Waste management

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This Commission staff working document presents an **ex-post evaluation of five Waste Stream Directives**:

1. Directive 86/278/EEC of the Council of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (SSD),
2. Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (PPWD),
3. Directive 96/59/EC of the Council of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT),
4. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (ELV),
5. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directives 91/157 /EEC (Batteries).

To recall, as part of its 2010 Work Programme, the Commission started reviewing the body of EU legislation in selected policy fields through "**Fitness Checks**" which provide a very comprehensive assessment of the performance of EU waste law. They aim to identify excessive **burdens, overlaps, gaps, inconsistencies, effectiveness and efficiency as well as their coherence or obsolete measures** which may have appeared over time since the EU law at issue was first adopted and implemented. This shall help promote better/smart EU legislation, making it more responsive to current and future challenges and improving implementation.

Fitness check findings: the Directives have been examined using **four evaluation criteria (effectiveness, efficiency, relevance and coherence)**. A brief summary has been made as regards these criteria for each of the Waste Stream Directives.

- **The SS Directive**: the Directive has been **effective** in ensuring that heavy metals in soil and sludge do not exceed the limit values. There are no specific provisions in the Directive that make **cost-effective implementation** more difficult; however certain Member States have set stricter sludge quality standards, which can increase costs related to sewage sludge treatment. The evaluation states that the Directive in its current form is **clearly outdated** but still considered **relevant** by a number of stakeholders. The Directives objectives/targets are **coherent** with EU waste legislation, by moving sludge up the waste treatment hierarchy. There could be scope for alignment with the urban waste water treatment Directive and possibly the forthcoming new Fertilizer Regulation.
- **The PPW Directive**: significant progress has been made over time towards achieving the Directive's objectives. All Member States have statistically reached recovery and recycling targets but Member States' performance in recycling still varies significantly. The Directive has been **effectively transposed.** The Directive has remained largely **relevant** over time and the issues it addresses continue to justify action at EU level. The PPW Directive is **broadly coherent** with other EU waste policies, but there is **room for a formal alignment** of certain provisions and definitions with the Waste Framework Directive (WFD) and other EU waste legislation. One key inconsistency is that the PPW Directive is **not legally based on the producer responsibility principle**, as are other recycling Directives.
- **The PCB Directive**: the Directive's objective has not been entirely met, due to **insufficient implementation** by Member States. The Directive had a tangible effect on awareness and developing expertise in the field of PCB waste. This Directive causes high operative costs, but it is

still **efficient,** since these costs are outweighed by the environmental and health benefits from elimination of PCBs. On the other hand, the Directive is still highly **relevant**, although the deadline for the elimination of large PCB equipment (2010) under the Directive was not met by most Member States. The existence of PCB-contaminated equipment is also still an issue in the EU justifying the continued relevance of the Directive at least in the medium term. This is especially the case for newer Member States **(e.g. Bulgaria, Romania and Croatia).** The PCB Directive is a standalone instrument with a very specific purpose of protection of human health and the environment, which does not raise **coherence** problems.

- **The ELV Directive**: the Directive has proven **highly effective** in preventing waste from vehicles, increasing reuse, recycling and recovery and ensuring that ELVs are treated in environmentally safe conditions. **Four hazardous substances identified in the Directive have been almost completely removed from vehicles** with the exception of lead and most Member States are on track towards reaching the 2015 targets, for re-use, recycling and recovery. However, some doubts remain about the reliability and comparability of **statistics** across Member States due to different reporting systems and calculation methods, which may benefit from further harmonisation. The ELV Directive is an **efficient tool** providing multiple environmental benefits at costs that are clearly outweighed by the Directive's environmental and economic benefits. Good practice varies from one country to another depending on the context. The evaluation of the relevance of the Directive shows that the ELV Directive has remained relatively up to date. New challenges may arise from the use of new materials, such as nanomaterials and plastics or carbon light weight elements and the **increased attention paid to critical raw materials** in the context of the EU raw materials initiative. The ELV Directive is **coherent** with the environmental objective of the Waste Framework Directive (WFD) and the 7th EAP as well as other strategies on raw materials and resource efficiency. There **is room for formal alignment with certain provisions, such as on extended producer responsibility, and definitions in the WFD**.
- **Batteries Directive**: the Batteries Directive is the youngest of the five screened Directives. Good progress was made towards achieving its objectives of separate collection and recycling, consumer awareness and substance restrictions for heavy metals in batteries. It is now fully transposed into national law. While collection rates for automotive and industrial batteries are high, small portable batteries are too often not collected. Member States may find it difficult to attain the 46% collection target for 2016. The environmental benefits of the Directive outweigh the costs of its implementation. The Directive remains relatively up to date. However, some technical advances could have implications for the future. Additional labelling by battery chemistry types may improve their sorting and contribute to efficient recycling. As regards end-of-life batteries, eco-design and removability issues should be addressed more thoroughly. Improvements could be made as regards the second hand use of batteries and refining recycling efficiency targets.

Conclusion: the evaluation concludes that the screening of five waste stream Directives for their relevance, effectiveness, efficiency and coherence clearly demonstrated that these Directives are examples of meaningful European Law making. As the analysis has shown, there are very few outdated provisions or inconsistencies.

Nevertheless, a number of aspects may require attention in the future inclusing legal basis, scope, eco-design, definitions, producer responsibility, etc.