Waste management: application of directives 75/439/EEC, 75/442/EEC, 78/319/EEC and 86/278/EEC

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PURPOSE : to report on the implementation of Community waste legislation between 1998 and 2000. CONTENT : This report deals in particular with the implementation of : - Directive 75/442/EEC on waste; - Directive 91/689/EEC on hazardous waste (replaced Directive 78/319/EEC: - Directive 75/439/EEC on the disposal of waste oils; - Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture; - Directive 94/62/EC on packaging and packaging waste. Since the previous implementation report for 1995-1997 the Commission considers that a number of Member States (Austria, Italy, Luxembourg, UK) still do not transpose the waste definition correctly into national law. As regards the definition of hazardous waste in particular, the situation has improved since the last report but it appears that there are still a few Member States that have not fully transposed all the elements of this definition. The number of countries that have established separate collection systems for hazardous household waste has increased since the previous report. The report goes on to discuss the hierarchy of principles, which are: waste prevention, recycling, energy recovery and safe disposal. The following points emerge: -From the information provided by Member States, it remains unclear whether and how much waste has been prevented within the EU. According to data supplied on waste generation, it appears that household waste per capita has increased as compared to the previous period while hazardous waste is stabilised. -The success of waste recycling differs widely between Member States. The mean recycling rate for domestic waste for the fifteen Member States is 26% (ranging from 8% to 63%). The mean recycling rate for hazardous waste is also about 27% (ranging from 5% to 77%). This indicates an overall increasing tendency although a number of Member States achieve still modest rates of recycling. Furthermore, available data on packaging indicate an increase in recovery and recycling of packaging waste. -As it is not clear how Member States distinguish between incineration with and without energy recovery, both operations have to be considered together. As regards household waste the mean rate was 23%, with Denmark and Luxembourg reporting rates as high as 58% and 56% respectively. Even with energy recovery though, incineration is generally, according to the hierarchy of principles mentioned above, an inferior option to other waste treatment alternatives further up the waste hierarchy, such as reuse and material recycling. -Despite a decreasing tendency, a good number of Member States continue to rely heavily on landfilling as means of disposing their domestic waste, with the average being 45%. The mean rate of landfilling for hazardous waste is lower (22%) but another 27% in average was reported as "other treatment". Most Member States reported that they had attained high degrees of self-sufficiencyin terms of waste disposal of around 99%, which essentially restates the position of the previous implementation report for 1995-1997. -As regards waste oils, separate collection is an essential prerequisite for their sound management. The average collection rate has increased compared to the previous period. There is, however, room for improvement as 20% of the waste oils is still illegally dumped or illegally burnt, thus strongly harming the environment. In particular some Member States have to improve significantly their collection rates, setting up more efficient collection systems. The hierarchy of principles for waste oils management · regeneration, combustion and safe destruction/tipping · is still insufficiently implemented. As far as the recovery of waste oils is concerned, the use of waste oils as fuels remains by far the predominant option for the management of waste oils. Regeneration is still very scarce in the EU. In that context, the Commission has launched infringement proceedings against 12 Member States for not giving in practice the priority to regeneration. The main constraints preventing the Member States from giving the priority to regeneration continue to be of an economical nature. -As regards sewage sludge, the Commission considers the use of sewage sludge as fertiliser on agricultural soils as the best environmental option provided that it does not pose any threat to the environment as well as to human and animal health. It appears that the provisions of Directive 86/278/EEC have been quite effective in preventing the

spreading of pollution because of the use of sludge. Available figures suggest a slight decline in sludge use in agriculture in the EU, from about 43% in 1995 to 37% in 2000. There are appreciable variations among the different Member States, in some of which the decline in sludge use is rather sharp. The Commission considers that this decline in sludge use in agriculture in favour of incineration is contrary to the waste hierarchy. A monitored and well-regulated land spreading of sludge should be encouraged and sustained. At the same time, rules should be strengthened, when necessary, especially taking into account long-term effects on soil quality. -on the matter of waste management planning, problems persist with France, UK and Italy. The Commission has arranged for the preparation of guidelines addressed to national or regional competent authorities.