



ISWA
International Solid Waste Association



**ISWA EU
NEWSLETTER**

EEA Data on 2008 Emissions of SO₂, NO_x, NMVOC and NH₃

The emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), non-methane volatile organic compounds (NMOC) and ammonia (NH₃) are targeted through the National Emission Ceilings Directive. It requires member states to prepare and annually update national emission inventories and emission projections from 2010.

European Environmental Agency has compiled a report for the data from 2008.

The report shows that the emissions of several substances are expected to exceed the 2010 levels. Only SO₂ and NH₃ will be likely to meet the ceilings set in the National Emission Ceilings Directive (NECD). Read the complete report here:

<http://www.eea.europa.eu/publications/nec-directive-status-report-2008>

Read more about the legislation here:

http://europa.eu/legislation_summaries/environment/air_pollution/128095_en.htm

Institutional Impacts of Landfill and Public Procurement Directives

A report by the EIPA – European Institute of Public Administration presents the results of an ex-post impact assessment study covering the Netherlands, Sweden, Iceland, Norway, France, and the United Kingdom. It measures the institutional impacts at the state, regional, and local levels of the Landfill Directive and the Public Procurement Directives.

The report summarises that regions and cities are gaining substantial responsibilities for implementation of European legislation and policies, while no major move has been made towards increasing their participation in the EU decision-making process. The principal conclusions are that global awareness must be ensured, with flexibility and early guiding teams as well as a careful use and consideration of soft law interpretative instruments, as well as of the ECJ evolving case-law.

The report finds that there are not sufficient mechanisms to raise alarm when some aspects of an instrument may have a non-desired effect on a given legal system. Taking better into account the work of the associations representing regional and local authorities, the work of the Committee of the Regions, as well as opening better consultation and participation mechanisms within the States, would help. When transposing EU directives into national legislation, the room for adaptation and flexibility should be taken full advantage of. Member States should at all levels consider all the options in a directive and select the best ones. The Member States are also advised to assemble teams to prepare for national transposition already during the legislative phase and to keep them until actual implementation occurs.

The use of soft law, such as interpretative documents from the Commission should be used rather than giving the European Court a co-legislator position to interpret legislation or evolving case-law, which does not create clarity and proper implementation for the stakeholders.

Read the full and very interesting report here:

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http://www.se2009.eu/polopoly_fs/1.18407.1255002157!menu/standard/file/FINAL-STUDY-mail.pdf

European Court of Justice Upholds Regulation on Waste Shipments

The Grand Chamber of European Court of Justice (ECJ) was asked by the Commission to annul EU-regulation 1013/2006 on shipments of waste because of a legal technical error. When the Waste Shipment regulation from 1993 was to be updated, a new regulation was adopted in 2006 to replace it. The legal basis should have been both Articles 175(1) (protection of the environment) and article 133 (common commercial policy) not only on article 175(1). Both Council and Parliament are against the change, and were supported by several member states.

ECJ finds that dual legal basis for a regulation is possible only when both purposes are equal to each other. The court finds that the regulation “is aimed primarily at protecting human health and the environment against the potentially adverse effects of cross-border shipments of waste”. The regulation would be based on common commercial policy “only if it relates specifically to international trade in that it is essentially intended to promote, facilitate or govern trade and has direct and immediate effects on trade in the products concerned. That is clearly not the situation in the present case.”

The Court finds that the contested regulation on waste shipment correctly is based on the legal basis of environmental protection only. None of the Commission’s arguments were accepted and they had to pay the costs. The judgement will strengthen the regulation of waste shipments on the basis of environmental protection. Read the full ruling here, C-411/06 Commission v. Parliament:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&numaff=C-411/06&nomusuel=&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&alldocrec=alldocrec&docor=docor&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoor=docnoor&radtypeord=on&newform=newform&docj=docj&docop=docop&docnoj=docnoj&typeord=ALL&domaine=&mots=&resmax=100&Submit=Rechercher>

Commissionaire Stavros Dimas Blog on the Environment

During the Blog Action Day, commissionaire Stavros Dimas invited discussions regarding the environment on his blog. Many questions are referred to the Copenhagen process and the new Climate Commissionaire.

The discussions cover the phasing out of the incandescent light bulb and the guidelines on how to handle them during the waste phase, but primarily the ambitions towards climate change. He stresses “that engagement and determination at all levels, local, regional, national and eventually global, all have a role to play in driving the world towards a low carbon economy and in convincing all countries to agree on an ambitious and comprehensive climate deal in Copenhagen.”

Read all comments here:

<http://blogs.ec.europa.eu/dimas/blog-action-day-09/>

WEEE Industry Blames Recyclers for not Reaching Recycling Targets

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The discussions regarding the proposed recast of the WEEE-directive are continuing. The Electrical- and electronic producers oppose the proposed collection target of 65% based on the average weight of equipment placed on the market in the Member state the two previous years. Producers have few or no systems of their own for collection. Most of the WEEE is returned either through municipalities, recyclers or not returned at all and handled outside of controlled waste management systems. Producers find the proposed WEEE target unfair and impossible to fulfil, as they cannot “get their hands on it”.

Commission stresses continuously the need for separate collection and ambitious collection targets, as a part of the incentives for producers to find their own collection systems. Thorsten Brunzema, desk officer of the WEEE directive, suggests that the producers either set up their own systems or strike deals with municipalities and organise awareness-raising campaigns. Read article from EU-Active here:

<http://www.euractiv.com/en/environment/headaches-ahead-waste-recycling/article-186392#>

Read the Commissions original proposal here

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0810:EN:NOT>

Read more about WEEE and ROHS here:

http://ec.europa.eu/environment/waste/weee/index_en.htm

Waste Good Example for Multilevel Governance

The Committee of Regions has presented a paper with the ambition to promote multilevel governance in Europe. The consultation is still open for contribution from authorities, associations and stakeholders. The paper contains motivation for multilevel governance, for example:

“The difficulties encountered during the transposition of the Directives on landfill of waste and award of public works contracts, public supply contracts and public service contracts are important examples of the need to involve local and regional authorities throughout the process of formulating Community legislation”.

Read more from the report and the consultation in the Committee of Regions here:

<http://www.cor.europa.eu/pages/EventTemplate.aspx?view=folder&id=53788fb1-937b-44ce-bd39-b20f3313bc83&sm=53788fb1-937b-44ce-bd39-b20f3313bc83>

Export for Recovery of Certain Waste to Certain non-OECD Countries

European Union Regulation No 1013/2006 on shipments of waste allows certain export to countries outside the European Union and the OECD. A Commission regulation specifies the exceptions and the Annex to the Commission regulation 1418/2007 has been amended taking into account the latest clarifications. The new Commission Regulation amending the annex covers countries like Montenegro, Nepal, Serbia, Singapore as well as Hong Kong, Indonesia and Ukraine. Export for recovery in these countries is restricted through Article 36 but exceptions exist under specific procedures. The new rules come into force 5 November 2009, 20 days after its publication in the European Official Journal. Read the changes to legislation in full here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:271:0012:0016:EN:PDF>

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Scope of WEEE and ROHS Discussed

EU Environmental ministers has hold a policy debate on the scope of the WEEE and ROHS directives. The question concerns the harmonisation of the scope of the two directives. But since the two directives have different legal basis, Member States are allowed to widen the list of WEEE concerned by the WEEE directive. That would not be the case for the EEE concerned under the ROHS directive. The Presidency has proposed separate scopes as a compromise.

Read the explanatory documents for the policy discussion provided by Council
<http://register.consilium.europa.eu/pdf/en/09/st14/st14444.en09.pdf>

Council Finishes Climate Conclusions for Copenhagen

European Council has through its environmental ministers adopted their conclusions for the agreement in Copenhagen, an agreement they expect to take place. They underline that long-term emissions are to be reduced by 80-90 % by 2050 compared with 1990 and that they have a strong will to reduce emissions by 30 % by 2020. They state that other parties are also required to provide sufficient emissions reductions. Their position also covers targets for the maritime and aviation sectors, and covers issues as deforestation, the contribution of developing countries as well as the surplus of AAUs (sale of carbon credits).

The council proposes that a high level form or body is established to provide a consolidated overview of international sources for financing climate-related investments in developing countries, review the balanced distribution of international public finance across priorities, involve all relevant actors, and encourage synergies with other environmental agreements. They also recall that the design and implementation of national policy frameworks are essential to provide enabling environments with a view to re-directing and scaling up private investments as well as playing a major role in driving research, development, demonstration, deployment and diffusion, including transfer of technologies at the scale needed.

Read the full conclusions here:

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/envir/110634.pdf

Upcoming ISWA Events

Nov 24-25, 2009	ISWA Beacon Conference on Thermal Treatment in Malmö, Sweden	db@iswa.org
Dec 10-12, 2009	ISWA Beacon Conference "Strategic Waste Management Planning in South Eastern European, Middle East and Mediterranean Region" in Novi Sad, Serbia	db@iswa.org
April 15-16, 2010	ISWA Beacon Conference on Biological Treatment of Waste in Brescia, Italy	db@iswa.org

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May 20-21, 2010	ISWA Beacon Conference on Prevention, Reduction and Recycling in Leeuwarden, The Netherlands	hb@iswa.org
June 1-3, 2010	ISWA Beacon Conference on Engineered Landfills in Buenos Aires, Argentina	gvogt@iswa.org

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