

The draft law on Waste Compliance with EU requirements



Presentation outline

- **Introduction**
- **EU Requirement: Association Agreement**
- **Draft Law on Waste**

Why is a waste act necessary?

- Legal security
- Basis for investment in waste management
- Protection of human health and environment

Experiences in Germany

- First Federal Waste Act 1972
- Before: No law, problem of the Municipalities → Municipal dumpsites endangering the environment
- The consequences:

Brownfields in Germany

- 317.036 "suspicious contaminated sites" in 2014
- A full rehabilitation of all sites is economically impossible
- The public sector pays an important part of the rehabilitation and assessment measures

The Draft Law

- Chapter 1: General Provisions
- Chapter 2: Competencies
- Chapter 3: Obligations of Waste Management Stakeholder
- Chapter 4: Waste Management Plans and Prevention Programs
- Chapter 5: Hazardous Waste
- Chapter 6: Accounting and public information
- Chapter 7: Specific requirements for certain waste management operations
- Chapter 8: Licencing and Permitting
- Chapter 9: Financial and economic instruments

Association Agreement

Annex XXX to chapter 6 Environment,
sub-chapter Waste and Resource Management

Directive 2008/98/EC on waste:

- adoption of national legislation and designation of competent authority/ies
- preparation of waste management plans in line with the five-step waste hierarchy and of waste prevention programmes (Chapter V of Directive 2008/98/EC)
- establishment of full cost recovery mechanism in accordance with the polluter pays principle and extended producer responsibility principle (art. 14)

Association Agreement

- establishment of a permitting system for establishments/undertakings carrying out disposal or recovery operations, with specific obligations for the management of hazardous wastes (Chapter IV of Directive 2008/98/EC)
- establishment of a register of waste collection and transport establishments and undertakings (Chapter IV of Directive 2008/98/EC)

Association Agreement

Directive 1999/31/EC on the landfill of waste

- adoption of national legislation and designation of competent authority/ies)
- classification of landfill sites (art. 4)
- preparation of a national strategy reducing the amount of biodegradable municipal waste going to landfill (art. 5)
- establishment of an application and permit system and of waste acceptance procedures (art. 5-7, 11, 12 and 14)
- establishment of control and monitoring procedures in the operation phase of landfills and of closure and after-care procedures for landfills to be disaffected (art. 12 and 13)

Association Agreement

Directive 1999/31/EC on the landfill of waste

- establishment of conditioning plans for existing landfill sites (art. 14)
- establishment of a costing mechanism (art. 10)
- ensuring the relevant waste is subject to treatment before landfilling (art. 6)

Timetable: within 6 years ff the entry into force of the Agreement

Association Agreement

- adoption of national legislation and competent authority/ies
- waste management plans in line with the five-step waste hierarchy and of waste prevention programmes
- establishment of full cost recovery mechanism in accordance with polluter pays principle and extended producer responsibility principle (art. 14)

Draft Law

- Draft Law, Chapter II
- Draft Law, Chapter IV, Waste hierarchy Art. 5
- Art. 54 Requirement of cost-recovery, Art. 54 par. 3, calculation of fees

Association Agreement

- establishment of a permitting system for disposal and recovery operations, with specific obligations for the management of hazardous wastes
- establishment of a register of waste collection and transport establishments and undertakings

Draft Law

- Chapter VIII of the Law:
 - Licences for hazardous waste
 - Permits for non-hazardous waste
 - Registration for existing operations
- Art. 52

Association Agreement

Landfill of waste

- adoption of national legislation and designation of competent authority/ies)
- classification of landfill sites (art. 4)
- preparation of a national strategy reducing the amount of biodegradable municipal waste going to landfill (art. 5)

Draft Law

- Chapter II
- Art. 47 para. 1
- Art. 47 para. 6 No. 6 (→ law on landfill of waste)

Association Agreement

Landfill of waste

- establishment of an application and permit system and of waste acceptance procedures
- establishment of control and monitoring procedures in the operation phase of landfills and of closure and after-care procedures for landfills to be disaffected

Draft Law

- Art. 47 para. 3, 50, 51, 52 para. 2
- Art. 47 para. 5 → separate law on landfills

Association Agreement

Landfill of waste

- establishment of conditioning plans for existing landfill sites (art. 14)
- establishment of a costing mechanism (art. 10)
- ensuring the relevant waste is subject to treatment before landfilling (art. 6)

Draft Law

- Art. 48 para. 7
- Art. 54
- Art. 47 para. 5 (3), Art. 34 para. 6