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COMMISSION OF THE EUROPEAN COMMUNITIES

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**Second report on the results of the pilot studies referred to in Article 4(3) and Article
5(1) of Regulation (EC) No 2150/2002 of the European Parliament and of the Council of
25 November 2002 on waste statistics**

(presented by the Commission)

1. INTRODUCTION

Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics¹ (Waste Statistics Regulation) came into force on 29 December 2002. The Regulation establishes a framework for the production of Community statistics on the generation, recovery and disposal of waste.

The Regulation was formulated after giving careful consideration to the complexities and difficulties of producing waste statistics. During the process of developing this Regulation with the Council and the European Parliament, it was agreed that a number of pilot studies would be needed to clarify a number of fundamental issues concerning new areas of waste statistics. These areas are statistics on waste generated in ‘Agriculture, hunting, forestry and fisheries’ (Article 4(3)), and statistics on the ‘Import and export of waste’ (Article 5(1)) for which no data are collected under the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Waste Shipment Regulation).²

The Waste Statistics Regulation stipulates in Article 8(3) that “*the Commission shall, within two years after the entry into force of this Regulation, submit to the European Parliament and the Council a report on the progress of the pilot studies referred to in Article 4(3) and Article 5(1).*”

Such a report informing the Council and the European Parliament on the progress of the pilot study programme was produced in early 2005.³ At that stage this programme was not yet finalised. Due to constraints in human resources at Community and Member States level more time was needed to properly carry out the pilot studies. Therefore the progress report from 2005 contained only preliminary results and announced another call for proposals as well as a final report with recommendations for further implementing measures based on the results of these studies.

2. THE PILOT STUDY PROGRAMME

The Commission has drawn up a programme of pilot studies to be carried out in the Member States and the candidate countries. Financial support has been provided to help the countries carry out these studies. Despite the difficulties and delays in setting up the programme, the Commission believes that positive long-term effects are expected for each Member State and for the Commission.

Three restricted calls for proposals were sent out by official letter, the first call in May 2003, the second in October 2003 and the last call for proposals in May 2005; they were addressed to the European Statistical System (ESS), the National Statistical Institutes of the Accession Countries and the European Economic Area (EEA). By mid-2007 all pilot studies had been finalised, and the final reports are available on the following internet site:

<http://circa.europa.eu/Public/irc/dsis/pip/library?l=/wastesstatisticssregulat/pilotsstudies>

¹ OJ L 332, 9.12.2002, p. 1, as last amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p. 1).

² OJ L 190, 12.7.2006, p. 1. as last amended by Commission Regulation (EC) No 1379/2007 (OJ L 309, 27.11.2007, 7)

³ COM(2005)223

2.1. Framework of the pilot studies

2.1.1. Statistics on the import and export of waste

Article 1(3) of the Waste Statistics Regulation defines the areas to be covered by waste statistics, including "(c) After the pilot studies according to Article 5: import and export of waste for which no data is collected under Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste⁴...".

Article 5(1) of the Waste Statistics Regulation stipulates that the "...Commission shall draw up a programme for pilot studies on the import and export of waste to be carried out by Member States...". On the basis of the conclusions of the pilot studies, the Commission is to inform the European Parliament and the Council of the possibilities of compiling statistics on the import and export of waste.

One of the main questions to be addressed by the pilot studies on the import and export of waste is the level of detail to appear in the statistics. This links to the second question of how to collect data on the import and export of non-hazardous waste. Although this so-called "green" list waste is incorporated in the Waste Shipment Regulation, it does not fall under the reporting obligation of that regulation.

In total, 11 countries participated in the pilot study programme on the import and export of waste, 3 of them from the "new" Member States. Most of the institutions carrying out pilot studies were National Statistical Institutes (NSIs), but environmental institutions also participated in the programme (Ministries of Environment or National Environment Agencies).

2.1.2. Statistics on waste from agriculture, hunting, forestry and fishing

In most countries no methodology existed for statistics on waste arising from the economic sectors of agriculture, hunting, forestry (NACE A) and fishing (NACE B). Article 4(3) of the Waste Statistics Regulation provides for a programme of pilot studies on waste from these economic activities, the aim being to develop a methodology for regular data collection.

The difficulties in this area result from the fact that it is not clear which of the many residuals fall under the reporting obligations and which do not. Clear decisions and agreements on the identification of these wastes will need to be made during the implementation phase.

Furthermore, the statistical population within these economic activities is large, consisting of many small farms, which often lack the specific knowledge and waste accounts are not always kept. Data collection schemes have to be well developed and organised to take account of this particular economic structure.

In late 2003, beginning of 2004 and late 2005, 20 projects started to investigate waste management practices and the respective data collection possibilities. The majority of the participating countries belong to the "old" Member States, 8 studies being carried out by "new" Member States. Institutions participating in the pilot studies were National Statistical Institutes and environmental institutions (Ministry of Environment or Environment Agency).

⁴ OJ L 30, 3.2.1993, p. 1. Regulation (EEC) No 259/93 was repealed with effect from 12 July 2007.

2.2. Results

For the purposes of this report, the pilot studies have been evaluated with a view to the need for additional measures for the compilation of regular statistics and the implication for the Commission to develop legal cover for these measures.

2.2.1. *Statistics on the import and export of waste*

Relevance

According to the Waste Statistics Regulation regular Community statistics are necessary to monitor the implementation of waste policy, in particular compliance with the principles of maximisation of recovery and safe disposal. This implies that at Community level it should be possible to establish a link between the amounts of waste generated and the amounts of waste recovered and disposed of.

The current structure of the Regulation does not allow waste streams to be tracked from the generating process to the recovery and disposal operation. Such information can only be obtained if data on imports and exports of waste are also collected. Member States that do not have recycling capacity for a certain type of waste will not be able to monitor to what extent this waste generated in their country is recycled unless it is known how much of this waste is exported for recycling. Member States that import large quantities of certain types of waste would no longer be able to monitor progress of management of the waste generated in their own country, unless they know how much waste is imported.

The need for statistics on imports and exports of waste not covered by other reporting obligations was underlined by the pilot studies. The studies therefore focused on how to compile these statistics.

Results

The large majority of countries considered foreign trade statistics to be the most suitable data source for producing statistics on the export and import of waste. The general advantage of using available statistics based on common parameters and a harmonised nomenclature used by all Member States is compromised, however, by the fact that different thresholds, expressed in monetary value, are applied by Member States to reduce the administrative burden on businesses. This means that data are not fully comparable and may lead to the amounts of waste traded being underestimated.

In addition, the respective nomenclatures for foreign trade statistics (Combined Nomenclature – CN) and waste (European Waste Classification for Statistics – EWC-Stat) are not comparable for all waste streams. As a commodity-orientated classification, the Combined Nomenclature does not provide a uniform definition of waste materials. “Waste” and “scrap” are specified by a certain number of codes. Some of these codes clearly distinguish waste from products, others combine waste and scrap with other products. For example, some CN codes include waste and products in the same code. Furthermore, an evaluation of the available data on foreign trade statistics revealed that, out of 104 waste-relevant codes, 86 are affected by confidentiality rules.

Statistics on the import and export of waste have to be collected only for waste which is not covered by Regulation (EC) No 1013/2006 on shipments of waste. This leads to another methodological complication for the use of foreign trade statistics, as some codes contain

wastes that are partially or fully covered by the reporting requirement of the Waste Shipment Regulation.

The following table provides an overview of the suitability of foreign trade statistics for statistics on the import and export of waste:

Table 1: Overview of coverage of waste statistics categories by Foreign Trade Statistics (FTS) and Waste Shipment Regulation (WSR)

EWCSTAT			Number of CN codes	Comments
Code	Description	Haz / non-haz		
1.1	Spent solvents	H	2	Covered by the WSR
1.2	Acid, alkaline or saline waste	NH/H	1	Partially covered by FTS (non-H). Covered by WSR (H)
1.3	Used oils	H	1	Covered by WSR
1.4	Spent chemical catalysts	NH/H	-	Covered by WSR (H)
2	Chemical preparation wastes	NH/H	5	Partially covered by FTS (non-H) Covered by WSR (H).
3.1	Chemical deposits and residues	NH/H	4	Covered by WSR (non-H and H)
3.2	Industrial effluent sludges	NH/H	1	Covered by WSR (non-H and H)
05	Health care and biological wastes	NH/H	1	Covered by WSR (non-H and H)
06	Metallic waste	NH/H	51	Good coverage FTS (non-H). Covered by WSR (H).
7.1	Glass waste	NH/H	3	Good coverage FTS (non-H). Covered by WSR (H).
7.2	Paper and cardboard waste	NH	6	Good coverage FTS.
7.3	Rubber waste	NH	5	Most CN codes contain waste and products
7.4	Plastic waste	NH	9	Good coverage FTS.
7.5	Wood waste	NH/H	3	Partially covered by FTS (non-H) Partially covered by WSR (H)
7.6	Textile waste	NH	24	Good coverage FTS.
7.7	Waste containing PCB	H	1	Covered by WSR
8	Discarded equipment	NH/H	2	Partially covered by FTS (non-H). Covered by WSR (H).
8.1	Discarded vehicles	NH/H	1	Partially covered by FTS (non-H). Covered by WSR (H)
8.41	Batteries and accumulators wastes	NH/H	5	Partially covered by FTS (non-H). Covered by WSR (H)
09	Animal and vegetable wastes (excluding 9.11 and 9.3)	NH	46	Most CN codes contain waste and products
9.11	Animal waste of food preparation and products	NH	28	Most CN codes contain waste and products
9.3	Animal faeces, urine and manure	NH	1	Covered by WSR
10.1	Household and similar waste	NH	1	Covered by WSR
10.2	Mixed and undifferentiated materials	NH/H	-	Covered by WSR (non-H and H)
10.3	Sorting residues	NH/H	-	Covered by WSR (non-H and H)
11	Common sludges	NH	1	Covered by WSR
11.3	Dredging spoils	NH	-	Covered by WSR
12 excl.	Mineral wastes	NH/H	4	Partially covered by FTS (non-H).

12.4, 12.6				Covered by WSR (H)
12.4	Combustion wastes	NH/H	10	Good coverage FTS (non-H) Covered by WSR (H).
12.6	Contaminated soils and polluted dredging spoils	H	-	Covered by WSR
13	Solidified, stabilized or vitrified wastes	NH/H	-	Covered by WSR (non-H and H)

For certain waste types, including the usual recyclables such as metals, glass, paper and plastics, foreign trade statistics provide good coverage. For other waste streams, in particular rubber waste, wood waste, discarded equipment and vehicles, batteries and accumulators waste and mineral waste, coverage can be improved by introducing new codes with a clear distinction between products and waste.

As regards wastes covered by the Waste Shipment Regulation, most countries stated in their final reports that the statistics reported under the Basel Convention and to the European Commission for wastes requiring notification meet the criteria requested by the Waste Statistics Regulation. Further work is needed to define the conversion of data into the format required by the Waste Statistics Regulation.

Conclusion

Working on the basis of the results of the pilot studies, the following recommendation for reporting on the import and export of waste has been developed:

Table 2: Integration of imports and exports into the reporting format in accordance with Annex I to the Regulation on waste statistics

Waste type	NACE					Total waste generated	Of which: waste exported		Imports of waste	
	1	2	_..._	19	20		Intra-EU	Extra-EU	Intra-EU	Extra-EU
1										
...										
15 Metals										
17 Glass										
19 Paper										
21 Plastics										
.....										
47										
48										
Total	Haz									
	Non-haz									

Four columns will be added to the waste generation matrix on the amounts of waste imported and exported. For data on imports and exports of waste, no breakdown into NACE activities and waste treatment operations will be required: the data will only be broken down by waste categories and by intra- and extra-EU trade. Information on imports and exports of hazardous waste will be based on reporting under the Waste Shipment Regulation.

In order to reduce the reporting burden of Member States and despite certain restrictions and limitations, foreign trade statistics have been suggested as the most suitable data source to start compiling statistics on imports and exports of waste. Nonetheless, the use of foreign trade statistics has to be improved by action taken both at Community and at Member States level:

- at Community level: a limited number of new codes need to be introduced into the Combined Nomenclature to make a clearer distinction between waste and products and to expand the applicability of foreign trade statistics to waste statistics;
- at Member States level: the impact of confidentiality and national reporting thresholds for foreign trade statistics on imports and exports of waste has to be estimated.

In a bid to simplify and harmonise the use of foreign trade statistics, the Commission proposes to provide Member States with country-specific extraction of the relevant data from the foreign trade database COMEXT, which is maintained by Eurostat. Member States will have to approve or to revise the data. However, under Article 3(1) of the Waste Statistics Regulation Member States have the freedom to use their own methodologies to compile waste statistics; a particular method of data collection cannot be prescribed.

2.2.2. *Statistics on waste from agriculture, hunting, forestry and fishing*

As statistics on waste from agriculture, hunting, forestry and fishing are not compiled on a regular basis in most Member States, special emphasis has been directed towards pilot studies on this subject.

The essential issue for regular statistics on waste from these economic activities has been the question of what materials or substances fall under the waste statistics reporting obligations and which are excluded from reporting as they are recycled at the site of production. The largest waste stream in this context is bio-organic waste, in particular manure. Also prominent are residues from logging, hunting and fishing, which usually remain in the forest and are thrown back into the sea. The general recommendation from the pilot studies was to exclude bio-organic waste which remains at the place of production as part of the biological cycles.

A proper distinction between waste and non-waste is an issue of ongoing debates. Although the decision with regard to waste/non-waste is not entirely clear, recent European Court of Justice judgments have improved clarity with regard to manure. In Joined cases C-416/02⁵ and C-121/03⁶ the European Court of Justice found that livestock effluent may fall outside classification as waste if it is used as soil fertiliser as part of a lawful practice of spreading on clearly identified parcels and if storage of the effluent is limited to the needs of those spreading operations. Furthermore, this analysis should not be limited to livestock effluent used as fertiliser on land forming part of the same agricultural holding as that which generated the effluent.

Accordingly, livestock effluents (animal faeces, urine and manure, including spoiled straw, effluent) are not considered to be waste on condition that they are used as fertiliser in compliance with the legislation, and that there is no further recovery process before re-use. The use of manure as a fertiliser “as part of a lawful practice” means in this context applying

⁵ OJ C 271, 29 .10.2005, p. 1, Judgment of 8.9.2005, Commission/ Spain (Rec.2005,p.I-7487)

⁶ OJ C 271, 29 .10.2005, p. 2. Judgment of 8.9.2005, Commission/ Spain (Rec.2005,p.I-7569)

the “code of good agricultural practice” and meeting the requirements set out by the Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.⁷

As a result, bio-organic waste generated by agriculture, hunting, forestry and fishing activities which stays at the place of production or is used within the sector is excluded from the reporting obligation. In cases where this kind of waste is treated in a waste treatment facility it has to be reported pursuant to the Waste Statistics Regulation.

Other topics of concern for statistics on waste from NACE sections A and B result from the economic structure of these sections. In most Member States there are a high number of small farms with fewer than 10 employees. Countries have to develop methodologies to estimate the waste generated by these small farms and the pilot studies were very helpful in this respect.

Conclusion

Given the many common difficulties in providing reliable data for the agriculture, forestry, hunting and fishing industries, the pilot studies have provided a very useful yardstick for exploring the situation and the possibilities regarding the production of high quality waste statistics. Of particular importance were the clarification of the scope for waste statistics and the exchange of experiences gained through these studies on developing methods to include small enterprises in the statistics and to produce the waste factors for certain waste streams.

The pilot studies on waste arising from the economic sectors of agriculture, hunting, forestry (NACE A) and fishing (NACE B) recommended no additional implementing measures. The current Community statistical legislation on waste statistics is sufficiently detailed to cover waste generated within the economic activities of NACE A and B.

3. FINANCIAL ASPECTS

A total budget of €86 535.65 was allocated to this pilot study programme, of which €356 110.00 was spent on pilot studies on the export and import of waste and €630 425.65 on pilot studies on waste statistics relating to agriculture, hunting, forestry and fisheries.

4. CONCLUSIONS

Statistics on the import and export of waste

The results of the pilot studies on statistics on the import and export of waste confirmed the need for these statistics for the purposes of monitoring Community waste policy, in particular, compliance with the principles of maximisation of recovery and safe disposal. The results further demonstrate that, although foreign trade statistics have been identified as the best source, they cannot be used without further adaptation of the statistical nomenclature and final verification of the data by the Member States. However, Article 3(1) of the Waste Statistics Regulation precludes any specific method of data compilation from being prescribed and Member States remain free to decide what methods they wish to apply to collect waste statistics.

⁷ OJ L 375, 31.12.1991, p. 1. Directive amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p 1).

The current provisions of the Waste Statistics Regulation do not describe the requirements for statistics on the import and export of waste in sufficient detail. The Commission will therefore propose specifications for these statistics by way of a formal proposal to amend Annex I of the above Regulation. This will:

- provide a breakdown of statistics on the import and export of waste into intra- and extra-EU, and into imports and exports. A breakdown into economic activities will not be required; the breakdown by waste categories will contain sufficient information. These provisions will result in four additional columns to the table on waste generation in Annex I to the Waste Statistics Regulation;
- simplify and harmonise the use of foreign trade statistics, for the purposes of which the Commission will provide Member States with an extraction of the relevant data from the foreign trade statistics database COMEXT;
- require Member States to confirm or to revise the data. Member States may also compile statistics on the import and export of waste by other means, in accordance with Article 3(1) of the Waste Statistics Regulation.

Statistics on waste generation by NACE sectors A and B

With regard to statistics on waste from agriculture, hunting, forestry and fisheries, the pilot studies concluded that no additional implementing measures are necessary. The current Community statistical legislation on waste is sufficiently detailed to cover waste generated within the economic activities of NACE A and B.