

Directive 2006/12/EC of the European Parliament and of the Council  
of 5 April 2006 on waste (Text with EEA relevance) (repealed)

*Article 1*

- 1 For the purposes of this Directive:
  - a 'waste' shall mean any substance or object in the categories set out in Annex I which the holder discards or intends or is required to discard;
  - b 'producer' shall mean anyone whose activities produce waste ('original producer') and/or anyone who carries out pre#processing, mixing or other operations resulting in a change in the nature or composition of this waste;
  - c 'holder' shall mean the producer of the waste or the natural or legal person who is in possession of it;
  - d 'management' shall mean the collection, transport, recovery and disposal of waste, including the supervision of such operations and after#care of disposal sites;
  - e 'disposal' shall mean any of the operations provided for in Annex II A;
  - f 'recovery' shall mean any of the operations provided for in Annex II B;
  - g 'collection' shall mean the gathering, sorting and/or mixing of waste for the purpose of transport.
- 2 For the purposes of paragraph 1, point (a), the Commission, acting in accordance with the procedure referred to in Article 18(3), shall draw up a list of waste belonging to the categories listed in Annex I. This list shall be periodically reviewed and, if necessary, revised in accordance with the same procedure.

*Article 2*

- 1 The following shall be excluded from the scope of this Directive:
  - a gaseous effluents emitted into the atmosphere;
  - b where they are already covered by other legislation:
    - (i) radioactive waste;
    - (ii) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
    - (iii) animal carcasses and the following agricultural waste: faecal matter and other natural, non#dangerous substances used in farming;
    - (iv) waste waters, with the exception of waste in liquid form;
    - (v) decommissioned explosives.
- 2 Specific rules for particular instances, or supplementing those of this Directive, on the management of particular categories of waste, may be laid down by means of individual Directives.

*Article 3*

- 1 Member States shall take appropriate measures to encourage:
  - a first, the prevention or reduction of waste production and its harmfulness, in particular by:

- (i) the development of clean technologies more sparing in their use of natural resources;
  - (ii) the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or disposal, to increasing the amount or harmfulness of waste and pollution hazards;
  - (iii) the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery;
- b second:
- (i) the recovery of waste by means of recycling, re#use or reclamation or any other process with a view to extracting secondary raw materials; or
  - (ii) the use of waste as a source of energy.

2 Except where Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(1)</sup> applies, Member States shall inform the Commission of any measures they intend to take to achieve the aims set out in paragraph 1. The Commission shall inform the other Member States and the Committee referred to in Article 18(1) of such measures.

#### *Article 4*

1 Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:

- a without risk to water, air or soil, or to plants or animals;
- b without causing a nuisance through noise or odours;
- c without adversely affecting the countryside or places of special interest.

2 Member States shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.

#### *Article 5*

1 Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of disposal installations, taking account of the best available technology not involving excessive costs. The network must enable the Community as a whole to become self#sufficient in waste disposal and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.

2 The network referred to in paragraph 1 must enable waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.

#### *Article 6*

Member States shall establish or designate the competent authority or authorities to be responsible for implementing this Directive.

### *Article 7*

1 In order to attain the objectives referred to in Articles 3, 4 and 5, the competent authority or authorities referred to in Article 6 shall be required to draw up as soon as possible one or more waste management plans. Such plans shall relate in particular to:

- a the type, quantity and origin of waste to be recovered or disposed of;
- b general technical requirements;
- c any special arrangements for particular wastes;
- d suitable disposal sites or installations.

2 The plans referred to in paragraph 1 may, for example, cover:

- a the natural or legal persons empowered to carry out waste management;
- b the estimated costs of the recovery and disposal operations;
- c appropriate measures to encourage rationalisation of the collection, sorting and treatment of waste.

3 Member States shall cooperate as appropriate with the other Member States and the Commission to draw up such plans. They shall notify Commission of them.

4 Member States may take the measures necessary to prevent movements of waste which do not comply with their waste management plans. They shall inform the Commission and the Member States of any such measures.

### *Article 8*

Member States shall take the necessary measures to ensure that any holder of waste:

- (a) has it handled by a private or public waste collector or by an undertaking which carries out the operations listed in Annex II A or II B; or
- (b) recovers or disposes of it himself in accordance with the provisions of this Directive.

### *Article 9*

1 For the purposes of implementing Articles 4, 5 and 7, any establishment or undertaking which carries out the operations specified in Annex II A shall obtain a permit from the competent authority referred to in Article 6.

Such permit shall cover:

- a the types and quantities of waste;
- b the technical requirements;
- c the safety precautions to be taken;
- d the disposal site;
- e the treatment method.

2 Permits may be granted for a specified period, they may be renewable, they may be subject to conditions and obligations, or, notably, if the intended method of disposal is unacceptable from the point of view of environmental protection, they may be refused.

### *Article 10*

For the purposes of applying Article 4, any establishment or undertaking which carries out the operations referred to in Annex II B shall obtain a permit.

### *Article 11*

1 Without prejudice to Council Directive 91/689/EEC of 12 December 1991 on hazardous waste<sup>(2)</sup>, the following may be exempted from the permit requirement laid down in Article 9 or Article 10:

- a establishments or undertakings carrying out their own waste disposal at the place of production; and
- b establishments or undertakings that carry out waste recovery.

2 The exemption referred to in paragraph 1 may apply only:

- a if the competent authorities have adopted general rules for each type of activity, laying down the types and quantities of waste and the conditions under which the activity in question may be exempted from the permit requirement; and
- b if the types or quantities of waste and methods of disposal or recovery are such that the conditions laid down in Article 4 are complied with.

3 The establishments or undertakings referred to in paragraph 1 shall be registered with the competent authorities.

4 Member States shall inform the Commission of the general rules adopted pursuant to paragraph 2, point (a).

### *Article 12*

Establishments or undertakings which collect or transport waste on a professional basis or which arrange for the disposal or recovery of waste on behalf of others (dealers or brokers) shall, where they are not subject to authorisation, be registered with the competent authorities.

### *Article 13*

Establishments or undertakings which carry out the operations referred to in Articles 9 to 12 shall be subject to appropriate periodic inspections by the competent authorities.

### *Article 14*

1 All establishments or undertakings referred to in Articles 9 and 10 shall:

- a keep a record of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method in respect of the waste referred to in Annex I and the operations referred to in Annex II A or II B;
- b make this information available, on request, to the competent authorities referred to in Article 6.

2 Member States may also require producers to comply with the provisions of paragraph 1.

### *Article 15*

In accordance with the 'polluter pays' principle, the cost of disposing of waste must be borne by:

- (a) the holder who has waste handled by a waste collector or by an undertaking as referred to in Article 9; and/or
- (b) the previous holders or the producer of the product from which the waste came.

#### *Article 16*

At intervals of three years Member States shall send information to the Commission on the implementation of this Directive, in the form of a sectoral report which shall also cover other pertinent Community Directives. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure referred to in Article 18(2). The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made to the Commission within nine months of the end of the three# year period covered by it.

The Commission shall publish a Community report on the implementation of the Directive within nine months of receiving the reports from the Member States.

#### *Article 17*

The amendments necessary for adapting the Annexes to scientific and technical progress shall be adopted in accordance with the procedure referred to in Article 18(3).

#### *Article 18*

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4 The Committee shall adopt its rules of procedure.

#### *Article 19*

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 20*

Directive 75/442/EEC is hereby repealed, without prejudice to Member States' obligations relating to the time#limits for transposition into national law set out in Annex III, Part B.

References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table in Annex IV.

#### *Article 21*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

#### *Article 22*

This Directive is addressed to the Member States.

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*Status: This is the original version (as it was originally adopted).*

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Done at Strasbourg, 5 April 2006.

*For the European Parliament*

*The President*

J. BORRELL FONTELLES

*For the Council*

*The President*

H. WINKLER

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**Status:** This is the original version (as it was originally adopted).

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- (1) [OJ L 204, 21.7.1998, p. 37](#). Directive as last amended by the 2003 Act of Accession.
- (2) [OJ L 377, 31.12.1991, p. 20](#). Directive as amended by Directive 94/31/EC ([OJ L 168, 2.7.1994, p. 28](#)).