has reported that the regeneration of waste oil is hampered by a judgment in the UK that raises doubts over when the waste oil reprocessed ceases to be waste. This issue is generally a serious issue which is suited to limit and discourage investment planning a lot, however the legal situation will soon change with the coming-into-effect of the new Waste Framework Directive.

### **4.2.3 Information campaigns**

The MS often reported that they informed consumers about waste oil management in connection and within the framework of their general waste policy information campaigns and activities. It is questionable whether information campaigns more specific to the requirements of waste oil collection/treatment would not be more efficient.

<b>Tonnes/year</b>	<b>Austria</b>			<b>Belgium Bruxelles</b>			<b>Belgium Flemish</b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	65.500,00	70.800,00	68.700,00						
<b>Total waste oils generated, of which:</b>	37.500,00	38.100,00	38.300,00						
<b>Quantity collected</b>									
<b>Quantity regenerated</b>	2.700,00	5.000,00	6.400,00	3.321,6	1.827,9	1.789,1			
<b>Quantity combusted</b>	34.600,00	31.000,00	30.000,00	1,3	9,4	1,0			
<b>Quantity tipped (including permanent storage)</b>	0,00	0,00	0,00	190,40	172,7	148,80			
<b>Comment</b>	x <sup>1</sup>								

<b>Tonnes/year</b>	<b>Belgium Wallonian Region</b>			<b>Bulgaria</b>			<b>Cyprus</b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	*	*	*			42.030,81			
<b>Total waste oils generated, of which:</b>	*	*	*			11.462,36			
<b>Quantity collected</b>	40.879,00	38.100,00	35.373,00			4.293,58			
<b>Quantity regenerated</b>	16.079,00	14.649,00	10.000,00			2.152,41			
<b>Quantity combusted</b>	77.702,00	77.960,00	69.000,00			1.100,00			
<b>Quantity tipped (including permanent storage)</b>	0,00	0,00	0,00			184.390,00			
<b>Comment</b>									

\* Information not available

<b>Tonnes/year</b>	<b>Czech Republic</b>			<b>Danemark</b>			<b>Estonia</b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	101.296,00	103.533,00	110.689,00	61.097,00	60.863,00	60.710,00			
<b>Total waste oils generated, of which:</b>	31.356,00	30.963,00	32.867,00	30.049,00	30.432,00	30.355,00	1.848,00	2.168,00	2.705,00
<b>Quantity collected</b>				13.643,00	14.216,00	14.110,00			
<b>Quantity regenerated</b>				10.629,00	11.232,00	11.705,00	348,00	459,00	435,00
<b>Quantity combusted</b>	9.046,00	9.308,00	4.953,00	3.014,00	2.983,00	2.405,00	1.173,00	1.349,00	1.960,00
<b>Quantity tipped (including permanent storage)</b>	5.561,00	6.140,00	6.227,00				0,00	0,00	0,00
<b>Comment</b>	except miscellaneous process oils, anti-corosion oils, white oils(medicinal/food grades)			50 % of sold amount Collected for regeneration			Waste codes 13 01, 13 02 and 13 03 have been taken into account, while bilge water has not.		

<b>Tonnes/year</b>	<b>Finland</b>			<b>France</b>			<b>Germany</b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	85.000,00	79.000,00		628.000,00	607.760,00	582.845,00			
<b>Total waste oils generated, of which:</b>	42.500,00	39.500,00		385.890,00	377.560,00	363.590,00	1.039.680,00	1.023.044,00	1.173.850,00
<b>Quantity collected</b>				337.778,00	325.965,00	306.962,00	462.746,00	462.445,00	486.333,00
<b>Quantity regenerated</b>	3.317,00	3.105,00		161.518,00	163.778,00	145.089,00	334.017,00	355.982,00	376.318,00
<b>Quantity combusted</b>	31.762,00	24.890,00		171.193,00	157.298,00	157.269,00	128.000,00	106.000,00	109.000,00
<b>Quantity tipped (including permanent storage)</b>	65,00	25,00					0,00	0,00	0,00

<p><b>Comment</b></p>	<p>Quantity collected is 35144 t/a (which is sum of the amounts of regenerated, combusted and tipped) in 2004 and 28020 t/a in 2005. The following codes of the amended list of wastes (Commission Decision 532/2000/EC) were included in compiling the statistics: 130101, 130109-130113, 130204-130208, 130301, 130306-130310, 130899, 120106, 120107, 120110, 120112, 120114, 200126. Combusted means D10 + R01 and regenerated is R09. Combustion is in most cases R01; however, some oily wastes of bad quality are also destructed. Regeneration refers to reuse of "bright" waste oils as lubricating oils e.g. in conveyors and chain saws.</p>		<p>Inlandsabsatz laut BAFA berechnet mit Rücklaufquoten stoffliche Verwertung entspr. BAFA Angaben der Verbände Kalk u. Zement</p>
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<b>Tonnes/year</b>	<b>Greece</b>			<b>Hungary</b>			<b>Ireland</b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	140.000,00	100.000,00	100.000,00	433.000,00	515.000,00	500.000,00			
<b>Total waste oils generated, of which:</b>	85.000,00	60.000,00	60.000,00	64.528,00	60.869,00	56.895,00	24.472,00		27.575,00
<b>Quantity collected</b>	34.330,00	29.950,00	36.040,00	10.154,00	15.611,00	19.482,00	24.472,00		27.575,00
<b>Quantity regenerated</b>	34.330,00	29.950,00		17.007,00	16.102,00	13.702,00			
<b>Quantity combusted</b>	0,00	0,00	0,00	6.605,00	2.054,00	2.412,00			
<b>Quantity tipped (including permanent storage)</b>				2.115,00	1.435,00	0,00			
<b>Comment</b>	Estimation All the collected quantity is led to regeneration (yeas 2004- 2006)			data for 2006 is preliminary data			24,472 Collected in 2004 Less than 24,472-2004 27,575-2006		

Tonnes/year	Italy			Latvia <sup>9</sup>			Lithuania <sup>10</sup>		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
<b>Year</b>									
<b>Total oil marketed/sold where available</b>	552.000,00	555.000,00	542.000,00	24.000,00	26.000,00	26.000,00		10.130,00	14.130,00
<b>Total waste oils generated, of which:</b>							14.669,00	6.520,00	8.292,00
<b>Quantity collected</b>	216.319,00	220.489,00	216.251,00	18.660,23	20.200,19	26.995,04	14.669,00	6.520,00	8.292,00
<b>Quantity regenerated</b>	165.789,00	166.270,00	172.614,00	1.162,52	6.751,93	4.759,60	0,00	0,00	0,00
<b>Quantity combusted</b>	49.745,00	45.110,00	35.371,00	16.829,52	10.811,63	6.323,63	1.630,00	5.569,00	4.208,00
<b>Quantity tipped (including permanent storage)</b>				2.530,31	2.459,08	6.490,75	1.442,00	346,00	285,00

<sup>9</sup> The exact amount of total waste oils cannot be calculated as the CSA's "Review No 3 – waste" does not include all waste oil indicators. Provisional figures suggest this might be close to the collected quantity. This table does not show water/oil emulsions or ballast water from ships' holds. The amount of waste oils collected for 2004 and 2005 has been taken from the overview of petroleum product waste, this being based on CSA "Review No 3 - waste". The amount for 2006 was obtained by adding the collected amounts together. The regenerated amount was obtained by adding the processed amounts given under code "R9 – Refining of petroleum products and oils or re-use of petroleum products and oils." Amount combusted – amounts landfilled and processed under the following codes are added together:

- D10 – Incineration on land;
- RI – Use of waste principally as fuel or in other form to obtain energy.

Stocked quantity - amounts accumulated in enterprises at year's end are added together.

<sup>10</sup> Regenerated quantity - Lithuania carries out recycling and reuse of oils, but it does not process oils by regeneration as defined in the Directive.

<b>Tonnes/year</b>	<b>Poland<sup>11</sup></b>			<b>Portugal<sup>12</sup></b>			<b>Romania<sup>13</sup></b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	211.500,00	196.800,00	185600,00*	109.000,00	105.000,00	92.239,00	Until now we have not collected information regarding the marketed quantities of mineral oils.		
<b>Total waste oils generated, of which:</b>	66.014,50	76.725,90	74240,00*	93.195,00	89.775,00	78.866,00		7.270,03	7.237,22
<b>Quantity collected</b>	66000,00*	76700,00*	74200,00*	54.500,00	52.500,00	28.722,00			
<b>Quantity regenerated</b>	54.124,70	56.042,40	52852,60*	0,00	0,00	3.396,00		0,00	0,00
<b>Quantity combusted</b>	706,00	1.927,70	311,60*	54.500,00	52.500,00	7.145,00		7.146,08	2.062,14
<b>Quantity tipped (including permanent storage)</b>	**	**	**	0,00	0,00	0,00		123,95	5.175,07

<sup>11</sup> \* estimates

\*\* Article 55(1)(1) of the Waste Act prohibits the storage of waste in liquid form.

<sup>12</sup> Source: SOGILUB report on 2006 activities. The figures for 2004 and 2005 are estimates, since the collection rate used for calculating these figures was 50%. The figures for 2006 are for the first year in which the integrated waste oils management system was used.

In addition to the amounts indicated in the table, it should be noted that, under the integrated waste oils management system (SIGOU), all the waste oils collected were pre-processed, with 13 120 tonnes sent for recycling.

Furthermore, we are looking into changing the amount of potentially generated waste oil applicable at national level, which, if it is changed, will have an effect on the collection rate.

<sup>13</sup> Information for 2004 is not available. From the total quantity of waste oils generated 7237,215 t, 2062,144t were coincinerated and rest (5175,071t) was recovered according to Article 12(2) of Governmental Decision 235/2007 regarding waste oils management, which provides "In case of economically and technical condition make unfeasible the regeneration of waste oils, the waste oils shall be recovered by coincineration and other recovery operation, wich are provided by Annex IIB, from Waste Management Law (Emergency Ordinance 78/2000, modified and approved by Law 426/2001, modified by Emergency Ordinance 61/2006, aproved by Law 27/2007)".

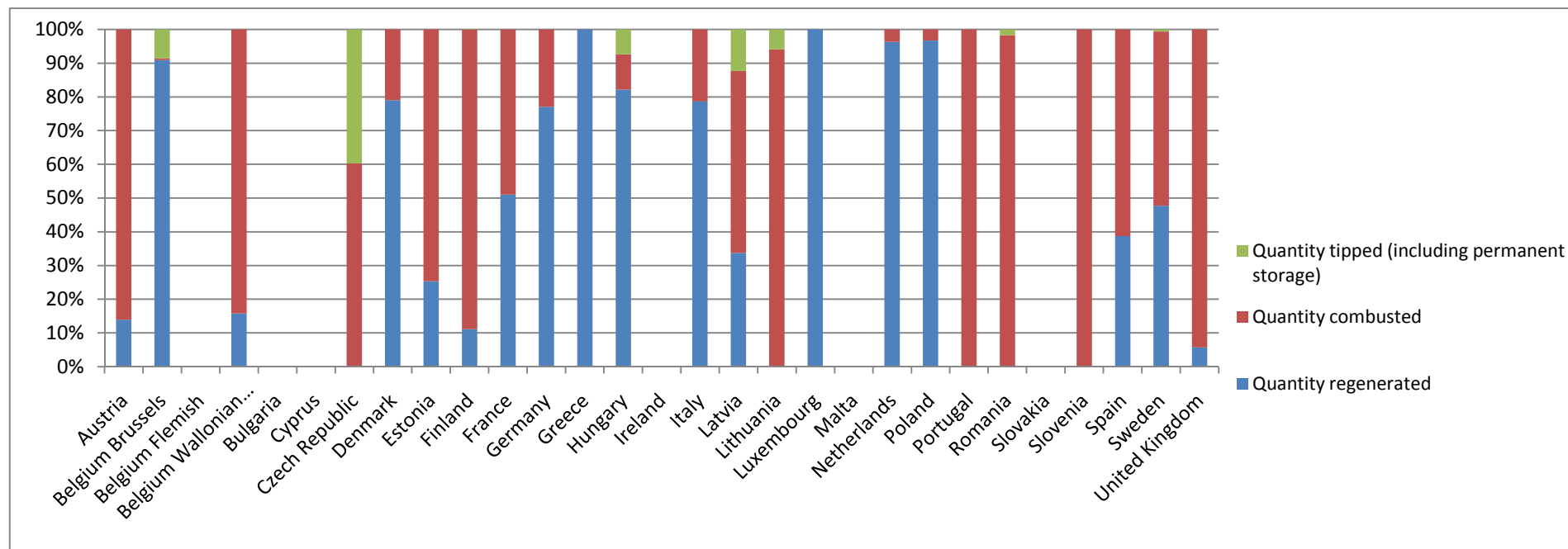
Tonnes/year	Slovakia			Slovenia			Spain		
Year	2004	2005	2006	2004	2005	2006	2004	2005	2006
Total oil marketed/sold where available							519.300,00	515.600,00	507.000,00
Total waste oils generated, of which:				4.217,26	4.953,27	3.895,76	207.720,00 - 228.492,00 (2)	206.240,00- 226.684,00 (2)	202.800,00- 223.080,00 (2)
Quantity collected				1.554,54	4.561,115	3.967,383	220.956,00	216.045,00	222.295,00
Quantity regenerated				0,00	0,00	0,00	126.574,00	141.683,00	145.364,00
Quantity combusted				3.826,352	4.352,091	3.499,98	212.890,00	224.160,00	239.658,00
Quantity tipped (including permanent storage)				0,00	0,00	0,00			
Comment	Very complicated layout, not reproduced here.			The quantity collected in 2006 was 3.967,383, but I cannot enter this value in the cell. The quantities combusted are: 3.826,352 for 2004 and 4.352,091 for 2005, but the system does not allow you to enter these values in the cells.			(2) As explained in Spain's reply to supplementary letter of formal notice 00/2220, Spain believes that the quantity of waste oil produced is less than 44% of the total amount of oil marketed and is closer to 40%. Arguments supporting the Spanish authorities' opinion were set out on pages 8 and 9 of their reply to the letter of formal notice. For this reason Spain maintains its position, believing that the conversion factor is most probably 40% but allowing a leeway of up to 44%, since the exact percentage varies from year to year and depends on the factors mentioned on page 8 of Spain's reply.		

<b>Tonnes/year</b>	<b>Sweden</b>			<b>UK</b>		
<b>Year</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Total oil marketed/sold where available</b>	166.815,00	175.962,00	172.829,00	914.361,00	750.012,00	659.663,00
<b>Total waste oils generated, of which:</b>	120.000,00*	120.000,00*	120.400,00*	502.899,00	412.507,00	362.815,00
<b>Quantity collected</b>			120.400,00			
<b>Quantity regenerated</b>	11.962,00	7.723,00	6.636,00	20.000,00	20.000,00	20.000,00
<b>Quantity combusted</b>	13.053,00	8.355,00	10.367,00	407.464,00	330.631,00	288.393,00
<b>Quantity tipped (including permanent storage)</b>	113	100*	100*			
<b>Comment</b>	<p>The table below contains barriers to filling in that could not be overcome. For this reason the table is delivered on a separate excel sheet.</p>			<p>Figure for waste oils generated is estimated from quantities marketed each year. Estimate of waste oil laundered - hydraulic and transformer oils. 2006 figure includes a proportion used as a non-fuel in steel making .</p>		

x <sup>1</sup> nicht lesbar

\* quantities estimated

## 5 Annex II: Production and treatment of waste oils



*Regeneration/Combustion/tipping of waste oils (data 2005) (of waste oil **treated**, does not necessarily cover 100% of waste oil collected)*

*Note: Some MS feature gaps between the waste oil treated according to the different treatment measures and all the waste oil collected (e.g. Austria, Denmark, Estonia, etc.). The treatment masses of waste oils in Hungary exceed the 100% of waste oil collected (?) Slovakia diverged very much from the categorization of the questionnaire, the data is thus not reproduced.*

Annex II: Authorities regarding waste oil collection

Member state	Austria	Belgium Flemish	Brussels	Belgium Wallonian Region	Bulgaria	Cyprus	Czech Republic	Danemark	Estonia
Number of authorities	N2=9	N1=2			1		N3=14	N4=273	N1=1
Permitting system established (yes/no)	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes
Waste oils only - Total No of undertakings registered/permited;		5	1	6			15	2	4
Waste oils and other waste Total No of undertakings registered/permited;	620	109	37	34	60		108		4
Comments							an estimate	2 undetakings collect wasteoil for regeneration. All municipalities collect oil for disposal (incinaration)	

Member state	Finland	France	Germany	Greece	Hungary
Number of authorities	N3=13	N3=100	N1=5 N2=19 N3=158		N0=1 N2=10
Permitting system established (yes/no)	Yes	Yes	Yes		Yes
Waste oils only - Total No of undertakings registered/permited;	10		N1:11 N2:43 N3:43		N0:1
Waste oils and other waste Total No of undertakings registered/permited;	20	43	N1:212 N2:688 N3:1340		N0:71 N2:5
Comments	Number of undertakings 'Waste oils and other waste' is an estimate.		Schät-zungen enthalten	GENERAL COMMENT: ELTEPE, the certified collective system for the alternative management of waste oils, which is gradually expanded to the whole country, is responsible for the organisation of the collection and transport of waste oils. For the collection and transport ELTEPE co-operates with environmentally authorized collectors-transporters.	

Member state	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands
Number of authorities	N3=10	N0=1 N2=21 N3=107	N0=1	N3=22	N0=1		State=1
Permitting system established (yes/no)	Yes	N2:Yes	Yes	Yes	Yes		Yes
Waste oils only - Total No of undertakings registered/permited;	N3:34	N2:5		4	4		6
Waste oils and other waste Total No of undertakings registered/permited;		N2:3267	35	34	38		31
Comments	34 local authority Civic amenity sites collect waste oil	N0:National Register of Environment Managers (held at the head office of the National Committee). Control activities: Carabinieri Environmental Protection Unit and police bodies. N2:Registration: the regional sections of the National Register of Environment Managers. Control activities: Regional Environmental Protection Agencies (ARPA) N3: Control activities: Provinces.			number of undertakings on 03/01/2008		

<b>Member state</b>	<b>Poland</b>	<b>Portugal</b>	<b>Romania</b>	<b>Slovakia</b>
<b>Number of authorities</b>	N2=16, N4=379	N1=6 N2=8	N2=8 N3=43	N1=2 N3=8 N4=46
<b>Permitting system established (yes/no)</b>	Yes	Yes	Yes	N1:no N3:no N4:yes
<b>Waste oils only - Total No of undertakings registered/permited;</b>	N2: 16, N4: 11	N1:21	N2:1 N3: 35	N4:26
<b>Waste oils and other waste Total No of undertakings registered/permited;</b>	N4: 398		N2:4 N3:35	N4:36

<p style="text-align: center;"><b>Comments</b></p>	<p>estimate</p>	<p>According to Ministerial Order 876/2004 regarding the permitting procedure of activities with environmental significant impact (NACE Code 9002).</p>	<p>N4: This is only an estimate based on authorisations issued for the collection of waste oils up to 2004, since district environmental offices do not send to the Slovak Environmental Agency (SAŽP), for the purposes of the Regional Waste Information System (RISO), data on permits that have been granted for the collection of waste oils. In 2004, an amendment to the Waste Act (No 223/2001 Coll.) repealed the provisions on the granting of authorisation by the Ministry for the collection of waste oils, though undertakings which collect waste oils must hold a valid permit for the operation of a waste oil collection facility.</p>
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Member state	Slovenia	Spain	Sweden	UK
Number of authorities	N2=1	N2=19	N1=26 N5=290	N1=4
Permitting system established (yes/no)	Yes	Yes	Yes	Yes
Waste oils only - Total No of undertakings registered/permited;	N2:1	N2:46	N1:4	
Waste oils and other waste Total No of undertakings registered/permited;	N2:8	N2:340	N1:1 N5:2500	N1:57000
Comments	Most enterprises that collect waste oils collect various forms of waste. In the case of enterprises that collect only waste oils, this is a supplementary activity because their main activity is trading in oils.		N1:Four treatment plants for waste oil and the central treatment plant for hazardous waste. There are five regional Environmental Courts and one Environmental Court of Appeal and a Supreme Court. In the 21 Counties Administrative boards there are also delegations for issuing environmental permits. N5: The estimated number of transport permits issued by the county administrations is 2000, the estimated number of intermediate storage permits for hazardous waste is 500. There are 290 municipalities whose local environmental and health authorities authorise small	Average per year for England and Wales only. The registration system for waste carriers in England and Wales includes those who collect waste oil, but does not limit carriers/collectors to carrying specific waste types.