

*Status: Point in time view as at 05/05/2009.*

*Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 850/2004 of the European Parliament and of the Council (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## [<sup>X1</sup>ANNEX V

### WASTE MANAGEMENT

#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EC\) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC \(Official Journal of the European Union L 158 of 30 April 2004\)](#).

#### Part 1

#### Disposal and recovery under Article 7(2)

The following disposal and recovery operations, as provided for in Annex IIA and IIB of Directive 75/442/EEC, are permitted for the purposes of Article 7(2) when applied in such a way as to ensure that the persistent organic pollutant content is destroyed or irreversibly transformed

D9	Physico-chemical treatment,
D10	Incineration on land, and
R1	Use principally as a fuel or other means to generate energy, excluding waste containing PCBs.
[ <sup>F1</sup> R4	Recycling/reclamation of metals and metal compounds, under the following conditions: The operations are restricted to residues from iron- and steel-making processes such as dusts or sludges from gas treatment or mill scale or zinc-containing filter dusts from steelworks, dusts from gas cleaning systems of copper smelters and similar wastes and lead-containing leaching residues of the non-ferrous metal production. Waste containing PCBs is excluded. The operations are restricted to processes for the recovery of iron and iron alloys (blast furnace, shaft furnace and hearth furnace) and non-ferrous metals (Waelz rotary kiln process, bath melting processes using vertical or horizontal furnaces), provided the facilities meet as minimum requirements the emission limit values for PCDDs and PCDFs laid down in Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste <sup>(1)</sup> , whether or not the processes are subject to that Directive, and without prejudice to the other provisions of Directive 2000/76/EC where it applies and to the provisions of Directive 96/61/EC.]

#### Textual Amendments

- F1** Inserted by [Commission Regulation \(EC\) No 304/2009 of 14 April 2009 amending Annexes IV and V to Regulation \(EC\) No 850/2004 of the European Parliament and of the Council as regards the treatment of waste containing persistent organic pollutants in thermal and metallurgical production processes \(Text with EEA relevance\)](#).

Pre-treatment operation prior to destruction or irreversible transformation pursuant to this Part of this Annex may be performed, provided that a substance listed in Annex IV that is isolated from the waste during the pre-treatment is subsequently disposed of in accordance with this Part of this Annex.<sup>[<sup>F1</sup></sup> Where only part of a product or waste, such as waste equipment, contains or

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is contaminated with persistent organic pollutants, it shall be separated and then disposed of in accordance with the requirements of this Regulation.] In addition, repackaging and temporary storage operations may be performed prior to such pre-treatment or prior to destruction or irreversible transformation pursuant to this part of this Annex.

## [<sup>F2</sup>Part 2

### Wastes and operations to which Article 7(4)(b) applies

The following operations are permitted for the purposes of Article 7(4)(b) in respect of the wastes specified, defined by the six-digit code as classified in Commission Decision 2000/532/EC<sup>(2)</sup>

[<sup>F3</sup>Pre-treatment operations prior to permanent storage pursuant to this part of this Annex may be performed, provided that a substance listed in Annex IV that is isolated from the waste during the pre-treatment is subsequently disposed of in accordance with Part 1 of this Annex. In addition, repackaging and temporary storage operations may be performed prior to such pre-treatment or prior to permanent storage pursuant to this part of this Annex.]

#### Textual Amendments

**F3** Inserted by Commission Regulation (EC) No 323/2007 of 26 March 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC (Text with EEA relevance).

Wastes as classified in Commission Decision 2000/532/EC	Maximum concentration limits of substances listed in Annex IV <sup>a</sup>	Operation
10	WASTES FROM THERMAL PROCESSES	Permanent storage only in: — safe, deep, underground, hard rock formations, salt mines or — a landfill site for hazardous waste (provided that the waste is solidified or partly stabilised where technically feasible as
10 01	Wastes from power stations and other combustion plants (except 19)	
10 01 14 <sup>*b</sup>	Bottom ash, slag and boiler dust from co-incineration containing dangerous substances	
10 01 16 <sup>*</sup>	Fly ash from co-incineration containing dangerous substances	
10 02	Wastes from the iron and steel industry	

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10 02 07 *	Solid wastes from gas treatment containing dangerous substances	Chlordecone: 5 000 mg/kg; Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) <sup>f</sup> 5 mg/kg; the sum of alpha-, beta- and gamma-HCH: 5 000 mg/kg; Hexabromobiphenyl: 5 000 mg/kg	required for classification of the waste in subchapter 1903 of Decision 2000/532/EC) whereby the provisions of Council Directive 1999/31/EC <sup>d</sup> and Council Decision 2003/33/EC <sup>e</sup> have to be adhered to and whereby it has been demonstrated that the selected operation is environmentally preferable.
10 03	Wastes from aluminium thermal metallurgy		
10 03 04 *	Primary production slags		
10 03 08 *	Salt slags from secondary production		
10 03 09 *	Black drosses from secondary production		
10 03 19 *	Flue-gas dust containing dangerous substances		
10 03 21 *	Other particulates and dust (including ball mill dust) containing dangerous substances		
10 03 29 *	Wastes from treatment of salt slags and black drosses containing dangerous substances		
10 04	Wastes from lead thermal metallurgy		
10 04 01 *	Slags from primary and secondary production		
10 04 02 *	Dross and skimmings from primary and secondary production		
10 04 04 *	Flue-gas dust		
10 04 05 *	Other particulates and dust		
10 04 06 *	Solid wastes from gas treatment		
10 05	Wastes from zinc thermal metallurgy		
10 05 03 *	Flue-gas dust		
10 05 05 *	Solid waste from gas treatment		

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10 06	Wastes from copper thermal metallurgy
10 06 03 *	Flue-gas dust
10 06 06 *	Solid wastes from gas treatment
10 08	Wastes from other non-ferrous thermal metallurgy
10 08 08 *	Salt slag from primary and secondary production
10 08 15 *	Flue-gas dust containing dangerous substances
10 09	Wastes from casting of ferrous pieces
10 09 09 *	Flue-gas dust containing dangerous substances
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST
16 11	Waste linings and refractories
16 11 01 *	Carbon-based linings and refractories from metallurgical processes containing dangerous substances
16 11 03 *	Other linings and refractories from metallurgical processes containing dangerous substances
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)
17 01	Concrete, bricks, tiles and ceramics

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17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing dangerous substances
17 05	Soil including excavated soil from contaminated sites, stones and dredging spoil
17 05 03 *	Inorganic fraction of soil and stones containing dangerous substances
17 09	Other construction and demolition wastes
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment
17 09 03 *	Other construction and demolition wastes containing dangerous substances
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE
19 01	Wastes from incineration or pyrolysis of waste
19 01 07 *	Solid wastes from gas treatment

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19 01 11 *	Bottom ash and slag containing dangerous substances		
19 01 13 *	Fly ash containing dangerous substances		
19 01 15 *	Boiler dust containing dangerous substances		
19 04	Vitrified waste and waste from vitrification		
19 04 02 *	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		II

**a** These limits exclusively apply to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous wastes, including salt mines.

**b** Any waste marked with an asterisk \* is considered as hazardous waste pursuant to Directive 91/689/EEC and is subject to the provisions of that Directive.

**c** Where applicable, the calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall be applied.

**d** Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1). Directive as amended by Regulation (EC) No 1882/2003.

**e** Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ L 11, 16.1.2003, p. 27).

**f** The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

<b>PCDD</b>	<b>TEF</b>
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0003
<b>PCDF</b>	<b>TEF</b>
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03
2,3,4,7,8-PeCDF	0,3
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01

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OCDF

0,0003

#### Textual Amendments

- F4** Substituted by [Commission Regulation \(EC\) No 304/2009 of 14 April 2009 amending Annexes IV and V to Regulation \(EC\) No 850/2004 of the European Parliament and of the Council as regards the treatment of waste containing persistent organic pollutants in thermal and metallurgical production processes \(Text with EEA relevance\).](#)

#### Textual Amendments

- F2** Substituted by [Council Regulation \(EC\) No 172/2007 of 16 February 2007 amending Annex V to Regulation \(EC\) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants \(Text with EEA relevance\).](#)

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- (1) [<sup>X1</sup>[<sup>F1</sup>OJ L 332, 28.12.2000, p. 91.]
- (2) [<sup>F2</sup>Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3). Decision as last amended by Council Decision 2001/573/EC (OJ L 203, 28.7.2001, p. 18).]]

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