

# Changes in European environmental protection legislation



## 1. Waste Framework Directive

The drive to increase energy efficiency and preserve natural resources constitutes the fundamental direction for European policy in the field of natural resources and energy management. Under the EU's 6. Framework Environment Action Programme, which covers the years 2002-2012, one of the seven thematic strategies due for implementation concerns wastes. The Thematic Strategy on Prevention and Recycling of Waste assumes minimisation of the quantity of wastes, while those that are created must be managed first and foremost by composting and the energy recovery, used as secondary raw materials, and the unusable remnants being sent to dumping. A significant objective of this strategy is to reduce the impact of wastes on the natural environment. An analysis of the entire life cycle of raw materials will be helpful in assessing the environmental impact of wastes.

Works carried on by the European Commission on the strategy includes, among others, the Waste Framework Directive (75/442/EEC). In December 2005 the European Commission announced an official draft of a Directive of the European Parliament and Council on wastes. This is intended to replace 3 existing Directives:

- Council Waste Directive 75/442/EEC of 15<sup>th</sup> July 1975
- Council Hazardous Waste Directive 91/689/EEC of 12<sup>th</sup> December 1991
- Council Waste Oil Directive 75/439/EEC of 16<sup>th</sup> June 1975

The new Waste Framework Directive will include all types of wastes: both hazardous wastes and other, non-hazardous types – as is the case with the Incineration Directive. In the revised Directive, the definition of waste has been simplified and specified, while maintaining the distinction between hazardous wastes and other, non-hazardous types. The following have been excluded from the scope of the Directive: contaminated soils, agricultural wastes and animal wastes. The objective of the revision is to simplify and improve European regulations concerning wastes, among others by clarifying the definition of waste, introducing definitions of recycling and of end-of-waste, distinction between the recovery process and the disposal of wastes, and by determining conditions for the waste mixing operation. The definition of waste recovery has been based on the principle of replacement of



raw materials, while the disposal of wastes is intended to cover each and every operation with the exception of recovery. A list has been made of procedures that make it possible to explain the classification of certain operations related to wastes, such as recovery or rendering harmless. The end-of-waste concept, i.e. when the waste ceases to be a waste and becomes a product, has also been defined. Quality and environmental criteria shall be elaborated for such waste streams, with the intention of ensuring a high level of health and environ-

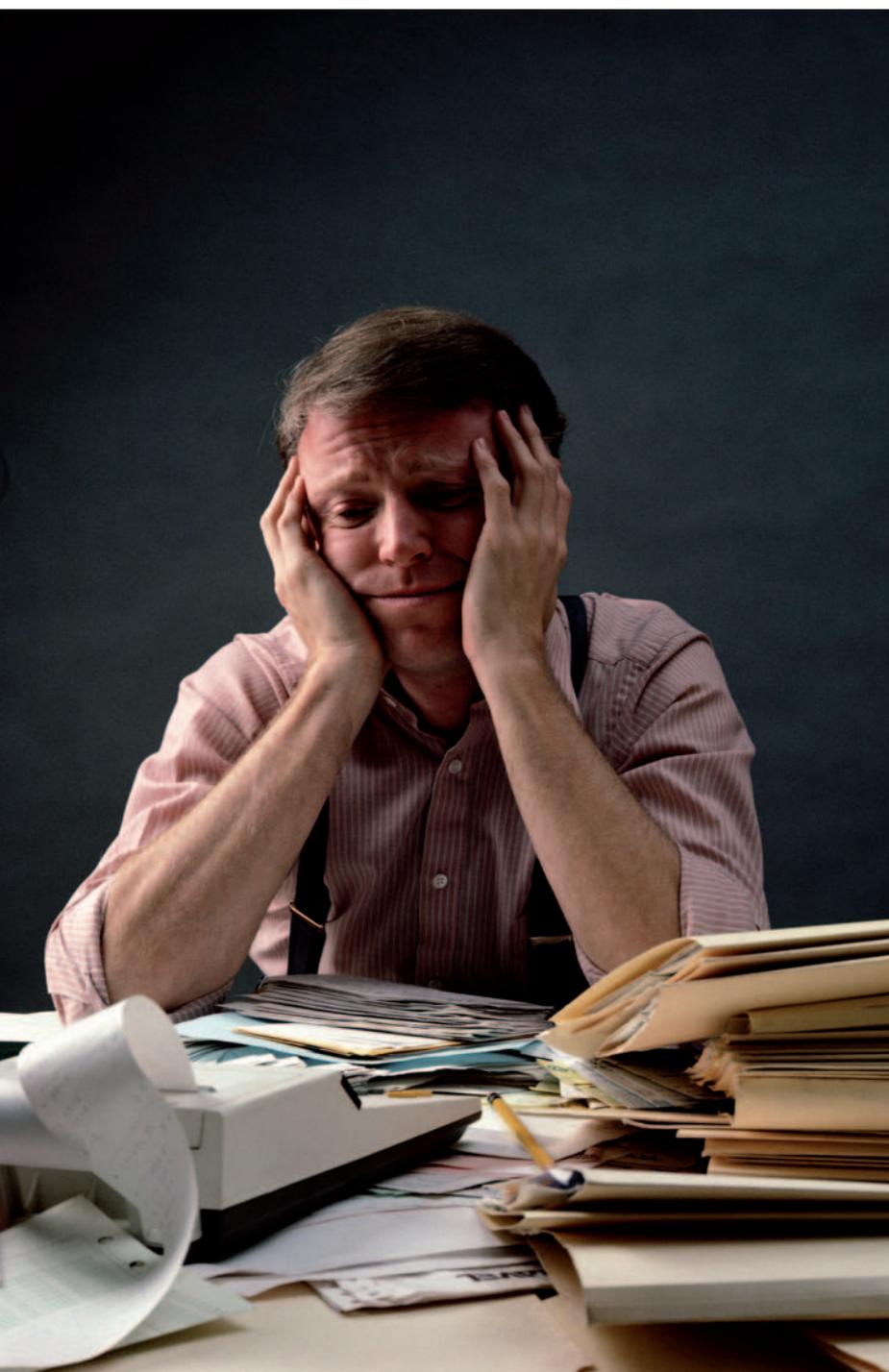
mental protection. The status of a waste will be modified only when this is advantageous to the natural environment and there exists a market for products obtained from wastes, whereas no reference has been provided to the production process or installation in which a given waste product is to be utilised. Additionally, member countries of the EU have been obligated to elaborate national plans for the prevention of waste generation, with the objective being to concentrate the attention of EU and national creators of policy – as well as that of lower levels of national administration – on preventing the generation of wastes.

Apart from the Directive on Wastes, the IPPC Directive and regulations concerning the transport of wastes will be amended and expanded to include activities connected with the utilisation of wastes.

## 2. The IPPC Directive

The objective of the IPPC Directive 96/61/EU of 24<sup>th</sup> September 1996 concerning integrated pollution prevention and control is to set in place an integrated system for preventing and controlling pollution generated by industrial operations, and thus to ensure a high level of environmental protection as a whole. The Directive requires a comprehensive approach to the improvement of technological processes, obligating the competent authorities to impose and enforce the observance by installation operators of certain obligations relating to the protection of the natural environment as a whole (obtainment of an integrated permit, adapting to BAT (Best Available Technology) requirements, which constitutes a precondition for obtainment of the integrated permit, and avoiding the protection of one environmental component at the cost of increasing the pollution of another). Each industrial plant applying for an integrated permit must determine how its operations influence the natural environment considered as a complex whole, and subsequently use all available means to minimise the ecological noxiousness of the company.

Even though the deadline for complete implementation of the requirements of the IPPC Directive in EU member states expires on 30<sup>th</sup> October 2007, towards the end of 2005 the European Commission commenced the process of amending its provisions. This process is not aimed



at modifying the fundamental objectives and requirement levels of the Directive (integrated approach, BAT, integrated permit), but rather at reviewing the legislation's scope in terms of coherence and interaction with other Community legal acts relating to environmental protection. Requirement-related differences between Directives referring to the same activities would limit the possibility of creating one integrated system of legal regulations in this field. Thus, it will be possible among others to precise individual definitions or entries made in annexes. Actions undertaken as part of the amendment of the IPPC Directive will include the execution of studies concerning the following issues:

- 1- degree of implementation of the Directive in individual countries and sectors covered by the Directive and the assessment of the conformity of integrated permits issued with the IPPC Directive – 60 installations from various sectors, including 10 cement plants, have been selected for this study,
- 2- assessment of the coherence of requirements set forward in various legal regulations concerning environmental protection, with an indication of problems and an evaluation of scenarios relating to the degree of interconnection between them, for example between the IPPC Directive and trading in  $\text{NO}_x$ - $\text{SO}_2$  emissions,
- 3- assessment of environmental advantages following from the operation of industry under the IPPC Directive – the cement industry has been selected as the sole sector for the execution of this study, due to its considerable advancement in the implementation of the IPPC Directive and the revision of the BREF,
- 4- case study concerning activities undertaken by installations with the objective of reducing their environmental impact to a degree exceeding the requirements of the Directive,
- 5- assessment of the competitiveness of European industry functioning on the basis of the IPPC Directive – the study does not cover the cement industry,
- 6- analysis of the introduction of technical improvements, among others emission indicators with reference – for example – to the production volume, etc.

For industrial sectors covered by the Directive, the amendment process will entail the provision of data relating to the operation of

installations, interviews, and visits of consultants engaged in the amendment process at selected plants. Since the IPPC Directive is not yet fully implemented in member states – there are still installations that are subject to the requirements of the IPPC Directive and yet operate without the requisite integrated permits – assessments under the Directive will concentrate on companies that are already functioning on the basis of integrated permits, as is the case in the cement industry.

