Basic information

1998/0289(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Incineration of waste Repealing Directive 94/67/EC 1992/0406(SYN) Repealed by 2007/0286(COD) **Subject** 3.70.12 Waste management, domestic waste, packaging, light industrial waste	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	BLOKLAND Johannes (EDD)	25/08/2000

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	BLOKLAND Johannes (I-EDN)	25/11/1998
ENVI Environment, Public Health and Consumer Protection	BLOKLAND Johannes (I-EDN)	25/11/1998
ENVI Environment, Public Health and Consumer Protection		

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2309	2000-11-20
Environment	2194	1999-06-24
Budget	2223	1999-11-25

Key events

Date	Event	Reference	Summary
29/10/1998	Legislative proposal published	COM(1998)0558	Summary
14/12/1998	Committee referral announced in Parliament, 1st reading		

30/03/1999	Vote in committee, 1st reading		Summary
30/03/1999	Committee report tabled for plenary, 1st reading	A4-0183/1999	
13/04/1999	Debate in Parliament		
05/05/1999	Vote in committee, 1st reading		
12/07/1999	Modified legislative proposal published	COM(1999)0330	Summary
26/11/1999	Council position published	11472/1/1999	Summary
02/12/1999	Committee referral announced in Parliament, 2nd reading		
23/02/2000	Vote in committee, 2nd reading		Summary
23/02/2000	Committee recommendation tabled for plenary, 2nd reading	A5-0056/2000	
14/03/2000	Debate in Parliament		
15/03/2000	Decision by Parliament, 2nd reading	T5-0100/2000	Summary
25/08/2000	Parliament's amendments rejected by Council		
11/10/2000	Formal meeting of Conciliation Committee		
11/10/2000	Final decision by Conciliation Committee		Summary
11/10/2000	Joint text approved by Conciliation Committee co-chairs	3641/2000	
26/10/2000	Report tabled for plenary, 3rd reading	A5-0321/2000	
15/11/2000	Debate in Parliament		
16/11/2000	Decision by Parliament, 3rd reading	T5-0512/2000	Summary
20/11/2000	Decision by Council, 3rd reading		
04/12/2000	Final act signed		
04/12/2000	End of procedure in Parliament		
28/12/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0289(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 94/67/EC 1992/0406(SYN) Repealed by 2007/0286(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1 Rules of Procedure EP 52-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/13562

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0183/1999 OJ C 219 30.07.1999, p. 0008	30/03/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0308/1999 OJ C 219 30.07.1999, p. 0176-0264	14/04/1999	Summary
Text adopted by Parliament confirming position adopted at 1st reading		T4-0421/1999 OJ C 279 01.10.1999, p. 0253-0274	06/05/1999	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0056/2000 OJ C 377 29.12.2000, p. 0006	23/02/2000	
Text adopted by Parliament, 2nd reading		T5-0100/2000 OJ C 377 29.12.2000, p. 0046-0149	15/03/2000	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0321/2000 OJ C 223 08.08.2001, p. 0008	26/10/2000	
Text adopted by Parliament, 3rd reading		T5-0512/2000 OJ C 223 08.08.2001, p. 0192-0283	16/11/2000	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	11472/1/1999 OJ C 025 28.01.2000, p. 0017	26/11/1999	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0558  OJ C 372 02.12.1998, p. 0011	29/10/1998	Summary
Reconsultation	SEC(1999)0581 	28/04/1999	
Modified legislative proposal	COM(1999)0330  OJ C 150 30.05.2000, p. 0001	12/07/1999	Summary
Commission communication on Council's position	SEC(1999)1971 	30/11/1999	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2000)0280 	06/07/2000	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0200/1999 OJ C 116 28.04.1999, p. 0040	25/02/1999	

CofR	Committee of the Regions: opinion	CDR0447/1998 OJ C 198 14.07.1999, p. 0037	10/03/1999	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3641/2000	11/10/2000	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Directive 2000/0076 OJ L 332 28.12.2000, p. 0091	Summary

Incineration of waste

1998/0289(COD) - 30/11/1999 - Commission communication on Council's position

The Commission considers that the common position does not alter the objectives and the technical approach which were at the basis of the proposal, and that it enables us to clarify and reinforce certain aspects of it. Therefore, it supports the common position.

Incineration of waste

1998/0289(COD) - 06/05/1999 - Text adopted by Parliament confirming position adopted at 1st reading

Following the entry into force of the Treaty of Amsterdam on 01/05/99, the European Parliament confirmed as its first reading under codecision procedure its vote of 14/04/99 on the proposal for a Council directive on the incineration of waste.

Incineration of waste

1998/0289(COD) - 06/07/2000 - Commission opinion on Parliament's position at 2nd reading

The Amended proposal on the incineration of waste seeks to replace the three existing Directives 89/369, 89/429, 94/67 on the incineration of municipal waste and hazardous waste and to extend the scope of Community legislation on incineration. Out of the 16 amendments adopted by the European Parliament, the Commission has accepted six of them in full, two in part and one in principle. The amendements accepted by the Commission related in particular to: - the changing of the scope of the future of the Directive which proposes to exclude certain clean biomass to support the use of alternative sources of energy; - the addition of some examples of heat recovery from the text; - strengthening the requirement for the delivery and reception of waste; - the clarification that for some hazardous waste the retention time at 1,100°C is 2 seconds; - the addition of a new emission limit value for NOx of 500 mg for new cement kilns co-incinreatign waste. This figure is in line with the cost-benefit evaluation done for the Commission. On the other hand, the amendments not accepted by the Commission include those which: - seek to include waste management elements; - seek to introduce links with air and water quality standards; - seeks to provide for higher combustion temperatures for non-hazardous waste; - seeks to introduce an interpretation of hazardous waste which does not exist in waste legislation; - seeks to reduce the extra transition period provided for in annex II for certain cement kilns by one year.

Incineration of waste

1998/0289(COD) - 29/10/1998 - Legislative proposal

PURPOSE: the proposed directive seeks to integrate the technical progress that has been made in the control of incineration processes and to extend the scope of existing Community measures to combat the pollution of air, water and land caused by the incineration of municipal and other non-hazardous wastes. CONTENT: the proposal's key objectives are to: - reduce substantially emissions of several key pollutants to air and control releases to water and land; - provide a major contribution to the achievement of the target contained in the Fifth Environment Action Programme to reduce emissions of dioxins and furans from known sources by 90% between 1985 and 2005 with a specific objective to introduce standards for dioxin and furan emissions for municipal waste incineration; - contribute to a reduction in releases of heavy metals; - provide a coherent methodology for the

regulation and operation of non-hazardous waste incineration and co-incineration (the incineration of wastes in industrial plants, whose main purpose is to generate energy or produce material products and which incinerate waste as regular or additional fuel). The main elements of the proposed Directive include: - the extension of the scope of the existing legislation to cover the incineration of non-hazardous non-municipal wastes as well as hazardous wastes excluded from the Directive on hazardous waste incineration (94/67/EC); - the introduction of emission limits for plants that co-incinerate waste; - the updating of emission limits applicable to municipal waste incineration plants and the addition of limits on releases to water in order to reduce substantially the environmental impact of incineration and contribute to emission reductions and air quality targets, while preventing a transfer of pollutants to water; - the requirement that, as far as possible, heat generated in the incineration process shall be recovered and residues shall be prevented, reduced or recycled.

Incineration of waste

1998/0289(COD) - 15/03/2000 - Text adopted by Parliament, 2nd reading

The European Parliament has adopted the report drafted by Mr. Johannes BLOKLAND (EDD, Neth) for a resolution on the common position adopted by the Council with a view to adopting a European Parliament and Council Directive on the incineration of waste. This report was subject to amendments and the addition of new Articles. The new Articles put in place relate to: - the Directive on waste management plans including plans for the pre-sorting of waste intended for incineration which is said to be needed in order to supplement the Community strategy for waste management; - the Directive shall be without prejudice to other Community legislation on waste and on protecting health and safety of workers at incineration plants; - the incineration or co-incineration plants: if an incineration or co-incineration plant does not comply with the conditions of the permit, in particular with the emission limit values for air and water, the competent authority shall take action to enforce compliance. Furthermore, the amendments which are included in this report relate to: - the Directive is intended to contribute towards attaining the overriding goal of European waste policy, particularly in terms of waste hierarchy: prevention, recycling, incineration with energy use and final disposal; - the incineration of vegetable waste from the food processing industry; - the total organic carbon (TOC) content, minus the content of elemental carbon, is less than 3% or their loss on ignition is less than 5% of the dry weight of the material; - the date for the exemption for NOx shall now be 1 January 2007 and the date for the exemption of dust shall be the same.

Incineration of waste

1998/0289(COD) - 16/11/2000 - Text adopted by Parliament, 3rd reading

By adopting the resolution drafted by Mr Hans BLOKLAND (EDD, NI), the Parliament approved an agreement reached in conciliation on a legislative proposal designed to reduce environmental hazards fom waste incineration plants. (Please refer to the previous step in the legislative process, in particular, the decisions of the committee responsible). COD980289 16/11/00 COD EN By adopting the resolution drafted by Mr Hans BLOKLAND (EDD, NI), the Parliament approved an agreement reached in conciliation on a legislative proposal designed to reduce environmental hazards fom waste incineration plants. (Please refer to the previous step in the legislative process, in particular, the decisions of the committee responsible).

Incineration of waste

1998/0289(COD) - 12/07/1999 - Modified legislative proposal

This amended proposal for a European Parliament and Council Directive on the incineration of waste, adopted pursuant to Article 250 (2) of the Treaty, takes account of a number of amendments that the European Parliament adopted at its plenary session on 14 April 1999. The main amendment accepted concerns the merger of the proposal for a Directive on the incineration of waste and Directive 94/67/EC on the incineration of hazardous waste. This merger subsequently introduces an emission limit value for nitrogen oxides and tightens some emission limit values for heavy metals for plants incinerating or co-incinerating hazardous waste only. Article 14 of Directive 94/67/EC foresees that any emission value established following a revision of that Directive shall not apply to to existing incineration or co-incineration plants before 31/12/2006. It is therefore necessary to include a transition period for existing incineration or co-incineration only hazardous waste according to this Article. As a consequence of this merger it is also necessary to add the definition of hazardous waste to the text and to determine which Directive shall apply for plants incinerating or co-incinerating hazardous waste after the implementation of the Proposal and before the Directive 94/67/EC is repealed. In addition to the above-mentioned transition period to harmonise the standards of non-hazardous and hazardous waste the following provisions have been modified or introduced, compared to Directive 94/67/EC, for plants only incinerating or co-incinerating hazardous waste : - the calculation of the "total emission limit value" has been facilitated by introducing fixed "total emission limit values" for certain kilns and so called "Cprocess values" and "total emission limit values" for combustion plants (Annex II.2); - a new Annex IV provides for emission limit values for discharges from the cleaning of exhaust gases. The Commission also accepts the amendment underlining that the protection of health must be given priority over economic considerations as well as the amendment which broadens the definition of co-incineration plants by clarifying that it means any stationary or mobile plant whose main purpose is the generation of energy or production of material products and which thermally treats wastes with the exception of treatments dedicated to the recovery of the metal content of the waste and to the cleaning of tools. It is worth noting that the Commission rejected these amendments which aim notably at : - the introduction of waste management elements; - establishing links with air and water quality standards; - changing the emission limit values for incineration or co-incineration plants; - requiring that the heat generated in an incineration process or a co-incineration process be systematically recovered.

Incineration of waste

1998/0289(COD) - 26/11/1999 - Council position

The Council's common position, whilst generally maintaining the approach proposed by the Commission, has added a series of provisions aiming either to strengthen or clarify the text. As requested by the European Parliament, the Council agreed to merge : - the existing Directive concerning the incineration of hazardous waste; - the Commission's proposal amending the Directive (which introduces emission limit values and associated conditions for the treatment of waste water); - the Commission's proposal on the incineration of waste to strengthen the provisions contained in existing legislation on municipal waste incineration, on the one hand, and to cover waste not within the scope of the existing Directive on the incineration of hazardous waste, on the other. Concerning the merge and subject to a specified transition period for NOx and heavy metal emissions caused by the incineration of hazardous waste, the Council accepted that for hazardous and non-hazardous waste the same emission limit values apply. More stringent provisions are maintained concerning the reception and storage purposes. New elements which have been introduced by the Council are based on the following points : - scope : the Council decided it was appropriate to consider vegetable waste from the food processing industry and cork waste biomass and, therefore, excluded them from the scope of the Directive; - definitions: the Council specified the notions of "dangerous waste", "mixed municipal waste", "co-incineration plant", "existing incineration plant", and "nominal capacity"; - application and permit: Member States who wish to do so may list the types of waste in the permit which can be co-incinerated in defined categories of such plants; if an operator of a plant incinerating non-hazardous waste envisages starting also to incinerate hazardous waste, the permit must be adapted according to provisions in the Directive relating to the integrated prevention and the reduction of pollution; - operating conditions: the Council added conditions for the co-incineration of hazardous waste and added an exemption clause for existing bark boilers, a provision to ensure the secure handling of infectious clinical waste and a provision aiming to ensure that the management of the plants shall be in the hands of a competent natural person; - water discharges from the cleaning of exhaust gases: the common position specifies that the waste waters to be dealt with concern only those resulting from the cleaning of exhaust gases. It underlines that if the waste waters are treated outside the plant this should be done according to strict conditions including, for example, the prohibition of dilution. Moreover, the Council added an optional provision for Member States to set emission limit values for polycyclic aromatic hydrocarbons (PAHs) or other pollutants; - measurement requirements: the Council added the same optional clause for air, as it did for water. It also added another optional clause allowing competent authorities to issue a permit allowing the possibility to reduce the periodic measurement for heavy metals and dioxins and furans, but onlyunder very strict conditions. After 2005, however, such derogations can only be authorised if the emissions are 50% below the emission limit values and if specific criteria have been developed according to the Committee procedure provided for by the Directive. The Council introduced a 97% daily average value over the year for the carbon monoxide emission limit value mentioned in Annex V(e). Finally, the compliance figures and limit values for emissions into water have been changed to offer an alternative both for total suspended solids and heavy metals. The Council added a review clause asking the Commission to report before the end of 2008 both to the European Parliament and the Council on the application of the proposed Directive and the experience and progress achieved since its implementation, to be accompanied, if appropriate, by proposals for revision. On the subject of transitional provisions, the Council added a new paragraph 3 to clarify that plants, which are producing products or generating energy and which have a permit where required by Community legislation, shall, if they start to co-incinerate waste not later than 4 years after the entry into force of the Directive, be regarded as existing co-incineration plants. The Council has also made a certain number of amendments to the Annexes.

Incineration of waste

1998/0289(COD) - 04/12/2000 - Final act

PURPOSE : to prevent or limit as far as practicable negative effects on the environment, in particular pollution by emissions into air, soil, surface water and groundwater, and the resulting risks to human health, from the incineration and co-incineration of waste. COMMUNITY MEASURE : Directive 2000 /76/EC of the European Parliament and of the Council. CONTENT : the aim of this Directive shall be met by means of stringent operational conditions and technical requirements , through setting emission limit values for waste incineration and co-incineration plants within the Community. In addition, the monitoring of waste water shall permit, for the first time, the reduction of pollution in marine ecosystems and soft water caused by incineration. The reductions shall concern in particular acid gases, such as nitrogen oxides (NOx), sulphur dioxide (SO2), heavy metals and dioxins. Cadmium emissions in the European Union should decrease from 16 tonnes per year in 1995 to 1.1 tonnes in 2005, and for mercury from 36 tonnes per year in 1995 to 7.1 tonnes in 2002. The following plants shall however be excluded from the scope of this Directive, these include plants treating : vegetable waste from agriculture and forestry; vegetable waste from virgin pulp prodcution and from production of paper from pulp; wood waste; cork waste; radioactive waste; animal carcasses; waste resulting from the exploration for, and the exploitation of, oil and gas resources from off-shore installations and incinerated on board the installation. ENTRY INTO FORCE : 28/12/2000. DEADLINE SET FOR TRANSPOSITION : 28/12/2002.

Incineration of waste

1998/0289(COD) - 14/04/1999 - Text adopted by Parliament, 1st reading/single reading

Adopting the report by Johannes Blokland (I-EDN,NL), the European Parliament considers that the incineration of hazardous and non-hazardous waste should be the subject of a single directive with common emission limit values. The directive should contribute to the achievement of the overall objective defined by European waste policy: prevention, recycling, incineration with energy use and final disposal. According to the adopted amendments, hazardous waste is defined in greater detail, in order that the incineration and treatment processes can be adapted. The definition of "coincineration plant" has been improved in order to to eliminate any possibility of escaping the legislation. Plants which thermally treat waste come under the directive, regardless of whether they only reduce the waste or not. The Parliament calls for more rigorous emission limit values than those proposed by the Commission, notably with regard to nitrous oxide (NOx), dust and ammonia. It demands that, in certain cases, yet more stringent standards than those set by the directive may be imposed for discharges into the atmosphere as for discharges into water. The Parliament requests that the issuing of permits for incineration plants should be subject to certain conditions (eg. the existence of a regional waste plan; the region has implemented other measures to reduce the volume of waste, systems for sorting and phasing out dangerous components and the introduction of pre-sorting). Furthermore, the issuing of new permits should be forbidden in regions where the environmental quality standards are in danger of being exceeded. The Parliament insists that plants which become operational after 31/12/2003 should seek to recover the heat generated during the incineration process as far as possible, namely by means of combined heat and power generation, the generating of process steam or district heating.