

Annex I

Analysis of the changes in the new Waste Framework Directive



Introduction:

This annex provides a comprehensive analysis of the revisions in the Waste Framework Directive ([Directive 2008/98/EC](#)) as a result of the adoption of [Directive 2018/851/EU](#) with regard to the prevention, reuse, preparation for reuse, and recycling of waste. The analysis follows the structure of the questionnaire, as it also discusses the four waste prevention/valorization themes. There is however, some overlap between the different themes. E.g. a lot of the articles that are relevant for recycling, are also relevant for preparation for reuse. Therefore there is some recurrence of text in the analysis of different themes.

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I. Prevention			
Relevant articles	Content (current situation)	Changes after waste package	Relevance for prevention
Article 3(12): Definition of prevention	Definition of prevention: - Measures taken before a substance, material or product become waste, that reduce: <ul style="list-style-type: none"> o Quantity of waste (including re-use) o Adverse impacts of generated waste o Content of harmful substances in materials and products 	“Harmful” is replaced by “Hazardous”.	The definition of prevention is important to determine what can be seen as an action/measure directed at the prevention of waste. Prevention within the context of the WFD can be qualitative (reduce hazardous substances) or quantitative (reduce the amount of waste).
Article 4: Waste hierarchy Annex IVa: Measures incentivising the application of the waste hierarchy	This article outlines the waste hierarchy , which is the priority order for the treatment of waste: prevention, preparing for re-use, recycling, other recovery (e.g. energy recovery) and disposal.	Paragraph 3 is added to article 4. This paragraph states that Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. Examples of these measures are provided in the new Annex IVa.	The waste hierarchy clearly defines the prevention of waste as the preferred option for waste treatment, unless other options deliver a better environmental outcome. With the introduction of paragraph 3, the revised WFD offers more concrete examples of measures to realise waste prevention, that can be found in annex IVa. Although the old WFD already provided specific waste prevention measures in annex IV (which remained the same). Furthermore, in the revised WFD the application of the waste hierarchy is emphasized in more articles (this also applies to the other revised directives from the waste package).
Article 8 (and article 8a): EPR (schemes)	This article deals with measures MS can take to ensure that producers have extended producer responsibility (EPR) to strengthen the prevention, re-	In the revised WFD, the definition of EPR schemes is included in article 3(21): a set of measures taken by MS to ensure financial or financial and organizational responsibility of	EPR measures and schemes can be used to prevent waste, by making producers responsible for the waste stage of their products.

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	<p>use, recycling, and other recovery of waste.</p>	<p>producers for the management of the waste stage of a product's life-cycle.</p> <p>In article 8(1) is added that if MS decide to implement EPR schemes they should apply the general minimum requirements for EPR schemes from the newly added article 8a. Furthermore, the Commission may adopt implementing acts laying down criteria for the uniform application of these requirements (article 8(5)). These implementing acts will be adopted in accordance with the examination procedure.</p> <p>Furthermore, information exchange between MS and actors involved in EPR schemes will be organised by the Commission (article 8(5)). E.g. sharing best practices in on the prevention of littering. The Commission will also publish guidelines on cross-border cooperation concerning EPR schemes and the modulation of financial contributions paid by producers.</p> <p>A new article (8a) is added wherein the general minimum requirements for EPR schemes are formulated.</p>	<p>The revised WFD sets out much more guidelines and requirements for EPR (schemes). It is however still the Member State's prerogative whether or not to implement such a scheme.</p>
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<p>Article 9: Prevention of waste</p> <p>Article 29: Waste prevention programmes</p> <p>Annex IV: Examples of waste prevention measures</p> <p>Article 37: Reporting</p> <p>Article 38: exchange of information</p>	<p><u>Article 9:</u> The 'old' article 9 requires the Commission to:</p> <ul style="list-style-type: none"> - submit a report on the evolution of waste generation and prevention by 2011 (including a product eco design policy); - Formulate an action plan for EU support measures in the field of waste prevention by the end of 2011; - Set waste prevention objectives for 2020 by 2014. <p><u>Article 29:</u> The 'old article 29 states that MS are required to establish waste prevention programmes by 2014, within the context of their waste management plans or separately. The programmes should set out waste prevention objectives and evaluate the usefulness of measures taken. Thereby reference is also made to the measures mentioned in Annex IV, which includes a list of waste prevention measures.</p> <p>Article 29 paragraph 3 and 4 MS should set specific qualitative or quantitative benchmarks to monitor and assess the progress of the measures. These can also be set at EU level through a implementing act (using the regulatory procedure with scrutiny).</p>	<p><u>Article 9:</u> The entire original text of article 9 is replaced.</p> <p>In the new first paragraph, the revised article begins with stating that MS shall take measures to prevent waste generation and defines what these measures must (at least) be:</p> <ul style="list-style-type: none"> - promote and support sustainable production and consumption models; - encourage eco-design; - prevent products containing critical materials from becoming waste; - encourage reuse and repair; - encourage availability of spare parts and relevant information for repair; - reduce the generation of food waste; - encourage food donation - promote reduction of hazardous substances; - reduce the generation of waste not suitable for preparation for reuse or recycling; - identify products responsible for littering and prevent/reduce these products; - halt generation of marine litter; - develop awareness campaigns. <p>Furthermore, article 9 state that MS shall monitor and assess the implementation of waste prevention (paragraph 3) and specifically food waste prevention (paragraph 5) measures.</p> <p>With regard to food waste:</p> <ul style="list-style-type: none"> - the Commission shall adopt a delegated act to establish minimum quality requirements for uniform measurement of food waste by 31 March 2019 (article 9 paragraph 8). - MS shall report yearly on the implementation of food waste prevention measures (article 37 paragraph 3) <p><u>Article 29</u></p>	<p>The 'old' article 9 was directed at the Commission and not MS directly. The new article 9 sets out 13 measures MS must take to prevent waste and provides a clear list of what these measures must entail. Moreover, it also ensures that MS monitor and assess the effectiveness of the prevention measures and ensures uniform reporting and data collection.</p> <p>The 'old' article 29 was already directed at MS and it was largely disconnected from article 9 which focused on the responsibilities of the Commission. The revised article 29 provides clear linkage with article 9 by both being directed at the responsibilities of MS. The waste prevention programmes (article 29) are based on the measures mentioned in article 9.</p> <p>Moreover, clearer linkage is also established between articles dealing with prevention and the articles dealing with the waste hierarchy.</p> <p>In both revised articles (9 & 29) there is a specific focus on food waste that could have significant effect on the prevention of waste generation of this stream..</p> <p>Article 29 paragraph 5: The Commission will keep its supportive role in relation to creating a system for sharing information on best practices and the development of guidelines for the waste prevention programmes. The information on best practices the Commission can be found here. However, the guidelines are still being prepared according to the Commission.</p>
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	<p>Furthermore, article 29 paragraph 5 instructs that the Commission creates a system for sharing information on best practices with regard to waste prevention and develop guidelines for waste prevention programs.</p> <p><u>Article 38</u> In the 'old' WFD article 38 deals with guidelines for recovery and disposal, not prevention.</p>	<p>In the revised article 29 the measures of the waste prevention programmes have to include the above mentioned measures of article 9.</p> <p>Secondly, the usefulness of measures, including those mentioned in Annex IV, still have to be evaluated.</p> <p>Furthermore, the linkage is also made with the correct application of the waste hierarchy: contributions to waste prevention by measures or instruments listed in Annex IVa should be described in the waste prevention programmes.</p> <p>With regard to food waste:</p> <ul style="list-style-type: none"> - Specific food waste prevention programmes have to be adopted (article 29 paragraph 2a.) <p><u>Combination of article 9 and 29</u> The paragraphs about setting of specific qualitative and quantitative benchmarks are removed from article 29 (paragraph 3 and 4). However, these are integrated in the revised article 9 both with regard to MS requirements as with regard to implementing acts.</p> <p><u>Combination of article 29 and article 38</u> Finally, article 29 paragraph 5 on the Commission remains the same. However, in the revised article 38 more specific subjects in relation to waste prevention are mentioned, wherefore the Commission should regulate the exchange of information and best practices among MS. Furthermore, also regional and local authorities, are to be included in this exchange, if appropriate. These specific prevention-related subjects are:</p> <ul style="list-style-type: none"> - The measures used to incentivize the correct application of the waste hierarchy; 	
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		<p>- Prevention and the setting up of systems which promote re-use activities and the extension of life span.</p>	
<p>Article 28: Waste management plans</p>	<p>There is no mention of waste prevention in the old article 28 on waste management plans.</p>	<p>In the revised article 28 paragraph 3, which sets the minimum requirements for a waste management plan, measures to combat and prevent littering are included (article 28(3)(f)).</p>	<p>Extended focus on littering in the revised WFD benefits waste prevention.</p>
<p>Article 30: Evaluation and review of plans and programmes</p>	<p>Waste prevention programmes (WPPs) are evaluated every six years and the European Environment Agency (EEA) is invited to include a review of the progress made in the completion and implementation of the waste prevention programmes in its yearly reports (from 2014 onwards)</p>	<p>In the revised article 30, the six yearly evaluation remains the same.</p> <p>However, according to the revised article 30 paragraph 2, the EEA must now publish a report every two years on the progress of the waste prevention programmes. Furthermore, there are more specific requirements included: The report must include an assessment of the evolution of waste prevention for each MS and the EU as a whole (also regarding the transition to a circular</p>	<p>The changes in article 30 relate to the reporting obligations of the EEA. In the old WFD the EEA is invited (so not obligated) to report yearly on the waste prevention programmes. The EEA has done this since 2014 onwards, almost, every year (except for 2016).</p> <p>The most recent (fourth) report of the EEA on waste prevention in the year 2017 can be found here. In the new WFD the EEA has to report on waste prevention two yearly and adhere to more specific requirements.</p>

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		economy and the decoupling of waste generation from economic growth.	
Ia. By-products			
Article 5: By-products	<p>In the first paragraph of the old WFD a substance or object resulting from a production process of which the primary aim is not the production of that item (= production residue) <u>may be</u> considered a 'by-product' if the following conditions are met:</p> <ul style="list-style-type: none"> - Its further use is certain; - It can be used without any further processing other than normal industrial practice; - It is produced as an integral part of a production process - Its further use is lawful (health and environmental requirements). <p>The second paragraph gives the Commission a mandate to determine the criteria for specific substances or objects (that fulfill the conditions mentioned above) to be regarded as a by-product. These criteria can be set at EU level through an implementing act, through the regulatory procedure with scrutiny (Decision 1999/468/EC article 5a(1) to (4) and article 7).</p>	<p>Paragraph 1 of article 5 is revised, it now states that <u>MS shall take appropriate measures</u> to ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste but to be a by-product if certain conditions are met (the conditions remained the same).</p> <p>Paragraph 2 is completely replaced in the revised WFD. The Commission may still adopt implementing acts to establish detailed criteria for the uniform application of the conditions laid down in paragraph 1 to specific substances or objects. However the procedure for adopting the implementing act has changed: the examination procedure (article 5 Regulation 182/2011/EU) instead of the regulatory procedure with scrutiny. Moreover, further instructions are given to the Commission when adopting implementing acts:</p> <ul style="list-style-type: none"> - The detailed criteria shall ensure a high level of protection of the environment and human health, and facilitate prudent and rational use of natural resources; - The starting point for the Commission shall be the most stringent and environmentally protective of any criteria adopted by MS and the Commission shall prioritize replicable practices. <p>Paragraph 3 is added to the article. This paragraph states that MS may establish detailed</p>	<p>When a production residue is classified as a by-product, it is non-waste and falls outside the scope of waste legislation, that is why Article 5 on by-products is placed in the prevention category of this document.</p> <p>The most important change in the first paragraph of the revised article 5 is that Member States are directly addressed, and have to take measures to ensure that substances and objects, that fulfill the requirements mentioned in the first column, are treated as by-products.</p> <p>The instructions for adopting an implementing act, setting detailed criteria for specific production residue to be classified as a by-product, seem to be stricter. In the sense that environmental and human health considerations are very explicitly taken aboard (see paragraph 2).</p> <p>The procedure to adopt an implementing act setting EU-wide criteria has also changed. The (outdated) regulatory procedure with scrutiny has been replaced by the examination procedure. In this procedure the Commission must submit its draft implementing act to a committee comprised of representatives of the MS. The committee will thereafter deliver an opinion:</p> <ul style="list-style-type: none"> - Positive: the act shall be adopted; - Negative: the act shall not be adopted; - No opinion: (in this case) the act shall not be adopted.

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		criteria themselves for specific substances or objects, if these are not set at EU level. MS must notify the Commission of these criteria.	<p>Thereby, the ability of the Commission to adopt detailed criteria for by-products depends on the approval of the representatives of the MS.</p> <p>Paragraph 3 of the revised article 5 specifies what MS could already do under the old WFD, that is: set detailed criteria themselves. However, it now includes a notification requirement for the MS (to the Commission).</p>
II. Reuse			
Relevant articles	Content (current situation)	Changes after waste package	Relevance for reuse
Article 3(13): Definition of Re-use	Definition of Re-use: 'Re-use' means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived.'	No changes.	<p>It is important to keep in mind that re-use deals with products and materials that are non-waste. When a product is discarded, or there is an intention to discard it, or a requirement to discard it, the product becomes waste.</p> <p>Thus when products are discarded and thereafter reused, they would first need to be prepared for reuse. (see subject III below).</p> <p>Re-use falls within the definition of prevention. It is a quantitative prevention measure as it reduces the quantity of waste.</p>
Article 4: Waste hierarchy Annex IVa: Measures incentivising the application of the waste hierarchy	This article outlines the waste hierarchy , which is the priority order for the treatment of waste: prevention, preparing for re-use, recycling, other recovery (e.g. energy recovery) and disposal.	Paragraph 3 is added to article 4. This paragraph states that Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. Examples of these measures are provided in the new Annex IVa.	The waste hierarchy defines the prevention of waste, and thus also re-use, as the preferred option for waste treatment, unless other options deliver a better environmental outcome. With the introduction of paragraph 3, the revised WFD offers more concrete examples of measures to encourage the correct application of the waste hierarchy, that can be found in annex IVa. Some of these measures are directed at the promotion of reuse, e.g. fiscal incentives for donation of products. However,

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			<p>annex IV (that has not changed) already included examples of many measures encouraging the reuse of products.</p> <p>Furthermore, in the revised WFD the correct application of the waste hierarchy is emphasized in more articles (this also applies to the other revised directives from the waste package).</p>
<p>Article 8 (and article 8a): EPR (schemes)</p>	<p>This article deals with measures MS can take to ensure that producers have extended producer responsibility (EPR) to strengthen the prevention, re-use, recycling, and other recovery of waste.</p> <p>In relation to reuse, some measures are mentioned in the old WFD (paragraph 1):</p> <ul style="list-style-type: none"> - Acceptance of returned products by the producers; - Obligation to provide public information on the re-usability of products; <p>Paragraph 2 describes that MS may take appropriate measures to encourage the design of (components of) products in order to reduce their environmental impact and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with the</p>	<p>Firstly, the definition of EPR schemes is included in article 3(21): a set of measures taken by MS to ensure financial or financial and organizational responsibility of producers for the management of the waste stage of a product's life-cycle.</p> <p>In article 8(1) is added that if MS decide to implement EPR schemes they should apply the general minimum requirements for EPR schemes from the newly added article 8a. Furthermore, the Commission may adopt implementing acts laying down criteria for the uniform application of these requirements (article 8(5)). These implementing acts will be adopted in accordance with the examination procedure.</p> <p>Furthermore in relation to reuse, article 8 paragraph 2 gained a broader focus. In the old WFD it focussed mainly on measures impacting the waste stage of products (safe recovery and environmental compatible disposal). In the revised WFD it is included that EPR measures may encourage products and components of products:</p> <ul style="list-style-type: none"> - that are suitable for multiple use; - that are technically durable; - that are easily repairable. 	<p>EPR measures and schemes can result in increased reuse of products, as producers become responsible for (the costs of) the waste stage of their products. The revised article 8 and new article 8a include many examples of measures for increasing the reuse of products. For specific examples, see the previous two columns.</p> <p>The revised WFD sets out many more guidelines and requirements for EPR measures. It is however still the Member State's prerogative whether or not to implement such a scheme (unless these EPR schemes are set at the EU level in other EU legislative acts).</p>

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	<p>waste hierarchy and without endangering human health or harming the environment.</p>	<p>Furthermore, information exchange between MS and actors involved in EPR schemes will be organised by the Commission (article 8(5)). The Commission will also publish guidelines on cross-border cooperation concerning EPR schemes and the modulation of financial contributions paid by producers.</p> <p>A new article (8a) is added wherein the general minimum requirements for EPR schemes are formulated. In these requirements reference is also made to re-use activities, e.g. waste holders targeted by EPR schemes must be informed by MS about centres for re-use.</p>	
<p>Article 9: Prevention of waste</p> <p>Article 29: Waste prevention programmes</p> <p>Annex IV: Examples of waste prevention measures</p> <p>Article 37: Reporting</p> <p>Article 38: exchange of information</p>	<p><u>Article 9:</u> The 'old' article 9 requires the Commission to:</p> <ul style="list-style-type: none"> - submit a report on the evolution of waste generation and prevention by 2011 (including a product eco design policy); - Formulate an action plan for EU support measures in the field of waste prevention by the end of 2011; - Set waste prevention objectives for 2020 by 2014 <p><u>Article 29:</u> The 'old article 29 states that MS are required to establish waste prevention programmes by 2014. The programmes should set out waste prevention objectives and evaluate the usefulness of measures taken. Thereby reference is made to the measures mentioned in Annex IV, which includes a list of waste</p>	<p><u>Article 9:</u> As can be read above, the entire article 9 is replaced in the revised WFD. In the new article 9 paragraph 1, measures that MS must at least take to prevent waste are given. Several of these measures deal specifically with reuse:</p> <ul style="list-style-type: none"> - Encourage the design, manufacturing and use of products that are resource-efficient, durable, repairable, reusable and upgradable; - Encourage the reuse of products and the setting up of systems promoting repair and reuse activities; - Encourage sharing of technical information enabling repair and reuse of products. <p>Furthermore, paragraph 4 of article 9 states that MS shall monitor and assess the implementation of their re-use measures based on a common methodology. This report-methodology will be established by an implementing act by 31 March 2019 (article 9, paragraph 7). Based on this methodology MS shall report to the Commission every year. (article 37, paragraph 3).</p> <p>By 31 December 2024 the Commission will use the reuse-data provided by the MS to assess the feasibility of reuse measures and to possibly set quantitative targets. This will result in a report (to the Council and the</p>	<p><u>Article 9:</u> The revised article 9 identifies sets out multiple measures MS must take to promote the reuse of products. 3 of the 13 prevention measures mentioned deal directly with reuse. However, some of the other measures also touch on the promotion of reuse more indirectly (e.g. promote sustainable production).</p> <p>Moreover, the new article 9 also ensures that MS monitor and assess the effectiveness of reuse measures and ensures uniform reporting and data collection.</p> <p><u>Article 29</u> The 'old' article 29 was already directed at MS and it was largely disconnected from article 9 which focused on the responsibilities of the Commission. The revised article 29 provides clear linkage with article 9 by both being directed at the responsibilities of MS. The waste prevention programmes (article 29) are based on the measures mentioned in article 9.</p>

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	<p>prevention measures. This list includes measures that can affect the reusability of products. E.g. measures that affect the design, production and distribution of products and measures that affect the consumption and use of products.</p> <p>Article 29 paragraph 3 and 4 MS should set specific qualitative or quantitative benchmarks to monitor and assess the progress of the measures. These can also be set at EU level through a implementing act (using the regulatory procedure with scrutiny).</p> <p>Furthermore, article 29 paragraph 5 instructs that the Commission creates a system for sharing information on best practices with regard to waste prevention and develop guidelines for waste prevention programs.</p>	<p>European Parliament) and possibly, an legislative proposal (paragraph 9 article 9).</p> <p><u>Article 29:</u> In the revised article 29 the measures of the waste prevention programmes have to include the above mentioned measures of article 9.</p> <p>Secondly, the usefulness of measures, including those mentioned in Annex IV, still have to be evaluated.</p> <p>Furthermore, the linkage is also made with the correct application of the waste hierarchy: contributions to waste prevention (including reuse) by measures or instruments listed in Annex IVa should be described in the waste prevention programmes.</p> <p><u>Combination of article 9 and 29</u> The paragraphs about setting of specific qualitative and quantitative benchmarks are removed from article 29 (paragraph 3 and 4). However, these are integrated in the revised article 9 both with regard to MS requirements as with regard to implementing acts.</p> <p><u>Combination of article 29 and article 38</u> Finally, article 29 paragraph 5 on the Commission remains the same. However, in the revised article 38 more specific subjects in relation to waste prevention are mentioned, wherefore the Commission should regulate the exchange of information and best practices among MS. Furthermore, also regional and local authorities, are to be included in this exchange, if appropriate. These specific prevention-related subjects are:</p> <ul style="list-style-type: none"> - The measures used to incentivize the correct application of the waste hierarchy; - Prevention and the setting up of systems which promote re-use activities and the extension of life span. 	<p>Moreover, clearer linkage is also established between articles dealing with prevention and the articles dealing with the waste hierarchy.</p> <p>Article 29 paragraph 5: The Commission will keep its supportive role in relation to creating a system for sharing information on best practices and the development of guidelines for the waste prevention programmes. The revised article 38 states that the Commission should perform this supportive role specifically also for the setting up of systems which promote re-use.</p> <p>The information on best practices the Commission can be found here. However, the guidelines are still being prepared according to the Commission.</p>
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<p>Article 11(1): (preparing for) re-use</p>	<p>In the old WFD, the title of article 11 is 're-use and recycling'.</p> <p>With regard to reuse, paragraph 1 stated that MS shall take measures, as appropriate, to promote the reuse of products and reuse activities by:</p> <ul style="list-style-type: none"> - Encouraging preparing for reuse and repair networks; - Using economic instruments - Using Procurement criteria; - Setting quantitative objectives; - Using other measures. 	<p>The title of the revised article 11 is 'preparing for re-use and recycling'.</p> <p>The sections in paragraph 1 referring to reuse have been altered to focus on preparing for reuse instead of reuse.</p>	<p>In the old WFD, article 11 was already mostly focused on preparation for reuse and recycling instead of reuse. However, the first paragraph did mention 'reuse' instead of 'preparing for reuse'. This conceptual unclarity has been resolved in the revised WFD.</p>
<p>Article 14: Polluter-pays principle</p>	<p>Article 14 paragraph 1 states that the original waste producer or the current or previous waste holders should borne the costs of waste management (polluter-pays).</p> <p>Furthermore, the second paragraph states that MS may decide that the costs of waste management are borne partly or wholly by the producer of the product from which the waste came and the distributors of such product may share these costs.</p>	<p>Article 14 paragraph 1 is revised to extend the polluter-pays principle to the necessary infrastructure and the operation of waste management.</p> <p>To the provision of the second paragraph is added that it is without prejudice to the articles on extended producer responsibility (articles 8 & 8a).</p>	<p>The polluter-pays principle could stimulate waste prevention as the producers of waste (or waste holders) are responsible for the costs of waste management.</p>
<p>III. Preparation for reuse</p>			

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Relevant articles	Content (current situation)	Changes after waste package	Relevance for preparation for reuse
Article 3(16): preparing for re-use	Definition of preparing for re-use: This means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing.	The definition has not changed.	It is important to keep in mind that re-use deals with products and materials that are non-waste. When a product is discarded, or there is an intention to discard it, or a requirement to discard it, the product becomes waste. Thus when products are discarded and thereafter reused, they would first need to be prepared for reuse. E.g. when a computer is discarded by its owner and thereafter repaired, this can be seen as a preparation for re-use operation.
Article 4: Waste hierarchy Annex IVa: Measures incentivising the application of the waste hierarchy	This article outlines the waste hierarchy , which is the priority order for the treatment of waste: prevention, preparing for re-use, recycling, other recovery (e.g. energy recovery) and disposal.	Paragraph 3 is added to article 4. This paragraph states that Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. Examples of these measures are provided in the new Annex IVa.	The waste hierarchy states that preparation for re-use is one of the most preferred options for waste treatment. With the introduction of paragraph 3, the revised WFD offers more concrete examples of measures to stimulate the correct application of the waste hierarchy, that can be found in annex IVa. Some of these measures are directed at promoting preparation for re-use, e.g. use of fiscal measures to promote the uptake of products that are prepared for re-use (annex IVa (9)). Furthermore, in the revised WFD the correct application of the waste hierarchy is emphasized in more articles (this also applies to the other revised directives from the waste package).
Article 8 (and article 8a): EPR (schemes)	This article deals with measures MS can take to ensure that producers have extended producer responsibility (EPR) to strengthen the prevention, re-	Firstly, the definition of EPR schemes is included in article 3(21): a set of measures taken by MS to ensure financial or financial and organizational responsibility of producers for the management of the waste stage of a product's life-cycle.	EPR measures and schemes can be used to support the preparation for re-use of products, by making producers responsible for the waste stage of their products.

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	<p>use, recycling, and other recovery of waste.</p> <p>In relation to preparation for reuse, some measures are mentioned in the old WFD (paragraph 1):</p> <ul style="list-style-type: none"> - Acceptance of returned products by the producers and the waste that remains after use; - Obligation to provide public information on the re-usability of products; <p>Paragraph 2 describes that MS may take appropriate measures to encourage the design of products in order to reduce their environmental impact and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery <u>-this includes preparation for reuse-</u> and disposal of products that have become waste take place in accordance with the waste hierarchy and without endangering human health or harming the environment.</p>	<p>In article 8(1) is added that if MS decide to implement EPR schemes they should apply the general minimum requirements for EPR schemes from the newly added article 8a. Furthermore, the Commission may adopt implementing acts laying down criteria for the uniform application of these requirements (article 8(5)). These implementing acts will be adopted in accordance with the examination procedure.</p> <p>Furthermore, article 8 paragraph 2 has expanded on measures encouraging the preparation for reuse:</p> <ul style="list-style-type: none"> - Ensure that products are suitable for multiple use; - Ensure that products are technically durable; - Ensure that products are easily repairable; - Ensure that products are suitable for preparation for reuse. <p>Furthermore, information exchange between MS and actors involved in EPR schemes will be organised by the Commission (article 8(5)). The Commission will also publish guidelines on cross-border cooperation concerning EPR schemes and the modulation of financial contributions paid by producers.</p> <p>A new article (8a) is added wherein the general minimum requirements for EPR schemes are formulated. In these requirements reference is also made to preparation for re-use activities, e.g. waste holders targeted by EPR schemes must be informed by MS about centres for preparation for re-use and take back systems.</p>	<p>The revised article 8 and new article 8a include many examples of measures for increasing the preparation for reuse of products. For specific examples, see the previous column.</p> <p>The revised WFD sets out much more guidelines and requirements for EPR (schemes). It is however still the Member State's prerogative whether or not to implement such a scheme (unless these EPR schemes are set at the EU level in other EU legislative acts).</p>
<p>Article 9(1i) and 9(2): ECA database on hazardous substances</p>	<p>-</p>	<p>According to the new sub i paragraph 1, producers should not only provide information on the hazardous content of their products and materials to the next step in the supply chain (REACH art.33(1)), but also provide this information to the European Chemicals Agency (ECA) as from 5 January 2021.</p>	<p>It seems that the to-be-established database would increase the information waste treatment operators have about the (possibly hazardous) content of waste in their possession and could help them choose the best possible treatment of that waste. E.g. if they know that a certain</p>

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		<p>The ECA, in turn, has to establish a database based on this information that will be accessible for waste treatment operators, and on request, also to consumers (new article 9(2)).</p>	<p>electrical appliance would contain hazardous materials, they could treat it differently than other appliances that do not.</p>
<p>Article 10: Recovery</p>	<p>Article 10 paragraph 1 states that MS shall take the necessary measures to ensure that waste undergoes recovery operations in accordance with the waste hierarchy and without endangering human health or harming the environment.</p> <p>Paragraph 2 states that waste shall be collected separately if necessary to comply with paragraph 1 and not be mixed with other waste (with different properties), if technically, environmentally and economically practicable (TEEP clause).</p>	<p>The revised article 10 specifies the different kinds of recovery operations:</p> <ul style="list-style-type: none"> - Preparing for reuse - Recycling - Other recovery <p>Furthermore, paragraph 3 to 6 are added to the article. Paragraph 3 deals with possible derogations for MS from the separate collection of waste based on:</p> <ul style="list-style-type: none"> - The TEEP clause (which has been more clearly described); - Types of waste with comparable quality (collecting them together does not affect recovery potential). <p>MS shall however, regularly review derogations.</p> <p>Paragraph 4 is added to specifically address incineration. It states that separately collected municipal waste (article 11) and separately collected bio-waste is not to be incinerated (except if the best environmental outcome stems from incineration).</p> <p>Paragraph 5 is added to ensure that MS take the necessary measures to remove hazardous substances from waste in order to facilitate recovery operations (in accordance with the waste hierarchy and without endangering human health or harming the environment).</p> <p>According to the new paragraph 6 MS must submit a report on the implementation of article 10 regarding municipal waste and bio-waste by December 2021.</p>	<p>The revised article 10 makes a clearer distinction between different kinds of recovery operations and more clearly describes grounds for derogating from the separate collection commitment.</p> <p>Moreover, the newly included paragraph 4 could stimulate preparing for reuse (and recycling) as it clearly states that incineration is not allowed (in most cases) with regard to separately collected bio-waste and municipal waste. Similarly, the new paragraph 5 could lead MS to take measures that increase the possibilities for the preparation for reuse of certain wastes (formerly) containing hazardous substances.</p>

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<p>Article 11: preparing for reuse and recycling</p> <p>Article 37: Reporting</p> <p>Article 38: Exchange of information (best practices)</p>	<p><u>Article 11</u> In the old WFD, the title of article 11 is 're-use and recycling'.</p> <p>With regard to preparing for reuse, paragraph 1 stated that MS shall take measures, as appropriate, to promote the reuse of products and reuse activities by:</p> <ul style="list-style-type: none"> - Encouraging preparing for reuse and repair networks; - Using economic instruments - Using Procurement criteria; - Setting quantitative objectives; - Using other measures. <p>Paragraph 2 gave targets for MS to achieve by 2020:</p> <ul style="list-style-type: none"> - (a) 50% of household waste should be prepared for reuse or recycled; - (b) 70 % of demolition and construction waste should be prepared for reuse, recycled or subject to other material recovery. <p>Paragraph 3 states that the Commission shall establish the calculation method for the above mentioned targets according to the regulatory procedure with scrutiny.</p> <p>Paragraph 4 states that the Commission should examine the measures and targets from</p>	<p><u>Article 11</u> The title of the revised article 11 is 'preparing for re-use and recycling'.</p> <p>The sections in paragraph 1 referring to reuse have been altered to focus on preparing for reuse instead of reuse: MS shall take measures to promote the preparing for re-use activities.</p> <p>Furthermore, paragraph 1 is extended with a subparagraph on demolition waste: MS shall take measures to promote selective demolition (facilitate re-use and recycling by selective removal of materials) and to ensure the establishment of sorting systems for demolition waste for at least:</p> <ul style="list-style-type: none"> - Wood - Mineral fractions - Metal - Glass - Plastic - Plaster <p>The revised paragraph 2 is expanded to include three new preparing for reuse and recycling targets for municipal waste:</p> <ul style="list-style-type: none"> - (c) Minimum of 55% by 2025 - (d) Minimum of 60% by 2030 - (e) Minimum of 65% by 2035 <p>The old paragraphs 3, 4 and 5 are completely removed.</p> <p>The new paragraphs 3,4 and 5 deal with the rules for MS when they want to postpone the attainment of the targets for municipal waste mentioned above (maximum of 5 years and 5% under the above mentioned targets).</p> <p>The new paragraph 6 states that the Commission shall consider setting preparing for reuse and recycling targets, by 31 December 2024, for:</p>	<p>In the old WFD, article 11 was already mostly focused on preparation for reuse and recycling. However, the first paragraph did mention 'reuse' instead of 'preparing for reuse'. This conceptual unclarity has been resolved in the revised WFD.</p> <p>The most important new addition to article 11 are the new targets for preparing for reuse and recycling of municipal waste in 2025, 2030 and 2035. These binding targets encourage further preparation for reuse of municipal waste.</p> <p>Furthermore, the inclusion of the subparagraph on selective demolition could further stimulate preparing for reuse (and recycling) of demolition and construction waste.</p> <p>As mentioned in paragraph 6, the possible new targets that the Commission could set by 31 December 2024 for other types of wastes, could also positively affect preparation for reuse. Especially, the preparing for reuse targets for municipal waste to be set by the Commission. This creates a possibility to set specific preparing for reuse targets (not lumped in with recycling). It is however, the Commission's prerogative whether they set the targets mentioned in paragraph 6.</p> <p>The fact that article 37 states that MS have to report preparing for reuse separately from recycling, could positively impact preparing for reuse as these were mostly lumped together before.</p> <p>The sharing of best practices and the guidelines that the Commission may publish</p>
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	<p>paragraph 2 (possibly reinforce them or add other wastes) before 2015.</p> <p>Paragraph 5 includes a three yearly requirement for MS to report on their progress with regard to the targets set.</p>	<ul style="list-style-type: none"> - Construction and demolition waste (material specific fractions) - Textile waste - Commercial waste - Non-hazardous industrial waste - Other waste streams <p>Moreover, the paragraph also mentions <u>preparing for reuse targets for municipal waste</u> and recycling targets for municipal bio-waste.</p> <p>Finally, in the new paragraph 7, the Commission shall review the 65% target for municipal waste by 2035 by 31 December 2028 and possibly propose a new target.</p> <p><u>Article 11 & article 37</u> In the first paragraph of revised article 37 it is stated that MS have to report on the implementation of the targets set in paragraph 2 of article 11 (within 18 months of the end of the reporting year). With regard to the preparing for reuse and recycling targets in paragraph 2(c), (d) and (e) it is important to note that MS have to report separately the amount of waste being recycled from the waste being prepared for reuse.</p> <p>According to paragraph 5 of the revised article 37, the Commission shall publish a report based on the review of the results every four years.</p> <p><u>Article 11 & article 38</u> The revised article 38 states that the Commission shall organise regular exchange of information and best practices on the implementation and enforcement of, among other things:</p> <ul style="list-style-type: none"> - The implementation of the obligations with regard to separate collection; - The instruments and incentives towards achieving the targets laid down in the revised article 11 paragraph 2(c), (d) and (e). 	<p>with regard to preparing for reuse, based on article 38 could help MS to improve their efforts for the preparation for reuse of waste.</p>
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		<p>Furthermore, based on paragraph 2 of the revised article 38 the Commission may develop guidelines for the interpretation of the requirements in the WFD, also with regard to preparation for re-use and the calculation rules in article 11a (see below).</p>	
<p>Article 11a: Calculation rules for the preparing for reuse and recycling targets</p>	-	<p>In the revised WFD a new article 11a is added to provide the rules on the calculation of the attainment of the new preparing for reuse and recycling targets from article 11. With regard to preparation for reuse the following is relevant:</p> <ul style="list-style-type: none"> - MS shall calculate the weight of the municipal waste generated and prepared for reuse or recycled in a given calendar year; - The weight of the municipal waste prepared for reuse shall be calculated as the weight of products or components of products that have become municipal waste and have undergone all necessary checking, cleaning or repairing operations to enable reuse without further sorting or pre-processing. <p>Furthermore, paragraph 3 of the new article states that MS must establish an effective system of quality control and traceability of municipal waste.</p> <p>The Commission in turn shall adopt by 31 March 2019:</p> <ul style="list-style-type: none"> - Implementing acts establishing calculation, verification and reporting rules. Thereby, the Commission shall use the examination procedure. 	<p>The new article 11a has been introduced to create greater uniformity between MS in their calculation methods of municipal waste that is being prepared for reuse or recycled.</p>
<p>Article 11b: Early warning report</p>	-	<p>The new article 11b states that the Commission shall draw up reports on the progress of MS towards the attainment of MS of their preparing for reuse and recycling targets for 2025, 2030 en 2035, at least three years before each deadline. These reports shall also include recommendations for MS at risk and examples of best practices.</p>	<p>The early warning reports could help MS that are risking not attaining their targets, to prepare more municipal waste for reuse.</p> <p>The Commission has, in anticipation of this commitment, made an early warning report for the 2020 target on household waste. See the general report here and an example of a country report (Poland) here.</p>

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<p>Article 12: Disposal</p>	<p>Article 12 states that MS shall ensure that waste undergoes safe disposal operations (in accordance with article 13).</p>	<p>In the revised article 12 a new second paragraph is added in which is stated that the Commission shall submit a report on disposal operations to the EP and the Council by 31 December 2024. This could be accompanied by a legislative proposal regulation disposal operations, including:</p> <ul style="list-style-type: none"> - Possible restrictions on disposal operations; - Disposal reduction target. 	<p>If the Commission would propose a legislative act that includes restrictions on disposal operations and disposal reduction targets before 2025, this could have a positive on recovery operations, such as preparing for reuse.</p>
<p>Article 13: Protection of human health and the environment</p>	<p>Article 13 states that MS shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:</p> <ul style="list-style-type: none"> - Without risk to water, air, soil, plants or animals; - Without causing a nuisance through noise or odours; - Without adversely affecting the countryside or places of special interest. 	<p>Article 13 remains the same.</p>	<p>This provision is invoked in many provisions dealing with the preparation for reuse of waste. Logically, because public health and environmental considerations play a vital role in assessing whether or not a product can be prepared for reuse.</p>
<p>Article 20: Hazardous waste (households)</p>	<p>Article 20 includes exemptions with regard to provisions on hazardous waste in the WFD for hazardous waste produced by households.</p>	<p>In the revised article 20 two new provisions are added:</p> <ul style="list-style-type: none"> - By 5 January 2020, the Commission shall draw up guidelines for separate collection of hazardous household waste. - By 1 January 2025, MS shall set up separate collection for hazardous household waste. 	<p>The new provisions, especially the separate collection commitment, could have a positive effect on the preparing for reuse and recycling possibilities of municipal waste. Because if there are no hazardous substances present in the waste, it would be easier to recycle or prepare it for reuse (less risks for public health and environment).</p>
<p>Article 28: Waste management plans</p>	<p>Article 28 contains the provisions on waste management plans. According to this article MS have to ensure that their competent authorities establish waste management plans.</p> <p>With regard to preparing to reuse, the old WFD article states that</p>	<p>In the revised article 28 several provisions are altered or added that deal with preparing for reuse:</p> <ul style="list-style-type: none"> - The provision on waste collection schemes (paragraph 3(cb)) is expanded to include an assessment of existing waste collection schemes; - A new provision is added that MS should include appropriate qualitative or quantitative indicators and targets (on the quantity of generated waste, its treatment and on municipal waste that is disposed of 	<p>The waste management plans have to include measures and assessments dealing with preparing for reuse of waste. This has been made more extensive and specific in the revised article 28.</p>

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	<p>waste management plans should include:</p> <ul style="list-style-type: none"> -the measures taken to improve preparing for reuse and recycling (paragraph 2); - an assessment of the need for new collection schemes, closure of existing waste installations and for additional waste installation infrastructure (paragraph 3). <p>Moreover, according to paragraph 5, waste management plans have to conform to the requirements of the Packaging and Packaging Waste Directive.</p>	<p>or subject to energy recovery) in their waste management plans;</p> <ul style="list-style-type: none"> - According to the revised paragraph 5 waste management plans have to conform with the recycling and preparing for reuse targets for municipal waste for 2025, 2030 and 2035 (article 11 (2) and (3)). - According to the revised paragraph 5 waste management plans also have to conform with the recycling and preparing for reuse targets for municipal waste for 2025, 2030 and 2035 (article 11 (2) and (3)); 	
IV. Recycling of materials			
Relevant articles	Content (current situation)	Changes after waste package	Relevance for recycling
Article 3(16): preparing for re-use	<p>Definition of recycling: This means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes.</p> <p>It includes reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.</p>	The definition has not changed.	Following the guidelines on the interpretation of key provisions of the WFD : the common idea behind recycling is that a waste material is processed in order to alter its physico-chemical properties allowing it to be used again for the same or other purposes. Thereby, excluding energy recovery, reprocessing as fuels and backfilling operations.

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<p>Article 4: Waste hierarchy</p> <p>Annex IVa: Measures incentivising the application of the waste hierarchy</p>	<p>This article outlines the waste hierarchy, which is the priority order for the treatment of waste: prevention, preparing for re-use, recycling, other recovery (e.g. energy recovery) and disposal.</p>	<p>Paragraph 3 is added to article 4. This paragraph states that Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy. Examples of these measures are provided in the new Annex IVa.</p>	<p>The waste hierarchy prioritizes recycling as one of the preferred options for waste treatment. In comparison to other forms of recovery, such as energy recovery and backfilling, it is a preferred form of recovery.</p> <p>Furthermore, with the introduction of paragraph 3, the revised WFD offers more concrete examples of measures to stimulate the correct application of the waste hierarchy, that can be found in annex IVa. Some of these measures are directed at promoting recycling, e.g. Providing incentives for separation at source of recyclable waste and sustainable public procurement to encourage better waste management and the use of recycled products and materials.</p> <p>Furthermore, in the revised WFD the correct application of the waste hierarchy is emphasized in more articles (this also applies to the other revised directives from the waste package).</p>
<p>Article 8 (and article 8a): EPR (schemes)</p>	<p>This article introduces the possibility for MS to take measures to ensure that producers have extended producer responsibility (EPR) to strengthen the prevention, re-use, recycling, and other recovery of waste.</p> <p>Paragraph 2 describes that MS may take appropriate measures to encourage the design of products in order to reduce their environmental impact and the generation of waste in the course</p>	<p>Firstly, the definition of EPR schemes is included in article 3(21): a set of measures taken by MS to ensure financial or financial and organizational responsibility of producers for the management of the waste stage of a product's life-cycle.</p> <p>In article 8(1) is added that if MS decide to implement EPR schemes they should apply the general minimum requirements for EPR schemes from the newly added article 8a. Furthermore, the Commission may adopt implementing acts laying down criteria for the uniform application of these requirements (article 8(5)). These implementing acts will be adopted in accordance with the examination procedure.</p>	<p>EPR measures and schemes can be used to support the recycling of products and materials, by making producers responsible for the waste stage of their products.</p> <p>The revised article 8 and new article 8a include many examples of measures for promoting the recycling of products and materials. For specific examples, see the previous column.</p> <p>The revised WFD sets out much more guidelines and requirements for EPR (schemes). It is however still the Member State's prerogative whether or not to implement such a scheme (unless these EPR schemes</p>

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	<p>of the production and subsequent use of products, and in order to ensure that the recovery -<u>this includes recycling</u>- and disposal of products that have become waste take place in accordance with the waste hierarchy and without endangering human health or harming the environment.</p>	<p>Furthermore, article 8 paragraph 2 has expanded on measures encouraging recycling:</p> <ul style="list-style-type: none"> - Ensure that products and components contain recycled materials; - Ensure that products and components are suitable for recycling; - Where appropriate these measures shall take into account the potential for multiple recycling. <p>Also, information exchange between MS and actors involved in EPR schemes will be organised by the Commission (article 8(5)). The Commission will also publish guidelines on cross-border cooperation concerning EPR schemes and the modulation of financial contributions paid by producers.</p> <p>A new article (8a) is added wherein the general minimum requirements for EPR schemes are formulated. Some of these requirements encourage recycling, e.g. MS have to take measures:</p> <ul style="list-style-type: none"> - To ensure that waste holders that are targeted by EPR schemes are informed about collection systems; - To create incentives for waste holders to deliver their waste into separate collection systems. 	<p>are set at the EU level in other EU legislative acts).</p>
<p>Article 9(1i) and 9(2): ECA database on hazardous substances</p>	<p>-</p>	<p>According to the new sub i paragraph 1, producers should not only provide information on the hazardous content of their products and materials to the next step in the supply chain (REACH art.33(1)), but also provide this information to the European Chemicals Agency (ECA) as from 5 January 2021.</p> <p>The ECA, in turn, has to establish a database based on this information that will be accessible for waste treatment operators, and on request, also to consumers (new article 9(2)).</p>	<p>It seems that the to-be-established database would increase the information waste treatment operators have about the (possibly hazardous) content of waste in their possession and could help them choose the best possible treatment of that waste. E.g. if they know that a certain electrical appliance would contain hazardous materials, they could treat it differently than other appliances that do not.</p>
<p>Article 10: Recovery</p>	<p>Article 10 paragraph 1 states that MS shall take the necessary measures to ensure that waste</p>	<p>The revised article 10 specifies the different kinds of recovery operations:</p> <ul style="list-style-type: none"> - Preparing for reuse 	<p>The revised article 10 makes a clearer distinction between different kinds of recovery operations and more clearly describes grounds</p>

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	<p>undergoes recovery operations in accordance with the waste hierarchy and without endangering human health or harming the environment.</p> <p>Paragraph 2 states that waste shall be collected separately if necessary to comply with paragraph 1 and not be mixed with other waste (with different properties), if technically, environmentally and economically practicable (TEEP clause).</p>	<ul style="list-style-type: none"> - Recycling - Other recovery <p>Furthermore, paragraph 3 to 6 are added to the article. Paragraph 3 deals with possible derogations for MS from the separate collection of waste based on:</p> <ul style="list-style-type: none"> - The TEEP clause (which has been more clearly described); - Types of waste with comparable quality (collecting them together does not affect recovery potential). <p>MS shall however, regularly review derogations.</p> <p>Paragraph 4 is added to specifically address incineration. It states that separately collected municipal waste (article 11) and separately collected bio-waste is not to be incinerated (except if the best environmental outcome stems from incineration).</p> <p>Paragraph 5 is added to ensure that MS take the necessary measures to remove hazardous substances from waste in order to facilitate recovery operations (in accordance with the waste hierarchy and without endangering human health or harming the environment).</p> <p>According to the new paragraph 6 MS must submit a report on the implementation of article 10 regarding municipal waste and bio-waste by December 2021.</p>	<p>for derogating from the separate collection commitment.</p> <p>Moreover, the newly included paragraph 4 could stimulate recycling (and preparing for reuse) as it clearly states that incineration is not allowed (in most cases) with regard to separately collected bio-waste and municipal waste. Similarly, the new paragraph 5 could lead MS to take measures that increase the possibilities for the recycling of certain wastes containing hazardous substances.</p>
<p>Article 11: (preparing for) re-use and recycling</p> <p>Article 37: Reporting</p> <p>Article 38: Exchange of information (best practices)</p>	<p>In the old WFD, the title of article 11 is 're-use and recycling'.</p> <p>With regard to recycling, paragraph 1 stated that MS shall take measures to promote high-quality recycling and set up separate collection of waste where technically, environmentally and economically practicable (TEEP clause).</p>	<p>The title of the revised article 11 is 'preparing for re-use and recycling'.</p> <p>In relation to recycling, paragraph 1 is altered to remove the TEEP clause. Also, another waste category is added that has to be separately collected: textiles (by 1 January 2025)</p> <p>Furthermore, paragraph 1 is extended with a subparagraph on demolition waste: MS shall take measures to promote selective demolition (facilitate re-</p>	<p>The most important new addition to article 11 are the new targets for preparing for reuse and recycling of municipal waste in 2025, 2030 and 2035. These binding targets encourage further recycling of municipal waste.</p> <p>Furthermore, the inclusion of the subparagraph on selective demolition could further stimulate recycling (and preparing for reuse) of demolition and construction waste.</p>

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	<p>Furthermore, it states that, by 2015 separate collection has to be set up for at least:</p> <ul style="list-style-type: none"> - Paper - Metal - Plastic - Glass <p>Paragraph 2 gave targets for MS to achieve by 2020:</p> <ul style="list-style-type: none"> - 50% of household waste should be prepared for reuse or recycled; - 70 % of demolition and construction waste should be prepared for reuse, recycled or subject to other material recovery. <p>Paragraph 3 states that the Commission shall establish the calculation method for the above mentioned targets according to the regulatory procedure with scrutiny.</p> <p>Paragraph 4 states that the Commission should examine the measures and targets from paragraph 2 (possibly reinforce them or add other wastes) before 2015.</p> <p>Paragraph 5 includes a three yearly requirement for MS to report on their progress with regard to the targets set.</p>	<p>use and recycling by selective removal of materials) and to ensure the establishment of sorting systems for demolition waste for at least:</p> <ul style="list-style-type: none"> - Wood - Mineral fractions - Metal - Glass - Plastic - Plaster <p>The revised paragraph 2 is expanded to include three new preparing for reuse and recycling targets for municipal waste:</p> <ul style="list-style-type: none"> - (c) Minimum of 55% by 2025 - (d) Minimum of 60% by 2030 - (e) Minimum of 65% by 2035 <p>The old paragraphs 3, 4 and 5 are completely removed.</p> <p>The new paragraphs 3,4 and 5 deal with the rules for MS when they want to postpone the attainment of the targets for municipal waste mentioned above (maximum of 5 years and 5% under the above mentioned targets).</p> <p>The new paragraph 6 states that the Commission shall consider setting preparing for reuse and recycling targets (via legislative proposal), by 31 December 2024, for:</p> <ul style="list-style-type: none"> - Construction and demolition waste (material specific fractions) - Textile waste - Commercial waste - Non-hazardous industrial waste - Other waste streams <p>Moreover, the paragraph also mentions preparing for reuse targets for municipal waste and <u>recycling targets for municipal bio-waste</u>.</p>	<p>The possible new targets that the Commission could set by 31 December 2024 for other types of wastes, as mentioned in paragraph 6, could also positively affect recycling. Especially, also the recycling targets for municipal bio-waste. It is however, the Commission's prerogative whether or not to propose setting these targets.</p> <p>The sharing of best practices and the guidelines that the Commission may publish with regard to recycling based on article 38 could help MS to improve their efforts for the recycling of waste.</p>
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		<p>Finally, in the new paragraph 7, the Commission shall review the 65% target for municipal waste by 2035 by 31 December 2028 and possibly propose a new target.</p> <p><u>Article 11 & article 37</u> In the first paragraph of revised article 37 it is stated that MS have to report on the implementation of the targets set in paragraph 2 of article 11 (within 18 months of the end of the reporting year). With regard to the preparing for reuse and recycling targets in paragraph 2(c), (d) and (e) it is important to note that MS have to report separately the amount of waste being recycled from the waste being prepared for reuse.</p> <p>According to paragraph 5 of the revised article 37, the Commission shall publish a report based on the review of the results every four years.</p> <p><u>Article 11 & article 38</u> The revised article 38 states that the Commission shall organise regular exchange of information and best practices on the implementation and enforcement of, among other things:</p> <ul style="list-style-type: none"> - The implementation of the obligations with regard to separate collection; - The instruments and incentives towards achieving the targets laid down in the revised article 11 paragraph 2(c), (d) and (e). <p>Furthermore, based on paragraph 2 of the revised article 38 the Commission may develop guidelines for the interpretation of the requirements in the WFD, also with regard to recycling and the calculation rules in article 11a (see below).</p>	
<p>Article 11a: Calculation rules for the preparing</p>	<p>-</p>	<p>In the revised WFD a new article 11a is added to provide the rules on the calculation of the attainment of the new preparing for reuse and recycling targets from article 11.</p>	<p>The new article 11a has been introduced to create greater uniformity between MS in their calculation method of municipal waste that is being prepared for reuse or recycled.</p>

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<p>for reuse and recycling targets</p>		<p>With regard to recycling the following is relevant:</p> <ul style="list-style-type: none"> - MS shall calculate the weight of the municipal waste generated and prepared for reuse or recycled in a given calendar year; - The weight of the municipal waste recycled shall be calculated as the weight of waste which, having undergone all necessary checking, sorting and other preliminary operations to remove waste materials that are not targeted by the subsequent reprocessing and to ensure high-quality recycling, enters the recycling operation whereby waste materials are actually reprocessed into products, materials or substances. - The weight of the recycled municipal waste shall be measured when it enters the recycling operation. However, there are derogations possible where the weight is measured at the output of a sorting operation, if: <ul style="list-style-type: none"> o the output waste is subsequently recycled; o and the weight of materials or substances that are removed by further operations and are not recycled, are not included. - Biodegradable municipal waste entering aerobic or anaerobic treatment may count as recycled where that treatment generates compost, digestate, or other output (with similar quantity of recycled content in relation to input) which is to be used as a recycled product, material or substance. - From 1 January 2027, MS may count municipal bio-waste entering aerobic or anaerobic treatment as recycled only if, it has been separately collected or separated at source. - End-of-waste materials used as fuels or other means to generate energy, to be incinerated, backfilled or landfilled does not count for the recycling targets. - Metals separated after incineration of municipal waste to be recycled (meeting certain quality criteria), do count for the recycling targets. 	<p>The clearer rules on when a substance can be regarded as recycled could encourage further high level recycling. E.g. the exclusion of EoW materials to count as recycled when these materials are to be used as fuels or to generate energy.</p>
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		<p>Furthermore, paragraph 3 of the new article states that MS must establish an effective system of quality control and traceability of municipal waste.</p> <p>The Commission in turn shall adopt by 31 March 2019:</p> <ul style="list-style-type: none"> - Implementing acts establishing calculation, verification and reporting rules. Specifically, a common methodology for the calculation of the recycled metals, as mentioned above, and biowaste separated and recycled at source. - A delegated act setting the rules for the calculation, verification and reporting of the weight of materials or substances which are removed after a sorting operation and which are not subsequently recycled. 	
Article 11b: Early warning report	-	<p>The new article 11b states that the Commission shall draw up reports on the progress of MS towards the attainment of MS of their preparing for reuse and recycling targets for 2025, 2030 en 2035, at least three years before each deadline. These reports shall also include recommendations for MS at risk and examples of best practices.</p>	<p>The early warning reports could help MS that are risking not attaining their targets, to recycle more municipal waste.</p> <p>The Commission has, in anticipation of this commitment, made an early warning report for the 2020 target on household waste. See the general report here and an example of a country report (Poland) here.</p>
Article 12: Disposal	<p>Article 12 states that MS shall ensure that waste undergoes safe disposal operations (in accordance with article 13).</p>	<p>In the revised article 12 a new second paragraph is added in which is stated that the Commission shall submit a report on disposal operations to the EP and the Council by 31 December 2024. This could be accompanied by a legislative proposal regulation disposal operations, including:</p> <ul style="list-style-type: none"> - Possible restrictions on disposal operations; <p>Disposal reduction target.</p>	<p>If the Commission would propose a legislative act that includes restrictions on disposal operations and disposal reduction targets before 2025, this could have a positive on recovery operations, such as recycling.</p>
Article 13: Protection of human health and the environment	<p>Article 13 states that MS shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:</p>	<p>Article 13 remains the same.</p>	<p>This provision is invoked in many provisions related to the recycling of waste. Logically, because public health and environmental considerations play a vital role in assessing whether or not a product can be recycled.</p>

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	<ul style="list-style-type: none"> - Without risk to water, air, soil, plants or animals; - Without causing a nuisance through noise or odours; - Without adversely affecting the countryside or places of special interest. 		
Article 20: Hazardous waste (households)	<p>Article 20 includes exemptions with regard to provisions on hazardous waste in the WFD for hazardous waste produced by households.</p>	<p>In the revised article 20 two new provisions are added:</p> <ul style="list-style-type: none"> - By 5 January 2020, the Commission shall draw up guidelines for separate collection of hazardous household waste. <p>By 1 January 2025, MS shall set up separate collection for hazardous household waste.</p>	<p>The new provisions, especially the separate collection commitment, could have a positive effect on the preparing for reuse and recycling possibilities of municipal waste. Because if there are no hazardous substances present in the waste, it would be easier to recycle or prepare it for reuse (less risks for public health and environment).</p>
Article 22: Bio-waste	<p>Article 22 deals with bio-waste. It included a provision that MS shall take measures to encourage:</p> <ul style="list-style-type: none"> - the separate collection of bio-waste with a view to the composting and digestion of bio-waste; - the treatment of bio-waste that fulfils a high level of environmental protection; - the use of environmentally safe materials produced from bio-waste. <p>Furthermore, it was included that the Commission should carry out an assessment on the management of bio-waste with a possible legislative proposal (setting minimum requirements for bio-waste management and quality criteria for compost and digestate from bio-waste).</p>	<p>The old provisions are removed from the article.</p> <p>The new article 22 includes an obligation that MS before 2024 should separate and recycle bio-waste at source, or collect it separately and not mix it with other types of waste (except when this other type of waste has similar biodegradability and composability).</p> <p>Furthermore, the revised article 22 also includes measures MS shall take to encourage:</p> <ul style="list-style-type: none"> - recycling (including composting and digestion) of bio-waste in a way that fulfils a high level of environment protection and high quality output; - home composting; - promote the use of materials produced from bio-waste. <p>Finally, in the newly added third paragraph of article 22, a provision is included that the Commission shall request the development of European standards for bio-waste entering organic recycling processes for compost and digestate.</p>	<p>The legislative proposal mentioned in the old article 22 has been proposed by the Commission (proposal on CE marked fertilising products) and a provision agreement between the EP and the Council has been reached. In this proposal quality criteria are included for bio-waste based fertilizers. This encourages the recycling of bio-waste for compost and digestate.</p> <p>The new provision in the revised WFD on the separate collection of bio-waste encourages the recycling of this type of waste.</p> <p>Furthermore, the measures MS shall take to encourage recycling, home composting and use of bio-waste based materials could also promote recycling.</p>

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<p>Article 27: Minimum standards</p>	<p>According to article 27 the Commission could set technical minimum standards for waste treatment activities (if there is evidence of benefit in terms of the protection of human health and environment), using the regulatory procedure with scrutiny.</p>	<p>The revised article 27 states that the commission can adopt a delegated act setting technical minimum standards for treatment activities, including for sorting and recycling of waste (if there is evidence of benefit in terms of the protection of human health and environment),</p>	
<p>Article 28: Waste management plans</p>	<p>Article 28 contains the provisions on waste management plans. According to this article MS have to ensure that their competent authorities establish waste management plans.</p> <p>With regard to recycling, the old WFD article states that waste management plans should include:</p> <ul style="list-style-type: none"> -the measures taken to improve preparing for reuse and recycling (paragraph 2); - an assessment of the need for new collection schemes, closure of existing waste installations and for additional waste installation infrastructure (paragraph 3). <p>Moreover, according to paragraph 5, waste management plans have to conform to the requirements of the Packaging and Packaging Waste Directive.</p>	<p>In the revised article 28 several provisions are altered or added that have to do with recycling:</p> <ul style="list-style-type: none"> - Subparagraph 3(ca) is added, this obligates MS to provide information in the waste management plans on the measures taken to attain the objective from article 5(3a) of the Landfill Directive. This objective is: MS shall endeavour to ensure that all waste suitable for recycling or other recovery, in particular municipal waste, shall not be accepted in a landfill by 2030 (unless it is the best environmental outcome). - The provision on waste collection schemes is expanded to include an assessment of existing waste collection schemes; - A new provision is added that MS should include appropriate qualitative or quantitative indicators and targets (on the quantity of generated waste, its treatment and on municipal waste that is disposed of or subject to energy recovery) in their waste management plans; - According to the revised paragraph 5 waste management plans also have to conform with the recycling and preparing for reuse targets for municipal waste for 2025, 2030 and 2035 (article 11 (2) and (3)); 	<p>The waste management plans have to include measures and assessments dealing with the recycling of waste. This has been made more extensive and specific in the revised article 28.</p>

IVa. End-of-waste criteria			
Article 6: End-of-waste status	<p>Article 6 contains the provisions on the end-of-waste status of waste.</p> <p>In the first paragraph of the old article 6, it is stated that certain specified waste shall cease to be waste, when it has undergone a recovery operation and complies with specific criteria to be developed in accordance with the following conditions, the substance or object:</p> <ul style="list-style-type: none"> (a) is <u>commonly</u> used for specific purposes; (b) has a market or demand; (c) fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; (d) will not lead to overall adverse environmental or human health impacts. <p>The second paragraph stated that the Commission could set EoW criteria for specific types of waste (using the regulatory procedure with scrutiny) and that these EoW criteria should be considered for aggregates, paper, glass, metal, tyres and textiles.</p>	<p><u>Paragraph 1</u> The most important alteration in the first paragraph is that MS addressed directly: MS have to take appropriate measures to ensure that waste which has undergone a recycling or other recovery operation shall cease to be waste. Secondly, the four conditions remain the same, except for the removal of the word 'commonly' in condition (a).</p> <p>Paragraphs 2, 3 and 4 are almost completely removed and restructured. The revised article has been more logically structured:</p> <ul style="list-style-type: none"> - Paragraph 2 EoW criteria at EU-level; - Paragraph 3 EoW criteria at a national level; - Paragraph 4 case-by-case EoW status. <p><u>Paragraph 2: EU level</u> Paragraph 2 contains the provisions on setting of EoW criteria at EU-level by the Commission. The Commission shall monitor the development of national EoW criteria and assess the need to develop Union-wide criteria on this basis. These detailed criteria shall ensure a high level of protection for the environment and human health and facilitate the prudent and rational utilisation of natural resources. They shall include:</p> <ul style="list-style-type: none"> (a) Permissible waste input material for the recovery operation; (b) Allowed treatment processes and techniques; (c) Quality criteria for EoW materials resulting from recovery operations (in line with applicable product standards); (d) Requirements for management systems to demonstrate compliance with EoW criteria (including for quality control and self-monitoring and where appropriate, accreditation); 	<p>With the revision of article 6 the Commission envisaged to improve the provisions with regard to EoW criteria.</p> <p>Based on the unrevised article 6 the Commission had only set Union-wide EoW criteria for: certain types of scrap metal, glass cullet and copper scrap.</p> <p>After the revision, the article is better structured than before. It clearly defines the different levels and ways in which EoW criteria can be set. Moreover, it integrates the specific requirements (paragraph 2) already used by the Commission to set EoW criteria.</p> <p>The procedure to adopt an implementing act setting EU-wide criteria has also changed. The (outdated) regulatory procedure with scrutiny has been replaced by the examination procedure. In this procedure the Commission must submit its draft implementing act to a committee comprised of representatives of the MS. The committee will thereafter deliver an opinion:</p> <ul style="list-style-type: none"> - Positive: the act shall be adopted; - Negative: the act shall not be adopted; - No opinion: (in this case) the act shall not be adopted. <p>Thereby, the ability of the Commission to adopt Union wide EoW criteria depends on the approval of the representatives of the MS.</p>

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	<p>Furthermore, according to the fourth paragraph, if EoW criteria have not been set at the EU level, MS may decide case-by-case that certain waste ceases to be waste.</p>	<p>(e) A requirement for a statement of conformity.</p> <p>These criteria shall be adopted in accordance with the examination procedure (article 39(2)) and taken into account the most stringent and environmentally protective EoW criteria already set at a national level.</p> <p><u>Paragraph 3: National level</u> Paragraph 3 contains the provisions on setting EoW criteria at a national level by MS. MS may establish EoW criteria if they have not been set at EU-level. When a MS sets these criteria, they have to fulfil the requirements mentioned in paragraph 2 and take into account possible adverse environmental and human health impacts. MS have to notify the Commission of this fact.</p> <p><u>Paragraph 4: case-by-case</u> Paragraph 4 contains the provisions dealing with case-by-case EoW status. If there are no national or EU level criteria, MS can decide on a case-by-case basis. Taken into account:</p> <ul style="list-style-type: none"> -the conditions of paragraph 1; -if necessary, the requirements of paragraph 2; -limit values for pollutants; -adverse environmental and human health impacts. <p>These case-by-case decisions do not have to be notified. However, MS should make information about these decisions electronically available.</p> <p><u>Paragraph: requirements for first user/seller</u> The newly introduced paragraph 5 deals with the requirements for either:</p> <ul style="list-style-type: none"> - the legal or natural person who uses a material that has ceased to be waste for the first time (and has not been placed on the market; or 	
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		<ul style="list-style-type: none">- the person who places a material on the market for the first time. <p>This person shall ensure that the material meets relevant requirements under the applicable chemical and product related legislation.</p>	
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