



Brussels, 29 June 2006

OPINION

of the

Committee of the Regions

of 14 June 2006

on the

**Communication from the Commission to the Council, the European Parliament,
the European Economic and Social Committee and the Committee of the Regions –**

Taking sustainable use of resources forward:

a Thematic Strategy on the prevention and recycling of waste

COM(2005) 666 final

and on the

Proposal for a Directive of the European Parliament and of the Council on waste

COM(2005) 667 final - 2005/0281 (COD)

The Committee of the Regions,

Having regard to the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – *Taking sustainable use of resources forward: a Thematic Strategy on the prevention and recycling of waste* (COM(2005) 666 final), and the Proposal for a Directive of the European Parliament and of the Council on Waste, (COM(2005) 667 final - 2005/0281 (COD));

Having regard to the European Commission's decision of 5 January 2006, taken under Article 175 and the first paragraph of Article 265 of the Treaty establishing the European Community, to consult it on this matter;

Having regard to its Bureau's decision of 12 April 2005 to instruct the Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to its opinion on the Commission communication *Towards a thematic strategy on the prevention and recycling of waste* (COM(2003) 301 final – CdR 239/2003¹);

Having regard to its outlook report on the *Implementation of the Directive on the Landfill of Waste (1999/31/EC) at regional and local level* (CdR 254/2005);

Having regard to the draft opinion (CdR 47/2006 rev. 2) adopted on 3 April 2006 by the Commission for Sustainable Development (rapporteur: **Mr Laust Grove Vejlstrup**, Municipal Councillor of Sydthy Kommune (DK/EPP);

adopted the following opinion at its 65th plenary session of 14/15 June 2006 (meeting of 14 June):

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1. Views of the Committee of the Regions

The Committee of the Regions

General comments

1.1 **welcomes** the Commission's thematic strategy as this sets out an integrated and holistic approach to the waste issue that is conducive to further, necessary environmental improvements in this field;

¹ OJ C 73, 23.3.2004, p. 63.

- 1.2 **stresses** that waste policy is of fundamental importance for environment policy as a whole; hence a concerted, enhanced approach to waste policy will do much to benefit the environment;
- 1.3 **stresses** that, in most Member States, it is local and regional authorities that are responsible for implementing a major part of EU environment policy, of which waste management is a key aspect; **notes**, also, that local and regional authorities should play a key role in the process of developing new approaches and proposals for measures within the waste area;
- 1.4 **notes** that moving away from simple waste disposal to a sustainable policy skewed towards prevention, reuse, recycling and recovery requires a substantial effort as well as dialogue with the local level, and that local and regional authorities need additional human and financial resources to perform this task;
- 1.5 **draws attention** to the waste hierarchy, which should be the central, dominant principle of waste policy, but **notes** that this hierarchy is open to the incorporation of new aspects such as a proportionate use of the life cycle approach taking into account the whole life cycle of products should these prove effective and practicable to implement;
- 1.6 **would caution**, however, that, in a number of areas such as end-of-waste and the mixing of hazardous waste, the thematic strategy proposes relaxations of the rules that are unnecessary and inappropriate and may have an adverse impact on the environment;
- 1.7 **notes** the continued need for clear legislation, for instance in the definition of recycling and recovery;

Aims of the strategy

- 1.8 **endorses** the aims of the thematic strategy and **supports** the view that EU waste policy does have the potential to reduce the overall negative environmental impact of resource use, and that the EU's goal must be to become a recycling society;
- 1.9 **considers** the waste hierarchy to be a focus of the goals set out in the thematic strategy;

Actions outlined in the strategy

Implementation, simplification and modernisation of existing legislation

- 1.10 **feels** it makes sense for the thematic strategy to focus on existing problems of implementation and adaptation of current legislation, taking into account the evolution of science and technology;

- 1.11 **endorses** the emphasis placed by the thematic strategy on the simplification and modernisation of existing legislation, provided this makes it easier to implement environmental protection measures;

The new framework directive on waste

Article 1

- 1.12 **is pleased** to note the reference to the waste hierarchy, which is considered a key starting point for any moves to tackle the waste issue, providing the very foundation upon which any sound and successful waste policy is built;
- 1.13 **laments** the fact that the waste hierarchy is being levelled down to three aspects; placing reuse, recycling and recovery on the same footing runs counter to the spirit of a number of legal acts;
- 1.14 **has its doubts** as to whether, given the article's scope for interpretation, Member States will take the necessary measures and use the best possible tools to achieve the article's objectives;

Article 2

- 1.15 **regrets** the deletion of the legal base for the adoption of legislation specifically dealing with waste streams;

Article 3

- 1.16 **notes** that, under the definition given here, anyone treating waste is always considered to be a waste producer irrespective of any changes made to the nature or composition of the waste; this is not consistent with the Commission's own end-of-waste concept;

Article 5

- 1.17 **welcomes** the clearer definition of recovery by incineration, but notes the considerable uncertainty that still persists in the definition of recovery by other forms of treatment;

Article 8

- 1.18 **regrets** the deletion of the reference to the polluter pays principle, which is the basis for the application of producer responsibility;

Article 11

- 1.19 **is concerned** that introducing and defining the end-of-waste concept may have a far-reaching and damaging impact, i.e. that:

- it will no longer be possible to lay down treatment requirements for products that meet the end-of-waste criteria;
 - products that meet these criteria will be impossible to trace;
 - products that meet end-of-waste criteria will no longer be subject to binding instructions or usage requirements;
- 1.20 **notes** that the end-of-waste concept is limited to waste streams where this provides genuine environmental benefits, but **finds** the scope of the concept very unclear as no details are given of what is actually meant by genuine "environmental benefits";

Article 12

- 1.21 **is pleased** that the directive on hazardous waste and the framework directive are being brought together into a single framework directive;

Article 16

- 1.22 **regrets** that the rules on the separation of hazardous waste do not state clearly that mixing is forbidden to all actors (including producers, collectors and transporters) except for facilities that have received a permit in accordance with Article 19 (cf. points 1(a) and 1(d));

Article 21

- 1.23 **endorses** the Commission's aim to set minimum standards for treatment permits that would ensure a high level of health and environmental protection; however, **opposes** the fact that the Commission would be allowed to set minimum standards via an undemocratic comitology process;

Article 25

- 1.24 **welcomes** the rules on the registration of parties handling waste in its final stages;

Article 26

- 1.25 **backs** the increased requirements for waste management plans, which are seen as useful, flexible tools that can also help promote the spread of good practice in this field;
- 1.26 **endorses** the call to use economic instruments in waste policy, such as charges levied on materials and treatment as well as in relation to waste prevention, and **notes** the successful experience that has been gained with such instruments in a number of countries; **stresses**, however, that existing differentiated use of economic instruments distorts competition and thus emphasises the need to maintain the smooth functioning of the internal market;

Article 30

- 1.27 **is concerned** about the fact that the Commission is leaving it up to the individual Member States to develop indicators to measure the achieved results; **urges** therefore the Commission to establish quantitative and qualitative indicative targets and indicators at Community level;

Article 32

- 1.28 **endorses** the new provisions on the inspection of collectors and transporters;

Annex V

- 1.29 **considers** that correlation tables are a useful means of securing the directive's full implementation;

Introduction of life-cycle thinking

- 1.30 **thinks** that the introduction of life-cycle analyses under the thematic strategy is a useful approach, as it takes into account the environmental impact of products throughout their life-cycle, but is sorry to note that the strategy focuses only to a very limited degree on the early stage of this cycle, i.e. producers and the onus that is on them to design more environmentally friendly products; **believes** that the Directive should be explicitly linked to the REACH Directive with the aim of preventing the production of hazardous waste and reducing its harmfulness;
- 1.31 also **questions** how the analyses are actually drawn up. It is of crucial importance that clear guidelines be laid down to determine who is responsible for validating analyses of this kind, as, otherwise, their importance will be diminished and they will fail to fulfil their intended purpose;

Improving the knowledge base

- 1.32 **supports** the Commission in its desire to promote provision of information and research and development in the area of waste, since increased knowledge and information are key elements in improving the waste practice of producers and authorities, and in changing consumer behaviour with a view to producing less waste; **notes**, however, in the light of the division of responsibilities in most Member States, the need to build on the already solid knowledge base that exists at the local and regional level; **feels** that the waste strategy gives a fragmented picture of the information sources that exist at Community level: the European Environment Agency, Eurostat, the Joint Research Centre, the European Bureau in Seville and the Commission's new online service "Science for Environment Policy - DG Environment News Alert Service". It is crucial for local and regional players that the Commission try to define more clearly the functions of each of these knowledge centres, that

their analyses be coordinated and structured, and that existing knowledge be made available in a readily accessible form;

Waste prevention

- 1.33 **agrees** on the need for more ambitious waste prevention policies in the Member States and thus feels that the obligation to develop waste prevention programmes is a sensible move;

Towards a European recycling society

- 1.34 **emphasises** that the creation of a level playing field among the Member States is of key importance in preventing environmentally unsound practices like standard dumping, and therefore supports the Commission's initiative in this field;
- 1.35 **stresses** the importance of including social elements in environmental policy and is pleased to note that the Commission recognise the high growth rate and labour intensiveness of the waste management and the recycling sector; calls, however, for a discussion on whether implementation of the strategy creates jobs at a European-wide level;
- 1.36 **notes** that in order to deliver on this aim of the strategy, legislation must provide a level of certainty that matches the planning and investment horizons of businesses engaged in the further development of recycling";

Monitoring and evaluation

- 1.37 **notes** that the local and regional authorities play an important role in implementing the thematic strategy, and thus also have a key part to play in ensuring its monitoring and evaluation; **calls** therefore **for** these authorities to be given a proactive role as key agents in the application of waste management policies in the different EU Member States.

2. The Committee of the Regions' recommendations

The Committee of the Regions

- 2.1 **deplores** the significant loosening of the mixing ban, its replacement by conditions under which mixing may be permitted and a narrowing of the definition of mixing – a move that must be seen as a substantial change involving major environmental risks; and thus **recommends** keeping the unrestricted ban on the mixing of hazardous waste;
- 2.2 **asks** that, in the 2010 evaluation and in any future evaluations, a discussion be held as to whether energy recovery rates for new plants should be increased from the proposed 65% to reflect technological developments, and whether different requirements might be applied to recycling facilities, also to take account of technological developments.

Committee of the Regions recommendations regarding the directive

Recommendation 1

Preamble 17(a)

<i>Commission text</i>	<i>CoR amendment</i>
	<p><u>Preamble 17(a)</u></p> <p><u>Member States may invoke and apply the principles of proximity and self-sufficiency to waste destined for incineration with energy recovery to allow for adequate planning of treatment capacity, and to ensure that combustible waste produced within their territory is given access to national incineration facilities.</u></p>

Reason

The proposed classification of incineration with energy recovery as a recovery operation may, in certain countries, trigger an imbalance between the installed incineration capacity and the volumes to be treated, even in cases where the available capacity matches national needs. The competent authorities should, in such situations, be permitted to restrict imports of waste for incineration in order to guarantee treatment opportunities for the waste produced within their area of jurisdiction.

Recommendation 2

Article 1

<i>Commission text</i>	<i>CoR amendment</i>
<p>This Directive lays down measures with a view to reducing the overall environmental impacts, related to the use of resources, of the generation and management of waste.</p> <p>For the same purposes, it also makes provision whereby the Member States are to take measures, as a matter of priority, for the prevention or reduction of waste production and its harmfulness and, secondly, for the recovery of waste by means of re-use, recycling and other recovery operations.</p>	<p>1.</p> <p>(a) This Directive lays down measures with a view to reducing the overall environmental impacts of the generation and management of waste.</p> <p>(b) For the same purposes, it also makes provision whereby the Member States are to take measures, as a matter of priority, for the prevention or reduction of waste production and its harmfulness and, secondly, for the recovery of waste by means of re-use, recycling and other</p>

	<p>recovery operations.:</p> <ul style="list-style-type: none">• <u>the prevention or reduction of waste production and its harmfulness and,</u>• <u>the re-use,</u>• <u>the recycling,</u>• <u>other recovery operations,</u>• <u>the disposal of waste,</u> <p>2.</p> <p>(a) <u>On the basis of environmental indicators adopted at Community level, Member States may take measures that derogate from the priorities established in §1(b).</u></p> <p>(b) <u>Until such indicators are elaborated and adopted, when impact assessments indicate clearly that an alternative treatment option shows a better record for a specific waste stream, Member States may, in a similar manner, be allowed a derogation from the priorities established in §1 (b).</u></p> <p>3.</p> <p><u>The responsibility for validating the results of the assessments mentioned in §2 (b) is placed with the competent national authorities. The validated results are reported to the Commission and will be the object of a review in accordance with the procedure referred to in Article 36(2).</u></p>
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Reason

Life-cycle thinking is welcomed as a guiding principle. However, life-cycle instruments do not presently represent an operational alternative to the waste hierarchy. It will take many years before a common methodology for the use of these instruments is adopted at Community level. Until then, it is important to clarify the relationship between life-cycle thinking and the politically established waste hierarchy, restating that the latter remains the structuring element of waste policies. The possibilities to derogate from the hierarchy formulated in § 2 (a) and (b) provide for the necessary flexibility and at the same time will promote the further development of life-cycle instruments. In the light of an already established knowledge base, local and regional authorities should play a key role in making such instruments applicable.

The local authorities and waste managers ought to have clear instructions and placing the responsibility for validating the results of life-cycle assessments is an important improvement to the text of the proposal. The review process included in § 3 will ensure that assessments are not used to protect national markets, and that a level-playing field is thus not distorted by the introduction of a life-cycle approach.

Recommendation 3

Article 2, point 5 (new)

<i>Commission text</i>	<i>CoR amendment</i>
	<p><u>5. Specific rules for particular instances, or supplementing those of this Directive, on the management of particular categories of waste, may be laid down by means of individual Directives.</u></p> <p><u>The Commission shall undertake regular reviews of waste streams to assess the priorities for establishing further harmonised European requirements aimed at steering waste management towards preferred treatment options.</u></p>

Reason

The text of the amendment replicates the text of Article 2, point 2 of the current Waste Framework Directive. It establishes the legal base for the adoption of waste streams specific directives, as the need for adopting additional directives should not be ruled out. The proposed amendment will also provide a legal base for the directives to be proposed in relation to Amendment 9 regarding Article 11. The amendment adds also a requirement concerning the steering of waste. This approach, aimed at harmonising the choice of treatment for specific waste streams, is complementary to the establishment of facility standards in establishing a level playing field.

Recommendation 4

Article 3

<i>Commission text</i>	<i>CoR amendment</i>
Article 3 Definitions For the purposes of this Directive, the following definitions shall apply: (a) ‘waste’ means any substance or object which	Article 3 Definitions For the purposes of this Directive, the following definitions shall apply: (a) ‘waste’ means any substance or object which

<p>the holder discards or intends or is required to discard;</p> <p>(b) ‘producer’ means anyone whose activities produce waste or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;</p> <p>(c) ‘holder’ means the producer or the natural or legal person who is in possession of the waste;</p> <p>(d) ‘management’ means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;</p> <p>(e) ‘collection’ means the gathering of waste for the purposes of transport to a waste treatment facility;</p> <p>(f) ‘re-use’ means any recovery operation by which products or components that have become waste are used again for the same purpose for which they were conceived;</p> <p>(g) ‘recycling’ means the recovery of waste into products, materials or substances whether for the original or other purposes. It does not include energy recovery;</p> <p>(h) ‘mineral waste oils’ means any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, mineral lubricating oils, oils for turbines and hydraulic oils;</p> <p>(i) ‘treatment’ means recovery or disposal.</p>	<p>the holder discards or intends or is required to discard;</p> <p>(b) ‘hazardous waste’ means:</p> <ul style="list-style-type: none">– <u>waste that displays one of more of the properties listed in Annex III in concentrations above the limit values listed in Article xx of Directive 88/379/EEC on dangerous preparations (as listed in Annex IIIA)</u> <p><u>or</u></p> <ul style="list-style-type: none">– <u>waste that displays one of more of the properties listed in Annex III in concentrations above the limit values listed in Article xx of Directive 88/379/EEC on dangerous preparations (as listed in Annex IIIA) and is marked with an asterisk in the list of waste established in accordance with Article 4</u>– <u>hazardous waste produced by households shall not be regarded as hazardous waste until it is collected by an undertaking which carries out waste treatment operations or by a private or public waste collector;</u> <p>(c) ‘mixture of wastes’ means waste that results from an intentional or unintentional mixing of two or more different wastes and for which mixture no single entry exists in Annexes III, IIIB, IV and IVA of the Regulation of the European Parliament and of the Council on Shipments of Waste. Waste shipped in a single shipment of wastes, consisting of two or more wastes, where each waste is separated, is not a mixture of wastes;</p> <p>(d) ‘mineral waste oils’ means any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, mineral lubricating oils, oils for turbines and hydraulic oils;</p>
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	<p>(e) ‘producer’ means anyone whose activities produce waste (<u>original producer</u>) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste (<u>new producer</u>);</p> <p>(e) (f)‘holder’ means the producer or the natural or legal person who is in possession of the waste;</p> <p>(g) ‘dealer’ is <u>anyone who acts in the role of principal to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste;</u></p> <p>(h) ‘broker’ is <u>anyone arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;</u></p> <p>(d)(i) ‘management’ means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;</p> <p>(j) ‘environmentally sound management’ means <u>taking all practicable steps to ensure that waste is managed in a manner that will protect human health and the environment against adverse effects which may result from such waste;</u></p> <p>(e) (k)‘collection’ means the gathering of waste for the purposes of transport to a waste treatment facility <u>and includes exchange during transport and interim storage prior to collection or during transport;</u></p> <p>(l) ‘treatment’ means recovery or disposal <u>and includes interim operations like e.g. blending, mixing, repackaging, exchange and storage prior to submission to recovery or disposal operations</u></p> <p>(m) ‘prevention’ means any action that is taken before products or substances have become waste</p>
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	<p><u>and that is aimed at reducing the production of waste or its harmfulness or the environmental impact of resource use in general;</u></p> <p><u>(f) (n) 're-use' means any recovery operation by which products or components that have become waste are used again for the same purpose for which they were conceived <u>without prior treatment other than cleaning or repairing</u>;</u></p> <p><u>(g) (o) 'recycling' means the recovery of waste into products, materials or substances whether for the original or other purposes. It does not include energy recovery;</u></p> <p><u>(p) 'recovery' means any treatment operation that:</u></p> <ul style="list-style-type: none"><u>• results in the waste serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a use</u><u>• meets efficiency criteria on the basis of which it may be considered to have resulted in a useful purpose</u><u>• ensures that the overall environmental impact is not worsened by the use of waste as a substitution for other resources</u><u>• ensures that pollutants are not transferred during the process into the final product</u> <p><u>(q) 'disposal' means any treatment operation that does not meet the criteria to be classified as recovery.</u></p>
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Reason

This article should include all the definitions relevant to the provisions of the Directive on Waste. At the same time, these definitions must be consistent with definitions already adopted in existing waste legislation, in particular the Waste Shipment Regulation. This amendment, therefore, proposes:

- to list under Article 3 the definitions that are spread throughout the text of the Commission proposal,

- to add some missing definitions (e.g. the words “dealer” and “broker” are used in Article 25 without being defined) by replicating definitions that have already been adopted through co-decision in connection with the adoption of the new Regulation on Shipments of Waste,
- to bring clarity to some of the definitions proposed.

Recommendation 5

Article 4

<i>Commission text</i>	<i>CoR amendment</i>
A list of wastes shall be established by the Commission, in accordance with the procedure referred to in Article 36(2). The list shall include waste to be regarded as hazardous pursuant to Articles 12 to 15, taking into account the origin and composition of the waste and, where necessary, limit values of concentration.	A list of wastes shall be established by the Commission, in accordance with the procedure referred to in Article 36(2), <u>two years after the date stipulated in Article 39 at the latest. The list of wastes shall be based on the existing list, which shall be valid until the new list comes into force.</u> <u>The new list of waste shall also include details of the main material properties (composition and concentration of components).</u> The list shall <u>also</u> include waste to be regarded as hazardous pursuant to Articles 12 to 15, taking into account the origin and composition of the waste and, where necessary, limit values of concentration.

Reason

The amendment relating to Article 4 aims at ensuring legal certainty regarding the waste list. The existing waste list has been the object of rolling adaptations through committee procedure and is up to date. And even though the quality of the waste list can always be improved, the efforts invested so far in the elaboration of the list should not simply be discarded. They should, on the contrary, form the basis for further work regarding the elaboration of a waste list and thus provide continuity for the authorities and the operators. With the repeal of Directives 75/442/EEC and 91/689/EEC, it is important to ensure that the current list remains valid until the new one is adopted and it is important to set a fixed deadline for the elaboration of the new list. Practical experience shows that a list of wastes based on material properties (key criteria: composition and concentration of components) is preferable as it enables a more accurate assessment of the environmental, health, safety and risk implications and makes it easier to decide on disposal procedures. The Commission proposal for the elaboration of a new list is imprecise and it is important to clarify that the list will include non-hazardous waste as well as hazardous waste.

Recommendation 6

Article 5

<i>Commission text</i>	<i>CoR amendment</i>
<ol style="list-style-type: none">1. Member States shall take the necessary measures to ensure that all waste undergoes operations that result in it serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a use, hereinafter “recovery operations”. They shall regard as recovery operations at least the operations listed in Annex II.2. The Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in order to set efficiency criteria on the basis of which operations listed in Annex II may be considered to have resulted in a useful purpose, as referred to in paragraph 1.	<ol style="list-style-type: none">1. Member States shall take the necessary measures to ensure that all waste undergoes operations that result in it serving a useful purpose in replacing, whether in the plant or in the wider economy, other resources which would have been used to fulfil that function, or in it being prepared for such a use, hereinafter “recovery operations”. They shall regard as recovery operations at least the operations listed in Annex II <u>of Regulation No XXXXX of the European Parliament and of the Council on the classification of waste treatment operations.</u><u>2. The Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures will be established in the Regulation mentioned in paragraph 1 in order to set efficiency criteria on the basis of which operations listed in Annex II may be considered to have resulted in a useful purpose, as referred to in paragraph 1.</u>

Reason

The classification of treatment operations strongly influences the ability to plan the medium and long-term capacity requirements. It also determines the terms of competition for the individual treatment facility. This amendment thus calls for the use of a political decision procedure in which the relevant actors are involved. The adoption of a regulation on the classification of waste treatment operations will allow for the choice of efficiency criteria and the setting of the corresponding thresholds to be the object of political scrutiny. At the same time the adoption of such a regulation provides the possibility to adopt measures without leading to too frequent revisions of the Directive on Waste. In the light of the knowledge retained at the local level, and in the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementing measures are proposed. The adoption of amendments 5 and 6 will consequently result in Annexes I & II to the Directive on Waste being transferred to Annex I & II of Regulation No XXXXX of the European Parliament and of the Council on the classification of waste treatment operations.

Recommendation 7

Article 6

<i>Commission text</i>	<i>CoR amendment</i>
<p>1. Member States shall ensure that, where recovery in accordance with Article 5(1) is not possible, all waste undergoes disposal operations.</p> <p>They shall prohibit the abandonment, dumping or uncontrolled disposal of waste.</p> <p>2. Member States shall regard as disposal operations at least the operations listed in Annex I, even where the operation has as a secondary consequence the reclamation of substances or energy.</p> <p>3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, it has only a low potential, the Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures adding that specific operation to the list set out in Annex I.</p>	<p>1. Member States shall ensure that, where recovery in accordance with Article 5(1) is not possible, all waste undergoes disposal operations.</p> <p>They shall prohibit the abandonment, dumping or uncontrolled disposal of waste.</p> <p>2. Member States shall regard as disposal operations at least the operations listed in Annex I <u>of Regulation No Xxxxx of the European Parliament and of the Council on the classification of waste treatment operations</u>, even where the operation has as a secondary consequence the reclamation of substances or energy.</p> <p>3. Where, despite substitution of resources taking place, the results of an operation indicate that, for the purposes of Article 1, it has only a low potential, the Commission may, in accordance with the procedure referred to in Article 36(2), adopt implementing measures adding that specific operation will be added to the list set out in Annex I referred to in paragraph 2.</p>

Reason

For the same reasons as put forward in the justification regarding amendment 5, the theme dealt with in this Article should be subject to a political and not just technical debate. The classification of treatment operations, and in this case disposal, strongly influences the ability of competent authorities and of private operators to plan medium and long-term capacity requirements. It also determines the terms of competition for the individual treatment facility.

Therefore the adoption of implementing measures should be subject to a political decision procedure in which the relevant actors are involved. In the light of their responsibilities and competencies in the

waste area, local and regional authorities ought as a minimum to be consulted before implementation measures are proposed and be given the opportunity to reflect on the impact assessment that the Commission should carry out prior to putting forward a proposal.

Recommendation 8

Article 9

<i>Commission text</i>	<i>CoR amendment</i>
Member States shall ensure that the costs entailed in the recovery or disposal of waste are allocated, as appropriate, between the holder, previous holders and the producer.	<u>In accordance with the polluter pays principle,</u> Member States shall ensure that the costs entailed in the recovery or disposal of waste are allocated, as appropriate, between the holder, previous holders and the producer.

Reason

The Sixth Community Environment Action Programme (adopted by the European Parliament and the Council on 22 July 2002) is based primarily on the polluter pays principle. This principle should, as a fundamental principle of environmental policy, be reinstated in the text of the Directive.

Recommendation 9

Article 11, paragraph 1, point c (new)

<i>Commission text</i>	<i>CoR amendment</i>
1. With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a re-use, recycling or recovery operation, and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met: (a) reclassification would not lead to overall negative environmental impacts; (b) a market exists for such a secondary product, material or substance.	1. With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a re-use, recycling or recovery operation, and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met: (a) reclassification would not lead to overall negative environmental impacts; (b) a market exists for such a secondary product, material or substance; <u>(c) the secondary product, material or substance has undergone a treatment, and is about to enter a new cycle as a</u>

	<u>product or a material showing properties, which are similar to those of virgin material or substances.</u>
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Reason

It is recommended that the end of waste criteria only apply when waste has undergone treatment. This means that it is not possible to exempt waste from the waste legislation before the moment when it can actually be part of a new production cycle and shows a quality equivalent to virgin material or substances.

Recommendation 10

Article 11, paragraph 2

<i>Commission text</i>	<i>CoR amendment</i>
2. On the basis of its assessment pursuant to paragraph 1, the Commission shall, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in respect of a specific product, material or substance category of waste, specifying the environmental and quality criteria to be met in order for that waste to be deemed to have become a secondary product, material or substance.	2. On the basis of its assessment pursuant to paragraph 1, the Commission shall, in accordance with the procedure referred to in Article 36(2), adopt propose by means of a directive on end of waste, implementing measures in respect of a specific product, material or substance category of waste, specifying the environmental and quality criteria to be met in order for that waste to be deemed to have become a secondary product, material or substance. <u>The Commission will carry out an impact assessment of the proposed measures.</u>

Reason

Article 11 outlines the end-of-waste criteria and thereby the future scope of waste legislation. The choice of environmental criteria and the level at which they are set is not only a technical issue but a political one as well. Further lack of strict criteria concerning the use of such concept can lead to confusion and even discussions among conflicting interest groups. Implementing measures must therefore be subject to a political debate. Proposing a directive on end of waste enables the avoidance of too frequent revisions of the Directive on Waste. Such proposals having environmental, economic and social consequences, they should be accompanied by an impact assessment including broad consultation among the relevant stakeholders.

Recommendation 11

Article 13

<i>Commission text</i>	<i>CoR amendment</i>
The Commission shall, in accordance with the procedure referred to in Article 36(2), establish a list of hazardous wastes, hereinafter "the list".	The Commission shall, in accordance with the procedure referred to in Article 36(2), establish a list of hazardous wastes, hereinafter "the list".
The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration.	The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration.

Reason

This article is redundant, as requirements concerning the establishment of a waste list are already included in Article 4.

Recommendation 12

Article 15

<i>Commission text</i>	<i>CoR amendment</i>
1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it may treat that waste as non-hazardous waste.	1. Where a Member State has evidence to show that a specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it may treat that waste as non-hazardous waste.
The Member State shall notify any such cases to the Commission in the report provided for in Article 34(1) and shall provide the Commission with the necessary evidence.	The Member State shall notify any such cases to the Commission in the report provided for in Article 34(1) and shall provide the Commission with the necessary evidence.
2. The Commission shall, in the light of notifications received, review the list in order to decide on its adaptation, in accordance with the procedure referred to in Article 36(2).	2. The Commission shall, in the light of notifications received, review the list in order to decide on its adaptation, in accordance with the procedure referred to in Article 36(2). <u>3. Member States may treat the waste as non-hazardous waste after the adaptation of the list has been adopted.</u>

Reason

A uniform classification of waste as hazardous or non-hazardous is an important precondition for implementing Council Regulation (EEC) No. 259/93 on trans-frontier shipments of waste. Such classification is the subject of ongoing discussions in the Technical Adaptation Committee. Changes may not be left up to the individual Member State but should first come into force after discussions between representatives of the Member States and the Commission.

Recommendation 13

Article 16

<i>Commission text</i>	<i>CoR amendment</i>
<p><i>Article 16</i></p> <p><i>Separation</i></p> <p>1. Member States shall take the necessary measures to ensure that the following conditions are met where hazardous waste is mixed, either with other hazardous waste possessing different properties or with other waste, substances or materials:</p> <p>(a) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with Article 19;</p> <p>(b) the conditions laid down in Article 7 are complied with;</p> <p>(c) the environmental impact of the management of the waste is not worsened;</p> <p>(d) such an operation conforms to best available techniques.</p> <p>2. Subject to technical and economical feasibility criteria to be determined by the Member States, where hazardous waste has been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7.</p>	<p><i>Article 16</i></p> <p><i>Separation</i></p> <p>1. Member States shall take the necessary measures to ensure that the following conditions are met :</p> <p><u>(a) it is forbidden to waste producers, collectors and transporters to mix hazardous waste, either with other hazardous waste possessing different properties or with other waste, substances or materials;</u></p> <p><u>(b) where hazardous waste is mixed, either with other hazardous waste possessing different properties or with other waste, substances or materials :</u></p> <p><u>(a) (i) the mixing operation is carried out by an establishment or undertaking which has obtained a permit in accordance with Article 19;</u></p> <p><u>(b) (ii) the conditions laid down in Article 7 are complied with;</u></p> <p><u>(c) (iii) the environmental impact of the management of the waste is not worsened;</u></p> <p><u>(d) (iv) such an operation conforms to best available techniques;</u></p> <p><u>(e) the mixture resulting from the mixing operation is treated in accordance with the rules on hazardous waste, no matter its final composition</u></p> <p>2. Subject to technical and economical feasibility criteria to be determined by the Member States, where hazardous waste has been mixed, in a manner contrary to paragraph 1, with other hazardous waste possessing different properties or with other wastes, substances or materials, separation shall be effected where necessary in order to comply with Article 7.</p>

Reason

It is true that only permitted plants may carry out the mixing. However, it should be noted that the provisions of Article 16, point 2 only require illegal mixtures to be separated under conditions that are “Subject to technical and economical feasibility criteria to be determined by the Member States”. It should be stated clearly in the directive’s text that mixing is forbidden to waste producers, collectors and transporters. Furthermore, mixtures must be treated according to the rules on hazardous waste in order to avoid mixing being carried out with the sole purpose of diluting the pollutants.

Recommendation 14

Article 19, paragraph 1

<i>Commission text</i>	<i>CoR amendment</i>
<p>1. Member States shall require any establishment or undertaking intending to carry out disposal or recovery operations to obtain a permit from the national competent authorities.</p> <p>Such permits shall specify the following:</p> <ul style="list-style-type: none">(a) the types and quantities of waste that may be treated;(b) for each type of operation permitted, the technical requirements relevant to the site concerned;(c) the security precautions to be taken;(d) the method to be used for each type of operation. <p>Permits may specify additional conditions and obligations.</p>	<p>1. Member States shall require any establishment or undertaking intending to carry out disposal or recovery operations to obtain a permit from the national competent authorities.</p> <p>Such permits shall specify the following:</p> <ul style="list-style-type: none">(a) the types and quantities of waste that may be treated;(b) for each type of operation permitted, the technical requirements relevant to the site concerned;(c) the security precautions to be taken;(d) the method to be used for each type of operation. <p>Permits may specify additional conditions and obligations <u>such as requirements regarding the quality of the treatment.</u></p>

Reason

In the light of its related environmental implications, Article 19 of the Directive should specify that it is possible to make requirements regarding the quality of the treatment.

Recommendation 15

Article 21

<i>Commission text</i>	<i>CoR amendment</i>
The Commission may, in accordance with the procedure referred to in Article 36(2), adopt minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner.	<p>The Commission may, in accordance with the procedure referred to in Article 36(2) <ins>a political procedure in which the relevant actors are involved, and after carrying out an impact assessment of the proposed measures</ins>, adopt minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner.</p> <p><ins>Member States may set higher standards for permits on the basis of a national assessment of needs and proportionality and in accordance with EC treaties.</ins></p>

Reason

In accordance with amendments 5, 6 and 9, this amendment calls for the use of a political and not only technical debate. Setting minimum standards for permits designed to ensure that the waste is treated in an environmentally sound manner should be subject to a political decision procedure in which relevant actors are involved. In the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementation measures are proposed and be given the opportunity to reflect on the impact assessment that the Commission should carry out prior to putting forward a proposal.

Recommendation 16

Article 26, paragraph 1

<i>Commission text</i>	<i>CoR amendment</i>
1. Member States shall ensure that their competent authorities establish, in accordance with Article 1, one or more waste management plans, which shall be revised at least every five years. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.	1. Member States shall ensure that their competent authorities establish, in accordance with Article 1, one or more waste management plans, which shall be revised at least every five <ins>four</ins> years. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.

Reason

The frequency according to which waste management plans will be revised should be synchronised with that applying to the waste prevention programmes described in Article 29. The review of the waste prevention programmes is foreseen in Article 31 and linked to the reporting requirements stipulated in Article 34, which sets the reporting frequency at three years. By synchronising the revision of both waste management plans and waste prevention programmes as well as the carrying out of sectoral reports, a regular exercise will be established among the relevant authorities and help these meet the reporting requirements of the Directive.

In relation to these criteria, it is important to mention that adequate resources should be allocated to the competent authorities.

Recommendation 17

Article 29, paragraph 1

<i>Commission text</i>	<i>CoR amendment</i>
<p>1. Member States shall establish, in accordance with Article 1, waste prevention programmes no later than [<i>three years after the entry into force of this Directive</i>].</p> <p>Such programmes shall either be integrated into the waste management plans provided for in Article 26, or shall function as separate programmes. They shall be drawn up at the geographical level most appropriate for their effective application.</p>	<p>1. Member States shall establish, in accordance with Article 1, waste prevention programmes no later than [<i>three years after the entry into force of this Directive</i>]. <u>The programmes shall be revised at least every four years.</u></p> <p><u>These programmes and the measures therein should as a minimum aim for a stabilisation of waste generation by 2010 and further significant reductions in generation by 2020.</u></p> <p>Such programmes shall either be integrated into the waste management plans provided for in Article 26, or shall function as separate programmes. They shall be drawn up at the geographical level most appropriate for their effective application.</p>

Reason

As put forward in the justification for amendment 14, the frequency according to which waste prevention programmes will be revised should be synchronised with that applying to waste management plans. The review of the waste prevention programmes is foreseen in Article 31 and linked to the reporting requirements stipulated in Article 34, which sets the reporting frequency at three years. Synchronising the reporting requirements is proposed for the same reasons as those given in the justification for amendment 14.

Waste prevention programmes aimed at tackling one of the most significant challenges of waste policies, a reduction in the generation of waste, the revised framework directive should establish milestones against which progress can be assessed. Setting clear reduction targets is also in line with the objectives and priority areas, set out in the Sixth Community Environment Action Programme concerning waste.

Article 29 requires that waste prevention programmes are drawn up at the geographical level most appropriate for their application, and thus it is of importance that adequate resources are allocated to that level.

Recommendation 18

Article 30, paragraph 2

<i>Commission text</i>	<i>CoR amendment</i>
2. Member States shall determine specific qualitative and quantitative targets and indicators for any measure or combination of measures adopted in order to monitor and assess the progress of individual measures.	2. Member States shall determine specific qualitative and quantitative targets. <u>The Commission will, in accordance with the procedure referred to in Article 36(2), establish quantitative and qualitative indicative targets and and indicatorsfor any measure or combination of measures adopted in order that will be used by Member States</u> to monitor and assess the progress of individual measures.

Reason

The establishment of qualitative and quantitative targets at national level may reflect the differences in the state of play in Member States. The monitoring and assessment of progress according to an agreed methodology will enable the further elaboration of prevention policies at Community level.

Recommendation 19

Article 34, paragraph 1

<i>Commission text</i>	<i>CoR amendment</i>
<p>1. At intervals of three years Member States shall inform the Commission of the implementation of this Directive, in the form of a sectoral report.</p> <p>The report shall be drawn up on the basis of a questionnaire or outline established by the Commission in accordance with the procedure referred to in Article 6 of Directive 91/692/EEC. The report shall be made to the Commission within nine months of the end of the three year period covered by it.</p> <p>Member States shall include in these reports information on their progress in the implementation of their waste prevention programmes.</p> <p>In the context of the reporting obligations, data shall be collected on catering waste, enabling the establishment of rules on its safe use, recovery, recycling and disposal.</p>	<p>1. At intervals of <u>three</u> <u>four</u> years Member States shall inform the Commission of the implementation of this Directive, in the form of a sectoral report.</p> <p>The report shall be drawn up on the basis of a questionnaire or outline established by the Commission in accordance with the procedure referred to in Article 6 of Directive 91/692/EEC. The report shall be made to the Commission within nine months of the end of the three year period covered by it.</p> <p>Member States shall include in these reports information on their progress in the implementation of their waste prevention programmes.</p> <p>In the context of the reporting obligations, data shall be collected on catering waste, enabling the establishment of rules on its safe use, recovery, recycling and disposal.</p>

Reason

The frequency according to which sectoral reports ought to be carried out, should, for the same reasons as put forward in amendments 14 and 15, be synchronised with the requirements applying to both waste prevention programmes as well as waste management plans.

Recommendation 20

Article 35

<i>Commission text</i>	<i>CoR amendment</i>
<p>The Commission shall, in accordance with the procedure referred to in Article 36(2), adopt the amendments necessary for adapting the Annexes to scientific and technical progress.</p>	<p>The Commission shall, in accordance with <u>the procedure referred to in Article 36(2)</u> a political procedure in which the relevant actors are involved, and after carrying out an impact</p>

	<u>assessment of the proposed measures, adopt the amendments necessary for adapting the Annexes to scientific and technical progress.</u>
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Reason

The Annexes of this Directive play an important role for the future scope of waste legislation. As pointed out in amendments 5 and 6, it is suggested that Annex I and Annex II – outlining the classification of future treatment operations – be transferred to the Annexes of a separate Regulation. However, it is generally important to recognise that adapting the Annexes of this Directive to scientific and technical progress requires a political and not just technical debate. Relevant actors should be involved in this political decision procedure, and in the light of their responsibilities and competencies in the waste area, local and regional authorities ought as a minimum to be consulted before implementation measures are proposed. As mentioned in amendment 5, the relevant actors should also be given the opportunity to reflect on the impact assessment which the Commission should carry out prior to putting forward a proposal regarding such changes to the legislation.

Recommendation 21 Annex I

<i>Commission text</i>	<i>CoR amendment</i>
<p style="text-align: center;">ANNEX I</p> <p style="text-align: center;">DISPOSAL OPERATIONS</p> <p>D 1 Deposit into or onto land (e.g. landfill, etc.)</p> <p>D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)</p> <p>D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)</p> <p>D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)</p> <p>D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)</p> <p>D 6 Release into a water body except seas/oceans</p> <p>D 7 Release into seas/oceans including sea-bed insertion</p> <p>D 8 Biological treatment not specified elsewhere</p>	<p style="text-align: center;">ANNEX I</p> <p style="text-align: center;">DISPOSAL OPERATIONS</p> <p>D 1 Deposit into or onto land (e.g. landfill, etc.)</p> <p>D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)</p> <p>D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)</p> <p>D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)</p> <p>D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)</p> <p>D 6 Release into a water body except seas/oceans</p> <p>D 7 Release into seas/oceans including sea-bed insertion</p> <p>D 8 Biological treatment not specified elsewhere</p>

in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12	in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)	D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
D 10 Incineration on land	D 10 Incineration on land
D 11 Incineration at sea	D 11 Incineration at sea
D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)	D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12	D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12
D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13	D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)	D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)

Reason

Annex I to the Directive on Waste should be transferred to Annex I of Regulation No Xxxxx, and is, in accordance with the justification laid down for amendment 5, to be deleted in this amendment.

Recommendation 22 Annex II

<i>Commission text</i>	<i>CoR amendment</i>
ANNEX II RECOVERY OPERATIONS <p>R1 Use principally as a fuel or other means to generate energy.</p> <p>This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:</p> <ul style="list-style-type: none"> – 0.60 for installations in operation and permitted in accordance with applicable 	ANNEX II RECOVERY OPERATIONS <p>R1 Use principally as a fuel or other means to generate energy.</p> <p>This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:</p> <p>– 0.60 for installations in operation and permitted in accordance with applicable</p>

<p>Community legislation before 1 January 2009, – 0.65 for installations permitted after 31 December 2008,</p> <p>using the following formula :</p> $\text{Energy efficiency} = (\text{Ep} - (\text{Ef} + \text{Ei})) / (0.97 \times (\text{Ew} + \text{Ef}))$ <p>In which:</p> <p><u>Ep</u> means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)</p> <p><u>Ef</u> means annual energy input to the system from fuels contributing to the production of steam (GJ/year)</p> <p><u>Ew</u> means annual energy contained in the treated waste calculated using the lower net calorific value of the waste (GJ/year)</p> <p><u>Ei</u> means annual energy imported excluding <u>Ew</u> and <u>Ef</u> (GJ/year)</p> <p>0.97 is a factor accounting for energy losses due to bottom ash and radiation.</p> <p>R 2 Solvent reclamation/regeneration</p> <p>R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R 4 Recycling/reclamation of metals and metal compounds</p> <p>R 5 Recycling/reclamation of other inorganic materials</p> <p>R 6 Regeneration of acids or bases</p> <p>R 7 Recovery of components used for pollution abatement</p> <p>R 8 Recovery of components from catalysts</p> <p>R 9 Oil re-refining or other reuses of oil</p> <p>R 10 Land treatment resulting in benefit to</p>	<p>Community legislation before 1 January 2009, – 0.65 for installations permitted after 31 December 2008,</p> <p>using the following formula :</p> $\text{Energy efficiency} = (\text{Ep} - (\text{Ef} + \text{Ei})) / (0.97 \times (\text{Ew} + \text{Ef}))$ <p>In which:</p> <p><u>Ep</u> means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2.6 and heat produced for commercial use multiplied by 1.1 (GJ/year)</p> <p><u>Ef</u> means annual energy input to the system from fuels contributing to the production of steam (GJ/year)</p> <p><u>Ew</u> means annual energy contained in the treated waste calculated using the lower net calorific value of the waste (GJ/year)</p> <p><u>Ei</u> means annual energy imported excluding <u>Ew</u> and <u>Ef</u> (GJ/year)</p> <p>0.97 is a factor accounting for energy losses due to bottom ash and radiation.</p> <p>R 2 Solvent reclamation/regeneration</p> <p>R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)</p> <p>R 4 Recycling/reclamation of metals and metal compounds</p> <p>R 5 Recycling/reclamation of other inorganic materials</p> <p>R 6 Regeneration of acids or bases</p> <p>R 7 Recovery of components used for pollution abatement</p> <p>R 8 Recovery of components from catalysts</p> <p>R 9 Oil re-refining or other reuses of oil</p> <p>R 10 Land treatment resulting in benefit to</p>
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agriculture or ecological improvement R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10 R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11 R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)	agriculture or ecological improvement R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10 R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11 R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)
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Reason

Annex II to the Directive on Waste should, as stated in the justification for amendment 5, be transferred to a separate Regulation and, in accordance with previous amendments, be deleted.

Brussels, 14 June 2006.

The President
of the
Committee of the Regions

The Secretary-General
of the
Committee of the Regions

Michel Delebarre

Gerhard Stahl