

## II

*(Preparatory Acts)*

## COMMISSION

**Proposal for a Council Directive amending Directive 75/439/EEC on the disposal of waste oils***COM(84) 757 final**(Submitted by the Commission to the Council on 24 January 1985)**(85/C 58/04)*

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the  
European Economic Community, and in particular  
Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European  
Parliament,

Having regard to the opinion of the Economic and  
Social Committee,

Whereas Council Directive 75/439/EEC <sup>(1)</sup> provides  
that Member States shall take the necessary measures  
to ensure the safe collection and disposal of waste oils  
and to ensure that, as far as possible, the disposal of  
waste oils is carried out by recycling (regeneration  
and/or combustion other than for destruction);

Whereas regeneration is the most rational way of re-  
using waste oils in view of the energy savings which  
can be achieved;

Whereas, as a result of the increase in the prices of  
petroleum products, there has been a growing  
tendency to burn waste oils for heating purposes,  
particularly in small plants;

Whereas the burning of waste oils generates waste  
gases containing harmful substances in both gaseous  
and dust form which in some cases are highly toxic  
and are capable of causing considerable environmental  
pollution; whereas it is therefore necessary to limit  
the risks of environmental pollution caused by the  
burning of waste oils in the Community by means of  
comprehensive, uniform arrangements for such  
combustion;

Whereas large quantities of waste oils are at present  
disposed of in an uncontrolled fashion and it is  
therefore necessary to improve the efficiency of waste  
oil collection and to tighten up monitoring in this  
area;

Whereas it is appropriate to prohibit the burning of  
waste oils in plants with a thermal output of less than  
1 MW which do not lend themselves, for technical  
and economic reasons, to the use of the most efficient  
means of treating gaseous emissions, which are  
operated by unqualified personnel and where the  
controls would involve a technical and administrative  
burden disproportionate to the benefits gained by the  
use of this type of fuel;

Whereas, in view of the special problems arising in  
connection with synthetic waste oils, particularly  
where regeneration and combustion are concerned,  
this category of oils should be excluded from the  
scope of Directive 75/439/EEC, and should therefore  
be disposed of in accordance with the provisions of  
Council Directive 75/442/EEC of 15 July 1975 on  
waste <sup>(2)</sup> or Council Directive 76/403/EEC of 6 April  
1976 on the disposal of polychlorinated biphenyls and  
polychlorinated terphenyls <sup>(3)</sup>, as appropriate,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 75/439/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

*Article 1*

For the purposes of this Directive:

1. *waste oil* means any semi-liquid or liquid used  
product consisting totally or partially of mineral

<sup>(1)</sup> OJ No L 194, 25. 7. 1975, p. 31.

<sup>(2)</sup> OJ No L 194, 25. 7. 1975, p. 47.

<sup>(3)</sup> OJ No L 108, 26. 4. 1976, p. 41.

oil, including used motor vehicle lubricants consisting of mixtures of mineral and synthetic oils, oily residues from tanks, oil-water mixtures and emulsions;

2. *regeneration* means any process whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, oxidations products and additives contained in such oils.'

2. Article 3 is replaced by the following:

*Article 3*

Member States shall take the necessary measures to ensure that, as far as possible, the disposal of waste oils is carried out by means of regeneration.'

3. The following point 4 is added to Article 4:

'4. the combustion of waste oils in plants with a thermal output of less than 1 MW.'

4. Article 5 is replaced by the following:

*Article 5*

1. Member States shall carry out advertising campaigns and provide incentives to ensure that waste oils are collected as far as possible.

2. Where the aims defined in Articles 2, 3 and 4 cannot otherwise be achieved, Member States shall take the necessary measures to ensure that one or more undertakings carry out the collection and/or disposal of the products offered to them by holders, where appropriate in the area assigned to them by the competent authorities.'

5. Article 6 is replaced by the following:

*Article 6*

1. In order to comply with the measures taken pursuant to Article 4, any undertaking which collects and/or disposes of waste oils must obtain a permit. This permit shall be granted by the competent authorities, after examination of the installations if necessary. These authorities shall impose the conditions required by the state of technical development.

2. Without prejudice to the requirements laid down by national and Community provisions with a purpose other than that of this Directive, a permit as referred to in paragraph 1 may be granted to undertakings which burn waste oils, whether alone or together with other fuels, only where the competent authority has satisfied itself that:

- (a) combustion of waste oils is not incompatible with the objective defined in Article 3;
- (b) combustion of waste oils in the plant does not entail any danger to public health or any significant harm to human beings or the environment as a result of pollution;
- (c) all appropriate preventive measures in accordance with the state of technical development have been taken in order to prevent dangerous or harmful effects to human beings or the environment, as referred to in point (b), as a result of pollution, especially in order to reduce emissions of the substances referred to in the Annex. These measures may concern both the monitoring of emissions and fuel monitoring;
- (d) combustion residues arising from such plants shall be disposed of without harming the environment, in accordance with the provisions of Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste<sup>(1)</sup>;
- (e) examination of the procedures concerning the use of waste oils, in particular as regards monitoring the concentration of pollutants in such oils and in mixtures of oils and liquid fuels which are burned, and of the technical characteristics of the plant, indicates that the emission limit values set out in the Annex have not been exceeded;
- (f) emissions from plants in which waste oils are burned and/or the composition of such oils are determined in accordance with procedures and using measuring methods and equipment approved by the competent authorities in order in particular to monitor compliance with the obligations referred in point (e);
- (g) the plants in which waste oils are burned are fitted with heat recovery equipment.

<sup>(1)</sup> OJ No L 84, 31. 3. 1978, p. 43'.

6. Article 7 is replaced by the following:

*Article 7*

1. A person holding waste oils must, if he is unable to comply with the measures taken pursuant to Article 4, place them at the disposal of the undertaking or undertakings referred to in Article 5.

2. Exceptions to the prohibition provided for in Article 4 (4) may be authorized by the competent authorities of the Member States provided that:

- the waste oils are burned in special combustion equipment the technical characteristics of which have been approved by the responsible authorities;

- only homogeneous waste engine oils are used;
- combustion is carried out in the commercial or industrial establishment in which the waste oils were changed and stored;
- all the conditions laid down in Article 6 (2) are satisfied.

The criteria used in relation to such authorizations shall be communicated to the Commission.'

7. Article 8 is replaced by the following:

*'Article 8*

1. Holders of certain quantities of waste oils containing impurities in excess of certain percentages must handle and store them separately.

2. The provisions of Directive 78/319/EEC and Council Directive 76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (\*) shall apply to waste oils containing toxic and dangerous substances within the meaning of Directive 78/319/EEC and polychlorinated biphenyls and/or polychlorinated terphenyls in excess of certain concentrations.

3. Having consulted the Committee for Adaptation to Technical Progress established by Article 18 of Directive 78/319/EEC, and in accordance with the procedure set out in Article 19 of that Directive, the Commission shall adopt measures aimed at defining the quantities, percentages and concentrations referred to in paragraphs 1 and 2.

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(\*) OJ No L 108, 26. 4. 1976, p. 41.'

8. Article 11 is replaced by the following:

*'Article 11*

The undertakings referred to in Article 9 must convey to the competent authorities, at their request, any information concerning the collection and/or disposal or deposit of waste oils or their residues.'

9. Article 12 is replaced by the following:

*'Article 12*

1. The undertakings referred to in Article 6 shall be inspected periodically by the competent authorities, particularly as regards their compliance with the conditions of their permits.

2. The competent authorities shall examine trends in the state of technical development and/or of the environment with a view to revising where necessary, a permit granted to an undertaking in accordance with this Directive.'

10. The following paragraph is added to Article 17:

'Such measures shall include penalties, particularly for those responsible for the deliberate discharge of waste oils into the environment or unauthorized combustion of such oils.'

11. The Annex to this Directive is added.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1986 and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

*Article 3*

This Directive is addressed to the Member States.

## ANNEX

EMISSION LIMIT VALUES <sup>(1)</sup>

for certain substances emitted as a result of the combustion waste oils

(based on a 3 % oxygen content by volume in the waste gases)

Pollutant	Limit value
Dust (total)	50 mg/Nm <sup>3</sup>
Cd	0,2 mg/Nm <sup>3</sup>
Ni	1 mg/Nm <sup>3</sup>
Pb + Cr + Cu + V	5 mg/Nm <sup>3</sup>
SO <sub>2</sub>	500 mg/Nm <sup>3</sup>
Cl — <sup>(2)</sup>	100 mg/Nm <sup>3</sup>
F — <sup>(3)</sup>	5 mg/Nm <sup>3</sup>

<sup>(1)</sup> The limit values refer to the concentration, in the combustion gas from a plant in which waste oils (alone or mixed with other fuels) are burned, of various substances, in terms of mg/m<sup>3</sup> of waste gases at standard temperature and pressure (273 K, 1 013 bar) after deduction of the water vapour content.

<sup>(2)</sup> Inorganic gaseous compounds of chlorine treated as hydrochloric acid.

<sup>(3)</sup> Inorganic gaseous compounds of fluorine treated as hydrofluoric acid.