

Wednesday 15 March 2000

COUNCIL
COMMON POSITIONAMENDMENTS
BY PARLIAMENT

In drawing up the assessment and verification requirements the objective of keeping costs to a strict minimum must be observed. This is particularly important in order to facilitate participation by SMEs in the Community eco-label system and thus to contribute to the wider dissemination of the system.

9. Incinerating waste ***II

A5-0056/2000

European Parliament legislative resolution on the common position adopted by the Council with a view to adopting a European Parliament and Council directive on the incineration of waste (11472/1/1999 – C5-0274/1999 – 1998/0289(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (11472/1/1999 – C5-0274/1999) ⁽¹⁾,
- having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(1998) 558) ⁽³⁾,
- having regard to the Commission's amended proposal (COM(1999) 330),
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0056/2000),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and Commission.

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(Amendment 1)

Recital 8a (new)

(8a) A directive on waste management plans including plans for the presorting of waste intended for incineration is needed in order to supplement the Community strategy for waste management;

⁽¹⁾ OJ C 25, 28.1.2000, p. 17.

⁽²⁾ OJ C 219, 30.7.1999, p. 249 and OJ C 279, 1.10.1999, p. 274.

⁽³⁾ OJ C 372, 2.12.1998, p. 11.

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(Amendment 2)

Article 1

The aim of this Directive is to prevent *or, where that is not practicable, to reduce as far as possible* negative effects on the environment, in particular pollution by emissions into air, soil, surface water and groundwater, and the resulting risks to human health, from the incineration and co-incineration of waste.

The aim of this Directive is to prevent negative effects on the environment, in particular pollution by emissions into air, soil, surface water and groundwater, and the resulting risks to human health, from the incineration and co-incineration of waste.

This aim shall be met by means of stringent operational conditions and technical requirements, through setting emission limit values for waste incineration and co-incineration plants within the Community and also through meeting the requirements of Directive 75/442/EEC.

This aim shall be met by means of stringent operational conditions and technical requirements, through setting emission limit values for waste incineration and co-incineration plants within the Community and also through meeting the requirements of Directive 75/442/EEC.

The Directive is also intended to contribute towards attaining the overriding goal of European waste policy, particularly in terms of the waste management hierarchy: prevention, recycling, incineration with energy recovery and final disposal.

(Amendment 3)

Article 1, 2nd paragraph b (new)

This Directive shall be without prejudice to other Community legislation on waste and on protecting the health and safety of workers at incineration plants.

(Amendment 4)

Article 2(2)(a)(ii) to (v)

(ii) vegetable waste from the food processing industry,

(ii) vegetable waste from the food processing industry, **if it is co-incinerated at the place of production and the heat generated is recovered,**(iia) **fibrous vegetable waste from sorting, screening and washing of virgin pulp and paper production, if it is co-incinerated at the place of production and the heat generated is recovered,**

(iii) wood waste with the exception of:

- wood waste that may contain halogenated organic compounds or heavy metals as a result of treatment;
- *treated* wood originating from *building* and demolition waste,

(iii) wood waste with the exception of waste material which may contain halogenated organic compounds or heavy metals as a result of treatment **with wood-preserved or coating, and which includes such material** originating from **construction** and demolition waste,

(iv) cork waste,

(iv) cork waste,

(v) *waste excluded from the scope of Directive 75/442/EEC pursuant to Article 2(1) of that Directive,*(v) **radioactive** waste,

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(Amendment 5)

Article 4(2)(a)

(a) the plant is designed, equipped and will be operated in such a manner that the requirements of this Directive are met, taking into account the categories of waste to be incinerated;

(a) the plant is designed, equipped and will be operated in such a manner that the requirements of this Directive **and other Community environmental legislation such as Framework Directive 96/62/EC on ambient air quality assessment and management** ⁽¹⁾ are met, taking into account the categories of waste to be incinerated;

⁽¹⁾ OJ L 296, 21.11.1996, p. 55.

(Amendment 6)

Article 4(2)(b)

(b) the heat generated during the incineration and co-incineration process is recovered as far as practicable;

(b) the heat generated during the incineration and co-incineration process is recovered as far as practicable, **for example through combined heat and power, the generating of process steam or district heating**;

(Amendment 8)

Article 4(8a)(new)

8a. If an incineration or co-incineration plant does not comply with the conditions of the permit, in particular with the emission limit values for air and water, the competent authority shall take action to enforce compliance.

(Amendment 9)

Article 5(1)

1. The operator of the incineration or co-incineration plant shall take all necessary precautions concerning the delivery and reception of waste in order to prevent *or, where not practicable, reduce as far as possible* negative effects to the environment, in particular the pollution of air, soil, surface water and groundwater as well as odours and noise, and direct risks to human health. These measures shall meet at least the requirements set out in paragraphs 3 and 4.

1. The operator of the incineration or co-incineration plant shall take all necessary precautions concerning the delivery and reception of waste in order to prevent negative effects to the environment, in particular the pollution of air, soil, surface water and groundwater as well as odours and noise, and direct risks to human health. These measures shall meet at least the requirements set out in paragraphs 3 and 4.

(Amendment 10)

Article 6(1), 1st subparagraph

1. Incineration plants shall be operated in order to achieve a level of incineration such that the slag and bottom ashes total organic carbon (TOC) content is less than 3 % or their loss on ignition is less than 5 % of the dry weight of the material. If necessary appropriate techniques of waste pre-treatment shall be used.

1. Incineration plants shall be operated in order to achieve a level of incineration such that the slag and bottom ashes total organic carbon (TOC) content, **minus the content of elemental carbon**, is less than 3 % or their loss on ignition is less than 5 % of the dry weight of the material. If necessary appropriate techniques of waste pre-treatment shall be used.

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(Amendment 11)

Article 6(1), 2nd subparagraph

Incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the process is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of 850 °C, as measured near the inner wall or at another representative point of the combustion chamber as authorised by the competent authority, for two seconds. If *hazardous* wastes with a content of more than 1 % of halogenated organic substances, expressed as chlorine, are incinerated, the temperature has to be raised to 1 100 °C.

Incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the process is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of 850 °C, as measured near the inner wall or at another representative point of the combustion chamber as authorised by the competent authority, for two seconds. If wastes with a content of more than 1 % of halogenated organic substances, expressed as chlorine, are incinerated, the temperature has to be raised to 1 100 °C **for at least two seconds**.

(Amendment 13)

Article 7(2), 2nd subparagraph

If in a co-incineration plant more than 40 % of the resulting heat release comes from hazardous waste, the emission limit values set out in Annex V shall apply.

If in a co-incineration plant more than 40 % of the resulting heat release comes from hazardous waste, **or potentially hazardous waste**, the emission limit values set out in Annex V shall apply.

(Amendment 15)

Article 8(2)

2. Discharges to the aquatic environment of waste water resulting from the cleaning of exhaust gases shall be limited as far as practicable, at least in accordance with the emission limit values set in Annex IV.

2. Discharges to the aquatic environment of waste water resulting from the cleaning of exhaust gases shall be limited as far as practicable, at least in accordance with the emission limit values set in Annex IV, **and may under no circumstances stand in the way of the environmental quality objectives**.

(Amendment 17)

Article 11(1)

1. Member States shall, either by specification in the conditions of the permit or by general binding rules, ensure that paragraphs 2 to 12 and 17, as regards air, and paragraphs 14 to 17, as regards water, are complied with.

1. Member States shall, either by specification in the conditions of the permit or by general binding rules, ensure that paragraphs 2 to 12 and 17, as regards air, and paragraphs **9 and 14** to 17, as regards water, are complied with.

(Amendment 20)

Article 12

Without prejudice to Council Directive 90/313/EEC and Directive 96/61/EC, applications for new permits shall be made available to the public to enable it to comment on them before the competent authority reaches a decision. That decision, including at least a copy of the permit, and any subsequent updates, shall also be made available to the public.

1. Without prejudice to Council Directive 90/313/EEC and Directive 96/61/EC, applications for new permits **for incineration and co-incineration plants** shall be made available **at one or more locations accessible to the public, such as local authority offices and public libraries, for an appropriate period** to enable the public to comment on them before the competent authority reaches a decision. That decision, including at least a copy of the permit, and any subsequent updates, shall also be made available to the public.

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For incineration or co-incineration plants *burning more than three tonnes per hour* and notwithstanding Article 15(2) of Directive 96/61/EC, an annual report to be provided by the operator to the competent authority on the functioning and monitoring of the plant shall be made available to the public.

2. Notwithstanding Article 15(2) of Directive 96/61/EC, for incineration and co-incineration plants the operator shall provide to the competent authority an annual **environmental** report on the functioning and monitoring of the plant. **This report shall be made available to the public and shall, as a minimum requirement, give an account of the operation of the process and the emissions into air and water compared with the emission standards in this Directive.**

(Amendment 22)

Article 16

The Commission shall, in accordance with the procedure laid down in Article 17, amend Articles 10, 11 and 13 and Annexes I and III in order to adapt them to technical progress or new findings concerning the health benefits of emission reductions.

The Commission, in accordance with the procedure laid down in Article 17, shall amend Articles 10, 11 and 13 and Annexes I to V in order to adapt them to technical progress or new findings concerning the health benefits of emission reductions.

(Amendment 25)

Annex II.1.1

Pollutant	C
Total Dust	30
HCl	10
HF	1
NO _x	800
Cd + Tl	0,05
Hg	0,05
Sb + As + Pb + Cr + Co + Cu + Mn + Ni + V	0,5
Dioxins and furans	0,1

Pollutant	C
Total Dust	30
HCl	10
HF	1
NO _x	(¹) 800, (²) 500
Cd + Tl	0,05
Hg	0,05
Sb + As + Pb + Cr + Co + Cu + Mn + Ni + V	0,5
Dioxins and furans	0,1

⁽¹⁾ for old plants.⁽²⁾ for new plants.

Until 1 January 2008, exemptions for NO_x may be authorised by the competent authorities for existing wet process cement kilns or cement kilns which burn less than three tonnes of waste per hour, provided that the permit foresees a total emission limit value for NO_x of not more than 1 200 mg/m³.

Until 1 January **2007**, exemptions for NO_x may be authorised by the competent authorities for existing wet process cement kilns or cement kilns which burn less than three tonnes of waste per hour, provided that the permit foresees a total emission limit value for NO_x of not more than 1 200 mg/m³.

Until 1 January 2008, exemptions for dust may be authorised by the competent authority for cement kilns which burn less than three tonnes of waste per hour, provided that the permit foresees a total emission limit value of not more than 50 mg/m³.

Until 1 January **2007**, exemptions for dust may be authorised by the competent authority for cement kilns which burn less than three tonnes of waste per hour, provided that the permit foresees a total emission limit value of not more than 50 mg/m³.