READING BOROUGH COUNCIL
WASTE MINIMISATION STRATEGY
2015 – 2020.

APPENDIX 4: Legislation

5. LEGISLATIVE CONTEXT

1. Introduction

This section reviews key current and forthcoming legislation and regulations to ensure that Reading Borough Council's statutory obligations are fully understood and addressed and to ensure that impending regulatory changes are also taken into consideration in the development of the Waste Minimisation Strategy document. This section does not cover all waste management regulations but highlights the key pieces of legislation that may impact on the development and implementation of the waste management strategy. This section should be kept under regular review as the details within this document are subject to change in line with any regulatory change that may occur.

Most UK legislation is now a result of European Directives and therefore future changes can be tracked by looking at proposed EU Directives and monitoring developments at an EU level.

2. The Legislation

Environmental Protection Act (EPA) 1990
www.opsi.gov.uk/acts/acts1990/Ukpga_19900043_en_1.htm

The EPA 1990 sets out a wide range of environmental legislation and is the primary Act that controls the management of waste. Part II of the Act deals with waste management, in particular the key duties and powers of local authorities are set out in:
Section 33 – makes it an offence to treat, keep or dispose of controlled waste without a waste management licence.
Section 34 – relates to a statutory Duty of Care for all those who handle and produce waste to ensure that it is managed, recovered and disposed of safely and in accordance with the Duty of Care Regulations (1991).
Section 35-44 – details specific requirements in relation to the Waste Management Licensing system for waste treatment and disposal facilities.

Sections 45-61 – relates to the responsibilities of WCAs and WDAs.

Controlled Waste Regulations 1992
www.opsi.gov.uk/si/si1992/Uksi_19920588_en_1.htm

The Controlled Waste Regulations describe the type and nature of waste and how Local Authorities may approach the collection of it in terms of charging. In four Schedules it describes Household Waste, Household Waste which may be collected for a charge, Industrial Waste and Commercial Waste.

Environmental Protection (Duty of Care) Regulations 1991 (SI 2839) (England and Wales & Scotland) (as amended 2003)
www.opsi.gov.uk/SI/si1991/Uksi_19912839_en_1.htm

There is a duty of care in respect of waste, placing responsibility for that waste on any person who produces imports, carries, keeps, treats or disposes of controlled waste, or as a broker who has control of such waste. This includes WCAs, WDAs and Unitary Authorities (UAs). The duty of care is designed to be an essentially self-regulating system that is based on good business practice. It places a duty on anyone who in any way has a responsibility for controlled waste to ensure that it is managed properly and recovered or disposed of safely.

These regulations establish a mandatory system of transfer notes, which must be completed and retained when waste is transferred.
The re3 partners endeavour to give due regard to the Duty of Care regulations in all waste activities undertaken.

Landfill Tax Regulations 1996
www.opsi.gov.uk/si/si1996/Uksi_19961527_en_1.htm

The Landfill Tax came into effect on the 1 October 1996. It is a specifically targeted levy on the disposal of waste to landfill, introduced by the government to prompt change in UK waste management. The main Objectives of the tax are:
To ensure that the cost of landfill properly reflects its environmental impact, and to help ensure that UK national policy targets for more sustainable waste management are achieved.
There are two rates of landfill tax:
A lower rate (currently of £2/tonne) for specified inactive or inert wastes. These are wastes which do not give off methane or other gases after disposal and that do not have a potential to pollute groundwater; and
A standard rate (currently of £24/tonne for 2007/08) is applied to all other wastes. In the March 2007 budget the Government announced that 'from April 2008 and until at least 2010/11, the standard rate of landfill tax will increase by £8 per tonne each year'.
All waste disposed to landfill by re3 authorities is subject to the landfill tax charges set out above.

Producer Responsibility Obligations (Packaging Waste) Regulations 1997 www.opsi.gov.uk/si/si1997/19970648.htm

The main aim of these Regulations is to increase reuse of packaging where possible, increase the recovery and recycling of packaging waste in the UK and implement the recovery and recycling targets in the EC Directive on Packaging and Packaging Waste 94/62/EC. The Regulations came into effect in March 1997 and are enforced by the Environment Agency for England and Wales.
The Regulations give substance to 'Producer Responsibility' which is an extension of the polluter pays principle, and is aimed at ensuring that businesses take responsibility for the products they have placed on the market once those products have reached the end of their life. The Packaging Waste Regulations directly affect most UK companies or groups of companies who have a turnover exceeding £2million and who handle more than 50 tonnes of packaging. These companies must either register with the relevant agency or join a compliance scheme.

Once a company has registered or joined a compliance scheme they must recycle or reuse the required percentage of their packaging and provide evidence of compliance to the appropriate authority. Businesses whose main activity is "selling" must also carry out consumer information obligations.
In turn the Environment Agency is required to carry out and publish details of the monitoring they have carried out on companies that come under the scheme on a yearly basis. The regulator is also responsible for non-registration/"freeloader" monitoring which is carried out to detect those companies who may be obligated under the regulations but have not registered.

The Packaging Waste Regulations do not place a direct responsibility on local authorities to recycle packaging waste. This responsibility lies with those in the packaging supply chain. However, as the targets imposed on business to recycle packaging waste increase, there are likely to be more opportunities for localauthorities to work with business to ensure that the amount of packaging waste being recycled increases. Some authorities receive financial support from obligated packaging producers and further funding opportunities may emerge in the future.

Waste Minimisation Act 1998 www.opsi.gov.uk/acts/acts1998/19980044.htm

The Waste Minimisation Act 1998 enables local authorities throughout the UK (except Northern Ireland) to take steps to minimise the generation of household, commercial or industrial waste. The Act was initiated in 1998 by the Women's Environmental Network. It gives recognition to the fact that local authorities are not just WCAs and WDAs, but have duties to promote waste minimisation.

The Act allows a local authority to "do or arrange for the doing of, anything which in its opinion is necessary or expedient for the purpose of minimising

the quantities of controlled waste, or controlled waste of any description, generated in its area".

The Act does not place any obligation on authorities to carry out such initiatives or set targets, nor does it allow councils to impose any requirements on businesses or householders in their area. The Act does not actually mean that local authorities have to do anything about waste minimisation but allows either the WDA or WCA to provide funding for waste reduction activity.

Local Government Act 1999 - Best Value
The 'best value' regime was introduced under the Local Government Act 1999 and became compulsory for all authorities from April 2000.
The Act obliges local authorities to secure continuous improvement in the way that they exercise all their functions "having regard to a combination of economy, efficiency and effectiveness".

Following the introduction of the 'best value' regime, a set of Best Value Performance Indicators (BVPIs) was devised in 2000/01. Current BVPIs for waste management include the key indicators of total waste arisings, waste disposal, composting and recycling.

The following performance indicators are a selection of the ones that authorities must report against:
_ The percentage of total tonnage of household waste recycled (BV82a);
_ The percentage of total tonnage of household waste composted (BV82b);
_ The percentage of total tonnage of household waste used to recover heat, power and other energy sources (BV82c);
_ The percentage of total tonnage of household waste landfilled (BV82d);
_ Kg of household waste collected per head (BV84);
_ Percentage of residents served by kerbside recycling (BV 91);
_ Cost of waste collection per household (BV96); and
_ Cost of waste disposal per tonne of municipal waste (BV87).

The targets for recycling and composting under the BVPIs have been reviewed at a national level. This resulted in the new National Indicators for Local Authorities and Local Authority Partnerships being implemented from April 2008. These indicators are better suited to report those recommended targets for recycling and landfill avoidance which were suggested in the Waste Strategy 2007. The waste related indicators which are required from each authority are:

_ NI 191: Residual household waste per household
_ NI 192: Household waste reused, recycled and composted; and
_ NI 193: Municipal Waste landfilled.

Ozone Depleting Substances Regulations No 2037/2000
www.opsi.gov.uk/SI/si2006/20061510.htm

European Council Regulation No 2037/2000 on substances that deplete the ozone layer, which came into effect in October 2001, requires Member States to remove ozone depleting substances (ODS) (including CFCs and HCFCs) from refrigeration equipment prior to disposal. This recovery is in addition to the 'degassing' of cooling circuits that local authorities had carried out for some time.

This requirement came into force immediately for industrial and commercial appliances and applied to domestic appliances from 1 January 2002. The introduction of these regulations resulted in the development of treatment capacity to remove ODS from refrigeration equipment and it is considered unlikely that this treatment capacity will expand significantly in the future. Local authorities are responsible for the collection and handling of items such as fridges and freezers at household recycling centres and in bulky waste collection rounds, therefore they must ensure that any items collected that contain ODS are sent for degassing and appropriate treatment.

Landfill Directive 91/31/EC and Landfill (England and Wales) Regulations 2002 The Landfill Directive represents a step change in the way waste is managed in UK and will help drive waste up the hierarchy through waste minimisation and increased levels of recycling and recovery.

The Directive's overall aim is "to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from the landfilling of waste, during the whole life cycle of the landfill".
The Directive has provisions covering location of landfills, and technical and engineering requirements for aspects such as water control and leachate management, protection of soil and water and methane emissions control. The key objective of the Landfill Directive is to improve waste management practices with regard to landfill disposal.

The key provisions in the Directive are summarised below:
Prohibition of the co-disposal of hazardous and non-hazardous waste in the same landfill site;
Categorisation of landfill sites by whether they accept 'inert', 'non - hazardous'or 'hazardous' wastes only;
Requirement to reduce the quantity of biodegradable waste sent to landfill;
Ban on landfilling of tyres, liquids, certain hazardous wastes (including flammable, corrosive, explosive, oxidising) and infectious wastes; and
Requirement for pre-treatment of landfilled waste.

The major impact in terms of municipal waste management is the requirement to reduce the quantities of BMW to landfill by the following targets (using the UK derogation timetable):-

Reduction in tonnage of BMW to landfill by 25% on 1995 levels by 2010
Reduction in tonnage of BMW to landfill by 50% on 1995 levels by 2013

Reduction in tonnage of BMW to landfill by 65% on 1995 levels by 2020

The targets are made more challenging by an annual increase in MSW arisings in the UK, year on year, from 1995–2002/3.
The technical landfill requirements of the Directive are implemented in England and Wales through the Landfill (England and Wales) Regulations 2002 (SI 1559). The regulations set Waste Acceptance Criteria (WAC) in order to determine the properties of a waste which are acceptable for landfilling. The criteria are set for inert, hazardous and non-hazardous wastes. In order to fulfil the WAC, a waste must demonstrate that it does not contain substances which leach from the waste in
breach of the leaching limit values. If the waste does breach the thresholds, it will require treatment prior to landfilling.

The type of waste treatment required will depend on whether the waste is considered to be inert, hazardous or non-hazardous. Inert waste does not require pre-treatment. According to EA guidance treatment includes physical, thermal, chemical or biological processes. Source segregation of materials also counts as physical treatment. Separation of materials from the household waste stream for recycling activity therefore counts as pre-treatment prior to landfilling. Compaction or baling of material does not. Other forms of treatment and disposal will be required for waste types which are banned from landfilling and it is likely that the costs of disposal and treatment will increase, as will the requirement for treatment capacity.

Waste & Emissions Trading Act 2003
www.opsi.gov.uk/acts/acts2003/20030033.htm

In order for the UK to meets its national targets for the diversion of BMW from landfill as set out in the Landfill Directive, the Government has set targets for each WDA. Through the Waste and Emissions Trading Act (WET Act), each WDA has been allocated a maximum allowance of BMW that it is permitted to dispose of to landfill in each year between 2005 and 2020. Failure to achieve these targets either through increased diversion from landfill, landfilling within the allowance limitor through trading (and some banking/borrowing) mechanisms will lead to punitive financial penalties. The rate of financial penalty is currently set at £150 per tonne for each tonne of BMW landfilled above the LATS target.

The quantity of BMW within municipal waste has been set at 68% in England. This figure is used to calculate the tonnages going to landfill, as determined through the Environment Agency mass balance approach.

re3 must therefore ensure that the partnership meets its LATS obligations or face afinancial penalty.

Additional provisions of the WET Act include:
Section 31 amends the EPA 1990 to allow WDAs in England to give direction to a collection authority to include requirements about the separation of waste that is delivered to the waste disposal authority.

Section 32 places a duty on WCAs and WDAs in two tier areas in England to have a joint strategy for the management of municipal waste by April 2005. The strategy must be kept under review and authorities must have regard to any guidance given by the secretary of state. There are exemptions for certain high performing authorities and certain two tier authorities who have also met high performance standards in terms of recycling and diversion of waste from landfill.
Section 35 – repeals the requirement for waste collection authorities in England
and Wales to prepare and publish a waste recycling plan in accordance with EPA Section 49.

Household Waste Recycling Act 2003
www.opsi.gov.uk/acts/acts2003/20030029.htm

The Household Waste Recycling Act (previously known as the Municipal Waste Recycling Bill) was a Private Members Bill introduced by Joan Ruddock MP. The Act makes provision regarding the collection, composting and recycling of household waste.

The Act requires English WCAs to collect from the kerbside at least two recyclable materials from households separate from residual waste by 2010. Councils with particular difficulties in meeting the demands of the legislation could be granted derogation. The provision of 'comparable' recycling facilities, such as a bring bank or civic amenity site within 100 metres of households, could satisfy the Act's requirements.

The key impact is the adherence to the first legislative requirement for local authorities to collect two streams of recyclable materials from the kerbside. It is anticipated that in many authorities this is already happening, however in areas where it is not, further action will be required or derogation sought whilst suitable infrastructure is developed.

All re3 authorities currently comply with this requirement to collect at least two recyclable materials from householders. This requirement is also now measured under the Best Value Performance Indicator BV91.

Clean Neighbourhoods and Environment Act 2005
www.opsi.gov.uk/acts/acts2005/20050016.htm

The Clean Neighbourhoods Act has introduced a number of provisions that give local authorities greater enforcement powers in relation to abandoned vehicles, illegal waste activities such as litter, fly-tipping and graffiti. Other powers introduced include the ability to issue fixed penalty notices for failure to use specialised containers and the requirement for local authorities to transfer a waste disposal function to a specially formed company has been removed.

The key enforcement powers extended to waste collection authorities include the following:

Abandoned Vehicles – local authorities have the power to remove an abandoned vehicle immediately and issue a fixed penalty notice of £200.
Litter – An £80 on-the-spot fine for littering can be levied. Cigarette butts and chewing gum are defined as litter. Dropping litter anywhere, including on private land, is now an offence. LAs can require local businesses to clear up the waste that they generate.

Graffiti/Fly-Posting – on-the-spot fines of £80 can be levied.
Waste – powers include fines of up to £100 for waste left out at the wrong time. Maximum penalty for fly-tipping increased to £50,000 or 5 years' imprisonment. Powers to order landowners to clear up fly-tipping if knowingly caused or permitted. Fines for business if they fail to produce duty of care documentation,fines of up to £300.

Recycling Credit Scheme
Changes to the recycling credit scheme were recently introduced via the Clean Neighbourhoods and Environment Act 2005 and the Recycling Environmental Protection (Waste Recycling Payments) (England) Regulations 2006.
The key elements of the regulations are that:

For the 06/07 financial year the value of disposal credits are capped at 05/06 levels and are based on the average cost of the most expensive form of disposal in each WCA area;
For subsequent financial years the disposal credits will continue to be capped at the levels above but averaged out across a WDA area to provide a single value credit for all WCAs in the area.
Any increases will be in line with inflation at 3%. Payments of recycling credits to third parties for recycling and reuse will be calculated on the same basis.

Within this the legislation has introduced a flexibility for WCAs and WDAs to agree alternative arrangements for the payment of credits and need not follow the regime above unless agreement cannot be reached.
This legislation intends to create a greater incentive for joint working between authorities and enable flexibility in the achievement of LATS obligations. It presents an opportunity for WCA/WDAs to work together.

End of Life Vehicles Regulations 2003 and End of Life Vehicles (Producer Responsibility) Regulations 2005 The End of Life Vehicles (ELV) Directive (2000/53/EC) is transposed into UK law through the End of Life Vehicles Regulations 2003 and End of Life Vehicles (Producer Responsibility) Regulations 2005. The Directive aims to reduce the amount of waste produced from ELVs and increase the recycling and recovery of any wastes that do arise.

The Directive sets out measures aimed at the prevention of waste from vehicles and, in addition, at the reuse, recycling and other forms of recovery of end-of-life vehicles and their components so as to reduce the

disposal of waste. It also requires the improvement in the environmental performance of all the economic operators involved in the life cycle of vehicles and especially the operators directly involved in the treatment of end-of-life vehicles.

Vehicle owners must be able to have their complete ELVs accepted by the new collection systems free of charge, even when they have a negative value, from 1 January 2007 at the latest (earlier in respect of vehicles put on the market on or after 1 July 2002). This has implications for the ELV recovery network which will need to have the capacity to accept, store and treat the ELVs. The legislation also contains targets for the recycling of certain materials from End of Life Vehicles.

The Regulations do not place a duty on local authorities to provide facilities for dealing with end-of-life vehicles; instead it will be producers who must provide these facilities, called Authorised Treatment Facilities (ATFs). Local authorities will be able to make use of these facilities for the disposal of abandoned vehicles that they collect. They must however, ensure that they send these vehicles to authorised treatment facilities.

Animal By-Products Regulations (ABPR) 2003, and updated in 2005
www.opsi.gov.uk/si/si2005/20052347.htm

The Animal By-Products Regulations (ABPR) came into force in England on 1 July 2003 and implements EU Regulation 1774/2002 and were updated in 2005.
The regulations impose restrictions on the handling and treatment of waste, particularly separately collected organic waste such as that collected from household kitchens, that contains or potentially contains animal by-products.

The ABPR divides animal by-products into three categories and sets rules for the collection, handling, transport and disposal of animal by-products which include catering waste, former foodstuffs and other animal waste, such as fallen stock.

Category 1 is the highest risk category - including carcasses and materials infected or suspected of being infected with diseases such as scrapie in sheep or BSE in cattle, the carcasses of zoo and pet animals, Specified Risk Material (SRM) and catering waste from means of international transport.
Category 2 is also high-risk material, and includes diseased animals, animals that die on farms and which do not contain SRM at the point of disposal and animals which are not slaughtered for human consumption.

Category 3 is essentially material which is fit (but not intended) for human consumption and as such includes parts of slaughtered animals, blood, raw milk, fish caught in the open sea, and shells. Permitted disposal methods include treatment in a biogas or composting plant.

The most significant aspect that affects recycling and composting is that different controls are placed on composting processes depending on the types of waste being composted. The Regulations set out operating temperature and retention times for processes which are related to the waste types being treated.

Authorities who collect organic waste that contains food waste that contain animal by-products (meat) must treat waste through a two stage process, e.g. in-vessel or anaerobic digestion systems. Open windrow facilities are not suitable. Facilities must be operated in accordance with the Regulations.

Introduction of schemes to collect kitchen waste must consider the impact of these Regulations and ensure appropriate treatment facilities are in place.

Hazardous Waste Regulations 2005
www.opsi.gov.uk/SI/si2005/20050894.htm

In July 2005, new controls on Hazardous Waste came into force in England, Northern Ireland and Wales. The Regulations replace the previous Special Waste regime.

This change in UK legislation brought into force the revised European Waste Catalogue (EWC). The EWC has been combined with the Hazardous Waste List (HWL) to provide an extended list of wastes. The list indicates which wastes are classified as hazardous.

The key impacts of the regulations include the replacement of the term 'Special Waste' with 'Hazardous Waste', and the likelihood of increased hazardous waste arisings, given that more waste is classified as 'hazardous' than was classified as 'special'. Examples of 'new' hazardous wastes include fluorescent light tubes, televisions and dental amalgam.

Where any hazardous waste is collected from the municipal waste stream, in particular at household recycling centres, separate provision must be made for the storage and disposal of these items and waste notification procedures will apply.

Where an authority operates a separate collection of hazardous materials from households, the requirements of the hazardous waste regulations will apply to the transfer and storage of these items before final treatment or disposal.

Renewable Obligations Order 2002, (as amended 2006)
www.opsi.gov.uk/si/si2002/20020914.htm

The Renewables Obligations Order is the Government's main mechanism for supporting renewable energy. The Obligation is enforced by an Order (Statutory Instrument) made under the terms of the Utilities Act 2000. The

Order was introduced in April 2002 and sets out which forms of energy generation qualify for Renewable Obligation Certificates (ROCs).
The Obligation requires suppliers to source an annually increasing percentage of their sales from renewables. For each megawatt hour of renewable energy generated, a tradable certificate called a Renewables Obligation Certificate (ROC) is issued.
Suppliers can meet their obligation by:

acquiring ROCs
paying a buy-out price of £30/megawatt hour
a combination of ROCs and paying a buy-out price.
When a supplier chooses to pay the buy-out price, the money they pay is put into the buy-out fund. At the end of the 12-month Obligation period, the buy-out fund is redistributed to ROC holders.
Anaerobic digestion and advanced thermal treatment qualify for ROCs under this scheme and recent revisions (2006) have incorporated waste recovery operations combusting over 90% biomass and Energy from Waste plants combusting waste with 'good quality' Combined Heat and Power (CHP) schemes into the scheme.

This works to increase the range of alternative treatment technologies that qualify for ROCs and should contribute to increasing the financial viability of these options if they are being considered by local authorities as part of long term waste strategy implementation.

RECENT LEGISLATION (to May 2007)

Agricultural Waste Regulations 2006
The Government has recently extended existing waste management controls to cover agriculture. These controls came into force in 2006 under The Waste Management (England and Wales) Regulations 2006, also known as the Agricultural Waste Regulations. These new regulations implement EU legislation, in particular the Waste Framework and Landfill Directives and to ensure that farming is under the same controls that have applied to other sectors for many years.

The changes will mean that farmers will no longer be able to burn or bury many types of waste on farms, instead they will have to:
Send or take their waste for disposal off-farm at licensed sites;
Register a licensing exemption with the Environment Agency to recycle waste on-farm; or Apply to the Environment Agency for a licence to continue on-farm disposal.

Therefore unregulated burying and burning of agricultural waste on farms will be prohibited. The use of manure, slurry and effluent on farms as a fertiliser as part of good agricultural practice, where not being discarded as waste, will continue to be permitted, subject to certain conditions. The main impact of these Regulations is likely to be on the non-natural waste streams from farms such as plastic and cardboard packaging materials, tyres, oils, metals.

A potential impact of these Regulations for local authorities is that some agricultural waste may end up being diverted into the municipal waste stream. For example farmers may request wste to be collected via trade collections or that additional waste enters the municipal waste stream through refuse collections from domestic properties or at civic amenity sites.

Waste Electrical & Electronic Equipment Directive 2002/96/EC
www.dti.gov.uk/innovation/sustainability/weee/page30269.html

In February 2003, the European Waste Electrical and Electronic Equipment (WEEE) Directive became European law and was due to be implemented by August 2004.
Collection, treatment and financing systems for WEEE must be in place by September 2005 and the first collection and treatment targets are to be attained by December 2006.

Key requirements of the WEEE Directive include:
A compulsory household collection by the end of 2006 – a target of 4 kg per household is set and a new target will be set in 2008;
A compulsory producer responsibility – this ensures that the producers finance the management of consumer electronic and electrical waste;
Financing - producers are able to use collective or individual financing schemes; Measures to decrease the disposal of WEEE by consumers as unsorted municipal waste by the Member States;
Treatment costs – the cost of treating historical waste to be shared proportionately between producers in the market when the costs arise;
Financial guarantees - made by producers (up front) to guard against costs arising from orphan WEEE.

The UK Regulations implementing the WEEE Directive were laid before Parliamenton 12 December 2006 and entered into force on 2 January 2007. Non-Statutory Guidance was published on 28 February 2007.

The WEEE Regulations do not place a statutory duty on local authorities to collect WEEE products, as that duty rests with the product producers. However local authorities have an opportunity for collection sites, such as Recycling Centres to become Designated Collection Facilities (DCF). The CA sites at Smallmead, Reading and Longshot Lane, Bracknell have both been designated as DCFs from July 2007.

Proposed EU Directive on Batteries and Accumulators

This Directive applies to batteries containing lead, mercury or cadmium, and its primary focus is controlling the disposal of spent batteries and accumulators (energy storage devices) containing potentially dangerous materials.

The Directive requires Member States to ensure that appropriate systems are in place for consumers to return used batteries. The Directive will also

require the redesign of appliances to allow for the easy removal of spent batteries and ban the use of nickel/cadmium or NiCad batteries from 2008. It is envisaged that a Directive will be introduced to set targets for the collection and recovery of consumer batteries, most of which are disposed of via the household waste collections.

The financing of collection systems has not yet been established and it is likely that producers will be responsible. However there may be opportunities for local authorities to work with producers who wish to use any existing collection facilities that are in place.

EC Working Document on Biological Treatment of Biowaste

In 2001 the European Commission issued a second draft of the EU Directive on the Biological Treatment of Biological waste (known as the Biowaste Directive).
The Directive objectives are to promote the biological treatment of biodegradable waste (e.g. anaerobic digestion or composting) to help meet the Landfill Directive targets for the diversion of biodegradable waste from landfill.
The proposed Directive covers not only municipal waste (including household waste) but also biodegradable residues produced by industry, such as agricultural or food and drink wastes.
The draft Directive proposes that local authorities may be required to set up separate collections of biodegradable waste in order to maximise the scope for composting and anaerobic digestion. Urban areas with over 100,000 inhabitants would be required to set up such systems within three years of implementation.
Urban areas with over 2,000 inhabitants would have five years to do the same. In order to minimise the waste material left over following biological treatment of municipal waste i.e. contaminants, the draft Directive proposes that separate collections of materials such as packaging, metals and hazardous wastes are undertaken.
In addition, the draft Directive sets out standards for air emissions and leaching, during the treatment of 'biowaste'. Biowaste management is a cross-cutting environmental issue, which impinges upon sustainable resource use and is relevant to the EU Thematic Strategy on Soil Protection.

Amendments to the EC Waste Framework Directive 1975 (75/44/EEC)

The original European legislative framework document for waste management is the Waste Framework Directive (75/442/EEC). It requires national competent authorities to draw up waste management plans. Plans must encourage the prevention and recovery of waste and provide suitable infrastructure for recovery and disposal and the appropriate regulatory framework to protect the environment and public health. The Directive sets out basic requirements for waste management licensing control and planning. It also includes the definition of waste and associated waste management terms. This document has been extensively amended and a consolidated and updated version is currently under development,

following responses by EU member states that were submitted in February 2006.

The new version of the Directive is anticipated to include an updated interpretation of recycling and recovery and incorporate hazardous waste and other Directives within its scope. It is also intended to adopt a Life Cycle Approach within the framework.