

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

2003/0283(COD) - 17/01/2013 - Follow-up document

The Commission presents a report on the **implementation of the EU legislation on waste over the period 2007 - 2009**. 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 (WEEE)**, and **2000/53/EC on end-of-life vehicles**.

The Communication recalls that evidence shows that full implementation of EU waste legislation would save EUR 72 billion a year, increase the annual turnover of the EU waste management and recycling sector by EUR 42 billion and create over 400 000 jobs by 2020. However, the report states that illegal waste operations or missing infrastructure in Member States are causing missed opportunities for economic growth, which the EU cannot afford, and leading to environmental threats. It is therefore paramount to take decisive steps to bridge the implementation gap in waste management and move towards a resource efficient society.

The report notes that Member States' reports for the period 2007 to 2009 indicate that EU legislation on waste is to a large extent **properly transposed into national legislation**.

However, Directive 2006/12/EC on waste (WFD 2006), along with the Hazardous Waste Directive, and the Landfill Directive, raise the biggest concerns in terms of implementation. The report recalls that the first Directive, now replaced by Directive 2008/98/EC on waste, established the basic requirements, definitions and principles regarding waste management in the EU.

All reporting Member States confirmed having incorporated the Directive into their national laws, and complying with its basic requirements, including establishing one or more Waste Management Plans and undertaking steps towards self-sufficiency in waste disposal. In addition, all reporting Member States confirmed compliance with the provisions of the 2006 WFD on permit requirements and record keeping.

However, **an important deficiency** in the application of EU waste law could be identified in terms of **waste treatment options chosen**. Statistics showed that many Member States were still largely depending on landfilling of household waste, which was not in line with the concept of the waste hierarchy in the 2006 WFD, and will be in even starker contrast with the requirements of the revised WFD which introduces a five-step waste management hierarchy. In 2009, the treatment methods for municipal waste varied significantly between Member States, ranging from extremely high reliance on landfilling (Bulgaria, Romania, Malta, Lithuania, and Latvia landfilling over 90% of their waste) to below 5% of landfilling (Belgium, Denmark, Germany, the Netherlands, Austria, and Sweden). The highest recycling (including composting) rate was achieved in Austria (70%), followed by Germany (66%), Belgium and the Netherlands (60%), and Sweden (55%).

Sweden, Denmark, the Netherlands, Luxembourg, Belgium, Germany and France had the highest incineration rates (no distinction between incineration with and without energy recovery at the time). These large discrepancies were, to a certain extent, a result of the late implementation of waste legislation in the Member States that joined the EU after 2004. Progress in those countries will therefore have to be carefully monitored. However, some older Member States have demonstrated consistently low levels of performance (e.g. Greece with 82% of landfilling, Portugal with only 20% of recycling). Progress should be encouraged in these countries **through targeted advice and use of Structural and Cohesion funding**.

Some progress in municipal waste management could be observed in comparison with the previous reporting period, which is probably to be explained by improved waste management infrastructure established over the past few years. The implementation of waste-stream specific EU Directives (such as the Packaging Directive, the WEEE Directive or the [Batteries Directive](#)) and measures aiming at fulfilling the targets contained therein were driving factors, too, since infrastructure, collection schemes, and information campaigns introduced to comply with this legislation would have contributed to an overall improvement of waste management.

However, overall figures on waste management in general, and on municipal waste management in particular, remain unsatisfactory. The **most important barriers to better implementation include the lack of commitment and resources** for implementation control and enforcement, in combination with structural, institutional and constitutional constraints.

Tackling these obstacles, as well as adding stronger national inspections and better knowledge about waste management would bring major improvements.