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COMMUNICATION FROM THE COMMISSION
**on the review of the Community Strategy
for Waste Management**

DRAFT

COUNCIL RESOLUTION

on waste policy

(presented by the Commission)

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Executive summary

- The review establishes as the **general objective** of the community waste management policy the need to ensure a **high degree of environmental protection without distorting the functioning of the internal market** with a view to **promoting sustainable development**. To reach this twofold objective the review spells out the following elements as being of paramount importance:

- * A comprehensive and integrated legal framework
- * Appropriate definitions of waste related concepts
- * Suitable rules and principles: proximity and self-sufficiency
- * Reliable and comparable data.

- The review confirms the **hierarchy of principles** established by the strategy document of 1989 that **prevention of waste shall remain the first priority, followed by recovery and finally by the safe disposal of waste**. The implementation of this hierarchy should be guided by considering the best environmental solution taking into account economic and social costs:

- * As regards the **prevention** principle, the following measures should be particularly developed: promotion of clean technologies and products, reduction of the hazardousness of wastes, the establishment of technical standards and possibly EC-wide rules to limit the presence of certain dangerous substances in products, the promotion of reuse and recycling schemes, the appropriate use of economic instruments, eco-balances, eco-audit schemes, life-cycle analysis and actions on consumer information and education as well as the development of the eco-label system.
- * Within the **recovery** principle, where environmentally sound, preference should in general be given to the recovery of material over energy recovery operations. This reflects the greater effect on the prevention of waste produced by material recovery rather than by energy recovery.
- * Concerning **final disposal**, particular care should be taken to avoid as much as possible incineration operations without energy recovery. Uncontrolled landfilling and contaminated sites are two problems requiring special and strong actions at different levels.

- The strategy addresses the question of producer responsibility. Considering the life cycle of a product from manufacture until the end of its useful life, producers, material suppliers, trade, consumers and public authorities share specific waste management responsibilities. However it is the product manufacturer who has a predominant role since he takes key decisions concerning his product which largely determine its waste management potential. This principle will, thus, be integrated in future measures, on a case by case basis, taking into account the specific responsibilities of the different economic operators.

- The reviewed strategy on the priority waste streams programme suggests that the approach has not been sufficiently successful to replace the traditional preparatory stage of the institutional decision making process; therefore, in principle, no new specific projects will be initiated. Rather, waste streams and material flows will be examined on a case by case basis.

- The strategy reaffirms the need for appropriate control of shipment of waste within the legal framework set up by Regulation (EEC) No 259/93. Particular attention is to be paid to achieve the double objective of ensuring a high level of environmental protection without distorting the functioning of the internal market. Appropriate application of the proximity and self-sufficiency principles is needed. These principles entail that waste must be disposed of in one of the nearest appropriate installations and that waste which is generated within the Community should not be disposed of elsewhere. However, these principles only apply to waste destined for disposal, not to waste for recovery.

- The new document includes a chapter on the instruments which are to be used, at all different levels, in order to achieve the objectives fixed by the strategy, namely regulatory and economic instruments, reliable and comparable statistics on waste and other management instruments such as waste management plans, appropriate enforcement of legislation and impartial use of life cycle analysis and eco-balances.

- As far as actors are concerned, the strategy recognizes the need for an active role of all economic operators involved in the pursuit of waste policy objectives. Indeed, these cannot be achieved without the participation of public authorities, private and public companies, environmental organizations and, in particular, individuals as citizens and consumers.

1. INTRODUCTION

- 1 Waste is a form of pollution of growing concern. However, sound and appropriately planned waste management policies can contribute both to the conservation of scarce natural resources and protect the quality of the environment, and thus effectively contribute to sustainable development.
- 2 In September 1989, the Commission made a Communication to the Council and to the European Parliament on a Community strategy for waste management (SEC(89) 934 final of 18.9.89). Council and Parliament approved this strategy in their respective Resolutions of 7 May 1990 (OJ C 122/2, 18.5.90) and 19 February 1991(OJ C 72/34, 18.3.91). Furthermore, Parliament advocated, in a second Resolution of 22 April 1994, the need for further development of the Community strategy on waste management (OJ C 128/471, 9.5.94).
- 3 The present Communication on the Community waste strategy aims at reviewing the Commission's Communication of 1989 and to adapt it to the requirements of the next five years¹. Indeed, a number of very important events and factors have intervened since 1989 influencing the attitude of national and Community administrations and economic operators in the waste area. These suggest the Commission should reaffirm and/or adapt the principles which will guide its waste policy.
- 4 First, the Community has adopted a whole number of new legal instruments on waste. Second, the European Court of Justice has issued a series of judgments on cases that affect wastes. These assist with the orientation of national and Community waste management measures. Further, the Treaty on European Union and the adoption of the Fifth Environment Action Programme, currently being reviewed, have determined the framework within which waste management activities inside the European Community are exercised. Furthermore, economic, social, technical and environmental factors have evolved and strongly influenced the waste management policy. Also, the European Union is preparing for enlargement with applicant countries from Central and Eastern Europe, as well as Cyprus and Malta. Finally, on the international level, both the Report of the United Nations Conference on Environment and Development (Agenda 21) and the conclusion of the Basel Convention on the control of transboundary movements of hazardous waste and their disposal, stressed the need to prevent and/or minimize the generation of hazardous wastes as well as to manage those wastes in such a way that they do not cause harm to health and the environment.

¹ This review does not cover radioactive waste.

- 5 Seven years after the first Communication on waste strategy, it is appropriate now to inform the European Parliament and the Council as well as the Economic and Social Committee and the Committee of the Regions, public authorities, economic operators, environmental and consumer organizations of the review of the 1989 waste strategy. The Commission has recently adopted and transmitted to the European Parliament and to the Council a report on the measures taken since the adoption of the first Communication (COM(95) 522 final of 8.11.95).
- 6 When putting the present Communication into operation, full account will be taken of the Community's obligations under international law, in particular as regards trade, as well as of the principles governing other EC policies.

2. THE CONTEXT

- 7 Wastes are material objects. The European Community has established an internal market where national borders are no longer economic borders and where the free circulation of goods is of paramount importance. Member States are under an obligation to respect the provisions of the EC Treaty, such as those on the free movement of goods in Articles 30-36 with regard to national rules and administrative practices when applying and interpreting Community law. The European Court of Justice has stipulated that the term "goods" for the purposes of the Treaty covers goods irrespective of their value, nature, characteristics and purpose. In this context, waste must be considered as goods under Article 30 irrespective of whether they will be reused, recycled or disposed of (case C-2/90, Commission v Belgium). However, the European Court of Justice noted that wastes are goods of a specific nature which may constitute a risk to the environment. Therefore, in light of Article 36 and on the basis of the principle that environmental damage should as a priority be rectified at source, the free movement of waste may be limited for reasons of environmental protection in accordance with existing legislation.
- 8 As a step in this direction, the 1989 waste strategy introduced elements of the proximity principle. This means that waste must be disposed of "in one of the nearest appropriate installations". Furthermore, it proclaimed the principle of self-sufficiency in waste disposal, in the first instance for the Community as a whole, reflecting the general idea that waste which is generated within the Community should not be disposed of outside the Community. Legislation enacted since then takes due account of these principles in applying them to the disposal of all waste, not however to the recovery of waste.
- 9 In the past, a number of Member States have relied to a large extent on the principles of proximity and self-sufficiency in order to establish and maintain adequate and sustainable waste management systems. The Commission is of the opinion that these national considerations and practices can have a valid role provided they comply with the provisions of the Treaty and respect the principles of the internal market, where these apply.
- 10 Community waste legislation has tried to strike a balance between the need for a high level of environmental protection - now required by Article 130r of the EC Treaty - and the need for an appropriate level of regulation to ensure the functioning of the internal market. This would allow economic operators to act within the Community while creating a level playing field for waste by establishing common rules yet respecting the legitimate wish of Member States to define and implement waste policies and waste management measures at national level. This diversity of objectives has manifested itself in that a number of Community waste directives are based on Article 100a of the EC Treaty, while others have taken Article 130s as their legal basis. It is the aim of this strategy to contribute, in the area of waste, to the achievement of a high protection of the environment within the internal market. The Commission is determined to achieve this objective and appeals to all interested parties to support this effort.

- 11 The Community policy on environment aims to provide a high level of protection. Therefore, emissions from installations to the environment (air, water, soil) should be reduced as much as possible and in the most economically efficient way. The environmental impact of a given emission has the same potential irrespective of the emitting process. Consequently, there is no reason to set up different standards for different sectors (industry and waste treatment facilities) as long as the input material and process is comparable. The same strict standards should, in principle, apply for waste whether it is treated in industrial installations or in waste treatment installations (recovery or disposal). The Commission work in future will aim at achieving this. Also, care must be taken to ensure that standards which are fixed to limit emissions into one environmental medium (air, water or soil) do not lead to an increase of emissions into other media. This basic philosophy, set out in the proposal for a Directive on Integrated Pollution Prevention and Control (IPPC) for industrial installations, including waste treatment installations, must also guide any Community strategy on waste.
- 12 The Commission is convinced that only very strict environmental standards for all waste management installations can help to overcome the far-spread concern of the population which finds its concrete application in the NIMBY syndrome (not in my back yard).
- 13 The discussion on the distinction between waste and goods has been going on for almost twenty years now. No satisfactory definition has yet been found to determine when a material becomes waste and when waste becomes a good again. A sometimes favoured solution has been to consider a material as a good when it has economic value. This would not be in line either with the EC-definition of waste or with the opinion of the Court of Justice which has specified that the definition of waste is independent of the economic value that the discarded object may have and declared wastes without an economic value to be goods in the sense of Article 30 of the EC Treaty, though of a specific nature. Notwithstanding the inherent difficulty of this question, practical implications necessitate further efforts involving all parties concerned, including international organisations, towards finding such a definition.
- 14 The definitions of "waste" and of "hazardous waste", given in Council Directives 75/442/EEC, as amended by Directive 91/156/EEC, and 91/689/EEC did not solve all the problematic cases of distinction between wastes and goods which have arisen. Nevertheless they have aimed at serving the double objective of environmental protection and functioning of the internal market.
- 15 When implementing EC legislation Member States have adopted rather different notions of waste and hazardous waste and established different waste lists. For this reason, the Commission believes that the realisation of the above objective will only be achieved where all Member States incorporate the EC definitions of waste and hazardous waste and the respective lists in their national legislation. This would avoid the use of widely different terminology - industrial waste, ultimate waste, secondary raw material, special waste etc - which only contributes to difficulties for economic operators and administrations. At the same time, there would, in principle, be only one EC-wide list for "waste" and for "hazardous waste", a situation which would considerably increase transparency, planning and economic security for all parties involved.

In the context of the pre-accession strategy, special attention will be paid to the countries of Central and Eastern Europe that are preparing to become Members of the Union. Along with the adaptation of legislation to Community level, practical measures to ensure enforcement and application will need to be strengthened.

16 Where Member States are of the opinion that the lists are not completely or correctly reflecting the different "wastes" or "hazardous wastes", they are at present entitled to adopt or maintain more stringent national provisions; furthermore it should be noted that a waste not featuring on the Community list may be covered by some other relevant EC legislation. However, these measures must be notified to the Commission. A specific, simplified committee procedure exists in order to adapt the EC lists to any new requirement.

17 According to the recent publication *Europe's Environment: Statistical Compendium for the Dobris Assessment*, in 1990 the total amount of waste generated in the 15 Member States purported to be about 910 million tonnes (excluding agricultural waste); of those 22 million tonnes were hazardous. The potential environment impact of these quantities is enormous. However, it is extremely difficult, if not impossible, to draw up a consistent picture across different countries within a given time-frame to indicate any clear trend in the area of quantitative aspects of waste for the last 10 years. Little data is available before 1985 and the figures available more recently are patchy and hard to compare or aggregate. This reflects the lack of a systematic data collection at the Community level, using a standard and uniform scope, coverage, definitions and nomenclature. The issue of statistical data will be tackled in more detail in chapter 4.3.

3. OBJECTIVES

3.1 THE GENERAL PHILOSOPHY OF THE COMMUNITY WASTE MANAGEMENT POLICY

3.1.1 The hierarchy of principles of waste management policy

- 18 As significant as they are for any waste policy, recovery and disposal of waste do not constitute the most important elements of such a policy. Indeed, the generation of waste is a form of pollution and at the same time a "waste" of resources. Therefore the key objective of any Community waste policy based on the precautionary and preventive principle must be to prevent the generation of waste and, furthermore, to reduce the content of hazardous materials in waste. This simultaneously avoids any risk to human health and the environment. In the long term such a policy will require the integration of any waste-related problem already into the production phase and thus help to promote sustainable development.
- 19 The recovery concept has to be considered in its triple dimension: re-use, recycling and energy recovery. Waste which cannot be avoided should be recovered according to one of these methods. Final disposal has to be safe and limited to waste for which no possibility of recovery exists.
- 20 The Commission therefore confirms the hierarchy of principles established by the strategy document of 1989 that prevention of the generation of waste shall remain the first priority, followed by the recovery of waste and finally by the safe disposal of waste. Obviously this hierarchy has to be applied with a certain flexibility. The implementation of this hierarchy should be guided by considering the best environmental solution taking into account economic and social costs. A sound waste management strategy should refer to analytical and decision-making techniques assessing the benefits and costs of action or lack of action for the environment. However, the Commission believes that in any case waste prevention must be considered preferable to any other possible solution.
- 21 In this respect the internalisation of external (environmental) costs approach may be helpful. External costs are the costs of natural and material resources not yet reflected in their market prices and the costs (damages) to environmental quality that arise throughout the product cycle including the management of the waste streams. Valuing these external cost elements in monetary terms and internalising them to the product price at its various life-cycle stages would, in principle, bring about via the market mechanism an environmentally and economically optimal waste management system. In practice a range of practical difficulties limits the implementation of an overall internalisation strategy for the time being.

- 22 The Commission will continue to promote this hierarchy in the coming years, by establishing legal, economic and administrative instruments which allow these principles to be pursued throughout the Community.
- 23 With a view to substantially reducing the amount of waste generated as well as to generally achieve high waste recovery objectives, the Commission will make proposals in areas where quantitative targets may be fixed at Community level. In this context, it will be very important to ensure that the quantities of waste which are generated in the different industrial processes are properly monitored and made transparent so that the effectiveness of the different measures can be assessed. Furthermore, economic operators are encouraged to set quantitative targets for waste reduction and recovery at the level of individual production units. Finally there is a considerable potential for reducing and recovering municipal waste in a more sustainable fashion for which new targets also will be set.

3.1.2 Producer responsibility

- 24 A preventive waste policy which aims at preventing generation of waste must begin with the product and production process. Waste management concerns have to be fully taken into account from the product's design or conception phase. To be effective, it implies that action is necessary at all stages of a product's life cycle from production, through use to collection, re-use, recycling and final disposal.
- 25 In the past, the concept of waste management in terms of costs and related responsibilities for the disposal of products that became waste was traditionally born either by the environment itself or by the tax payer. This approach is not compatible with the principles of Article 130r of the EC Treaty, in particular the precautionary and prevention principles as well as that the polluter should pay and that environmental impairment should be rectified at source.
- 26 These basic principles aim at closing the life cycle of substances, components and products from their production through their useful life until they become waste. The objective can only be attained if responsibility rests with the economic operators who may make the most efficient contribution towards the protection, preservation and improvement of the quality of the environment.

- 27 Considering the life cycle of a product from manufacture until the end of its useful life, producers, material suppliers, trade, consumers and public authorities share specific waste management responsibilities. However it is the product manufacturer who has a predominant role. The manufacturer is the one to take key decisions concerning the waste management potential of his product, such as design, conception, use of specific materials, composition of the product and finally its marketing. The manufacturer is therefore able to provide the means not only to avoid waste by a considered utilization of natural resources, renewable raw materials or non-hazardous materials, but also to conceive products in a way which facilitates proper re-use and recovery. Marking, labelling, the issue of instructions for use and of data sheets may contribute to this aim.
- 28 This approach is compatible with the concept of shared responsibility as proposed in the Fifth Environment Action Programme. Indeed, this concept underlines that progress in environmental policies can only be achieved when action is taken by all actors involved in a coherent way.
- 29 The Commission intends to integrate and practically implement the above-mentioned principles in all future measures, on a case by case basis, which it proposes or undertakes in the waste area, taken into account the specific responsibilities of the different economic operators.

3.2 SPECIFIC OBJECTIVES

3.2.1 Prevention

- 30 The environmental impact of a product or an installation is not limited to the generation of waste. Therefore, the impact of a specific material object on the environment should be evaluated during its whole life cycle. The burden on the environment should thus normally be determined by the use of "cradle-to-grave approaches", i.e. by assessing the impact of the extraction of virgin raw materials, through processing, manufacturing, transporting, using and handling as waste. The aim of such an approach is to conserve raw materials and energy on the one hand, and to reduce the generation of waste, in particular its hazardousness, on the other hand. A higher degree of dematerialisation in processes, products and services should be achieved in the long term.
- 31 Methods for life-cycle analyses for products do not yet exist in a sufficiently consolidated form. However, with further developments, these methods should, in future, prove to be very useful for strategic waste planning.

- 32 The strategy document of 1989 indicated that the prevention of the generation of waste should mainly be assured by the use of clean technologies in the production process and by an action on products, for which it suggested the introduction of an eco-label system at EC level.
- 33 It cannot be denied that the Community's achievements in the prevention of waste generation are not satisfactory. Indeed, waste quantities have on average continued to grow.
- 34 The Commission will continue to promote clean technologies in the context of the different funding facilities which are available (e.g. LIFE, Environment and Climate Programme, Industrial and Materials Technologies Programme) and to influence their adoption by Member States and economic operators where possible, for instance by instruments such as the proposal for a Directive on Integrated Pollution Prevention and Control. The Commission will seek to improve the environmental dimension of technical standards in the framework of the European Committee for Standardization (CEN), in order to ensure that product standards already incorporate the problems which occur when the product reaches the end of its useful life-time. The Commission will promote and favour the reuse and recycling, where environmentally sound and economically viable, since this reduces the need to produce new products and thus new (future) waste.
- 35 In particular cases, waste prevention might lead to the need for EC-wide rules to limit the presence of heavy metals in products or in the production process or ban specific substances in order to prevent, at a later stage, the generation of hazardous waste. This might be the case where neither the reuse nor the recovery or the safe disposal of that substance is an environmentally acceptable solution.
- 36 An important element for promoting the prevention of waste is certainly the price element. Where the price of natural resources is low, more waste is generated; also, where the price of waste disposal is significant, waste generators are likely to avoid these costs by making efforts to reduce the generation of wastes. Finally, economic instruments such as charging products which are neither reusable nor recyclable, are methods which are used in some Member States in order to orient consumers' preference to other products. The Commission will endeavour to promote the use of economic instruments in the waste sector in accordance with the rules of the internal market.
- 37 Other ways to contribute to the prevention of waste are eco-audit schemes for economic operators which increase awareness of the amount of waste generated and thereby constitute an incentive to develop waste prevention strategies. The EC Regulation on eco-audit constitutes a basic instrument on which Member States can build. Also the eco-label Regulation may be applied to the waste management area to promote products which generate less waste. It is recognized, though, that with regard to these instruments, the particular concerns of small and medium sized enterprises need to be taken into consideration.

- 38 More generally, considerable achievements in waste prevention might be gained where consumers can be encouraged to acquire products which pollute less, which come from recovered materials or which themselves can be reused or recycled. The Commission will endeavour to promote consumer information and education in this area and thus contribute to progressive changes in the consumption patterns.
- 39 The Commission will continue to establish at Community level the appropriate legal and institutional framework to promote prevention of waste generation. However, the success of this strategy requires the determination of Member States, economic operators and consumers alike. Joint efforts of local, regional, national and Community authorities are necessary in order to prove that waste prevention pays in terms of price and consumer satisfaction as well as environmental protection.

3.2.2 Recovery

- 40 Recovery of waste is at the core of any sustainable waste management policy. Therefore, where the generation of waste cannot be avoided, it should be reused or recovered for its material or energy.
- 41 Re-use of a product should, where environmentally sound, be further encouraged, since it helps to avoid waste generation. Waste can otherwise be recovered mainly by means of material recovery, which means that some or all materials contained in the waste are reprocessed in order to make new products, or by energy recovery operations, where the energy is extracted by the use of the waste as a fuel.
- 42 Material recovery implies the separation of wastes at the source. This involves end-users and consumers in the waste management chain and makes them more aware of the necessity and the ways to decrease the generation of waste. Indeed, it is the end-users and consumers who should carry out the separation of wastes before disposal in order to reintroduce recyclable wastes in the production cycle. Furthermore, energy strategies relying on waste supplies should not be detrimental to the principles of prevention and material recovery. Indeed, in many cases it can be assumed that by retaining the existing material structure of the recoverable waste, it will be possible to minimise the additional material and energy necessary to produce a new product. Also, material recovery addresses the concerns about emissions from waste incineration installations.

In view of the above, preference should be given, where environmentally sound, to the recovery of material over energy recovery operations. This general rule is based on the fact that material recovery has a greater effect on waste prevention than energy recovery. It will nevertheless be necessary to take into account the environmental, economic and scientific effects of either option. The evaluation of these effects could lead, in certain cases, to preference being given to the energy recovery option.

Material recovery

- 43 As regards material recovery, it seems fair to state that the complexity of products, in terms of material composition and structure, has considerably increased over the years. However, the recycling industry is often characterized by the fact that it only handles more simple products. It will therefore be an important task to develop a recycling industry which is based on modern methods and technologies, which allow an economically profitable reprocessing of discarded products.
- 44 Closer liaison should be established between all the economic operators of the production and distribution chain, in order to improve and promote recyclability of materials and products. In particular, materials used should be easily separable and compatible when recycled, and products should be designed in such a way that their disassembly is facilitated.
- 45 The creation of outlets for materials and products of recycling activities should also be promoted all over the Community. This implies that economic operators and consumers are convinced that materials and products which come in part or in full from recycled materials satisfy the same standards for health, safety and the environment as "new" products. Public procurement requirements can play an important part in promoting recycled products.

Energy recovery

- 46 As a source of energy, waste recovery operations are of growing importance. However, there remain considerable problems in detail. Some Member States have adopted different definitions as regards the distinction between waste incineration with and without energy recovery. The Commission thus envisages further action to clarify definitions within this area. In this context, in the future it may have to be considered whether there should be EC quality requirements to define when a given incineration operation is a recovery or a disposal operation. Furthermore, as regards terminology, the notion of "recycling" should be limited to material recovery and, as Council Directive 94/62/EC already stated in the area of packaging and packaging waste, not include energy recovery operations.
- 47 Energy recovery operations should be carried out by using the produced energy in the most efficient way. This implies that consideration will have to be given to whether only waste being able to provide a net calorific gain should be considered as waste for energy recovery.
- 48 Emissions of energy recovery plants must be minimized and comply with EC regulations; particular attention will have to be paid to installations which originally had not been designed to use waste as fuel substitute. In all installations incineration must be carried out in a way that the material residues can be disposed of in an environmentally sound manner.

3.2.3 Final disposal

- 49 Final disposal of waste is carried out mainly by waste incineration without energy recovery and landfill of waste. Sometimes the dumping or the discharge of waste at sea is also considered as an option. In conformity with several international conventions, the Commission is of the opinion that the discharge of waste into the sea or the seabed is not a desirable option and should be avoided. This applies to all forms of waste, including end-of-life ships and other bulky wastes.
- 50 According to Directive 75/442/EEC, Member States are required to take appropriate measures to establish an integrated and adequate network of waste disposal installations which will allow the Community to become self-sufficient as regards the disposal of waste. Without doubt, the waste management plans, which all Member States have to elaborate, will contribute to progressively establishing this EC-wide network.
- 51 Frequently, the cost of waste disposal does not reflect the true costs of the environmental damage caused. For instance, the costs for the whole life-time of a landfill - a hundred years or more - are often not taken into consideration. Low prices for waste disposal offer no incentive to recovery operations or the pre-treatment of waste. Therefore Member States should, in the long run, ensure that the price to be paid for these operations is made more transparent. In particular, the objective should be that the price accurately reflects the full cost of disposal, for example as regards the closure and aftercare of a facility. This would restore the balance between costs for waste disposal operations, which at present tend to be too low, and costs for other treatment methods, e.g. environmentally sound recovery operations which are relatively high.
- 52 Incineration of waste reduces the volume of waste. Nevertheless, incineration without energy recovery does not contribute to saving resources. Consequently, energy recovery should be promoted for all incineration installations. Where incineration takes place, the emission of pollutants must be minimized, in particular as regards heavy metals, dioxin and furan; strict monitoring of the installations is necessary as regards compliance with existing legislation and in particular the recently adopted Directive 94/67/EC. Again, installations which were not originally designed to incinerate waste need special attention.
- 53 The landfilling of waste should, in principle, be seen as the last - and least best - solution. It has a negative impact on the environment, in particular where the long-term effects of landfill are being taken into consideration. This does not exclude that, in particular cases, landfill is the only reasonable form of waste disposal. However, waste strategies should take serious efforts to prevent and, should that not be possible, to minimize the quantities of waste that goes to landfill. Means to achieve this are in particular waste prevention and recovery operations. Also, waste should be sorted and/or pre-treated before it is landfilled, in order to reduce quantities of waste and/or eliminate hazardous wastes going to landfill. In the mid-term, the Commission considers that only non recoverable waste and inert waste should be accepted in landfills.

- 54 Following the rejection by the European Parliament of the common position of the Council for a Directive on landfill, the Commission will shortly present a new proposal which will fix strict requirements for authorizing landfill sites. The Directive will progressively be put into practice in Member States and allow for better environmental protection against contamination and other risks stemming from landfill. The Commission will ensure over the coming years that the Directive is fully put into operation.
- 55 There is a considerable potential for damage to the environment which comes from contaminated sites such as old landfills, unauthorized discharges of waste, abandoned industrial or military sites etc.. These sites will need special attention and efforts with a view to their cleaning-up. Also, particular care will have to be taken of old mines and other underground sites, where the permanent storage of waste might, from an environmental point of view, constitute the same or even a more serious risk to the environment than the ordinary landfill.
- 56 Some Member States have started with clean-up measures for contaminated sites, which often reveal to be expensive and difficult. The Commission is of the opinion that the identification and rehabilitation of such contaminated sites is first of all the task of Member States, which will also have to consider to what extent the polluter-pays-principle should be made operational for such cases. In future, an exchange of experience, of know-how and of clean-up technologies among Member States is desirable. This problem is likely to be of particular importance in Central and Eastern Europe.

3.3 PRIORITY WASTE STREAMS

- 57 Following the Council Resolution of 7 May 1990, which asked for EC-wide actions for particular types of waste, the Commission developed a priority waste streams programme. The action concentrated on used tyres, end-of-life vehicles, healthcare waste, construction and demolition waste and waste from electrical and electronic equipment.
- 58 The working method was inspired by Dutch experience which had led to the conclusion of Dutch covenants on specific types of wastes; such covenants are agreements between the Government, economic operators and possibly non-governmental organisations, which agree to the achievement of targets for waste reduction or recovery that were set by the Government. However, at EC level, no targets were fixed. The working groups included representatives from national governments, the Commission services, raw material producers, manufacturers, product retailers, environmental and consumer protection associations etc.

- 59 The initial idea to obtain a consensus of participants on quantified objectives for the different waste streams was only partially realised. Possible reasons for this include the lack of proper, EC-wide statistics both in quantities and in quality of the waste in question and its environmental impact, the unbalanced preparation of the parties to consider all waste management aspects and implications of the stream, the lack of or incomplete methodology to evaluate the economic aspects which would allow to determine the environmental benefits and costs of the wastes, and the absence of a mandate both to Member States, industry and NGO representatives to fully negotiate, accept and agree on certain decisions.
- 60 The general conclusion of the priority waste stream projects is that they contributed to more insight and more information concerning the various waste streams and their possible solutions, including better product design and production processes. However, the specific priority waste stream project approach has not always been sufficiently successful to replace the traditional preparatory stage of the institutional decision making process. It cannot be neglected that the merits of this approach also involve considerable time and effort.
- 61 In view of the above, new specific projects under this approach will not, in principle, be initiated by the Commission. However, the Commission will examine other waste streams or material flows such as heavy metals or certain organic compounds on a case by case basis. For the existing projects an adequate follow-up will be assured.

3.4 THE SHIPMENT OF WASTE

- 62 The Community has equipped itself with detailed legislation concerning the shipment of wastes, by adopting Council Regulation (EEC) No 259/93 and ratifying the Basel Convention on the control of transboundary movements of hazardous waste and their disposal. Furthermore, the Community is currently working on the integration into EC legislation of the agreements on international transport of dangerous goods, including waste, set up under the umbrella of the UN Recommendations on this issue. It is obvious, though, that considerable work will be needed in order to fine-tune the shipment of wastes within the EC on the one hand and the shipment of wastes from and to third countries on the other. Particular attention will need to be paid to ensure that countries that have applied to become members of the EU co-operate fully on the application and enforcement of EU and international rules applicable to shipment of waste.
- 63 The principle of self-sufficiency has already been touched upon. It applies only to disposal activities and aims in particular at ensuring that wastes are not exported to non-EC countries. Within the EC, this principle also aims to avoid shipments for disposal between Member States. It largely depends on Member States, if and to what extent they use this facility; generally, no further regulatory interventions seem necessary at this moment for this type of shipment of wastes.

- 64 Wastes which are shipped for recovery operations are, as indicated above, to a large extent submitted to the principles of the internal market. Member States are entitled to oppose this kind of shipment under certain, specific circumstances. The argument of ensuring the security of waste supply to national installations cannot justify the refusal to authorise shipments for recovery. However, the environmentally sound management of waste for recovery must also be ensured. To this end, it is essential that the conditions for waste treatment are based on the same strict standards throughout the Community. Thus, a level playing field for recovery operations needs to be provided in order to avoid shipments to those parts of the Community where lower environmental standards entail lower treatment costs. Consequently, the Commission is of the opinion that efforts in the area of approximation of environmental standards should be increased with the objective of establishing, where appropriate, common environmental standards for recovery operations. The Commission believes that the above considerations will best reconcile environmental arguments with the rules on the free circulation of goods.
- 65 In this context, the Commission notes that there is at present an ongoing debate within the Community as to whether wastes that are destined for incineration with recovery of energy should rather follow the principles of free circulation, or whether Member States should be allowed to generally prohibit the shipment of wastes for such purposes. It is noted, however, that further restrictions to the circulation of waste for recovery may require a change in the present Community legislation. Furthermore, particular attention will have to be paid to a proper enforcement of the provisions on the shipment of waste, in order to further reduce illegal shipments and criminal activities related to these, in particular as regards shipments from one country to another.
- 66 As regards waste exports, the EC has already banned exports of all wastes for disposal to other countries, except to EFTA-States who have given written consent to their specific import. Exports of hazardous waste for recovery to non-OECD countries shall be phased out by 1998. This initiative follows a 1995 decision taken in the context of the Third Conference of the Parties of the Basel Convention on the shipment of hazardous waste.
- 67 Since then several third countries voiced concern as to the economic and trade potential which might be affected by such a decision. For that reason, and in particular in order to avoid confusion of exporters and importers about which waste will actually be covered by the export ban, the Basel Convention decided to adopt in 1997 lists of wastes which are hazardous and wastes which are not subject to the Convention.
- 68 It remains to be seen to what extent such a list will find the right balance between wastes which may be shipped under control requirements and hazardous wastes, which shall no longer be shipped from industrialized to non-industrialized countries. The EC has interest in seeing trade in waste for recovery not unduly hampered, while particular care must be taken in order to avoid that under the cover of "shipments for recovery" hazardous waste is exported, the handling of which exceeds the capacity of non-OECD countries.

4. INSTRUMENTS

4.1 REGULATORY INSTRUMENTS

- 69 In the terminology of the Court of Justice waste is a "good", though with certain specific characteristics. An internal market for goods/products, which may circulate freely within the EC is hardly conceivable without EC-wide rules which regulate these products at the end of their useful life-time. Therefore, EC-wide rules for waste will continue to be necessary. These rules should take account of the economic and social development of the Community as a whole and the balanced development of its regions. Since Member States too have a genuine responsibility to protect the environment, particular care will have to be taken to elaborate EC-wide rules for waste, which respect the principle of subsidiarity and ensure at the same time a high level of environmental protection all over the Community. Equally, emphasis should be given to the harmonised application of Community rules in order to facilitate the exchange of recoverable waste. This will encourage a competitive European recycling industry able to progressively develop sounder technologies.
- 70 In the future, the Community and Member States should set targets for the reduction or the recovery of wastes. Targets translate key principles of waste policy into calculable obligations. They allow for the achievement of specific objectives, for instance on recovery or recycling within a given time. They are not an end in themselves, but rather part of a more general framework. They send strong, clear and reliable messages to administrations and economic operators, which may then design their own policy with a view to achieving these targets. Decision to set targets are essentially political and need to be based on reliable, up-to-date information on both environmental and economic aspects. They should be reviewed at regular intervals, in order to allow constant management of waste policies. It is for this reason that Council Directive 94/62/EC, which fixes, for the first time at EC-level, targets for recovery of packaging waste, provides for a review mechanism within five years.
- 71 Until now most Community and national instruments to orient behaviour as regards waste have consisted in the adoption of regulatory measures. At EC level, there is only one recommendation on waste (Council Recommendation of 3 December 1981 concerning the re-use of waste paper and the use of recycled paper), which appeals to voluntary action. Regrettably, this Recommendation is little known, hardly respected and has had scarce impact on economic operators or consumers.
- 72 Recently, particular interest has arisen for the possible use of agreements between public authorities and economic operators to achieve environmental objectives. This possibility may be explored also with reference to the waste sector. These agreements might be considered either as a tool to implement certain objectives established by EC legislation or as EC-wide agreed programmes to achieve certain targets. Particular attention needs to be paid to conditions guaranteeing sufficient participation throughout the Community, dealing with "free riders" and independent monitoring and verification.

73 The Commission is interested in the potential of the conclusion of environmental agreements in the waste sector, provided that there are sufficient safeguards to ensure that tangible results are achieved. Such agreements may offer some advantage with regard to traditional forms of standard-setting, such as increased participation and integration of economic operators in the elaboration of the agreement, increased acceptability of the objectives that are fixed, more flexible means of ensuring compliance and therefore, at the end of the day, better and quicker results for an improved protection of the environment. In the near future, the Commission will send a communication to the Parliament and the Council on this subject.

4.2 ECONOMIC INSTRUMENTS

74 The Fifth Environment Action Programme promotes the use of economic instruments in environmental policy. Economic instruments in the waste sector allow to reflect in the market price system the scarcity of environmental resources and the external costs related to the generation and management of waste. Since economic operators take decisions on the basis of economic considerations, such a policy can have the effect of influencing producers' and consumers' behaviour and direct them towards adopting more environmentally friendly attitudes.

75 Economic instruments may take different forms, such as fiscal measures, financial incentives or deposit-refund schemes and can play a very considerable role in contributing to the achievement of the different objectives of the waste strategy. They can be used to encourage prevention efforts or to discourage the least desirable disposal practices, to fill the cost gap between recovery and disposal, as well as to avoid that the negative consequences of environmentally unfriendly treatment and disposal practices are born by the society as a whole, in contradiction with the polluter-pays-principle.

76 In the waste sector economic instruments have, until now, only exceptionally and in general terms been promoted by Community directives. National experience shows, though, that they may be useful tools to influence behaviours of economic operators or consumers; for instance, policies favouring refundable deposits help to ensure that products are, at the end of their useful life-time, effectively taken back and then directed towards the appropriate recovery, treatment or final disposal installation. The Commission will endeavour to promote the use of economic instruments in the waste sector, though it remains obvious, that many economic instruments - in particular charges and levies, fiscal incentives or disincentives or State funding - will first of all be used at the level of Member States.

77 It is obvious, though, that the use of the above instruments at national level might have an impact on the internal market since economic measures could have a similar impact on commercial transactions as technical measures. Until the need for concerted action at EC level becomes generally accepted, common guidelines could be an effective tool to ensure a coherent use of such instruments by Member States while fully preserving the functioning of the internal market and avoiding distortions to competition.

- 78 Community funding for environmental waste measures - in the form of assistance from the structural funds, the Cohesion Fund, or the environmental fund LIFE - constitute a relatively small financial complement to funding by Member States in this sector. More initiatives that promote clean technologies for products, recycling possibilities for different forms of waste, clean-up means for contaminated sites and other demonstration or pilot projects are desirable. However, the success of such efforts also depends on the support of economic operators who are invited to make further contributions to a modern waste management policy.
- 79 In 1983, the Commission suggested EC-wide rules on liability for damage caused by waste. The Council could not agree to that proposal and declared that it would decide on a liability scheme for waste, based on a new proposal from the Commission, before the end 1987. The proposal was submitted in 1989, but never really discussed by the Council. In 1993 the Commission presented a green paper on environmental liability which was no longer limited to damage caused by waste but included all environmental sectors. In view of this broader approach, the Commission does not intend, at present, to pursue its efforts in the waste sector alone, though it remains convinced that liability provisions are of paramount importance for an effective protection of the environment.

4.3 WASTE STATISTICS

- 80 Waste statistics constitute an important instrument of management. Information based on reliable data allows on the one hand the formulation of realistic objectives, and on the other the assessment of the current situation, in particular as far as the achievement of objectives is concerned.
- 81 At present, only a limited set of waste statistics is reported on a voluntary basis to the EC Statistical Office (Eurostat) via the joint Eurostat-OECD questionnaire, which is sent to Member States every two years (1990, 1992, 1994, 1996 ...). In response to the latest questionnaire for which data have been processed (1994), most Member States were able to provide data up to 1992, 1993 or 1994. The national data are based on a combination of regular surveys, ad hoc surveys and administrative data linked to waste regulations. These data are not harmonised between Member States and there are important differences in the coverage, level of detail and accuracy of the data between countries.

82 For the most recent available figures (1990), the following overview can be given. Data on all 15 Member States is available only for the manufacturing industry and for municipal waste. Data on agricultural waste must be excluded since the figures are based on particularly disparate definitions. For these reasons, it is not permissible to add the figures to a total for all wastes produced in EU15. In order of decreasing importance, the following sectors contributed to total waste amounts (in million tonnes) in 1990: 352 mining and quarrying waste, 336 manufacturing waste, 132 municipal waste, 57 energy production waste, 33 from other economic sectors, and 22 hazardous waste all sectors. A breakdown by disposal and recovery operations shows that in 1990, 68% of municipal waste was landfilled, 18% was incinerated, 5% composted and only 2% recycled. The amount of hazardous waste represents 2.4% of the total amount of waste, 10% of which is classified as waste oils, 7% as clinical and pharmaceutical waste, 4% under the term organic solvents and another 4% under resins and latex. The generating source of the remaining hazardous waste is heterogeneous.

83 The most serious problems as regards statistics are, firstly, the non-harmonisation of their scope, and, secondly, the different definitions and classifications systems used in Member States. The European Waste Catalogue was adopted end 1993 and a Community-wide list of hazardous waste end 1994. In addition, since 1990, the Commission has carried out a series of studies aiming at preparing a Community system for regular, harmonised waste statistics. The Commission will examine the appropriate instruments to be used with a view to establishing a regular flow of data on waste generation and disposal by firms and households. The resulting system should produce comparable statistics of reasonable quality at a total cost which is not much greater than the present set of uncoordinated national waste statistics. Eurostat, together with the European Environment Agency, will continue to work towards a system of waste statistics which provides the information needed for policy at the lowest public and private cost. Active co-operation from Member States is indispensable to support these efforts.

4.4 OTHER MANAGEMENT INSTRUMENTS

4.4.1 Implementation, enforcement and monitoring of existing provisions

84 There are considerable EC-wide provisions on waste which have been elaborated over the past twenty years. Within the years to come particular care will be taken to ensure that existing waste rules are completely and effectively applied and to ensure that they can be applied without creating inconsistency within the provisions of EC legislation on waste nor with other Community legislation. Indeed nothing affects the credibility of any waste policy more than the adoption of rules which are not respected. The Commission will therefore make sure that sufficient transparency on compliance issues is achieved.

- 85 This includes the publication of implementation reports on the different directives on waste. Though such reports should have been published regularly since 1978, no report on a specific directive has yet been published. The Commission will improve this situation and publish reports urging Member States to submit information on their national situation. The concentration of harmonized definitions and waste lists and their permanent updating and the availability of good and reliable data on all aspects of waste management will contribute to make EC waste policy and law more transparent.
- 86 The different waste management measures adopted at Community level are to be implemented by Member States. The Commission must ensure that the Community provisions are applied. Furthermore, the Commission will have to ensure that national waste management policies do not impinge on general Community objectives such as the functioning of the internal market for goods and services or a system of undistorted competition. The main tools available to the Commission in this context are the monitoring of existing EC provisions through committees and the publication of regular reports on the implementation of existing legislation.

4.4.2 Management plans

- 87 Since 1975 EC directives require Member States to elaborate waste management plans. In the past, Member States were reluctant to meet this obligation. Even today, it is rather exceptional that up-to-date waste management plans exist for a specific Member State which cover the whole of the territory of that Member State. Where such plans have been drawn up, they sometimes take the form of strategy papers which determine a waste policy, or of operational plans which address details. The Commission will intensify its efforts to see that these management plans be drawn up in all Member States, that they contain all elements that are required under the Community provisions and that they are used and regularly updated. Where necessary, the Commission will take initiatives to develop these plans into a waste management tool in order to attain waste policy objectives. With reference to Central and Eastern Europe, the Commission's Phare Programme is assisting with the development of waste management strategies of a number of applicant countries. These efforts will be further strengthened and, where relevant, extended to other applicant countries.

4.4.3 Committees

- 88 Community waste policy does not consist only of legislative instruments such as regulations and directives. Since this policy implies a regular monitoring of legal, economical and political developments within and - more and more - outside the Community, several committees were set up at Community level to promote integrated waste management at Community level. The theoretical work division among the different committees is clear: while a number of committees have the task to adapt the waste legislation to technical and scientific progress, the waste management committee advises the Commission on matters of waste policy or management; the industry and NGO committees help to liaise with economic operators and environmental organisations.

- 89 In practice, the representativeness of these committees could be considerably improved. It seems that the necessity to conceive, elaborate and implement an integrated waste management policy at EC level, which pursues the objective of attaining a high level of environmental protection within the internal market, has not been perceived everywhere. This leads to omissions in communication which, at a later stage, increase the difficulties in finding EC-wide solutions.
- 90 The Commission is convinced that improvements in communication within the different committees are necessary and possible and will try to improve the impact and the performance of these committees.

4.4.5 Life-cycle analyses, eco-balances

- 91 The hierarchy of priorities in the field of the waste management - prevention, recovery, final disposal - is generally accepted. In this context, it might be appropriate to evaluate the environmental impact of a product during all its life cycle in order to identify the best environmental waste management solution by using the "cradle-to-grave" approaches. In this type of integrated system the design and production stages constitute a central moment since they will determine the general impact of a product or of an activity on the environment.
- 92 Eco-balances of waste management, used at the same time as the analysis of the life cycle of a product, have a considerable potential for the evaluation and the exploration of alternatives of waste management and can contribute appreciably to reduce the impact of these products and of their waste on the environment.
- 93 Council Directive 94/62/EC on packaging and packaging waste includes a recital indicating that life-cycle analysis should be completed as soon as possible in order to better evaluate priorities between reusable, recyclable and recoverable packaging. It stipulates that the European Parliament and the Council will have to examine the results of scientific research and evaluation techniques such as eco-balances. The approach of the priority waste streams also takes these evaluation instruments as a central element.
- 94 Lastly, these instruments can contribute to improving implementation of waste management priorities. The potential of these evaluation techniques is still to be developed but it is particularly promising. The Commission will promote their development and will take care that they are applied in an impartial way.

5. ACTORS

- 95 The Fifth Environment Action Programme recognizes the need for an active role of all economic operators involved in the pursuit of sustainable development. Indeed, the above objectives can not be achieved without the participation of public authorities, private and public companies, environmental organizations and, in particular, individuals as citizens and consumers.
- 96 With this Communication the Commission appeals to Community, national, regional and local authorities to display the necessary political will and provide the appropriate resources for the establishment of a sound waste management policy. Local and regional environment and energy agencies can also play an important role in this respect. It is fundamental that the waste management plans are set up and effectively implemented.
- 97 Taking into account the key role of industry in waste management, it should, together with all other operators concerned, fully assume its responsibility in waste reduction and recovery. Its particular contribution should focus, inter alia, on the development of clean technologies and products as well as on active participation in waste management. It needs to be recognised that small and medium-size enterprises, both producers and economic operators in the retail and distribution sector, can effectively contribute to the waste management objectives, provided that they are given appropriate assistance to achieve this aim and are not overburdened with excessive administrative obligations.
- 98 Waste concerns all citizens. Indeed, they are more and more concerned with the environmental dimension of modern society. They strongly contribute to the success of recycling and re-use programmes, particularly by sorting the waste at the source, thus taking their part of responsibility in the waste management. This calls for appropriate and wide-spread information to be provided by economic operators and public authorities.

6. CONCLUSIONS

- 99 Waste management policy is one of the key sectors identified by the Fifth Environment Action Programme whose primary goal is the achievement of sustainable development. The Community strategy for waste management establishes the guidelines for the Community waste policy, namely, priority to prevention, promotion of recovery, minimization of final disposal and regulation of waste shipments. Future Community actions will have to concentrate on appropriate implementation and enforcement of existing legislation, promotion and use of a broad range of non-legislative instruments and exploration of other fields for actions such as promotion of markets for recycled products, minimization and prevention of specific waste streams, etc..
- 100 The principles and guidelines presented above are intended to serve as basis for both future Community actions in the waste sector and the establishment of environmentally sound management strategies throughout the European Union. Their effective implementation will require the full involvement and support of all concerned parties.

DRAFT
COUNCIL RESOLUTION

on waste policy

COUNCIL RESOLUTION

on waste policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the resolution of the Council and the Representatives of the governments of the Member States, meeting within the Council, of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development (fifth Environment Action Programme)¹,

Having regard to the Commission communication to the Council and to the European Parliament on a Community strategy for waste management of 18 September 1989², and to the review of this strategy of ...³,

Having regard to the Council Resolution of 7 May 1990 on waste policy⁴ and resolutions of 19 February 1991 and 22 April 1994 of the European Parliament in relation thereto⁵,

Having regard to the existing Community legislation in the field of waste management, in particular Council Directive 75/442/EEC of 15 July on waste⁶, as amended by Directive 91/156/EEC⁷, Council Directive 91/689/EEC of 12 December 1991 on hazardous waste⁸, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁹, and Council Decision of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous waste and their disposal (Basel Convention)¹⁰,

¹ OJ No C 138, 17.05.1993, p. 1

² SEC(89) 934 final of 18.09.1989

³ COM(96) ... final of ... 1996

⁴ OJ No C 122, 18.05.1990, p. 2

⁵ OJ No C 72, 18.03.1991, p. 34 and OJ No C 128, 09.05.1994, p. 471

⁶ OJ No L 194, 25.07.1975, p. 39

⁷ OJ No L 78, 26.03.1991, p. 32

⁸ OJ No L 377, 31.12.1991, p. 20

⁹ OJ No L 30, 06.02.1993, p. 1

¹⁰ OJ No L 39, 16.02.1993, p. 1

Having regard to the Commission Report to the Council and to the European Parliament on waste management policy of 8 November 1995¹¹,

Whereas the Community shall aim at establishing a coherent and generally accepted waste management policy, ecologically rational and economically viable with a view to promoting sustainable development; whereas this policy shall be based on a harmonized terminology as regards waste definitions and classifications, as well as on the common principles of priority for prevention, promotion of recovery, environmentally sound disposal of waste and control and minimisation of waste shipments;

Whereas this policy shall provide for a high level of environmental protection throughout the European Union as well as for the functioning of the internal market, where appropriate with respect to transboundary transactions with waste; whereas this twofold objective cannot be achieved without the appropriate implementation of the principles of proximity and self-sufficiency; whereas these principles mean that waste destined for disposal, must be disposed of in one of the nearest appropriate installation and that waste which is generated within the Community should not be disposed of elsewhere; whereas there is a need to establish a Community-wide integrated and adequate network of disposal and treatment installations;

Whereas a whole range of legislative, economic and management instruments shall be efficiently used at all local, regional, national and Community levels in order to solve waste related problems; whereas particular attention shall be paid to the implementation and enforcement of existing legislation, the adoption and appropriate implementation of the waste management plans and the development of Community waste statistics;

1. Welcomes and supports the Commission Communication on the Review of the Community Strategy for Waste Management and considers it a valid guideline for actions to be undertaken within the next years throughout the European Union in the waste sector;
2. Considers that, since the adoption of the first Community strategy for waste management in September 1989, institutional, legislative, economic and technical progress has taken place in the waste area and influenced national and Community administration as well as economic operators and consumers;
3. Recognizes that, despite the considerable efforts made during the last few years, waste generation has on average continued to grow;
4. Notes and shares the increasing concern of the population as regards waste-related problems throughout the European Union;

¹¹ COM(95) 522 final of 08.11.1995

5. Emphasizes the important role that statistics can play while identifying waste-related problems, assessing management priorities and formulating and achieving realistic objectives within the framework of waste management policies;

regrets the fact that, at present, neither regular nor harmonized waste-related data is produced at Community level;

urges the Commission to establish, in cooperation with the European Environment Agency and Member States, a Community-wide reliable system of data collection for waste, which should be based on common terminology, definitions and classifications as well as on a harmonized methodology, taking into consideration the special concerns and difficulties that small and medium-size enterprises may have in this regard;

6. Considers that any strategy for waste management should be guided by considering the best environmental solution which should take into consideration the potential benefits and costs of action or lack of action for the environment;

considers that waste management solutions should be fully taken into consideration from the conception phase of a product;

believes that, without prejudice of the polluter pays principle, which should be fully applied, the producer of a product bears specific responsibilities within the waste management chain;

invites the Commission to submit to the Council proposals where these responsibilities are translated into practical actions;

7. Reiterates its conviction that waste prevention should be the first priority of any rational waste policy, as regards the generation of waste and, where appropriate, as regards the hazardous character of such waste;

considers that efforts made in this respect need to be increased;

invites Member States and economic operators to fix quantitative targets for waste prevention and to pursue this goal, particularly by promoting clean technologies and products which can be recovered, by improving the environmental dimension of technical standards, by reducing the presence of dangerous substances in products, by using economic instruments and eco-audit schemes and by promoting changes in consumption patterns by means of consumer information and education;

8. Insists on the need for promoting waste recovery with a view to reducing the quantity of waste and saving natural resources, in particular by reuse, recycling, composting and recovering energy from waste;

believes that, at present and until scientific and technological progress is made and life cycle analyses are further developed, as regards recovery operations, reuse and material recovery, when environmentally sound, should in general be considered preferable in terms of environmental impact over other forms of recovery and final disposal;

calls on the Commission to promote the elaboration of a Community methodology for life cycle analyses and ecobalances which is scientifically sound in order to improve the identification of future waste management priorities;

calls on Member States to promote return, collection and recovery systems;

requests the Commission and Member States to take concrete actions with a view to promote markets for recycled products that comply with Community requirements, in particular as regards safety, health and environmental protection;

9. Underlines the need for Community standards for waste treatment operations, particularly energy recovery operations, in order to provide for a level playing field in the waste sector and thus to ensure a high level of environmental protection throughout the Community while respecting the rules of the internal market as regards waste destined for recovery, and in this respect

identifies the importance of standards concerning the use of waste, in particular as a fuel or other source of energy;

is of the opinion that, as long as the input material and process is comparable, emission standards for the incineration of waste should be the same, whether waste is burnt in incineration installations or other installations;

10. Draws attention to the need for minimizing waste disposal and thus establishing an adequate and integrated network of disposal facilities, as foreseen by Directive 91/156/EEC on waste;

concludes that Community standards on air, water and soil emissions coming from incineration installations should be strictly respected; as regards existing incineration plants, particular monitoring measures should be envisaged; adequate information of the concerned population needs to be provided; and incineration operations not entailing recovery of energy should if possible be avoided;

11. Considers that, in the future, only safe and controlled landfill activities complying with the requirements of the future directive on landfill should be carried out throughout the Community;

requests the Member States to take the necessary measures in order to ensure proper rehabilitation of old landfill and contaminated sites;

12. Takes note of the conclusions drawn up by the different project groups within the framework of the priority waste streams programme initiated by the Commission on end-of-life vehicles, used tyres, healthcare waste, demolition and construction waste and waste from electrical and electronic equipment, and in this regard

invites the Commission to come forward as soon as possible with proposals to give the appropriate follow-up to these projects;

invites the Commission to further explore whether and how other waste streams, such as heavy metals, plastic, textiles or waste from ships, should be dealt with at Community level;

13. Believes that Regulation (EEC) No 259/93 is an important legal instrument to control and minimize waste shipments;

calls on the Member States to increase and improve cooperation, in particular in the field of illegal shipments and the fight against environmental crime;

reiterates its commitment taken in the context of the Basel Convention to prohibit, in addition to the already existing prohibition of shipments of hazardous waste for final disposal, shipments of hazardous waste for recovery to developing countries, and thus

invites the Commission to present a proposal for ratification of the relevant amendment to the Basel Convention;

14. Invites the Commission to ensure that existing and future legislation is fully implemented by Member States and enforced throughout the European Union;

15. Emphasizes the importance of appropriate waste management planning at all competent levels;

urges Member States, where they have not yet done so, to establish, forward to the Commission and implement waste management plans, as requested by Directive 91/156/EEC on waste;

16. Encourages Member States to use a broad range of instruments, particularly economic instruments, with a view to achieving their waste policy objectives, in the most coherent way and in full respect of the provisions of the EC Treaty;

17. Recognizes, in line with the Commission White Paper on growth, competitiveness and employment, the potential that the protection of the environment, and in particular a coherent and sound waste management policy, may have as regards job creation, and therefore

calls on Member States to orientate their waste management policies in the direction of activating these potentialities;

recognizes the need to institute support measures for small and medium-size enterprises in order to encourage responsible waste management policies;

18. Invites the Commission to report to the Council on the progress made in the areas covered by this Resolution at the latest by the end of 2000;