



## **Eurits position paper – separate hazardous waste chapter in the new Waste Directive**

The Waste Directive proposal (COM(2005)667) will see a repeal of the existing Hazardous Waste Directive (91/689/EEC) with the European Commission's intention being that the provisions should be transposed into the new Waste Directive. Eurits believes that any revision to the Commission's original proposal must, as a minimum, retain a separate chapter on hazardous waste, rather than combining the provisions for hazardous waste with the material in other chapters. From a practical point of view, it is much simpler for regulators to have a discrete chapter on hazardous waste to which they can refer, rather than having to work through the complete Directive to find out which parts are relevant to hazardous waste.

When responding to the consultation on integrating the Hazardous Waste Directive into the new Waste Directive, Eurits emphasised that none of the stringent provisions of that Directive should be lost. However, this is precisely what has happened in the draft Waste Directive which does not incorporate all the necessary protections – collection, transport, safety, protection of workers – that were regarded as essential in the original Hazardous Waste Directive. It also further blurs the distinction between recovery and disposal. As a result, there is a very real danger that the special characteristics of hazardous waste will not be recognised and inappropriate treatment options will be used.

It is deeply worrying that toxic waste, which is most harmful to human health and the environment, is not recognised as requiring special treatment. At the very least, the provisions in the new Directive should be strengthened. It is not the case that hazardousness diminishes just because a waste goes to a particular type of facility. The hazardous characteristics of all wastes must continue to be recognised as such and dealt with appropriately.

The European Commission has already recognized (in Recital 4 of Directive 91/689/EEC) that hazardous waste requires a more rigorous and supplementary regulation to take into consideration the particular nature of this type of waste. The new approach is not consistent with the approach taken previously in the Hazardous Waste Directive and it must be replicated in the new legislation that is going to be the foundation of waste legislation for the next twenty to thirty years.

The European Parliament's 1<sup>st</sup> reading has recognised the need for special treatment of hazardous waste, in particular a new Recital 18 on hazardous waste and a new Article 15 on traceability and control of hazardous waste. The European Parliament has also adopted stricter permitting requirements for hazardous waste treatment facilities in a new Article 19.

Sadly, the recent Ivory Coast case demonstrates the risks associated with failure to adequately control the treatment of hazardous waste. **Eurits asks that the Council support the Parliament's stance and strengthen the Commission's original proposals.**

**Eurits  
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