

Waste (repeal. Directive 75/442/EEC). Codification

2003/0283(COD) - 20/11/2009 - Follow-up document

This report aims to inform the other Community institutions, the Member States and the public about the **implementation of the EU legislation on waste over the period 2004-2006**. It covers Directives 2006/12/EC on waste, 91/689/EC on hazardous waste, 75/439/EEC on waste oils, 86/278/EEC on sewage sludge, [94/62/EC on packaging and packaging waste](#), [1999/31/EC on the landfill of waste](#), [2002/96/EC on waste electrical and electronic equipment](#), and [2000/53/EC on end-of-life vehicles](#).

As regards the implementation of this Directive, the report recalls that Directive 2006/12/EC on waste (Waste Framework Directive, WFD) introduces a definition of waste, obliges Member States to establish adequate networks of waste disposal installations, introduces a waste management hierarchy promoting waste prevention over its recovery, with disposal as the last recourse.

The Directive obliges Member States to ensure that waste is recovered or disposed of without endangering human health and the environment, and prohibits the abandonment, dumping or uncontrolled disposal of waste. It requires Member States to draw up national waste management plans (WMP) and introduces an obligation to obtain a permit for waste handling.

Implementation: the report recalls that in **2009**, 11 cases for structural and wide-spread failure to address illegal waste dumping, 10 for bad application, 4 related to waste planning, and 3 on non-conformity of national laws with the directive were still pending in relation to the WFD.

All Member States confirmed having incorporated the Directive into their national law. The basic requirements to ensure the environmentally sound management of waste were implemented in all Member States, although there are still problems in some countries especially as regards the **creation of complete waste management infrastructures**. At the same time, there are huge differences in the implementation of the waste hierarchy and the use of waste as a resource.

The degree of recycling/recovery varies both for waste in general and in respect of different waste streams. The increase of the recycling and recovery rates over the past years was partly a result of the implementation of the requirements of the recycling directives and partly due to national waste management policies (in the latter case, for construction and demolition waste and bio-waste).

However, there are still **huge unused recycling potentials** leaving more than half of the existing resources embedded in waste completely unused.

The prevention policy up to now was not efficient, with limited and punctual actions taken by Member States but hardly any large-scale coherent policies in place. This might have been due to a limited focus on waste prevention in the old WFD, and should change when the requirements of the [revised Directive](#) in this respect enter into force.

General conclusions: whilst Community legislation is reasonably well transposed into national legislation, although sometimes with significant delays, the lack of adequate enforcement causes widespread failure in achieving the agreed environmental protection objectives in practice. The implementation and "real-world" application of waste legislation in the reporting period 2004-2006 remained unsatisfactory in many areas. As demonstrated by a large number of infringement cases, the state of practical implementation remains critical in respect of the Waste Framework Directive, the

Landfill Directive, and the Waste Shipment Regulation where coordinated efforts are required to bring the situation in line with the legislation.

In particular, it is advisable that, together with the Commission, Member States and The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) increase their actions to bridge the implementation gap of the Landfill Directive. Also in various Member States the results of the WEEE, Packaging and ELV directives remained below the agreed binding targets and numerous infringement cases continued to be open.

Even though progress was made in some Member States, huge implementation efforts need to be undertaken in many countries. **Some reported problems are particularly common in countries which joined the Community in 2004 where over 90% of waste continues to be landfilled.**

Efforts need to be stepped up in order to bring the waste management infrastructure in line with the requirements of the Community legislation, including:

- creating separate collection systems for different waste streams,
- education of citizens,
- investments in pre-treatment of waste before its final disposal.

These efforts are crucial to make the letter of law effectively protect the environment and human health.