

Assessment of the application and possible development of Community legislation for the control of waste incineration and co-incineration

Commissioned by:

European Commission – DG Environment

Carried out by:

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Background and tasks

Council Directive 2000/76/EC on the incineration of waste (the WI Directive) makes waste incineration and co-incineration plants subject to a permitting procedure and sets minimum requirements in a number of areas including operational conditions and monitoring.

The standards of the Directive are not uniformly fixed for all plants. For example, while Article 11(2) generally requires continuous measurements, Article 11(6) allows periodic measurements instead, if emissions of the pollutants in question cannot exceed the prescribed emission limit values. Additionally the Directive envisages only certain flexibility in the sense that a certain pollutant could not be excluded from a permit even though it is not present in the waste flow being incinerated, as may be the case with, for instance, heavy metals in certain wastes. At the same time, according to Article 11(13) of the Directive the Commission shall set a date from which continuous measurement of the air ELVs for heavy metals, dioxins and furan must be carried out.

Many of the plants that are covered by the WI Directive are also covered by Directive 96/61/EC concerning integrated pollution prevention and control (the IPPC Directive). This Directive requires that installations operate in accordance with the requirements of permits containing conditions based on the "Best Available Techniques" (BAT). For plants falling under the IPPC Directive, the WI Directive only sets minimum obligations which are not necessarily sufficient to comply with the IPPC Directive. The Commission is presently conducting a review of the IPPC Directive, including its interaction with other legislation, including the WI Directive.

Article 14 of the WI Directive requires the European Commission to review the WI Directive and to report to the European Parliament and the Council before 31 December 2008.

Objectives and expected results

The main objective of this contract is to provide an assessment of the implementation of the Waste Incineration Directive and make proposals for its possible amendment. This is to provide the basis of the review foreseen by Article 14 of the Directive, and to facilitate possible further development of the Directive as foreseen in its Articles 11 (13) and 16. The contract is also to provide an input in the broader context of the review of the IPPC Directive and related legislation.

Within this overall objective, specific objectives are:

- to collect, analyse and present data on the implementation of the WI Directive within the EU25 and the Accession Countries (BG and RO) , including its inter-relationship with the IPPC Directive and any problematic areas
- to make a cost-benefit analysis of the implementation through selected cases (Member States);
- to assess and present data on the development of the state of technology and the progress achieved in emission control techniques in order to enable the Commission to define future provisions for amendment of the WI Directive
- to define, assess and present possible options for amendment of the WI Directive
- to provide an impact assessment of the amendment of the Directive based on the presented options.

This is intended to allow the Commission Services to have a better view on the implementation of the WI Directive, based on an independent and objective assessment, so as to be in a reasonable position to determine possible future amendments of the provisions of the Directive.

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