



# Waste Framework Directive

## Policy Review



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## Acknowledgments & Disclaimer

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## Waste Framework Directive

### Policy Review

#### Name/Type of the Legal Act or Policy

Waste Framework Directive / Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

Amended by:

[Commission Regulation \(EU\) No 1357/2014](#) of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives Text with EEA relevance

[Commission Directive \(EU\) 2015/1127](#) of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (Text with EEA relevance)

Subsequent Legal Acts: *Regulations*

[Commission Regulation \(EU\) No 1357/2014](#) of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives Text with EEA relevance

[Commission Regulation \(EU\) No 715/2013](#) of 25 July 2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council

[Council Regulation \(EU\) No 333/2011](#) of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council

[Commission Regulation \(EU\) No 1179/2012](#) of 10 December 2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council

*Directives:*

[Commission Directive \(EU\) 2015/1127](#) of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (Text with EEA relevance)

*Decisions:*

[Commission Decision of 18 November 2011 establishing rules and calculation methods for verifying compliance with the targets set in Art. 11\(2\) of Directive 2008/98/EC of the European Parliament and of the Council \(notified under document C\(2011\) 8165\)](#)

2014/955/EU: Commission Decision of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council Text with EEA relevance

Please note that there is a [handbook on waste legislation](#):

<p>FUTURE: Review of Policy and legislation</p> <p>2 July 2014: the European Commission adopted a legislative proposal and annex to review recycling and other waste-related targets in the EU Waste Framework Directive 2008/98/EC and other related Directive: <a href="#">Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment.</a></p>
<p><b>Entry into force</b></p>
<p>12-12-2008</p>
<p><b>Departments/Units in charge</b></p>
<p>Directorate General for the Environment, DG ENV          Directorate A-Green Economy  <a href="#">Unit 2. Waste Management &amp; Recycling</a>          Julio García Burgués (Head of Unit)          Avenue de Beaulieu 5/ Beaulieulaan 5          1160 Bruxelles/Brussel (Belgium)          Tel: +32 229-91111 (Switchboard)          Internet: <a href="http://ec.europa.eu/environment">http://ec.europa.eu/environment</a></p>
<p><b>Common Implementation strategy (CIS processes)</b></p>
<p>No evidence of a specific CIS Working Group. Yet, Art. 29(5) of the Directive calls upon the Commission to create a system for sharing information on best practice regarding waste prevention and to develop guidelines in order to assist the Member States in the preparation of their waste prevention programmes. See <a href="#">guidelines</a> and <a href="#">EIONET Website for sharing information on National Waste Prevention Programmes</a>. There is also a specific <a href="#">Guidance document</a> on the Directive for supporting its proper implementation.</p>
<p><b>Administrative body handling implementation in MS</b></p>
<p>The Directive required that by 12 December 2013 <a href="#">Member States establish national waste prevention programmes</a>: Spain (Ministry of Agriculture, Food and the Environment, MAGRAMA), Portugal (Portuguese Environment Agency, APA, public agency within the scope of the Portuguese Ministry of the Environment, Spatial Management and Energy), Italy (Ministry of the Environment). WMP (Waste Management Plans): Regional waste management plans only: Germany. Italy: Regional/provincial level. Belgium (Flanders): regional/municipal (<a href="#">EC, Community Waste Implementation. 2015</a>).</p>
<p><b>Main Objective</b></p>

“To lay down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use” (Art. 1)

#### Principles included in the legal text

General environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts; Principles of clarity, comprehensibility and accessibility for users; Polluter-pays principle; Extended producer responsibility; Precautionary principle and the principle of preventive action; Self-sufficiency and proximity

#### Other objectives/Key concepts/key elements of the legislation

- ▶ Waste hierarchy (art.3): prevention, re-use, recycling, recovery for other purposes such as energy and disposal.
- ▶ By-products (art. 5) and waste distinction.
- ▶ End-of-waste status
- ▶ Self-sufficiency in waste disposal (art. 5).
- ▶ Waste management planning (art. 7) (to be carried out by competent national authorities setting up waste management plans and waste prevention programmes)
- ▶ Permit requirements (art. 9 and 10) (producers/holders of waste must treat it themselves or have it handled by an officially recognised operator holding a permit and submitted to periodical inspections.
- ▶ Recovery, re-use and recycling (arts. 10 and 11). (Specific recycling and recovery targets to be achieved by 2020 are set up for household waste (50%) and construction and demolition waste (70%).)
- ▶ Record keeping (art. 14).
- ▶ Polluter-pays principle (the original waste producer must pay for the costs of waste management).
- ▶ ‘extended producer responsibility’ (it may include duty on manufacturers to accept and dispose of products returned after use)
- ▶ Waste management to be carried out without any risk to water, air, soil, plants or animals, without causing a nuisance through noise or smells, or harming the countryside or places of special interest.
- ▶ Special conditions applied to hazardous waste, waste oils and bio-waste.

#### Terminology

Waste: any substance or object which the holder discards or intends or is required to discard;  
 Hazardous waste: waste which displays one or more of the hazardous properties listed in Annex III;

By-products (art. 5): A substance or object, resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste as referred above but if the following conditions are met: a) further use of the substance or object is certain; (b) the substance or object can be used directly without any further

processing other than normal industrial practice; (c) the substance or object is produced as an integral part of a production process; and d) further use is lawful.

Waste oils: any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils

Bio-waste: degradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants;

Waste producer: anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

Waste holder: the waste producer or the natural or legal person who is in possession of the waste;

Dealer: any undertaking which acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;

Broker: any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;

Waste management: the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

Collection: the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;

Separate collection: the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

Prevention: measures taken before a substance, material or product has become waste, that reduce: a) the quantity of waste, including through the re-use of products or the extension of the life span of products; (b) the adverse impacts of the generated waste on the environment and human health; or c) the content of harmful substances in materials and products;

Re-use: any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

Treatment: recovery or disposal operations, including preparation prior to recovery or disposal;

Recovery: any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Annex II sets out a non-exhaustive list of recovery operations;

Preparing for re-use: checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing;

Recycling; any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

Regeneration of waste oils: any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;



<p>Disposal: any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy</p> <p>Best Available Techniques: best available techniques as defined in Art. 2(11) of Directive 96/61/EC. i.e. the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.</p>
<p><b>Derogations</b></p>
<p>The Directive is addressed to the Member States (obliged to bring into force the laws, regulations and administrative provisions necessary to comply with it by December 12 December 2010). Art. 24 sets up the context for exemptions for Member States allowing exceptions regarding Art. 23 (in terms of from permit requirements laid down in Art. 23(1) establishments or undertakings for the following operations: disposal of their own non-hazardous waste at the place of production; or recovery of waste).</p>
<p><b>Types of management measures</b></p>
<p>Member States are obliged to guarantee that their competent authorities establish one or more waste management plans and to establish waste prevention programmes (examples of specific measures listed on Annex IV).</p>
<p><b>Spatial coverage</b></p>
<p>The whole territory of the Member State: “(Art.28: Waste Management Plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.)”</p>
<p><b>Reporting units – what are the specific transposition requirements</b></p>
<p>The reporting is carried out every three years. Member States shall submit a sectoral implementation report (Art. 37) regarding meeting the targets of Art. 11 (50% preparing for re-use and recycling of household and similar waste: 70% preparing for reuse and recycling of construction and demolition waste) by 2020. If targets are not met, reasons for failure and future actions to be taken by the Member States should also be included.</p>
<p><b>Management unit</b></p>
<p>Member State territory, managed by means of waste management plans set up by competent authorities. <a href="#">These can be set at different scales according to the specific Member State</a>. For example, only national (e.g. Netherlands, Malta, Latvia, Slovenia, Slovakia), national and regional/municipal plans (e.g. Spain, Greece and Finland –national/regional–, Poland –national/provincial–, Czech Republic, Denmark and Estonia –national/regional/municipal–), only regional (e.g. Germany –at Länder scale–, Italy –regional/provincial– and UK).</p>
<p><b>Key planning steps</b></p>

The WsFD requires that Member States adopt waste management plans and waste prevention programmes. These programmes are evaluated every sixth year and revised as appropriate. They shall be integrated either into the waste management plans or into other environmental policy programmes, but may also function as stand-alone programmes. If any programme is integrated into the waste management plan or into other programmes, the waste prevention measures shall be clearly identified. Programmes, in turn, should set out waste prevention objectives. There is [specific EC methodological guidance note on preparing a waste management plan](#).

### Timelines

- ▶ Directive entering into force: 12-12-2008.
- ▶ Transposition (deadline): 12-12-2010.
- ▶ Establishment of Waste prevention programmes (deadline): 12-12-2013.
- ▶ By 2015: Member States separate set up for at least the following: paper, metal, plastic and glass.
- ▶ By 2020, (Member States) the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight;
- ▶ By 2020, (Member States) the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight.

### Integration/coordination issues with other related pieces of legislation

Directive 1999/31/EC on the landfill of waste; Directive 94/62/EC on packaging and packaging waste; Roadmap on a Resource Efficiency Europe (COM(2011)571); 7th Environment Action Programme through 2020 (Decision 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet'); EU Raw Materials Initiative; Directive 94/62/EC on packaging and packaging waste; Directive 2000/53/EC on end-of-life vehicles; Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators; Communication: Towards a circular economy: A zero waste programme for Europe; Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance); Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (Text with EEA relevance); Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste; Soil Thematic Strategy (COM (2012) 46); Proposal for a Directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC (COM/2006/0232 final); Communication COM(2005) 666 final Thematic Strategy on the prevention and recycling of waste.



<p><b>Coordination issues with the EU Biodiversity Strategy</b></p>
<p>As far as we are concerned there is not explicit recognition of coordination issues between the WsFD and the BS2020. Yet, this is not to say that there are no links to be explored. Food waste impact on biodiversity is definitely one linkage to be further researched and so is <a href="#">marine debris impacting marine biodiversity</a>.</p>
<p><b>Relevance to ecosystems/habitats?</b></p>
<p>None specifically addressed (but “environment”). Ecosystems affected/impacted implicitly by the relevant policy: Terrestrial, freshwater, coastal, marine...</p>
<p><b>Drivers</b></p>
<p>Word ‘drivers’ is not used. Drivers which the legal act/policy address: Industry, agriculture, domestic (producing domestic waste), construction (generating construction and demolition waste). <a href="#">The UK Marine licensing impact assessments include relevant information</a>.</p>
<p><b>Pressures</b></p>
<p>Indicators: These are not listed specifically, but need to be developed within the framework of the Waste Prevention Programmes. (Art. 29.3 and 29. 4: “Member States shall determine appropriate specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress of the measures and may determine specific qualitative or quantitative targets and indicators, other than those referred to in paragraph 4, for the same purpose. Indicators for waste prevention measures (Waste Prevention Programmes) may be adopted in accordance with the regulatory procedure referred to in Art. 39(3).”). The “development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from product comparisons at Community level through action by local authorities to national measures” is considered in annex IV as an example of measures that can affect the framework conditions related to the generation of waste (example of waste prevention measure). The <a href="#">EEA includes a core set of indicators</a> on waste referring to objectives and targets of this Directive and other relevant related ones/instruments: WST 004 Waste Generation (WST 005 waste recycling and WST 006 diversion of waste from landfill and WST 006 diversion of waste from landfill).</p>
<p><b>Assessment of Environmental State</b></p>
<p>The environmental state is not the focus of this Directive. No parameters specified.</p>
<p><b>Assessment of Status</b></p>
<p>The environmental status is not the focus of this directive.</p>
<p><b>Data</b></p>

[Waste Framework Directive implementation](#) report to be submitted to DG Environment by Member States every three years and Waste Directive Target Report to Eurostat (every three years). There is a [handbook for data collection on waste generation and treatment](#).

#### **Funding**

“In developing their national waste management strategies and planning investments in waste management infrastructure, Member States should make a sound use of the European Structural and Investment Funds in line with the waste hierarchy by promoting preparing for re-use and recycling” ([Proposal of Directive amending Directives 2008/98/EC on waste](#)).

## About AQUACROSS

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Knowledge, Assessment, and Management for AQUATIC Biodiversity and Ecosystem Services aCROSS EU policies (AQUACROSS) aims to support EU efforts to protect aquatic biodiversity and ensure the provision of aquatic ecosystem services. Funded by Europe's Horizon 2020 research programme, AQUACROSS seeks to advance knowledge and application of ecosystem-based management (EBM) for aquatic ecosystems to support the timely achievement of the EU 2020 Biodiversity Strategy targets.

Aquatic ecosystems are rich in biodiversity and home to a diverse array of species and habitats, providing numerous economic and societal benefits to Europe. Many of these valuable ecosystems are at risk of being irreversibly damaged by human activities and pressures, including pollution, contamination, invasive species, overfishing and climate change. These pressures threaten the sustainability of these ecosystems, their provision of ecosystem services and ultimately human well-being.

AQUACROSS responds to pressing societal and economic needs, tackling policy challenges from an integrated perspective and adding value to the use of available knowledge. Through advancing science and knowledge; connecting science, policy and business; and supporting the achievement of EU and international biodiversity targets, AQUACROSS aims to improve ecosystem-based management of aquatic ecosystems across Europe.

The project consortium is made up of sixteen partners from across Europe and led by Ecologic Institute in Berlin, Germany.

## AQUACROSS PARTNERS

Ecologic Institute (ECOLOGIC) | Germany

Leibniz Institute of Freshwater Ecology and Inland Fisheries (FVB-IGB) | Germany

Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (IOC-UNESCO) | France

Wageningen Marine Research (WMR) | Netherlands

University of Natural Resources & Life Sciences, Institute of Hydrobiology and Aquatic Ecosystem Management Austria

Fundación IMDEA Agua (IMDEA) | Spain

Universidade de Aveiro (UAVER) | Portugal

ACTeon – Innovation, Policy, Environment (ACTeon) | France

University of Liverpool (ULIV) | United Kingdom

University College Cork, National University of Ireland (UCC) | Ireland

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Duration

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1 June 2015 to 30 November 2018

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