

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

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.

[^{F1}]

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).

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

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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^{[F2];}
- ^[F3f] waste that has been separately collected for preparing for re-use and recycling pursuant to Article 11(1) of Directive 2008/98/EC and Article 22 of that Directive, with the exception of waste resulting from subsequent treatment operations of the separately collected waste for which landfilling delivers the best environmental outcome in accordance with Article 4 of that Directive.]

^[F3a] Member States shall endeavour to ensure that as of 2030, all waste suitable for recycling or other recovery, in particular in municipal waste, shall not be accepted in a landfill with the exception of waste for which landfilling delivers the best environmental outcome in accordance with Article 4 of Directive 2008/98/EC.

Member States shall include information on the measures taken pursuant to this paragraph in the waste management plans referred to in Article 28 of Directive 2008/98/EC, or in other strategic documents covering the entire territory of the Member State concerned.]

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

^[F35] Member States shall take the necessary measures to ensure that by 2035 the amount of municipal waste landfilled is reduced to 10 % or less of the total amount of municipal waste generated (by weight).

6 A Member State may postpone the deadline for attaining the target referred to in paragraph 5 by up to five years provided that that Member State:

- (a) landfilled more than 60 % of its municipal waste generated in 2013 as reported under the Joint Questionnaire of the OECD and Eurostat; and
- (b) at the latest 24 months before the deadline laid down in paragraph 5 of this Article, notifies the Commission of its intention to postpone the deadline and submits an implementation plan in accordance with Annex IV to this Directive. That plan may be combined with an implementation plan submitted according to point (b) of Article 11(3) of Directive 2008/98/EC.

7 Within three months of receipt of the implementation plan submitted pursuant to point (b) of paragraph 6, the Commission may request a Member State to revise that plan if the Commission considers that the plan does not comply with the requirements of Annex IV. The Member State concerned shall submit a revised plan within three months of receipt of the Commission's request.

8 In the event of postponing the deadline in accordance with paragraph 6, the Member State shall take the necessary measures to reduce by 2035 the amount of municipal waste landfilled to 25 % or less of the total amount of municipal waste generated (by weight).

9 By 31 December 2024, the Commission shall review the target laid down in paragraph 5 with a view to maintaining or, if appropriate, reducing it, to considering quantitative target per capita on landfilling and to introducing restrictions to the landfilling of non-hazardous waste other than municipal waste. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.]

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Textual Amendments

- F1** Deleted by [Directive \(EU\) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste \(Text with EEA relevance\)](#).
- F2** Substituted by [Directive \(EU\) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste \(Text with EEA relevance\)](#).
- F3** Inserted by [Directive \(EU\) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste \(Text with EEA relevance\)](#).