

Is áis doiciméadúcháin amháin an téacs seo agus níl aon éifeacht dhlíthiúil aige. Ní ghabhann institiúidí an Aontais aon dliteanas orthu féin i leith inneachar an téacs. Is iad na leaganacha de na gníomhartha a foilsíodh in Iris Oifigiúil an Aontais Eorpaigh agus atá ar fáil ar an suíomh gréasáin EUR-Lex na leaganacha barántúla de na gníomhartha ábhartha, brollach an téacs san áireamh. Is féidir teacht ar na téacsanna oifigiúla sin ach na naisc atá leabaithe sa doiciméad seo a bhrú

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COUNCIL DIRECTIVE 1999/31/EC

of 26 April 1999

on the landfill of waste

(IO L 182, 16.7.1999, lch. 1)

Arna leasú le:

		Iris Oifigiúil		
		Uimh	Leathanach	Dáta
► <u>M1</u>	Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 (*)	L 284	1	31.10.2003
► <u>M2</u>	Rialachán (CE) Uimh. 1137/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 22 Deireadh Fómhair 2008	L 311	1	21.11.2008
► <u>M3</u>	Council Directive 2011/97/EU of 5 December 2011 (*)	L 328	49	10.12.2011
► <u>M4</u>	Treoir (AE) 2018/850 ó Pharlaimint na hEorpa agus ón gComhairle an 30 Bealtaine 2018	L 150	100	14.6.2018
► <u>M5</u>	Treoir (AE) 2024/1785 ó Pharlaimint na hEorpa agus ón gComhairle an 24 Aibreán 2024	L 1785	1	15.7.2024

(*) Níor foilsíodh an gníomh seo i nGaeilge.

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COUNCIL DIRECTIVE 1999/31/EC
of 26 April 1999
on the landfill of waste

*Article 1***Overall objective****▼M4**

1. D'fhonn tacú le haistriú an Aontais go geilleagar ciorclach agus tacú le ceanglais Threoir 2008/98/CE ó Pharlaimint na hEorpa agus ón gComhairle ⁽¹⁾, agus go háirithe Airteagal 4 agus Airteagal 12 di, a chomhlíonadh, is é aidhm na Treorach seo a áirithiú go ndéanfar laghdú leanúnach ar dhramhaíl arna cur i líonadh talún, go háirithe dramhaíl atá oiriúnach le haghaidh athchúrsála nó aisghabháil eile, agus, trí bhíthin ceanglais dhiana oibriochtúla agus theicniúla maidir le dramhaíl agus líonadh talún, foráil a dhéanamh maidir le bearta, nósanna imeachta agus treoir chun éifeachtaí diúltacha ar an gcomhshaol, go háirithe truailliú uisce dromchla, screamhuisce, ithreach agus aeir, agus ar an timpeallacht dhomhanda, lena n-áirítear an iarmhairt cheaptha teasa, chomh maith le haon riosca do shláinte an duine atá ann dá bharr, a bhaineann le dramhaíl a chur i líonadh talún, a chosc nó a laghdú a mhéid is féidir, le linn shaolré iomlán an líonta talún.

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▼B*Article 2***Definitions**

For the purposes of this Directive:

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- (a) beidh feidhm ag na sainmhínithe ar 'dramhaíl', 'dramhaíl ghuaiseach', 'dramhaíl neamhghuaiseach', 'dramhaíl chathrach', 'táirgeoir dramhaíola', 'sealbhóir dramhaíola', 'bainistiú dramhaíola', 'bailiú ar leithligh', 'aisghabháil', 'ullmhú d'athúsáid', 'athchúrsáil' agus 'diúscairt' a leagtar síos in Airteagal 3 de Threoir 2008/98/CE;

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- (e) '*inert waste*' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate

⁽¹⁾ Treoir 2008/98/CE ó Pharlaimint na hEorpa agus ón gComhairle an 19 Samhain 2008 maidir le dramhaíl agus lena n-aisghairtear Treoracha áirithe (IO L 312, 22.11.2008, lch. 3).

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must be insignificant, and in particular not endanger the quality of surface water and/or groundwater;

(f) ‘*underground storage*’ means a permanent waste storage facility in a deep geological cavity such as a salt or potassium mine;

(g) ‘*landfill*’ means a waste disposal site for the deposit of the waste onto or into land (i.e. underground), including:

— internal waste disposal sites (i.e. landfill where a producer of waste is carrying out its own waste disposal at the place of production), and

— a permanent site (i.e. more than one year) which is used for temporary storage of waste,

but excluding:

— facilities where waste is unloaded in order to permit its preparation for further transport for recovery, treatment or disposal elsewhere, and

— storage of waste prior to recovery or treatment for a period less than three years as a general rule, or

— storage of waste prior to disposal for a period less than one year;

(h) ‘*treatment*’ means the physical, thermal, chemical or biological processes, including sorting, that change the characteristics of the waste in order to reduce its volume or hazardous nature, facilitate its handling or enhance recovery;

(i) ‘*leachate*’ means any liquid percolating through the deposited waste and emitted from or contained within a landfill;

(j) ‘*landfill gas*’ means all the gases generated from the landfilled waste;

(k) ‘*eluate*’ means the solution obtained by a laboratory leaching test;

(l) ‘*operator*’ means the natural or legal person responsible for a landfill in accordance with the internal legislation of the Member State where the landfill is located; this person may change from the preparation to the after-care phase;

(m) ‘*biodegradable waste*’ means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard;

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- (o) ‘*applicant*’ means any person who applies for a landfill permit under this Directive;
- (p) ‘*competent authority*’ means that authority which the Member States designate as responsible for performing the duties arising from this Directive;
- (q) ‘*liquid waste*’ means any waste in liquid form including waste waters but excluding sludge;
- (r) ‘*isolated settlement*’ means a settlement:
 - with no more than 500 inhabitants per municipality or settlement and no more than five inhabitants per square kilometre and,
 - where the distance to the nearest urban agglomeration with at least 250 inhabitants per square kilometre is not less than 50 km, or with difficult access by road to those nearest agglomerations, due to harsh meteorological conditions during a significant part of the year.

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Sna réigiúin is forimeallaí de réir bhrí Airteagal 349 den Chonradh, féadfaidh na Ballstáit cinneadh a dhéanamh an sainmhíniú seo a leanas a chur i bhfeidhm:

ciallaíonn ‘lonnaíocht scoite’ lonnaíocht:

- nach mó ná 2 000 áitritheoir sa lonnaíocht agus nach mó ná cúigear áitritheoirí sa chiliméadar cearnach, nó inar mó ná 2 000 ach inar lú ná 5 000 áitritheoir sa lonnaíocht agus gan níos mó ná cúigear áitritheoirí sa chiliméadar cearnach agus nach mó ná 3 000 tonna a táirgeadh dramhaíola ina leith sa bhliain; agus
- i gcás nach lú ná 100 km an t-achar don cheirtleán uirbeach is gaire ina bhfuil 250 áitritheoir ar a laghad sa chiliméadar cearnach agus gan rochtain ar an mbóthar.

▼ **B***Article 3***Scope**

1. Member States shall apply this Directive to any landfill as defined in Article 2(g).
2. Without prejudice to existing Community legislation, the following shall be excluded from the scope of this Directive:
 - the spreading of sludges, including sewage sludges, and sludges resulting from dredging operations, and similar matter on the soil for the purposes of fertilisation or improvement,
 - the use of inert waste which is suitable, in redevelopment/restoration and filling-in work, or for construction purposes, in landfills,

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- the deposit of non-hazardous dredging sludges alongside small waterways from where they have been dredged out and of non-hazardous sludges in surface water including the bed and its sub soil.

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3. Déanfar bainistiú dramhaíola ó thionscail eastóscacha talamhbhunnaithe, is é sin le rá, an dramhaíl a eascraíonn as sirtheoireacht, eastóscadh, lena n-áirítear an chéim forbartha réamhtháirgthe, cóireáil agus stóráil acmhainní mianraí agus as oibriú cairéal a eisiamh ó raon feidhme na Treorach seo i gcás ina dtagann sé faoi raon feidhme ghníomhartha reachtacha eile an Aontais.

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4. Without prejudice to Directive 75/442/EEC Member States may declare, at their own option, parts or all of Articles 6(d), 7(i), 8(a)(iv), 10, 11(1)(a), (b) and (c), 12(a) and (c), Annex I, points 3 and 4, Annex II (except point 3, level 3, and point 4) and Annex III, points 3 to 5 to this Directive not applicable to:

- (a) landfill sites for non-hazardous or inert wastes with a total capacity not exceeding 15 000 tonnes or with an annual intake not exceeding 1 000 tonnes serving islands, where this is the only landfill on the island and where this is exclusively destined for the disposal of waste generated on that island. Once the total capacity of that landfill has been used, any new landfill site established on the island shall comply with the requirements of this Directive;
- (b) landfill sites for non-hazardous or inert waste in isolated settlements if the landfill site is destined for the disposal of waste generated only by that isolated settlement.

Not later than two years after the date laid down in Article 18(1), Member States shall notify the Commission of the list of islands and isolated settlements that are exempted. The Commission shall publish the list of islands and isolated settlements.

5. Without prejudice to Directive 75/442/EEC Member States may declare, at their own option, that underground storage as defined in Article 2(f) of this Directive can be exempted from the provisions in Article 13(d) and in Annex I, point 2, except first indent, points 3 to 5 and in Annex III, points 2, 3 and 5 to this Directive.

*Article 4***Classes of landfill**

Each landfill shall be classified in one of the following classes:

- landfill for hazardous waste,
- landfill for non-hazardous waste,
- landfill for inert waste.

▼B*Article 5***Waste and treatment not acceptable in landfills**

1. Member States shall set up a national strategy for the implementation of the reduction of biodegradable waste going to landfills, not later than two years after the date laid down in Article 18(1) and notify the Commission of this strategy. This strategy should include measures to achieve the targets set out in paragraph 2 by means of in particular, recycling, composting, biogas production or materials/energy recovery. Within 30 months of the date laid down in Article 18(1) the Commission shall provide the European Parliament and the Council with a report drawing together the national strategies.

2. This strategy shall ensure that:

- (a) not later than five years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 75 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available
- (b) not later than eight years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 50 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available;
- (c) not later than 15 years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 35 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available.

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Member States which in 1995 or the latest year before 1995 for which standardised EUROSTAT data is available put more than 80 % of their collected municipal waste to landfill may postpone the attainment of the targets set out in paragraphs (a), (b), or (c) by a period not exceeding four years. Member States intending to make use of this provision shall inform in advance the Commission of their decision. The Commission shall inform other Member States and the European Parliament of these decisions.

The implementation of the provisions set out in the preceding subparagraph may in no circumstances lead to the attainment of the target set out in paragraph (c) at a date later than four years after the date set out in paragraph (c).

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3. Member States shall take measures in order that the following wastes are not accepted in a landfill:

- (a) liquid waste;
- (b) waste which, in the conditions of landfill, is explosive, corrosive, oxidising, highly flammable or flammable, as defined in Annex III to Directive 91/689/EEC;
- (c) hospital and other clinical wastes arising from medical or veterinary establishments, which are infectious as defined (property H9 in Annex III) by Directive 91/689/EEC and waste falling within category 14 (Annex I.A) of that Directive.
- (d) whole used tyres from two years from the date laid down in Article 18(1), excluding tyres used as engineering material, and shredded used tyres five years from the date laid down in Article 18(1) (excluding in both instances bicycle tyres and tyres with an outside diameter above 1 400 mm);
- (e) any other type of waste which does not fulfil the acceptance criteria determined in accordance with Annex II;

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- (f) dramhaíl a bailíodh ar leithligh le haghaidh ullmhú d'athúsáid agus le haghaidh athchúrsála de bhun Airteagal 11(1) de Threoir 2008/98/CE agus Airteagal 22 den Treoir sin, cé is moite de dhramhaíl atá ann mar thoradh ar oibríochtaí cóireála iardain ar an dramhaíl a bailíodh ar leithligh ar ina leith a thugann cur i líonadh talún an toradh is fearr ó thaobh an chomhshaoil de i gcomhréir le hAirteagal 4 den Treoir sin.

3a. Féachfaidh na Ballstáit lena áirithiú nach nglacfar, amhail ó 2030, le haon dramhaíl atá oiriúnach le haghaidh athchúrsála nó aisghabháil eile, go háirithe i ndramhaíl chathrach, i líonadh talún ach amháin i gcás dramhaíl ar ina leith a léiríonn cur i líonadh talún an toradh is fearr ó thaobh an chomhshaoil de i gcomhréir le hAirteagal 4 de Threoir 2008/98/CE.

Déanfaidh na Ballstáit faisnéis a áireamh maidir leis na bearta arna nglacadh de bhun na míre seo sna pleananna bainistithe dramhaíola dá dtagraítear in Airteagal 28 de Threoir 2008/98/CE, nó i ndoiciméid straitéiseacha eile lena gcuimhdaítear críoch iomlán an Bhallstáit lena mbaineann.

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4. The dilution of mixture of waste solely in order to meet the waste acceptance criteria is prohibited.

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5. Glacfaidh na Ballstáit na bearta is gá chun a áirithiú, faoi 2035, go ndéanfar méid na dramhaíola cathrach a chuirtear i líonadh talún a laghdú go 10 % nó níos lú de mhéid iomlán na dramhaíola cathrach a ghintear (de réir meáchain).

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6. Maidir leis an spriocdháta chun an sprioc dá dtagraítear i mír 5 a bhaint amach, féadfaidh Ballstát an spriocdháta sin a chur ar atráth suas le 5 bliana ar choinníoll go mbeidh an Ballstát sin tar éis:

- (a) níos mó ná 60 % dá dhramhaíl chathrach a gineadh in 2013 mar a tuairiscíodh faoi Cheistneoir Comhpháirteach ECFE agus *Eurostat* a chur i líonadh talún; agus
- (b) fógra a thabhairt don Choimisiún 24 mhí ar a dhéanaí roimh an spriocdháta a leagtar síos i mír 5 den Airteagal seo faoina intinn an spriocdháta a chur ar atráth agus plean cur chun feidhme a thíolacadh i gcomhréir le hIarscríbhinn IV a ghabhann leis an Treoir seo. Féadfar an plean sin a chomhcheangal le plean cur chun feidhme a thíolacadh de réir phointe (b) d'Airteagal 11(3) de Threoir 2008/98/CE.

7. Laistigh de 3 mhí tar éis dó an plean cur chun feidhme arna thíolacadh de bhun phointe (b) de mhír 6 a fháil, féadfaidh an Coimisiún a iarraidh ar Bhallstát athbhreithniú a dhéanamh ar an bplean sin má mheasann an Coimisiún nach gcomhlíonann an plean sin ceanglais Iarscríbhinn IV. Déanfaidh an Ballstát lena mbaineann plean athbhreithnithe a thíolacadh laistigh de 3 mhí tar éis dó an iarraidh ón gCoimisiún a fháil.

8. I gcás an spriocdháta a chur ar atráth i gcomhréir le mír 6, déanfaidh an Ballstát na bearta is gá chun go ndéanfar, faoi 2035, méid na dramhaíola cathrach a chuirtear i líonadh talún a laghdú go 25 % nó níos lú de mhéid iomlán na dramhaíola cathrach a ghintear (de réir meáchain).

9. Faoi 31 Nollaig 2024, déanfaidh an Coimisiún athbhreithniú ar an sprioc a leagtar síos i mír 5 d'fhonn í a choinneáil nó, más iomchuí, í a laghdú, d'fhonn sprioc chainníochtúil *per capita* maidir le cur i líonadh talún a mheas agus d'fhonn srianta a thabhairt isteach maidir le dramhaíl neamhghuaiseach seachas dramhaíl chathrach a chur i líonadh talún. Chuige sin, déanfaidh an Coimisiún tuarascáil a chur faoi bhráid Pharlaimint na hEorpa agus na Comhairle, a mbeidh togra reachtach ag gabháil léi, más iomchuí.

*Airteagal 5a***Rialacha maidir le baint amach na spriocanna a ríomh**

1. Chun a ríomh ar baineadh amach na spriocanna a leagtar síos in Airteagal 5(5) agus (6):

- (a) ríomhfar meáchan na dramhaíola cathrach a ghintear agus a dhíreítear chuig cur i líonadh talún i mbliain féilire ar leith;
- (b) déanfar meáchan na dramhaíola a eascraíonn as oibríochtaí cóireála sula ndéanfar athchúrsáil nó aisghabháil eile ar dhramhaíl chathrach, amhail sórtáil nó cóireáil bhitheolaíoch mheicniúil, a chuirtear i líonadh talún dá éis sin a áireamh i meáchan na dramhaíola cathrach a thuairiscítear a bheith curtha i líonadh talún;
- (c) déanfar meáchan na dramhaíola cathrach a thagann isteach in oibríochtaí diúscartha loiscithe agus meáchan na dramhaíola a tháirgtear in oibríochtaí cobhsaíochta an chodáin in-bhithmhíllte de dhramhaíl chathrach chun go gcuirfeadh i líonadh talún í dá éis sin a thuairisciú a bheith curtha i líonadh talún;

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(d) ní áireofar meáchan na dramhaíola a tháirgtear le linn athchúrsála nó oibríochtaí aisghabhála eile dramhaíola cathrach arna cur i líonadh talún ina dhiaidh sin i meáchan na dramhaíola cathraí a thuairiscítear a bheith curtha i líonadh talún.

2. Bunóidh na Ballstáit córas éifeachtach rialaithe cáilíochta agus inrianaitheachta maidir leis an dramhaíl chathrach arna cur i líonadh talún chun a áirithiú go gcomhlíontar na coinníollacha a leagtar síos i mír 1 den Airteagal seo. Féadfaidh siad an córas a bunaíodh i gcomhréir le hAirteagal 11a(3) de Threoir 2008/98/CE a úsáid chun na críche sin.

3. I gcás ina loingsítear dramhaíl chathrach chuig Ballstát eile nó i gcás ina ndéantar í a onnmhairiú ón Aontas chun críocha cur i líonadh talún, i gcomhréir le Rialachán (CE) Uimh. 1013/2006 ó Pharlaimint na hEorpa agus ón gComhairle ⁽¹⁾, déanfaidh an Ballstát inar bailíodh an dramhaíl sin an dramhaíl a áireamh faoi chomhair an mhéid dramhaíola a cuireadh i líonadh talún, i gcomhréir le mír 1 den Airteagal seo.

4. Chun coinníollacha aonfhoirmeacha a áirithiú maidir leis an Airteagal seo a chur i bhfeidhm, déanfaidh an Coimisiún, faoin 31 Márta 2019, gníomhartha cur chun feidhme a ghlacadh lena mbunófar rialacha maidir le sonraí a ríomh, a fhíorú agus a thuairisciú. Déanfar na gníomhartha cur chun feidhme sin a ghlacadh i gcomhréir leis an nós imeachta scrúdúcháin dá dtagraítear in Airteagal 17(2).

*Airteagal 5b***Tuarascáil luathrabhaidh**

1. Déanfaidh an Coimisiún, i gcomhar leis an nGníomhaireacht Eorpach Chomhshaoil, tuarascáil a tharraingt suas maidir leis an dul chun cinn faoi chomhair bhaint amach na spriocanna a leagtar síos in Airteagal 5(5) agus (6) 3 bliana ar a dhéanaí roimh gach spriocdháta a leagtar síos iontu.

2. Beidh an méid seo a leanas mar chuid de na tuarascálacha dá dtagraítear i mír 1:

- (a) meastachán ar bhaint amach na spriocanna ag gach Ballstát;
- (b) liosta na mBallstát ar baolach nach ndéanfaidh siad na spriocanna a bhaint amach laistigh de na spriocdhátaí faoi seach, a mbeidh moltaí iomchuí do na Ballstáit lena mbaineann ag gabháil leis;
- (c) samplaí de dhea-chleachtais a úsáidtear ar fud an Aontais a d'fhéadfadh treoir a thabhairt maidir le dul chun cinn a dhéanamh ionsar bhaint amach na spriocanna.

*Airteagal 5c***Faisnéis agus dea-chleachtais a mhalartú**

Eagróidh an Coimisiún malartú rialta faisnéise agus dea-chleachtas i measc na mBallstát, lena n-áirítear, i gcás inarb iomchuí, le húdaráis réigiúnacha agus áitiúla, maidir le cur chun feidhme praiticiúil cheanglais na Treorach seo.

⁽¹⁾ Rialachán (CE) Uimh. 1013/2006 ó Pharlaimint na hEorpa agus ón gComhairle an 14 Meitheamh 2006 maidir le loingsithe dramhaíola (IO L 190, 12.7.2006, lch. 1).

▼B*Article 6***Waste to be accepted in the different classes of landfill**

Member States shall take measures in order that:

- (a) only waste that has been subject to treatment is landfilled. This provision may not apply to inert waste for which treatment is not technically feasible, nor to any other waste for which such treatment does not contribute to the objectives of this Directive, as set out in Article 1, by reducing the quantity of the waste or the hazards to human health or the environment;

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Áiritheoidh na Ballstáit nach ndéanfaidh na bearta a ghlactar i gcomhréir leis an bpointe seo an bonn a bhaint de bhaint amach spriocanna Threoir 2008/98/CE, go háirithe ord na réiteach dramhaíola agus an méadú ar ullmhú d'athúsáid agus athchúrsáil mar a leagtar amach in Airteagal 11 den Treoir sin.

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- (b) only hazardous waste that fulfils the criteria set out in accordance with Annex II is assigned to a hazardous landfill;
- (c) landfill for non-hazardous waste may be used for:
 - (i) municipal waste;
 - (ii) non-hazardous waste of any other origin, which fulfil the criteria for the acceptance of waste at landfill for non-hazardous waste set out in accordance with Annex II;
 - (iii) stable, non-reactive hazardous wastes (e.g. solidified, vitrified), with leaching behaviour equivalent to those of the non-hazardous wastes referred to in point (ii), which fulfil the relevant acceptance criteria set out in accordance with Annex II. These hazardous wastes shall not be deposited in cells destined for biodegradable non-hazardous waste,
- (d) inert waste landfill sites shall be used only for inert waste.

*Article 7***Application for a permit**

Member States shall take measures in order that the application for a landfill permit must contain at least particulars of the following:

- (a) the identity of the applicant and of the operator when they are different entities;
- (b) the description of the types and total quantity of waste to be deposited;
- (c) the proposed capacity of the disposal site;
- (d) the description of the site, including its hydrogeological and geological characteristics;

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- (e) the proposed methods for pollution prevention and abatement;
- (f) the proposed operation, monitoring and control plan;
- (g) the proposed plan for the closure and after-care procedures;
- (h) where an impact assessment is required under Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ⁽¹⁾, the information provided by the developer in accordance with Article 5 of that Directive;
- (i) the financial security by the applicant, or any other equivalent provision, as required under Article 8(a)(iv) of this Directive.

Following a successful application for a permit, this information shall be made available to the competent national and Community statistical authorities when requested for statistical purposes.

*Article 8***Conditions of the permit**

Member States shall take measures in order that:

- (a) the competent authority does not issue a landfill permit unless it is satisfied that:
 - (i) without prejudice to Article 3(4) and (5), the landfill project complies with all the relevant requirements of this Directive, including the Annexes;
 - (ii) the management of the landfill site will be in the hands of a natural person who is technically competent to manage the site; professional and technical development and training of landfill operators and staff are provided;
 - (iii) the landfill shall be operated in such a manner that the necessary measures are taken to prevent accidents and limit their consequences;
 - (iv) adequate provisions, by way of a financial security or any other equivalent, on the basis of modalities to be decided by Member States, has been or will be made by the applicant prior to the commencement of disposal operations to ensure that the obligations (including after-care provisions) arising under the permit issued under the provisions of this Directive are discharged and that the closure procedures required by Article 13 are followed. This security or its equivalent shall be kept as long as required by maintenance and after-care operation of the site in accordance with Article 13(d). Member States may declare, at their own option, that this point does not apply to landfills for inert waste;

⁽¹⁾ OJ L 175, 5.7.1985, p. 40. Directive as amended by Directive 97/11/EC (OJ L 73, 14.3.1997, p. 5).

▼B

- (b) the landfill project is in line with the relevant waste management plan or plans referred to in Article 7 of Directive 75/442/EEC;
- (c) prior to the commencement of disposal operations, the competent authority shall inspect the site in order to ensure that it complies with the relevant conditions of the permit. This will not reduce in any way the responsibility of the operator under the conditions of the permit.

*Article 9***Content of the permit**

Specifying and supplementing the provisions set out in Article 9 of Directive 75/442/EEC and Article 9 of Directive 96/61/EC, the landfill permit shall state at least the following:

- (a) the class of the landfill;
- (b) the list of defined types and the total quantity of waste which are authorised to be deposited in the landfill;
- (c) requirements for the landfill preparations, landfilling operations and monitoring and control procedures, including contingency plans (Annex III, point 4.B), as well as provisional requirements for the closure and after-care operations;
- (d) the obligation on the applicant to report at least annually to the competent authority on the types and quantities of waste disposed of and on the results of the monitoring programme as required in Articles 12 and 13 and Annex III.

*Article 10***Cost of the landfill of waste**

Member States shall take measures to ensure that all of the costs involved in the setting up and operation of a landfill site, including as far as possible the cost of the financial security or its equivalent referred to in Article 8(a)(iv), and the estimated costs of the closure and after-care of the site for a period of at least 30 years shall be covered by the price to be charged by the operator for the disposal of any type of waste in that site. Subject to the requirements of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment⁽¹⁾ Member States shall ensure transparency in the collection and use of any necessary cost information.

*Article 11***Waste acceptance procedures**

1. Member States shall take measures in order that prior to accepting the waste at the landfill site:

⁽¹⁾ OJ L 158, 23.6.1990, p. 56.

▼B

- (a) before or at the time of delivery, or of the first in a series of deliveries, provided the type of waste remains unchanged, the holder or the operator can show, by means of the appropriate documentation, that the waste in question can be accepted at that site according to the conditions set in the permit, and that it fulfils the acceptance criteria set out in Annex II;
- (b) the following reception procedures are respected by the operator:
 - checking of the waste documentation, including those documents required by Article 5(3) of Directive 91/689/EEC and, where they apply, those required by Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community ⁽¹⁾;
 - visual inspection of the waste at the entrance and at the point of deposit and, as appropriate, verification of conformity with the description provided in the documentation submitted by the holder. If representative samples have to be taken in order to implement Annex II, point 3, level 3, the results of the analyses shall be kept and the sampling shall be made in conformity with Annex II, point 5. These samples shall be kept at least one month;
 - keeping a register of the quantities and characteristics of the waste deposited, indicating origin, date of delivery, identity of the producer or collector in the case of municipal waste, and, in the case of hazardous waste, the precise location on the site. This information shall be made available to the competent national and Community statistical authorities when requested for statistical purposes;
- (c) the operator of the landfill shall always provide written acknowledgement of receipt of each delivery accepted on the site;
- (d) without prejudice to the provisions of Regulation (EEC) No 259/93, if waste is not accepted at a landfill the operator shall notify without delay the competent authority of the non-acceptance of the waste.

2. For landfill sites which have been exempted from provisions of this Directive by virtue of Article 3(4) and (5), Member States shall take the necessary measures to provide for:

- regular visual inspection of the waste at the point of deposit in order to ensure that only non-hazardous waste from the island or the isolated settlement is accepted at the site; and
- a register on the quantities of waste that are deposited at the site be kept.

⁽¹⁾ OJ L 30, 6.2.1993, p. 1. Regulation as amended by Regulation (EC) No 120/97 (OJ L 22, 24.1.1997, p. 14).

▼M4**▼B***Article 12***Control and monitoring procedures in the operational phase**

Member States shall take measures in order that control and monitoring procedures in the operational phase meet at least the following requirements:

- (a) the operator of a landfill shall carry out during the operational phase a control and monitoring programme as specified in Annex III;
- (b) the operator shall notify the competent authority of any significant adverse environmental effects revealed by the control and monitoring procedures and follow the decision of the competent authority on the nature and timing of the corrective measures to be taken. These measures shall be undertaken at the expense of the operator.

At a frequency to be determined by the competent authority, and in any event at least once a year, the operator shall report, on the basis of aggregated data, all monitoring results to the competent authorities for the purpose of demonstrating compliance with permit conditions and increasing the knowledge on waste behaviour in the landfills;

- (c) the quality control of the analytical operations of the control and monitoring procedures and/or of the analyses referred to in Article 11(1)(b) are carried out by competent laboratories.

*Article 13***Closure and after-care procedures**

Member States shall take measures in order that, in accordance, where appropriate, with the permit:

- (a) a landfill or part of it shall start the closure procedure:
 - (i) when the relevant conditions stated in the permit are met; or
 - (ii) under the authorisation of the competent authority, at the request of the operator; or
 - (iii) by reasoned decision of the competent authority;
- (b) a landfill or part of it may only be considered as definitely closed after the competent authority has carried out a final on-site inspection, has assessed all the reports submitted by the operator and has communicated to the operator its approval for the closure. This shall not in any way reduce the responsibility of the operator under the conditions of the permit;

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- (c) after a landfill has been definitely closed, the operator shall be responsible for its maintenance, monitoring and control in the after-care phase for as long as may be required by the competent authority, taking into account the time during which the landfill could present hazards.

The operator shall notify the competent authority of any significant adverse environmental effects revealed by the control procedures and shall follow the decision of the competent authority on the nature and timing of the corrective measures to be taken;

- (d) for as long as the competent authority considers that a landfill is likely to cause a hazard to the environment and without prejudice to any Community or national legislation as regards liability of the waste holder, the operator of the site shall be responsible for monitoring and analysing landfill gas and leachate from the site and the groundwater regime in the vicinity of the site in accordance with Annex III.

*Article 14***Existing landfill sites**

Member States shall take measures in order that landfills which have been granted a permit, or which are already in operation at the time of transposition of this Directive, may not continue to operate unless the steps outlined below are accomplished as soon as possible and within eight years after the date laid down in Article 18(1) at the latest:

- (a) with a period of one year after the date laid down in Article 18(1), the operator of a landfill shall prepare and present to the competent authorities, for their approval, a conditioning plan for the site including the particulars listed in Article 8 and any corrective measures which the operator considers will be needed in order to comply with the requirements of this Directive with the exception of the requirements in Annex I, point 1;
- (b) following the presentation of the conditioning plan, the competent authorities shall take a definite decision on whether operations may continue on the basis of the said conditioning plan and this Directive. Member States shall take the necessary measures to close down as soon as possible, in accordance with Article 7(g) and 13, sites which have not been granted, in accordance with Article 8, a permit to continue to operate;
- (c) on the basis of the approved site-conditioning plan, the competent authority shall authorise the necessary work and shall lay down a transitional period for the completion of the plan. Any existing landfill shall comply with the requirements of this Directive with the exception of the requirements in Annex I, point 1 within eight years after the date laid down in Article 18(1);
- (d) (i) within one year after the date laid down in Article 18(1), Articles 4, 5, and 11 and Annex II shall apply to landfills for hazardous waste;

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- (ii) within three years after the date laid down in Article 18(1), Article 6 shall apply to landfills for hazardous waste.

▼M4*Airteagal 15***Tuairisciú**

1. Déanfaidh na Ballstáit na sonraí a bhaineann le cur chun feidhme Airteagal 5(2), (5) agus (6) le haghaidh gach bliain féilire a thuairisciú don Choimisiún.

Déanfaidh siad na sonraí a thuairisciú go leictreonach laistigh de 18 mí ó dheireadh na bliana tuairiscithe a ndéanfar na sonraí a bhailiú ina leith. Déanfar na sonraí a thuairisciú san fhormáid arna bunú ag an gCoimisiún i gcomhréir le mír 5 den Airteagal seo.

Tosóidh an chéad tréimhse tuairiscithe maidir le hAirteagal 5(5) agus (6) a chur chun feidhme sa chéad bhliain féilire iomlán tar éis ghlacadh an ghnímh cur chun feidhme lena mbunaítear an fhormáid don tuairisciú, i gcomhréir le mír 5 den Airteagal seo, agus cumhdóidh sé na sonraí don tréimhse tuairiscithe sin.

2. Déanfaidh na Ballstáit na sonraí a bhaineann le cur chun feidhme na spriocanna a leagtar síos in Airteagal 5(2) a thuairisciú go dtí an 1 Eanáir 2025.

3. Beidh tuarascáil maidir le seiceáil a dhéanamh ar cháilíocht ag gabháil leis na sonraí a dhéanfaidh na Ballstáit a thuairisciú i gcomhréir leis an Airteagal seo.

4. Déanfaidh an Coimisiún athbhreithniú ar na sonraí a thuairiscítear i gcomhréir leis an Airteagal seo agus foilseoidh sé tuarascáil ar thorthaí a athbhreithnithe. Déanfar measúnú sa tuarascáil ar eagrú an bhailithe sonraí, ar fhoinsí na sonraí agus ar an modheolaíocht a úsáidtear sna Ballstáit mar aon le hiomláine, iontaofacht, tráthúlacht agus comhsheasmhacht na sonraí sin. Féadfar moltaí sonracha le haghaidh feabhais a áireamh sa mheasúnú. Déanfar an tuarascáil a tharraingt suas tar éis chéad thuairisciú na sonraí ag na Ballstáit agus gach 4 bliana dá éis sin.

5. Faoin 31 Márta 2019, déanfaidh an Coimisiún gníomhartha cur chun feidhme a ghlacadh lena leagtar síos an fhormáid chun na sonraí a thuairisciú dá dtagraítear i mír 1 den Airteagal seo. Déanfar na gníomhartha cur chun feidhme sin a ghlacadh i gcomhréir leis an nós imeachta scrúdúcháin dá dtagraítear in Airteagal 17(2).

*Airteagal 15a***Ionstraimí chun bogadh i dtreo gilleagar níos ciorclaí a chur chun cinn**

Chun rannchuidiú leis na cuspóirí a leagtar síos sa Treoir seo, úsáidfídh na Ballstáit ionstraimí eacnamaíocha agus bearta eile chun dreasachtaí a sholáthar chun ord na réiteach dramhaíola a chur i bhfeidhm. Féadfar a bheith ar áireamh in ionstraimí agus bearta den sórt sin na cinn sin a luaitear in Iarscríbhinn IVa a ghabhann le Treoir 2008/98/CE nó ionstraimí agus bearta iomchuí eile.

▼M4*Airteagal 15b***An chomhéifeacht tréscaoilteachta i gcomhair líonadh talún a chinneadh**

Glacfaidh an Coimisiún gníomhartha cur chun feidhme lena leagfar síos an modh atá le húsáid chun an chomhéifeacht tréscaoilteachta i gcomhair líonadh talún a chinneadh, ar an láthair agus do mhéid iomlán an láithreáin. Déanfar na gníomhartha cur chun feidhme sin a ghlacadh i gcomhréir leis an nós imeachta scrúdúcháin dá dtagraítear in Airteagal 17(2).

*Airteagal 15c***Caighdeán an Aontais chun dramhaíl a shampláil**

Glacfaidh an Coimisiún gníomhartha cur chun feidhme lena bhforbrófar caighdeán chun dramhaíl a shampláil. Déanfar na gníomhartha cur chun feidhme sin a ghlacadh i gcomhréir leis an nós imeachta scrúdúcháin dá dtagraítear in Airteagal 17(2). Go dtí go nglacfar na gníomhartha cur chun feidhme sin, féadfaidh na Ballstáit caighdeáin agus nósanna imeachta náisiúnta a chur i bhfeidhm.

*Airteagal 16***Athbhreithniú ar na hIarscríbhinní**

Coimeádfaidh an Coimisiún na hIarscríbhinní faoi athbhreithniú agus, i gcás inar gá, déanfaidh sé tograí reachtacha iomchuí.

*Airteagal 17***Nós imeachta coiste**

1. Déanfaidh an Coiste a bunaíodh le hAirteagal 39 de Threoir 2008/98/CE cúnaimh a thabhairt don Choimisiún. Beidh an coiste sin ina choiste de réir bhrí Rialachán (AE) Uimh. 182/2011 ó Pharlaimint na hEorpa agus ón gComhairle ⁽¹⁾.

2. I gcás ina ndéanfar tagairt don mhír seo, beidh feidhm ag Airteagal 5 de Rialachán (AE) Uimh. 182/2011.

I gcás nach dtugann an coiste aon tuairim, ní dhéanfaidh an Coimisiún an dréachtghníomh cur chun feidhme a ghlacadh agus beidh feidhm ag an tríú fomhír d'Airteagal 5(4) de Rialachán (AE) Uimh. 182/2011.

▼B*Article 18***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than two years after its entry into force. They shall forthwith inform the Commission thereof.

⁽¹⁾ Rialachán (AE) Uimh. 182/2011 ó Pharlaimint na hEorpa agus ón gComhairle an 16 Feabhra 2011 lena leagtar síos na rialacha agus na prionsabail ghinearálta a bhaineann leis na sásraí maidir le rialú ag na Ballstáit ar fheidhmiú cumhachtaí cur chun feidhme ag an gCoimisiún (IO L 55, 28.2.2011, lch. 13).

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When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

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

*Article 19***Entry into force**

This Directive will enter into force on the day of its publication in the *Official Journal of the European Communities*.

*Article 20***Addressees**

This Directive is addressed to the Member States.



ANNEX I

GENERAL REQUIREMENTS FOR ALL CLASSES OF LANDFILLS

1. Location

1.1. The location of a landfill must take into consideration requirements relating to:

- (a) the distances from the boundary of the site to residential and recreation areas, waterways, water bodies and other agricultural or urban sites;
- (b) the existence of groundwater, coastal water or nature protection zones in the area;
- (c) the geological and hydrogeological conditions in the area;
- (d) the risk of flooding, subsidence, landslides or avalanches on the site;
- (e) the protection of the nature or cultural patrimony in the area.

1.2. The landfill can be authorised only if the characteristics of the site with respect to the abovementioned requirements, or the corrective measures to be taken, indicate that the landfill does not pose a serious environmental risk.

2. Water control and leachate management

Appropriate measures shall be taken, with respect to the characteristics of the landfill and the meteorological conditions, in order to:

- control water from precipitations entering into the landfill body,
- prevent surface water and/or groundwater from entering into the land-filled waste,
- collect contaminated water and leachate. If an assessment based on consideration of the location of the landfill and the waste to be accepted shows that the landfill poses no potential hazard to the environment, the competent authority may decide that this provision does not apply,
- treat contaminated water and leachate collected from the landfill to the appropriate standard required for their discharge.

The above provisions may not apply to landfills for inert waste.

3. Protection of soil and water

3.1. A landfill must be situated and designed so as to meet the necessary conditions for preventing pollution of the soil, groundwater or surface water and ensuring efficient collection of leachate as and when required according to Section 2. Protection of soil, groundwater and surface water is to be achieved by the combination of a geological barrier and a bottom liner during the operational/active phase and by the combination of a geological barrier and a bottom liner during the operational/active phase and by the combination of a geological barrier and a top liner during the passive phase/post closure.

3.2. The geological barrier is determined by geological and hydrogeological conditions below and in the vicinity of a landfill site providing sufficient attenuation capacity to prevent a potential risk to soil and groundwater.

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The landfill base and sides shall consist of a mineral layer which satisfies permeability and thickness requirements with a combined effect in terms of protection of soil, groundwater and surface water at least equivalent to the one resulting from the following requirements:

- landfill for hazardous waste: $K \leq 1,0 \times 10^{-9}$ m/s; thickness ≥ 5 m,
- landfill for non-hazardous waste: $K \leq 1,0 \times 10^{-9}$ m/s; thickness ≥ 1 m,
- landfill for inert waste: $K \leq 1,0 \times 10^{-7}$ m/s; thickness ≥ 1 m,

m/s: meter/second.

Where the geological barrier does not naturally meet the above conditions it can be completed artificially and reinforced by other means giving equivalent protection. An artificially established geological barrier should be no less than 0,5 metres thick.

- 3.3. In addition to the geological barrier described above a leachate collection and sealing system must be added in accordance with the following principles so as to ensure that leachate accumulation at the base of the landfill is kept to a minimum:

Leachate collection and bottom sealing

Landfill category	non hazardous	hazardous
Artificial sealing liner	required	required
Drainage layer $\geq 0,5$ m	required	required

Member States may set general or specific requirements for inert waste landfills and for the characteristics of the abovementioned technical means.

If the competent authority after a consideration of the potential hazards to the environment finds that the prevention of leachate formation is necessary, a surface sealing may be prescribed. Recommendations for the surface sealing are as follows:

Landfill category	non hazardous	hazardous
Gas drainage layer	required	not required
Artificial sealing liner	not required	required
Impermeable mineral layer	required	required
Drainage layer $> 0,5$ m	required	required
Top soil cover > 1 m	required	required.

- 3.4. If, on the basis of an assessment of environmental risks taking into account, in particular, Directive 80/68/EEC ⁽¹⁾, the competent authority has decided, in accordance with Section 2 ('Water control and leachate management'), that collection and treatment of leachate is not necessary or it has been established that the landfill poses no potential hazard to soil, groundwater or surface water, the requirements in paragraphs 3.2 and 3.3 above may be reduced accordingly. In the case of landfills for inert waste these requirements may be adapted by national legislation.

⁽¹⁾ OJ L 20, 26.1.1980, p. 43. Directive as last amended by Directive 91/692/EEC (OJ L 377, 31.12.1991, p. 48).

▼ M4

▼ B**4. Gas control**

- 4.1. Appropriate measures shall be taken in order to control the accumulation and migration of landfill gas (Annex III).
- 4.2. Landfill gas shall be collected from all landfills receiving biodegradable waste and the landfill gas must be treated and used. If the gas collected cannot be used to produce energy, it must be flared.
- 4.3. The collection, treatment and use of landfill gas under paragraph 4.2 shall be carried on in a manner which minimises damage to or deterioration of the environment and risk to human health.

5. Nuisances and hazards

Measures shall be taken to minimise nuisances and hazards arising from the landfill through:

- emissions of odours and dust,
- wind-blown materials,
- noise and traffic,
- birds, vermin and insects,
- formation and aerosols,
- fires.

The landfill shall be equipped so that dirt originating from the site is not dispersed onto public roads and the surrounding land.

6. Stability

The emplacement of waste on the site shall take place in such a way as to ensure stability of the mass of waste and associated structures, particularly in respect of avoidance of slippages. Where an artificial barrier is established it must be ascertained that the geological substratum, considering the morphology of the landfill, is sufficiently stable to prevent settlement that may cause damage to the barrier.

7. Barriers

The landfill shall be secured to prevent free access to the site. The gates shall be locked outside operating hours. The system of control and access to each facility should contain a programme of measures to detect and discourage illegal dumping in the facility.

▼ M3**8. Temporary storage of metallic mercury**

For the purposes of temporary storage for more than 1 year of metallic mercury, the following requirements shall apply:

- Metallic mercury shall be stored separately from other waste.
- Containers shall be stored in collecting basins suitably coated so as to be free of cracks and gaps and impervious to metallic mercury with a containment volume adequate for the quantity of mercury stored.

▼ M3

- The storage site shall be provided with engineered or natural barriers that are adequate to protect the environment against mercury emissions and a containment volume adequate for the total quantity of mercury stored.
- The storage site floors shall be covered with mercury-resistant sealants. A slope with a collection sump shall be provided.
- The storage site shall be equipped with a fire protection system.
- Storage shall be arranged in a way to ensure that all containers are easily retrievable.



ANNEX II

WASTE ACCEPTANCE CRITERIA AND PROCEDURES

1. Introduction

This Annex describes:

- general principles for acceptance of waste at the various classes of landfills. The future waste classification procedure should be based on these principles,
- guidelines outlining preliminary waste acceptance procedures to be followed until a uniform waste classification and acceptance procedure has been developed. This procedure will, together with the relevant sampling procedures, be developed by the technical Committee referred to in Article 16 of this Directive. The technical Committee shall develop criteria which have to be fulfilled for certain hazardous waste to be accepted in landfills for non-hazardous waste. These criteria should, in particular, take into account the short, medium and long term leaching behaviour of such waste. These criteria shall be developed within two years of the entry into force of this Directive. The technical Committee shall also develop criteria which have to be fulfilled for waste to be accepted in underground storage. These criteria must take into account, in particular, that the waste is not to be expected to react with each other and with the rock.

This work by the technical Committee, with the exception of proposals for the standardisation of control, sampling and analysis methods in relation to the Annexes of this Directive which shall be adopted within two years after the entry into force of this Directive, shall be completed within three years from the entry into force of this Directive and must be carried out having regard to the objectives set forth in Article 1 of this Directive.

2. General principles

The composition, leachability, long-term behaviour and general properties of a waste to be landfilled must be known as precisely as possible. Waste acceptance at a landfill can be based either on lists of accepted or refused waste, defined by nature and origin, and on waste analysis methods and limit values for the properties of the waste to be accepted. The future waste acceptance procedures described in this Directive shall as far as possible be based on standardised waste analysis methods and limit values for the properties of waste to be accepted.

Before the definition of such analysis methods and limit values, Member States should at least set national lists of waste to be accepted or refuses at each class of landfill, or defined the criteria required to be on the lists. In order to be accepted at a particular class of landfill, a type of waste must be on the relevant national list or fulfil criteria similar to those required to be on the list. These lists, or the equivalent criteria, and the analysis methods and limit values shall be sent to the Commission within six months of the transposition of this Directive or whenever they are adopted at national level.

These lists or acceptance criteria should be used to establish site specific lists, i.e. the list of accepted waste specified in the permit in accordance with Article 9 of this Directive.

The criteria for acceptance of waste on the reference lists or at a class of landfill may be based on other legislation and/or on waste properties.

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Criteria for acceptance at a specific class of landfill must be derived from considerations pertaining to:

- protection of the surrounding environment (in particular groundwater and surface water),
- protection of the environmental protection systems (e.g. liners and leachate treatment systems),
- protection of the desired waste-stabilisation processes within the landfill,
- protection against human-health hazards.

Examples of waste property-based criteria are:

- requirements on knowledge of total composition,
- limitations on the amount of organic matter in the waste,
- requirements or limitations on the biodegradability of the organic waste components,
- limitations on the amount of specified, potentially harmful/hazardous components (in relation to the abovementioned protection criteria),
- limitations on the potential and expected leachability of specified, potentially harmful/hazardous components (in relation to the abovementioned protection criteria),
- ecotoxicological properties of the waste and the resulting leachate.

The property-based criteria for acceptance of waste must generally be most extensive for inert waste landfills and can be less extensive for non-hazardous waste landfills and least extensive for hazardous waste landfills owing to the higher environmental protection level of the latter two.

3. General procedures for testing and acceptance of waste

The general characterisation and testing of waste must be based on the following three-level hierarchy:

Level 1: *Basic characterisation.* This constitutes a thorough determination, according to standardised analysis and behaviour-testing methods, of the short and long-term leaching behaviour and/or characteristic properties of the waste.

Level 2: *Compliance testing.* This constitutes periodical testing by simpler standardised analysis and behaviour-testing methods to determine whether a waste complies with permit conditions and/or specific reference criteria. The tests focus on key variables and behaviour identified by basic characterisation.

Level 3: *On-site verification.* This constitutes rapid check methods to confirm that a waste is the same as that which has been subjected to compliance testing and that which is described in the accompanying documents. It may merely consist of a visual inspection of a load of waste before and after unloading at the landfill site.

A particular type of waste must normally be characterised at Level 1 and pass the appropriate criteria in order to be accepted on a reference list. In order to remain on a site-specific list, a particular type of waste must a regular intervals (e.g. annually) be tested at Level 2 and pass the appropriate criteria. Each waste load arriving at the gate of a landfill must be subjected to Level 3 verification.

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Certain waste types may be exempted permanently to temporarily from testing at Level 1. This may be due to impracticability to testing, to unavailability of appropriate testing procedures and acceptance criteria or to overriding legislation.

4. Guidelines for preliminary waste acceptance procedures

Until this Annex is fully completed only Level 3 testing is mandatory and Level 1 and Level 2 applied to the extent possible. At this preliminary stage waste to be accepted at a particular class of landfill must either be on a restrictive national or site-specific list for that class of landfill or fulfil criteria similar to those required to get on the list.

The following general guidelines may be used to set preliminary criteria for acceptance of waste at the three major classes of landfill or the corresponding lists.

Inert waste landfills: only inert waste as defined in Article 2(e) can be accepted on the list.

Non-hazardous waste landfills: in order to be accepted on the list a waste type must not be covered by Directive 91/689/EEC.

Hazardous waste landfills: a preliminary rough list for hazardous waste landfills would consist of only those waste types covered by Directive 91/689/EEC. Such waste types should, however not be accepted on the list without prior treatment if they exhibit total contents or leachability of potentially hazardous components that are high enough to constitute a short-term occupational or environmental risk or to prevent sufficient waste stabilisation within the projected lifetime of the landfill.

▼ M4**▼ M3****6. Specific requirements for metallic mercury**

For the purposes of temporary storage for more than 1 year of metallic mercury, the following requirements shall apply:

A. Composition of the mercury

Metallic mercury shall comply with the following specifications:

- mercury content greater than 99,9 % per weight,
- no impurities capable of corroding carbon or stainless steel (e.g. nitric acid solution, chloride salts solutions).

B. Containment

Containers used for the storage of metallic mercury shall be corrosion- and shock-resistant. Welds shall therefore be avoided. The containers shall comply in particular with the following specifications:

- container material: carbon steel (ASTM A36 minimum) or stainless steel (AISI 304, 316L),

▼ M3

- containers shall be gas and liquid tight,
- the outer side of the container shall be resistant against the storage conditions,
- the design type of the container shall successfully pass the drop test and the leakproofness tests as described in Chapters 6.1.5.3 and 6.1.5.4 of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria.

The maximum filling ratio of the container shall be 80 % by volume to ensure that sufficient ullage is available and neither leakage nor permanent distortion of the container can occur as a result of an expansion of the liquid due to high temperature.

C. Acceptance procedures

Only containers with a certificate complying with the requirements set out in this Section shall be accepted.

Acceptance procedures shall comply with the following:

- only metallic mercury which fulfils the minimum acceptance criteria set out above shall be accepted,
- containers shall be visually inspected before storage. Damaged, leaking or corroded containers shall not be accepted,
- containers shall bear a durable stamp (made by punching) mentioning the identification number of the container, the construction material, its empty weight, the reference of the manufacturer and the date of construction,
- containers shall bear a plate permanently fixed to the container mentioning the identification number of the certificate.

D. Certificate

The certificate indicated in subsection C shall include the following elements:

- name and address of the waste producer,
- name and address of the responsible for the filling,
- place and date of filling,
- quantity of the mercury,
- the purity of the mercury and, if relevant, a description of the impurities, including the analytical report,
- confirmation that the containers have been used exclusively for the transport/storage of mercury,
- the identification numbers of the containers,
- any specific comments.

Certificates shall be issued by the producer of the waste or, in default, by the person responsible for its management.

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ANNEX III

CONTROL AND MONITORING PROCEDURES IN OPERATION AND AFTER-CARE PHASES

1. Introduction

The purpose of this Annex is to provide the minimum procedures for monitoring to be carried out to check:

- that waste has been accepted to disposal in accordance with the criteria set for the category of landfill in question,
- that the processes within the landfill proceed as desired,
- that the environmental protection systems are functioning fully as intended,
- that the permit conditions for the landfill are fulfilled.

2. Meteorological data

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Should Member States decide that water balances are an effective tool for evaluating whether leachate is building up in the landfill body or whether the site is leaking, it is recommended that the following data are collected from monitoring at the landfill or from the nearest meteorological station, as long as required by the competent authority in accordance with Article 13(c) of this Directive:

	Operation phase	After-care phase
1.1. Volume of precipitation	daily	daily, added to monthly values
1.2. Temperature (min., max., 14.00 h CET)	daily	monthly average
1.3. Direction and force of prevailing wind	daily	not required
1.4. Evaporation (lysimeter) ⁽¹⁾	daily	daily, added to monthly values
1.5. Atmospheric humidity (14.00 h CET)	daily	monthly average

⁽¹⁾ Or through other suitable methods.

3. Emission data: water, leachate and gas control

Sampling of leachate and surface water if present must be collected at representative points. Sampling and measuring (volume and composition) of leachate must be performed separately at each point at which leachate is discharged from the site. Reference: general guidelines on sampling technology, ISO 5667-2 (1991).

Monitoring of surface water is present shall be carried out at not less than two points, one upstream from the landfill and one downstream.

Gas monitoring must be representative for each section of the landfill. The frequency of sampling and analysis is listed in the following table. For leachate and water, a sample, representative of the average composition, shall be taken for monitoring.

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The frequency of sampling could be adapted on the basis of the morphology of the landfill waste (in tumulus, buried, etc). This has to be specified in the permit.

	Operating phase	After-care phase ⁽³⁾
2.1. Leachate volume	monthly ⁽¹⁾ ⁽³⁾	every six months
2.2. Leachate composition ⁽²⁾	quarterly ⁽³⁾	every six months
2.3. Volume and composition of surface water ⁽⁷⁾	quarterly ⁽³⁾	every six months
2.4. Potential gas emissions and atmospheric pressure ⁽⁴⁾ (CH ₄ , CO ₂ , O ₂ , H ₂ S, H ₂ etc.)	monthly ⁽³⁾ ⁽⁵⁾	every six months ⁽⁶⁾

⁽¹⁾ The frequency of sampling could be adapted on the basis of the morphology of the landfill waste (in tumulus, buried, etc.). This has to be specified in the permit.

⁽²⁾ The parameters to be measured and the substances to be analysed vary according to the composition of the waste deposited; they must be laid down in the permit document and reflect the leaching characteristics of the wastes.

⁽³⁾ If the evaluation of data indicates that longer intervals are equally effective, they may be adapted. For leachates, conductivity must always be measured at least once a year.

⁽⁴⁾ These measurements are related mainly to the content of organic material in the waste.

⁽⁵⁾ CH₄, CO₂, O₂, regularly, other gases as required, according to the composition of the waste deposited, with a view to reflecting its leaching properties.

⁽⁶⁾ Efficiency of the gas extraction system must be checked regularly.

⁽⁷⁾ On the basis of the characteristics of the landfill site, the competent authority may determine that these measurements are not required, and will report accordingly in the way laid down in Article 15 of the Directive.

2.1 and 2.2 apply only where leachate collection takes place (see Annex I(2)).

4. Protection of groundwater

A. Sampling

The measurements must be such as to provide information on groundwater likely to be affected by the discharging of waste, with at least one measuring point in the groundwater inflow region and two in the outflow region. This number can be increased on the basis of a specific hydrogeological survey and the need for an early identification of accidental leachate release in the groundwater.

Sampling must be carried out in at least three locations before the filling operations in order to establish reference values for future sampling. Reference: Sampling Groundwaters, ISO 5667, Part 11, 1993.

B. Monitoring

The parameters to be analysed in the samples taken must be derived from the expected composition of the leachate and the groundwater quality in the area. In selecting the parameters for analysis account should be taken of mobility in the groundwater zone. Parameters could include indicator parameters in order to ensure an early recognition of change in water quality ⁽¹⁾.

	Operation phase	After-care phase
Level of groundwater	every six months ⁽¹⁾	every six months ⁽¹⁾
Groundwater composition	site-specific frequency ⁽²⁾ ⁽³⁾	site-specific frequency ⁽²⁾ ⁽³⁾

⁽¹⁾ If there are fluctuating groundwater levels, the frequency must be increased.

⁽²⁾ The frequency must be based on possibility for remedial actions between two samplings if a trigger level is reached, i.e. the frequency must be determined on the basis of knowledge and the evaluation of the velocity of groundwater flow.

⁽³⁾ When a trigger level is reached (see C), verification is necessary by repeating the sampling. When the level has been confirmed, a contingency plan (laid down in the permit) must be followed.

⁽¹⁾ Recommended parameters: pH, TOC, phenols, heavy metals, fluoride, AS, oil/hydrocarbons.

▼B*C. Trigger levels*

Significant adverse environmental effects, as referred to in Articles 12 and 13 of this Directive, should be considered to have occurred in the case of groundwater, when an analysis of a groundwater sample shows a significant change in water quality. A trigger level must be determined taking account of the specific hydrogeological formations in the location of the landfill and groundwater quality. The trigger level must be laid down in the permit whenever possible.

The observations must be evaluated by means of control charts with established control rules and levels for each downgradient well. The control levels must be determined from local variations in groundwater quality.

5. Topography of the site: data on the landfill body

	Operating phase	After-care phase
5.1. Structure and composition of landfill body ⁽¹⁾	yearly	
5.2. Settling behaviour of the level of the landfill body	yearly	yearly reading

⁽¹⁾ Data for the status plan of the concerned landfill: surface occupied by waste, volume and composition of waste, methods of depositing, time and duration of depositing, calculation of the remaining capacity still available at the landfill.

▼M3**6. Specific requirements for metallic mercury**

For the purposes of temporary storage for more than 1 year of metallic mercury, the following requirements shall apply:

A. Monitoring, inspection and emergency requirements

A continuous mercury vapour monitoring system with a sensitivity of at least 0,02 mg mercury/m³ shall be installed in the storage site. Sensors shall be positioned at ground level and head level. This shall include a visual and acoustic alert system. The system shall be maintained annually.

The storage site and containers shall be visually inspected by an authorised person at least once a month. Where leaks are detected, the operator shall immediately take all necessary action to avoid any emission of mercury to the environment and restore the safety of the storage of the mercury. Any leaks shall be considered to have significant adverse environmental effects as referred to in Article 12(b).

Emergency plans and adequate protective equipment suitable for handling metallic mercury shall be available on site.

B. Record keeping

All documents containing the information referred to in Section 6 of Annex II and in point A of this Section, including the certificate accompanying the container, as well as records concerning the destocking and dispatch of the metallic mercury after its temporary storage and the destination and intended treatment shall be kept for at least 3 years after the termination of the storage.

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IARSCRÍBHINN IV

**PLEAN CUR CHUN FEIDHME ATÁ LE TÍOLACADH DE BHUN
AIRTEAGAL 5(6)**

Beidh an méid seo a leanas sa phlean cur chun feidhme atá le tíolacadh de bhun Airteagal 5(6):

1. measúnú ar na rátaí a bhí ann, na rátaí reatha agus na rátaí atá réamh-mheasta i dtaca le hathchúrsáil, cur i líonadh talún agus cóireáil eile ar dhramhaíl chathrach agus ar na sruthanna a bhfuil sí comhdhéanta díobh;
2. measúnú ar chur chun feidhme pleananna bainistithe dramhaíola agus clár coiscthe dramhaíola atá i bhfeidhm de bhun Airteagal 28 agus Airteagal 29 de Threoir 2008/98/CE;
3. cúiseanna a mheasann an Ballstát go bhféadfadh sé nach mbeadh sé ábalta an sprioc ábhartha a leagtar síos in Airteagal 5(5) a bhaint amach laistigh den spriocdháta a leagtar amach ann agus measúnú ar an síneadh ama is gá chun an sprioc sin a bhaint amach;
4. na bearta is gá chun na spriocanna a leagtar amach in Airteagal 5(8) den Treoir seo a bhaint amach, ar spriocanna iad is infheidhme maidir leis an mBallstát le linn an tsinidh ama, lena n-áirítear ionstraimí eacnamaíocha iomchuí agus bearta eile chun dreasachtaí a sholáthar chun ord na réiteach dramhaíola mar a leagtar amach é in Airteagal 4(1) de Threoir 2008/98/CE, agus Iarscríbhinn IVa a ghabhann léi, a chur i bhfeidhm;
5. clár ama chun na bearta a shainaithnítear i bpointe 4 a chur chun feidhme, chun an comhlacht atá inniúil maidir lena gcur chun feidhme a chinneadh, agus chun measúnú a dhéanamh ar a rannchuidiú aonair chun na spriocanna is infheidhme a bhaint amach i gcás síneadh ama;
6. faisnéis maidir le cistiú le haghaidh bainistiú dramhaíola i gcomhréir leis an bprionsabal gurb é údar an truaillithe a íocfaidh as;
7. bearta chun cáilíocht sonraí a fheabhsú, de réir mar is iomchuí, d'fhonn pleanáil níos fearr agus faireachán níos fearr a dhéanamh ar fheidhmíocht i mbainistiú dramhaíola.