

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of 5 April 2006 on waste (Text with EEA relevance) (repealed)

DIRECTIVE 2006/12/EC OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

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on waste

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>,

Whereas:

- (1) Council Directive 75/442/EEC of 15 July 1975 on waste<sup>(3)</sup> has been significantly amended on several occasions<sup>(4)</sup>. In order to clarify matters, a codification of the provisions in question should be drawn up.
- (2) The essential objective of all provisions relating to waste management should be the protection of human health and the environment against harmful effects caused by the collection, transport, treatment, storage and tipping of waste.
- (3) Common terminology and a definition of waste are needed in order to improve the efficiency of waste management in the Community.
- (4) Effective and consistent rules on waste disposal and recovery should be applied, subject to certain exceptions, to movable property which the holder discards or intends or is required to discard.
- (5) The recovery of waste and the use of recovered materials as raw materials should be encouraged in order to conserve natural resources. It may be necessary to adopt specific rules for re#usable waste.
- (6) In order to achieve a high level of environmental protection, Member States should, in addition to taking responsible action to ensure the disposal and recovery of waste, take measures to restrict the production of waste particularly by promoting clean technologies and products which can be recycled and re#used, taking into consideration existing or potential market opportunities for recovered waste.

- (7) Moreover, discrepancies between Member States' legislation with regard to waste disposal and recovery may affect the quality of the environment and the smooth operation of the internal market.
- (8) It is important for the Community as a whole to become self-sufficient in waste disposal and desirable for Member States individually to aim at such self-sufficiency.
- (9) In order to achieve those objectives, waste management plans should be drawn up in the Member States.
- (10) Movements of waste should be reduced and Member States may take the necessary measures to that end in their management plans.
- (11) To ensure a high level of protection and effective control, it is necessary to provide for authorisation and inspection of undertakings which carry out waste disposal and recovery.
- (12) Subject to certain conditions, and provided that they comply with environmental protection requirements, some establishments which process their waste themselves or carry out waste recovery may be exempted from permit requirements. Such establishments should be subject to registration.
- (13) In order that waste can be monitored from its production to its final disposal, other undertakings involved with waste, such as waste collectors, carriers and brokers should also be subject to authorisation or registration and appropriate inspection.
- (14) That proportion of the costs not covered by the proceeds of treating the waste must be defrayed in accordance with the 'polluter pays' principle.
- (15) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(5)</sup>.
- (16) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives listed in Part B of Annex III,

HAVE ADOPTED THIS DIRECTIVE:

- (1) [OJ C 112, 30.4.2004, p. 46.](#)
- (2) Opinion of the European Parliament of 9 March 2004 ([OJ C 102 E, 28.4.2004, p. 106](#)) and Council Decision of 30 January 2006.
- (3) [OJ L 194, 25.7.1975, p. 39.](#) Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1](#)).
- (4) See Part A of Annex III.
- (5) [OJ L 184, 17.7.1999, p. 23.](#)