

ANNEX I

DISPOSAL OPERATIONS

D 1

Deposit into or on to land (e.g. landfill, etc.)

D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)

D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)

D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)

D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

D 6 Release into a water body except seas/oceans

D 7 Release to seas/oceans including sea-bed insertion

D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12

D 9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)

D 10 Incineration on land

D 11 Incineration at sea⁽¹⁾

D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)

D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12⁽²⁾

D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13

D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where the waste is produced)⁽³⁾

ANNEX II

RECOVERY OPERATIONS

R 1

Use principally as a fuel or other means to generate energy⁽⁴⁾

R 2 Solvent reclamation/regeneration

[^FR 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)⁽⁵⁾

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Textual Amendments

F1 Substituted by [Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste \(Text with EEA relevance\)](#).

- R 4 Recycling/reclamation of metals and metal compounds⁽⁶⁾
- R 5 Recycling/reclamation of other inorganic materials]⁽⁷⁾
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of waste obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of waste for submission to any of the operations numbered R 1 to R 11⁽⁸⁾
- R 13 Storage of waste pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where the waste is produced)⁽⁹⁾

[^{F2}ANNEX III

PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

Textual Amendments

F2 Substituted by [Commission Regulation \(EU\) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives \(Text with EEA relevance\)](#).

‘Explosive:’

waste which is capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings. Pyrotechnic waste, explosive organic peroxide waste and explosive self-reactive waste is included.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 1, the waste shall be assessed for HP 1, where appropriate and proportionate, according to test methods. If the presence of a substance, a mixture or an article indicates that the waste is explosive, it shall be classified as hazardous by HP 1.

Table 1: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 1:

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Hazard Class and Category Code(s)	Hazard statement Code(s)
Unst. Expl.	H 200
Expl. 1.1	H 201
Expl. 1.2	H 202
Expl. 1.3	H 203
Expl. 1.4	H 204
Self-react. A	H 240
Org. Perox. A	
Self-react. B	H 241
Org. Perox. B	

‘Oxidising:’

waste which may, generally by providing oxygen, cause or contribute to the combustion of other materials.

When a waste contains one or more substances classified by one of the hazard class and category codes and hazard statement codes shown in Table 2, the waste shall be assessed for HP 2, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is oxidising, it shall be classified as hazardous by HP 2.

Table 2: Hazard Class and Category Code(s) and Hazard statement Code(s) for the classification of wastes as hazardous by HP 2:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Ox. Gas 1	H 270
Ox. Liq. 1	H 271
Ox. Sol. 1	
Ox. Liq. 2, Ox. Liq. 3	H 272
Ox. Sol. 2, Ox. Sol. 3	

‘Flammable:’

—flammable liquid waste liquid waste having a flash point below 60 °C or waste gas oil, diesel and light heating oils having a flash point > 55 °C and ≤ 75 °C;

—flammable pyrophoric liquid and solid waste solid or liquid waste which, even in small quantities, is liable to ignite within five minutes after coming into contact with air;

—flammable solid waste solid waste which is readily combustible or may cause or contribute to fire through friction;

—flammable gaseous waste gaseous waste which is flammable in air at 20 °C and a standard pressure of 101.3 kPa;

—water reactive waste waste which, in contact with water, emits flammable gases in dangerous quantities;

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—other flammable aerosols, flammable self-heating waste,
flammable flammable organic peroxides and flammable self-
waste reactive waste.

When a waste contains one or more substances classified by one of the following hazard class and category codes and hazard statement codes shown in Table 3, the waste shall be assessed, where appropriate and proportionate, according to test methods. If the presence of a substance indicates that the waste is flammable, it shall be classified as hazardous by HP 3.

Table 3: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents for the classification of wastes as hazardous by HP 3:

Hazard Class and Category Code(s)	Hazard statement Code(s)
Flam. Gas 1	H220
Flam. Gas 2	H221
Aerosol 1	H222
Aerosol 2	H223
Flam. Liq. 1	H224
Flam. Liq.2	H225
Flam. Liq. 3	H226
Flam. Sol. 1	H228
Flam. Sol. 2	
Self-react. CD	H242
Self-react. EF	
Org. Perox. CD	
Org. Perox. EF	
Pyr. Liq. 1	H250
Pyr. Sol. 1	
Self-heat.1	H251
Self-heat. 2	H252
Water-react. 1	H260
Water-react. 2	H261
Water-react. 3	

‘Irritant — skin irritation and eye damage:’

waste which on application can cause skin irritation or damage to the eye.

When a waste contains one or more substances in concentrations above the cut-off value, that are classified by one of the following hazard class and category codes and hazard statement codes and one or more of the

following concentration limits is exceeded or equalled, the waste shall be classified as hazardous by HP 4.

The cut-off value for consideration in an assessment for Skin corr. 1A (H314), Skin irrit. 2 (H315), Eye dam. 1 (H318) and Eye irrit. 2 (H319) is 1 %.

If the sum of the concentrations of all substances classified as Skin corr. 1A (H314) exceeds or equals 1 %, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified as H318 exceeds or equals 10 %, the waste shall be classified as hazardous according to HP 4.

If the sum of the concentrations of all substances classified H315 and H319 exceeds or equals 20 %, the waste shall be classified as hazardous according to HP 4.

Note that wastes containing substances classified as H314 (Skin corr.1A, 1B or 1C) in amounts greater than or equal to 5 % will be classified as hazardous by HP 8. HP 4 will not apply if the waste is classified as HP 8.

‘Specific Target Organ Toxicity (STOT)/Aspiration Toxicity:’

waste which can cause specific target organ toxicity either from a single or repeated exposure, or which cause acute toxic effects following aspiration.

When a waste contains one or more substances classified by one or more of the following hazard class and category codes and hazard statement codes shown in Table 4, and one or more of the concentration limits in Table 4 is exceeded or equalled, the waste shall be classified as hazardous according to HP 5. When substances classified as STOT are present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 5.

When a waste contains one or more substances classified as Asp. Tox. 1 and the sum of those substances exceeds or equals the concentration limit, the waste shall be classified as hazardous by HP 5 only where the overall kinematic viscosity (at 40 °C) does not exceed 20.5 mm²/s.⁽¹⁰⁾

Table 4: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 5

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
STOT SE 1	H370	1 %
STOT SE 2	H371	10 %
STOT SE 3	H335	20 %
STOT RE 1	H372	1 %
STOT RE 2	H373	10 %

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‘Acute Toxicity:’	Asp. Tox. 1	H304	10 %
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waste which can cause acute toxic effects following oral or dermal administration, or inhalation exposure.

If the sum of the concentrations of all substances contained in a waste, classified with an acute toxic hazard class and category code and hazard statement code given in Table 5, exceeds or equals the threshold given in that table, the waste shall be classified as hazardous by HP 6. When more than one substance classified as acute toxic is present in a waste, the sum of the concentrations is required only for substances within the same hazard category.

The following cut-off values shall apply for consideration in an assessment:

- For Acute Tox. 1, 2 or 3 (H300, H310, H330, H301, H311, H331): 0.1 %;
- For Acute Tox. 4 (H302, H312, H332): 1 %.

Table 5: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 6

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Acute Tox.1 (Oral)	H300	0,1 %
Acute Tox. 2 (Oral)	H300	0,25 %
Acute Tox. 3 (Oral)	H301	5 %
Acute Tox 4 (Oral)	H302	25 %
Acute Tox.1 (Dermal)	H310	0,25 %
Acute Tox.2 (Dermal)	H310	2,5 %
Acute Tox. 3 (Dermal)	H311	15 %
	H312	55 %
Acute Tox 4 (Dermal)	H330	0,1 %
Acute Tox 1 (Inhal.)	H330	0,5 %
Acute Tox.2 (Inhal.)	H331	3,5 %
Acute Tox. 3 (Inhal.)	H332	22,5 %
Acute Tox. 4 (Inhal.)		

‘Carcinogenic:’ waste which induces cancer or increases its incidence.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 6, the waste shall be classified as hazardous by HP 7. When more than one substance classified as carcinogenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 7.

Table 6: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 7

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
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Carc. 1A	H350	0,1 %
Carc. 1B		
Carc. 2	H351	1,0 %

‘Corrosive:’

waste which on application can cause skin corrosion.

When a waste contains one or more substances classified as Skin corr.1A, 1B or 1C (H314) and the sum of their concentrations exceeds or equals 5 %, the waste shall be classified as hazardous by HP 8.

The cut-off value for consideration in an assessment for Skin corr. 1A, 1B, 1C (H314) is 1.0 %.

‘Infectious:’

waste containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

The attribution of HP 9 shall be assessed by the rules laid down in reference documents or legislation in the Member States.

‘Toxic for reproduction:’

waste which has adverse effects on sexual function and fertility in adult males and females, as well as developmental toxicity in the offspring.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 7, the waste shall be classified hazardous according to HP 10. When more than one substance classified as toxic for reproduction is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 10.

Table 7: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 10

Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
Repr. 1A	H360	0,3 %
Repr. 1B		
Repr. 2	H361	3,0 %

‘Mutagenic:’

waste which may cause a mutation, that is a permanent change in the amount or structure of the genetic material in a cell.

When a waste contains a substance classified by one of the following hazard class and category codes and hazard statement codes and exceeds or equals one of the following concentration limits shown in Table 8, the waste shall be classified as hazardous according to HP 11. When more than one substance classified as mutagenic is present in a waste, an individual substance has to be present at or above the concentration limit for the waste to be classified as hazardous by HP 11.

Table 8: Hazard Class and Category Code(s) and Hazard statement Code(s) for waste constituents and the corresponding concentration limits for the classification of wastes as hazardous by HP 11

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	Hazard Class and Category Code(s)	Hazard statement Code(s)	Concentration limit
	Muta. 1A,	H340	0,1 %
	Muta. 1B		
	Muta. 2	H341	1,0 %
‘Release of an acute toxic gas:’	waste which releases acute toxic gases (Acute Tox. 1, 2 or 3) in contact with water or an acid.		
	When a waste contains a substance assigned to one of the following supplemental hazards EUH029, EUH031 and EUH032, it shall be classified as hazardous by HP 12 according to test methods or guidelines.		
‘Sensitising:’	waste which contains one or more substances known to cause sensitising effects to the skin or the respiratory organs.		
	When a waste contains a substance classified as sensitising and is assigned to one of the hazard statement codes H317 or H334 and one individual substance equals or exceeds the concentration limit of 10 %, the waste shall be classified as hazardous by HP 13.		
[^{F3}‘Ecotoxic:’	waste which presents or may present immediate or delayed risks for one or more sectors of the environment.		
	Waste which fulfils any of the following conditions shall be classified as hazardous by HP 14:		
	—	Waste which contains a substance classified as ozone depleting assigned the hazard statement code H420 in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽¹¹⁾ and the concentration of such a substance equals or exceeds the concentration limit of 0,1 %.	
		[c(H420) ≥ 0,1 %]	
	—	Waste which contains one or more substances classified as aquatic acute assigned the hazard statement code H400 in accordance with Regulation (EC) No 1272/2008 and the sum of the concentrations of those substances equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % shall apply to such substances.	
		[Σ c (H400) ≥ 25 %]	
	—	Waste which contains one or more substances classified as aquatic chronic 1, 2 or 3 assigned to the hazard statement code(s) H410, H411 or H412 in accordance with Regulation (EC) No 1272/2008, and the sum of the concentrations of all substances classified as aquatic chronic 1 (H410) multiplied by 100 added to the sum of the concentrations of all substances classified as aquatic chronic 2 (H411) multiplied by 10 added to the sum of the concentrations of all substances classified as aquatic chronic 3 (H412) equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % applies to substances classified as H410 and a cut-off value of 1 % applies to substances classified as H411 or H412.	

$$[100 \times \Sigma c (H410) + 10 \times \Sigma c (H411) + \Sigma c (H412) \geq 25 \%$$

— Waste which contains one or more substances classified as aquatic chronic 1, 2, 3 or 4 assigned the hazard statement code(s) H410, H411, H412 or H413 in accordance with Regulation (EC) No 1272/2008, and the sum of the concentrations of all substances classified as aquatic chronic equals or exceeds the concentration limit of 25 %. A cut-off value of 0,1 % applies to substances classified as H410 and a cut-off value of 1 % applies to substances classified as H411, H412 or H413.

$$[\Sigma c H410 + \Sigma c H411 + \Sigma c H412 + \Sigma c H413 \geq 25 \%$$

Where: Σ = sum and c = concentrations of the substances.]

‘Waste capable of exhibiting a hazardous property listed above not directly displayed by the original waste’.

When a waste contains one or more substances assigned to one of the hazard statements or supplemental hazards shown in Table 9, the waste shall be classified as hazardous by HP 15, unless the waste is in such a form that it will not under any circumstance exhibit explosive or potentially explosive properties.

Table 9: Hazard statements and supplemental hazards for waste constituents for the classification of wastes as hazardous by HP 15

Hazard Statement(s)/Supplemental Hazard(s)	
May mass explode in fire	H205
Explosive when dry	EUH001
May form explosive peroxides	EUH019
Risk of explosion if heated under confinement	EUH044

In addition, Member States may characterise a waste as hazardous by HP 15 based on other applicable criteria, such as an assessment of the leachate.

[^{F4}Note]

[^{F4}.....]

[^{X1}Test methods:

The methods to be used are described in Commission Regulation (EC) No 440/2008⁽¹²⁾ and in other relevant CEN notes or other internationally recognised test methods and guidelines.]]

Editorial Information

X1 Substituted by [Corrigendum to Commission Regulation \(EU\) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives \(Official Journal of the European Union L 365 of 19 December 2014\).](#)

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Textual Amendments

- F3** Substituted by Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic' (Text with EEA relevance).
- F4** Deleted by Council Regulation (EU) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 'Ecotoxic' (Text with EEA relevance).

ANNEX IV

EXAMPLES OF WASTE PREVENTION MEASURES REFERRED TO IN ARTICLE 29 Measures that can affect the framework conditions related to the generation of waste

1. The use of planning measures, or other economic instruments promoting the efficient use of resources.
2. The promotion of research and development into the area of achieving cleaner and less wasteful products and technologies and the dissemination and use of the results of such research and development.
3. The development of effective and meaningful indicators of the environmental pressures associated with the generation of waste aimed at contributing to the prevention of waste generation at all levels, from product comparisons at Community level through action by local authorities to national measures.

Measures that can affect the design and production and distribution phase

4. The promotion of eco-design (the systematic integration of environmental aspects into product design with the aim to improve the environmental performance of the product throughout its whole life cycle).
5. The provision of information on waste prevention techniques with a view to facilitating the implementation of best available techniques by industry.
6. Organise training of competent authorities as regards the insertion of waste prevention requirements in permits under this Directive and Directive 96/61/EC.
7. The inclusion of measures to prevent waste production at installations not falling under Directive 96/61/EC. Where appropriate, such measures could include waste prevention assessments or plans.
8. The use of awareness campaigns or the provision of financial, decision making or other support to businesses. Such measures are likely to be particularly effective where they are aimed at, and adapted to, small and medium sized enterprises and work through established business networks.
9. The use of voluntary agreements, consumer/producer panels or sectoral negotiations in order that the relevant businesses or industrial sectors set their own waste prevention plans or objectives or correct wasteful products or packaging.
10. The promotion of creditable environmental management systems, including EMAS and ISO 14001.

Measures that can affect the consumption and use phase

11. Economic instruments such as incentives for clean purchases or the institution of an obligatory payment by consumers for a given article or element of packaging that would otherwise be provided free of charge.
12. The use of awareness campaigns and information provision directed at the general public or a specific set of consumers.
13. The promotion of creditable eco-labels.
14. Agreements with industry, such as the use of product panels such as those being carried out within the framework of Integrated Product Policies or with retailers on the availability of waste prevention information and products with a lower environmental impact.
15. In the context of public and corporate procurement, the integration of environmental and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on environmental public procurement published by the Commission on 29 October 2004.
16. The promotion of the reuse and/or repair of appropriate discarded products or of their components, notably through the use of educational, economic, logistic or other measures such as support to or establishment of accredited repair and reuse-centres and networks especially in densely populated regions.

[^{F5}ANNEX IVa

EXAMPLES OF ECONOMIC INSTRUMENTS AND OTHER MEASURES TO PROVIDE INCENTIVES FOR THE APPLICATION OF THE WASTE HIERARCHY REFERRED TO IN ARTICLE 4(3)⁽¹³⁾

Textual Amendments

F5 Inserted by [Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste \(Text with EEA relevance\)](#).

1. Charges and restrictions for the landfilling and incineration of waste which incentivise waste prevention and recycling, while keeping landfilling the least preferred waste management option;
2. 'Pay-as-you-throw' schemes that charge waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste;
3. Fiscal incentives for donation of products, in particular food;
4. Extended producer responsibility schemes for various types of waste and measures to increase their effectiveness, cost efficiency and governance;
5. Deposit-refund schemes and other measures to encourage efficient collection of used products and materials;
6. Sound planning of investments in waste management infrastructure, including through Union funds;

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7. Sustainable public procurement to encourage better waste management and the use of recycled products and materials;
8. Phasing out of subsidies which are not consistent with the waste hierarchy;
9. Use of fiscal measures or other means to promote the uptake of products and materials that are prepared for re-use or recycled;
10. Support to research and innovation in advanced recycling technologies and remanufacturing;
11. Use of best available techniques for waste treatment;
12. Economic incentives for regional and local authorities, in particular to promote waste prevention and intensify separate collection schemes, while avoiding support to landfilling and incineration;
13. Public awareness campaigns, in particular on separate collection, waste prevention and litter reduction, and mainstreaming these issues in education and training;
14. Systems for coordination, including by digital means, between all competent public authorities involved in waste management;
15. Promoting continuous dialogue and cooperation between all stakeholders in waste management and encouraging voluntary agreements and company reporting on waste.

ANNEX IVb

IMPLEMENTATION PLAN TO BE SUBMITTED PURSUANT TO ARTICLE 11(3)

The implementation plan to be submitted pursuant to Article 11(3) shall contain the following:

1. assessment of the past, current and projected rates of recycling, landfilling and other treatment of municipal waste and the streams of which it is composed;
2. assessment of the implementation of waste management plans and waste prevention programmes in place pursuant to Articles 28 and 29;
3. reasons for which the Member State considers that it might not be able to attain the relevant target laid down in Article 11(2) within the deadline set therein and an assessment of the time extension necessary to meet that target;
4. measures necessary to attain the targets set out in Article 11(2) and (5) that are applicable to the Member State during the time extension, including appropriate economic instruments and other measures to provide incentives for the application of the waste hierarchy as set out in Article 4(1) and Annex IVa;
5. a timetable for the implementation of the measures identified in point 4, determination of the body competent for their implementation and an assessment of their individual contribution to attaining the targets applicable in the event of a time extension;
6. information on funding for waste management in line with the polluter-pays principle;
7. measures to improve data quality, as appropriate, with a view to better planning and monitoring performance in waste management.]

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ANNEX V

CORRELATION TABLE

Directive 2006/12/EC	This Directive
Article 1(1)(a)	Article 3(1)
Article 1(1)(b)	Article 3(5)
Article 1(1)(c)	Article 3(6)
Article 1(1)(d)	Article 3(9)
Article 1(1)(e)	Article 3(19)
Article 1(1)(f)	Article 3(15)
Article 1(1)(g)	Article 3(10)
Article 1(2)	Article 7
Article 2(1)	Article 2(1)
Article 2(1)(a)	Article 2(1)(a)
Article 2(1)(b)	Article 2(2)
Article 2(1)(b)(i)	Article 2(1)(d)
Article 2(1)(b)(ii)	Article 2(2)(d)
Article 2(1)(b)(iii)	Article 2(1)(f) and (2)(c)
Article 2(1)(b)(iv)	Article 2(2)(a)
Article 2(1)(b)(v)	Article 2(1)(e)
Article 2(2)	Article 2(4)
Article 3(1)	Article 4
Article 4(1)	Article 13
Article 4(2)	Article 36(1)
Article 5	Article 16
Article 6	—
Article 7	Article 28
Article 8	Article 15
Article 9	Article 23
Article 10	Article 23
Article 11	Articles 24 and 25
Article 12	Article 26
Article 13	Article 34
Article 14	Article 35
Article 15	Article 14

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Article 16	Article 37
Article 17	Article 38
Article 18(1)	Article 39(1)
—	Article 39(2)
Article 18(2)	—
Article 18(3)	Article 39(3)
Article 19	Article 40
Article 20	—
Article 21	Article 42
Article 22	Article 43
Annex I	—
Annex IIA	Annex I
Annex IIB	Annex II
Directive 75/439/EEC	This Directive
Article 1(1)	Article 3(18)
Article 2	Articles 13 and 21
Article 3(1) and (2)	—
Article 3(3)	Article 13
Article 4	Article 13
Article 5(1)	—
Article 5(2)	—
Article 5(3)	—
Article 5(4)	Articles 26 and 34
Article 6	Article 23
Article 7(a)	Article 13
Article 7(b)	—
Article 8(1)	—
Article 8(2)(a)	—
Article 8(2)(b)	—
Article 8(3)	—
Article 9	—
Article 10(1)	Article 18
Article 10(2)	Article 13
Article 10(3) and (4)	—

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Article 10(5)	Articles 19, 21, 25, 34 and 35
Article 11	—
Article 12	Article 35
Article 13(1)	Article 34
Article 13(2)	—
Article 14	—
Article 15	—
Article 16	—
Article 17	—
Article 18	Article 37
Article 19	—
Article 20	—
Article 21	—
Article 22	—
Annex I	—
Directive 91/689/EEC	This Directive
Article 1(1)	—
Article 1(2)	—
Article 1(3)	—
Article 1(4)	Articles 3(2) and 7
Article 1(5)	Article 20
Article 2(1)	Article 23
Article 2(2)-(4)	Article 18
Article 3	Articles 24, 25 and 26
Article 4(1)	Article 34(1)
Article 4(2)(3)	Article 35
Article 5(1)	Article 19(1)
Article 5(2)	Article 34(2)
Article 5(3)	Article 19(2)
Article 6	Article 28
Article 7	—
Article 8	—
Article 9	—
Article 10	—

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Article 11	—
Article 12	—
Annexes I and II	—
Annex III	Annex III

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- (1) This operation is prohibited by EU legislation and international conventions.
 - (2) If there is no other D code appropriate, this can include preliminary operations prior to disposal including pre-processing such as, inter alia, sorting, crushing, compacting, pelletising, drying, shredding, conditioning or separating prior to submission to any of the operations numbered D1 to D12.
 - (3) Temporary storage means preliminary storage according to point (10) of Article 3.
 - (4) This includes incineration facilities dedicated to the processing of municipal solid waste only where their energy efficiency is equal to or above:
 - 0,60 for installations in operation and permitted in accordance with applicable Community legislation before 1 January 2009,
 - 0,65 for installations permitted after 31 December 2008,using the following formula:
Energy efficiency = $(E_p - (E_f + E_i)) / (0,97 \times (E_w + E_f))$
In which:
 - E_p means annual energy produced as heat or electricity. It is calculated with energy in the form of electricity being multiplied by 2,6 and heat produced for commercial use multiplied by 1,1 (GJ/year)
 - E_f means annual energy input to the system from fuels contributing to the production of steam (GJ/year)
 - E_w means annual energy contained in the treated waste calculated using the net calorific value of the waste (GJ/year)
 - E_i means annual energy imported excluding E_w and E_f (GJ/year)
 - 0,97 is a factor accounting for energy losses due to bottom ash and radiation.This formula shall be applied in accordance with the reference document on Best Available Techniques for waste incineration.
[The energy efficiency formula value will be multiplied by a climate correction factor (CCF) as shown below:
 1. CCF for installations in operation and permitted in accordance with applicable Union legislation before 1 September 2015.
CCF = 1 if HDD \geq 3 350
CCF = 1,25 if HDD \leq 2 150
CCF = $-(0,25/1 200) \times \text{HDD} + 1,698$ when $2 150 < \text{HDD} < 3 350$
 2. CCF for installations permitted after 31 August 2015 and for installations under 1 after 31 December 2029:
CCF = 1 if HDD \geq 3 350
CCF = 1,12 if HDD \leq 2 150
CCF = $-(0,12/1 200) \times \text{HDD} + 1,335$ when $2 150 < \text{HDD} < 3 350$(The resulting value of CCF will be rounded at three decimal places).
[The value of HDD (Heating Degree Days) should be taken as the average of annual HDD values for the incineration facility location, calculated for a period of 20 consecutive years before the year for which CCF is calculated. For the calculation of the value of HDD the following method established by Eurostat should be applied: HDD is equal to $(18 \text{ }^\circ\text{C} - T_m) \times d$ if T_m is lower than or equal to $15 \text{ }^\circ\text{C}$ (heating threshold) and is nil if T_m is greater than $15 \text{ }^\circ\text{C}$; where T_m is the mean $(T_{\text{min}} + T_{\text{max}})/2$ outdoor temperature over a period of d days. Calculations are to be executed on a daily basis ($d = 1$), added up to a year.]]
- (5) [^{F1}This includes preparing for re-use, gasification and pyrolysis using the components as chemicals and recovery of organic materials in the form of backfilling.]
 - (6) [^{F1}This includes preparing for re-use.]
 - (7) [^{F1}This includes preparing for re-use, recycling of inorganic construction materials, recovery of inorganic materials in the form of backfilling, and soil cleaning resulting in recovery of the soil.]
 - (8) If there is no other R code appropriate, this can include preliminary operations prior to recovery including pre-processing such as, inter alia, dismantling, sorting, crushing, compacting, pelletising, drying, shredding, conditioning, repackaging, separating, blending or mixing prior to submission to any of the operations numbered R1 to R11.
 - (9) Temporary storage means preliminary storage according to point (10) of Article 3.
 - (10) [^{F2}The kinematic viscosity shall only be determined for fluids.]
 - (11) [^{F2}]^{F3}Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing

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Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).]]

- (12) [F2[X1[X1Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).]]]
- (13) [F5While these instruments and measures may provide incentives for waste prevention, which is the highest step in the waste hierarchy, a comprehensive list of more specific examples of waste prevention measures is set out in Annex IV.]

Editorial Information

- X1** Substituted by [Corrigendum to Commission Regulation \(EU\) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives \(Official Journal of the European Union L 365 of 19 December 2014\)](#).

Textual Amendments

- F1** Substituted by [Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste \(Text with EEA relevance\)](#).
- F2** Substituted by [Commission Regulation \(EU\) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives \(Text with EEA relevance\)](#).
- F3** Substituted by [Council Regulation \(EU\) 2017/997 of 8 June 2017 amending Annex III to Directive 2008/98/EC of the European Parliament and of the Council as regards the hazardous property HP 14 ‘Ecotoxic’ \(Text with EEA relevance\)](#).
- F5** Inserted by [Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste \(Text with EEA relevance\)](#).