MAKE IT WORK

European Union Network for the Implementation and Enforcement of Environmental Law

# Meeting at DG ENVIRONMENT
# 28/06/2018 12.00 – 13.30
# Building BU-5
# BRUSSELS

## List of participants from MIW and IMPEL Projects:

| Name | Surname | Project | Member State | Email |
|---|---|---|---|---|
| Romano | Ruggeri | IMPEL | Italy | rruggeri@arpa.sardegna.it |
| Marina | De Gier | IMPEL | Netherlands | marina.de.gier@ILenT.nl |
| Jan | Teekens | MIW | Netherlands | Jan.Teekens@minienm.nl |
| Eva | Dalensstam | MIW | Sweden | Eva.Dalenstam@Naturvardsverket.se |
| Sascha | Grievink | MIW | Netherlands | sascha.grievink@minienm.nl |
| Robert | Hitchen | MIW | UK | Robert.Hitchen@defra.gsi.gov.uk |
| John | Tieman | MIW | Netherlands | john.tieman@minienm.nl |

## List of participants from DG Environment:

- Sarah Nelen (Head of Unit)
- Julius Langendorff
- Jorge Diaz Del Castillo
- Other policy officers (dealing with The Environmental Implementation Review)

**Agenda:**

| | |
|---|---|
| 1. | Presentation on the MiW-IMPEL project |
| 2. | Summary outline of the guidance |
| 3. | Expectations regarding work on End-of-Waste verification systems |
| 4. | Possible engagement Commission with MiW-IMPEL project |
| 5. | (Presentation on) Developments at EU level relevant to the project (e.g. Revised WFD, review WSR, Interface WFD and REACH, IED/BREFS and waste prevention/resource efficiency) |
| 6. | Governance of enabling eco-innovations for a circular economy in the MS in relation to the EIR (Environmental Implementation Review) |
| 7. | Training activities in the ECA scheme context (Action 4) |

**Results of discussion:**

| | | |
|---|---|---|
| 1. | Presentation on the MiW-IMPEL project | Jan and Romano gave a presentation (Annex 1) on the goals and structure of the Project. The outline of the Final Guidance was presented as well.<br>The main results of the survey, circulated to assess the implementation by EU Member States of provisions of Article 6 of Directive 2008/98 on End-of-waste status, were presented (Annex 2). |
| 2. | Summary outline of the guidance | DG ENV pointed out that in the Commission document "*Options to address the interface between chemical, product and waste legislation*", it is stated that EU Commission has to launch a study to gain a better understanding of Member States' practices as regards implementation and verification of provisions on end-of-waste as a basis for possible guidelines. Therefore, avoiding duplication, they warmly welcome the results of the project to better steer the structure of the EU study.<br>Industrial symbiosis, ecoinnovation and concepts of circular economy in the BREFs are significant topics as well. |
| 3. | Expectations regarding work on End-of-Waste verification systems | DG ENV found interesting that the Project aims to collect pieces of information on the permitting and verification systems of Member States.<br>DG ENV considered as valuable to the project to have a wide representation of MS coming from all parts of Europe; it allows to compare different systems check the implementation of EoW and |

| | | |
|---|---|---|
| | | by-products conditions across EU. |
| 4. | Possible engagement Commission with MiW-IMPEL project | DG ENV asked to share the draft of the Guidance in order to give a feedback at an early stage. They look at the results with interest and consider the possibility to attend the Conference in March 2019 where the Guidance is likely to be presented. |
| 5. | (Presentation on) Developments at EU level relevant to the project (e.g. Revised WFD, review WSR, Interface WFD and REACH, IED/BREFS and waste prevention/resource efficiency) | DG ENV presented some of the news about the main amendments to the Waste Framework Directive, with particular reference to End of Waste and by-products. |
| 6. | Governance of enabling eco-innovations for a circular economy in the MS in relation to the EIR (Environmental Implementation Review) | Jan presented the possible link between the Project and the EIR. Next generation EIR is going to be launched next year and a chapter on Governance will be included.<br>Workshops and Peer to Peer are tools that can be used to promote and use the results of the Project.<br>The European Environment Agency's document on waste prevention was mentioned:<br>https://www.eea.europa.eu/publications/waste-prevention-in-europe-2017 |
| 7. | Training activities in the ECA scheme context (Action 4) | Jan and Romano highlighted that the project will include a Training Programme and that it could be investigated how it can contribute to the topic of the Action 4 of the Environmental Compliance Assurance initiative of DG ENV, tackling waste and wildlife crimes. |

**Annex 1: Presentation from MIW and IMPEL given to DG ENV**

**Annex 2: Results of the survey to assess the implementation by EU Member States of provisions of Article 6 of Directive 2008/98 on End-of-waste status**

MAKE IT WORK

European Union Network for the Implementation and Enforcement of Environmental Law

**Meeting at DG ENVIRONMENT**
**28/06/2018 12.00 – 13.30**
**Building BU-5**
**BRUSSELS**

# ANNEX 1: Presentation from MIW and IMPEL given to DG ENV

MAKE IT WORK

European Union Network for the Implementation and Enforcement of Environmental Law

# Enabling eco-innovations for the circular economy (prevention and recycling of waste)

***Development of a MiW/IMPEL guidance for regulators applying EU environmental legislation***

**Brussels, 28 June 2018**

# Make it Work and IMPEL

- MiW is a Member State initiative bringing together law-makers, policy-makers and regulators to produce recommendations for keeping EU environmental law and implementation practice fit for purpose and future-proof.
- IMPEL is a Network of regulators and authorities in European countries carrying out projects to support and improve the implementation and enforcement of EU environmental law.

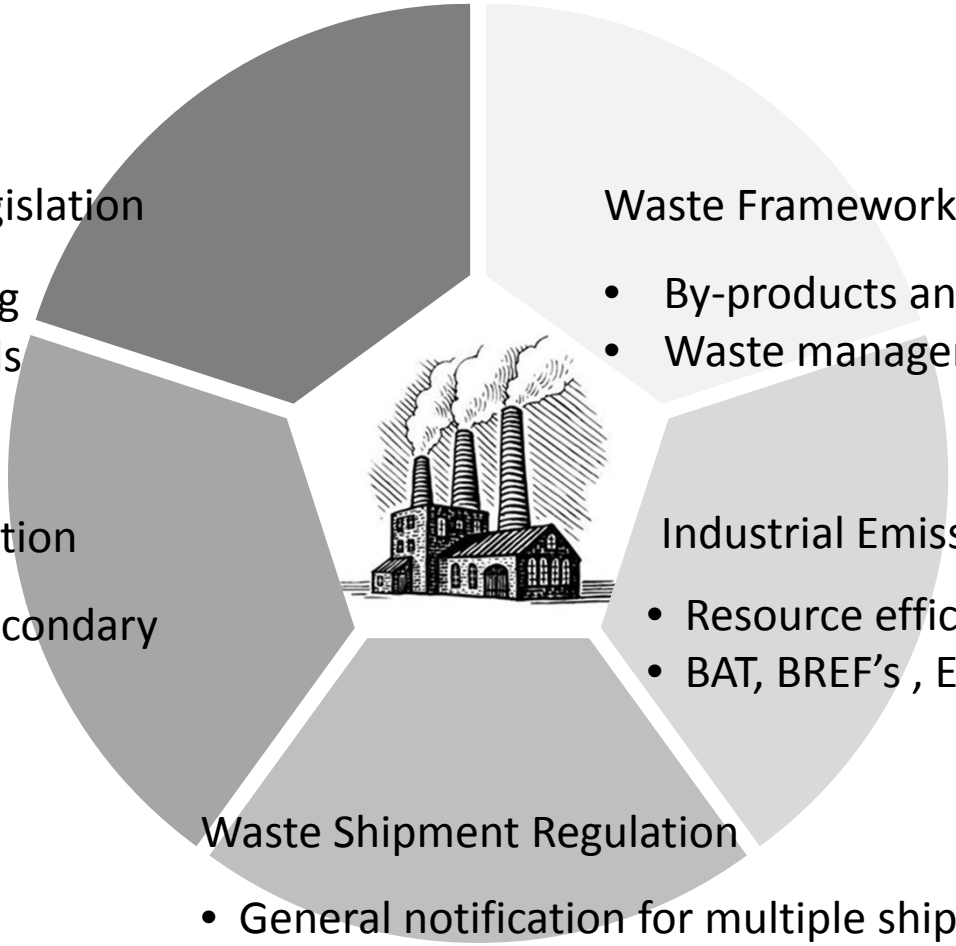
MAKE IT WORK

European Union Network for the Implementation and Enforcement of Environmental Law

# Enabling eco-innovations for the circular economy under EU environmental legislation

- Focus on: ***prevention and recycling of waste (production and use of new secondary materials)***
- Developments in technology and economy go fast
- Ambitious Circular Economy transition (recycling) goals
- Legislation is complex and sometimes lags behind
- Regulators face implementation and governance challenges

# Prevention and recycling of waste – EU Rules



Product legislation

- Conditions for using secondary materials

Waste Framework Directive

- By-products and End-of-Waste
- Waste management plans

REACH Regulation

- SVHC's in secondary materials

Industrial Emissions Directive

- Resource efficiency, waste prevention
- BAT, BREF's , Emerging techniques

Waste Shipment Regulation

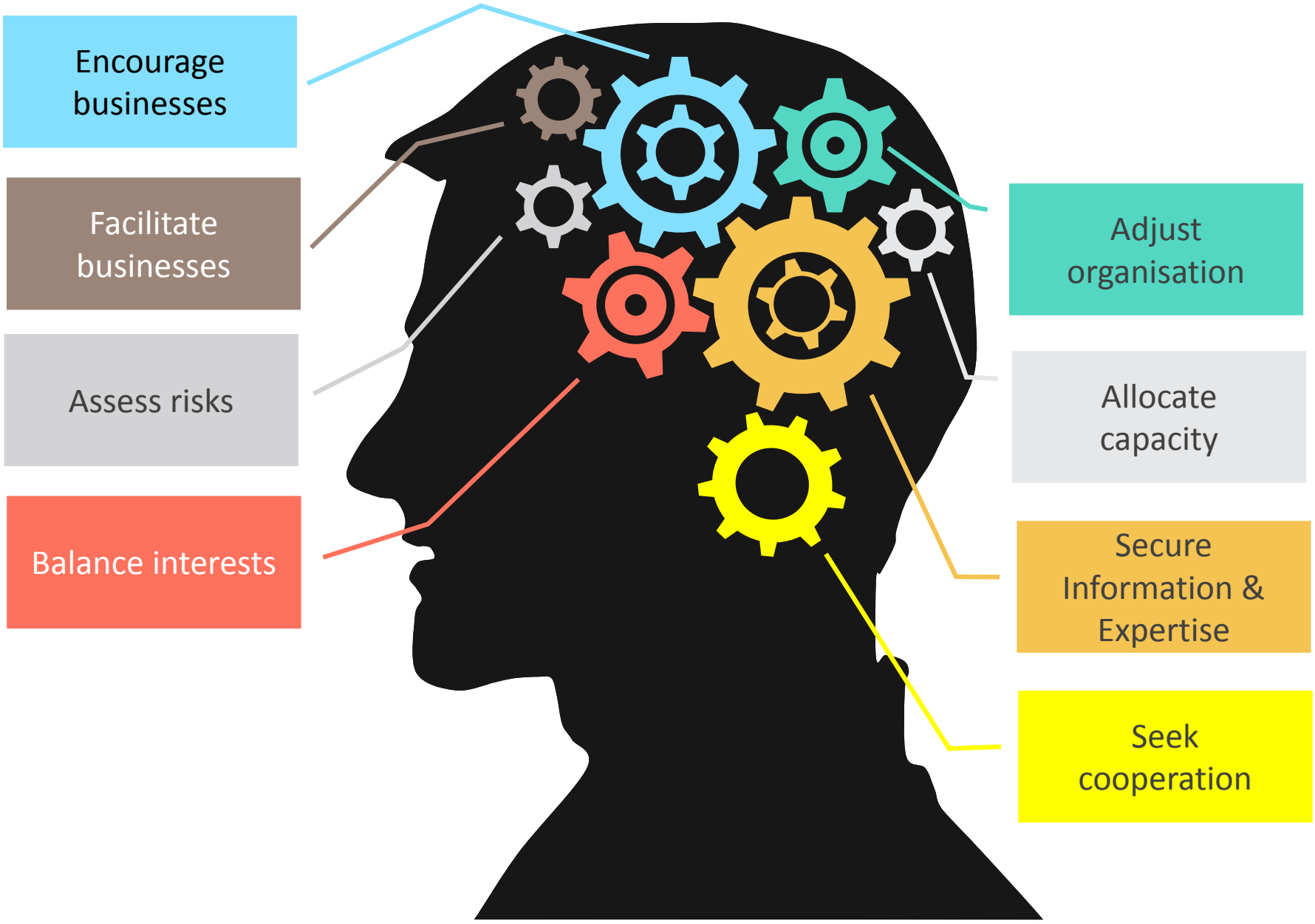
- General notification for multiple shipments
- Pre-consented recovery facilitities

MAKE IT WORK

IMPEL

European Union Network for the Implementation and Enforcement of Environmental Law

# Prevention and recycling of waste – Governance



# Prevention and recycling of waste – Development of MiW-IMPEL Guidance

- Lead countries: NL, IT, SE, UK, ES
- Cooperation with Commission
- Building on outcomes of the Hague and Treviso workshops
- Guidance primarily for regulators, describing:
  - (smart) application of key provisions in current and future EU legislation
  - good governance practices
- Workshop 22-23 November 2018

# Prevention and recycling of waste – Development of MiW-IMPEL Guidance

- Guidance will also address roles of EU and MS policy makers, businesses
- Separate chapter on plastics
- Guidance can contribute to further cooperation and harmonisation between MS
- Guidance can serve as input for future Commission guidance on current & revised WFD and IED

# Outline Guidance

1. Introduction

2. Applying key provisions in EU environmental legislation.
   - The current and future EU legislative framework
   - Four situations:
     1. Making production more resource-efficient, prevent waste
     2. Producing and using of secondary materials
     3. Redesigning production processes, producing a diversity of products and by-products
     4. Industrial symbiosis and chain approach

3. Governance of enabling eco-innovations
   - Ambitions and roles of regulator, interactions between regulator and operator
   - What (minimum) conditions have to be met and what actions can be undertaken/what tools can be applied for effectively enabling innovations?

# Outline Guidance

4. Roles and tasks of policymakers/legislators (MS and EU level)
5. The role of businesses and other stakeholders
6. Plastics

ANNEX I: Model Checklist for permitting process EoW status

Annex II: Model Verification/inspection system to assess compliance with EoW conditions

Annex III: Structure of EoW “case by case” Database

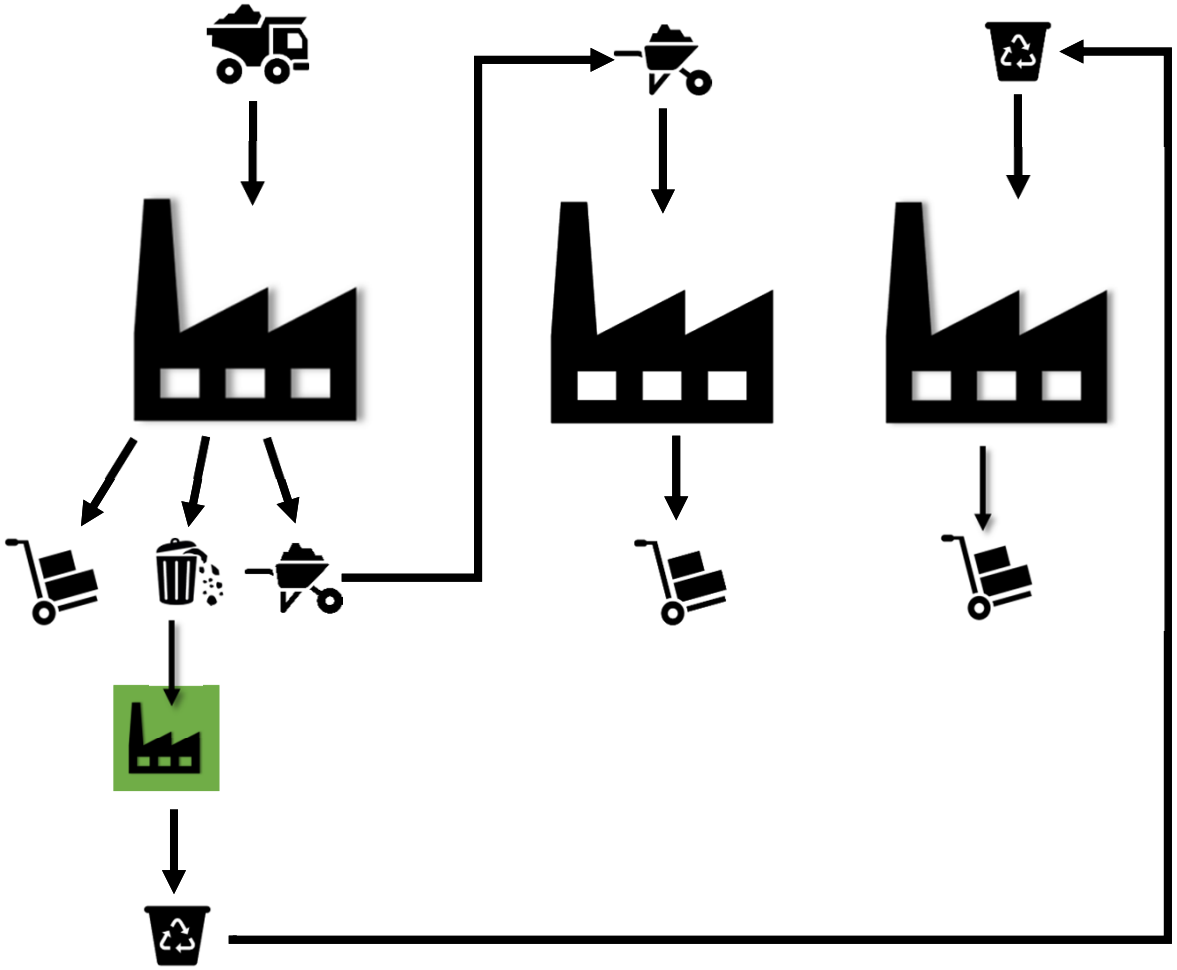
Annex IV: Examples of EU and MS guidances/guidelines/ checklists:

Annex V List of International/national legislation

Annex VI – Further Examples of EoW cases

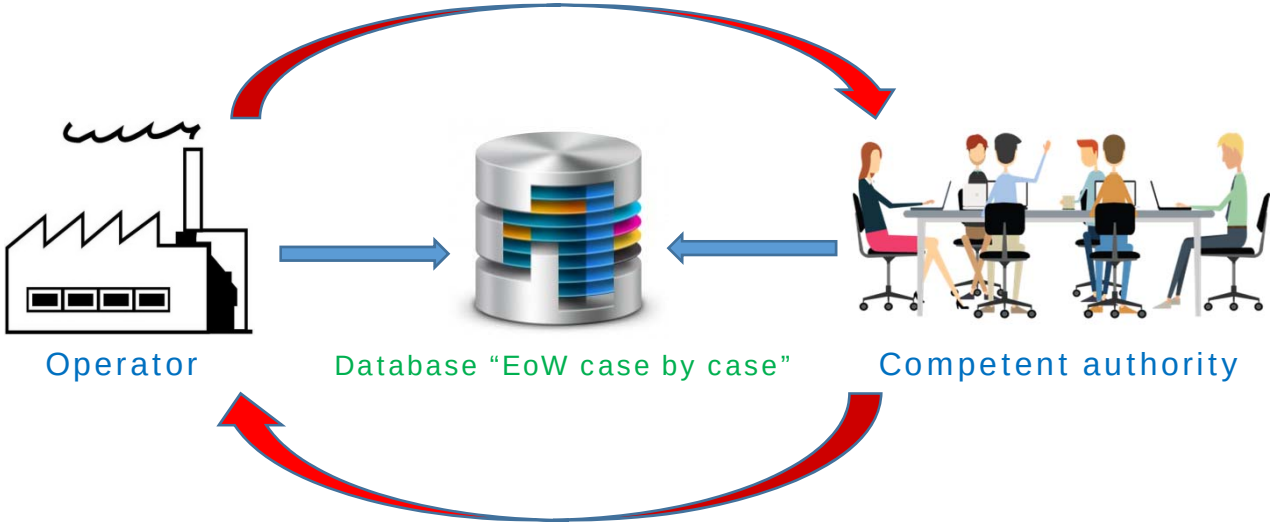
# Production and use of by-products and new secondary materials (End-of-Waste)

| | |
|---|---|
| | **Raw material** |
| | **Production process** |
| | **Product** |
| | **By-product** |
| | **Waste** |
| | **Recycling** |
| | **Secondary material- End of Waste** |



# END OF WASTE

PERMITTING: REMOVE UNCERTAINTIES




INSPECTION/VERIFICATION SYSTEM: CREATE A MODEL

# Survey: End of Waste overview in MS

| | Member State | Organization | Drafter | Position |
|---|---|---|---|---|
| 1 | Belgium | Environmental Inspection Section - Flemish region | Liesbet Rommens | Environmental Inspector |
| 2 | Cyprus | Department of Environment, Ministry of Agriculture, Rural Develpment and Environment | Neoklis Antoniou | Environmental officer |
| 3 | Croatia | Ministry of Environment and Energy | Ivan Pušić | Senior Environmental Inspector |
| 4 | England | Environment Agency | Mair Davies | Senior Advisor, Definition of Waste |
| 5 | Estonia | Environmental Inspectorate of Estonia | Kristel Lopsik | Chief inspector |
| 6 | Italy (ARPAV) | Veneto Regional Environmental Protection Agency (ARPAV) | Luca Paradisi | Technical Assistant |
| 7 | Italy (ARPA Piemonte) | Piemonte Regional Environmental Protection Agency (ARPA) | Elena Foddanu | Technical Assistant |
| 8 | Latvia | The State Environmental Service of the Republic of Latvia | Kalvis Avotiņš | Inspector |
| 9 | Netherlands (Northsee) | Environmental service Northsee channel area | Arjen Snijder | Advisor waste and circular economy |
| 10 | Netherlands (ODRN) | Environmental Service Nijmegen Area (ODRN) | Ankie (J.M.) Peters | Environmental policy officer with waste specialty |
| 11 | Northern Ireland (UK) | Northern Ireland Environmental Agency | Claire O'Neill | Inspector |
| 12 | Poland | Chief Inspectorate of Enviromental Protection | Anna Poplawska | Head of Division |
| 13 | Spain | Generalitat Valenciana | Myriam Fernandez Herrero | Head environmental inspection section |
| 14 | Sweden | Swedish Environmental Protection Agency | | Technician waste specialist |
| 15 | Turkey | The Ministry of Environment and Urbanization | Pınar Ece Karaç | Engineer |

## Main barrier in few words:

**KNOWING WHAT IS REQUIRED TO DEMONSTRATE THAT END OF WASTE HAS BEEN ACHIEVED**

| | | |
|---|---|---|
| QUALITY PROTOCOLS | NEED OF A DATABASE | LACK OF GUIDELINES |
| CHECKLIST FOR OPERATORS | REACH | UNIFORM CRITERIA |
| EoW market? | ENVIRONMENTAL STANDARDS | PLATFORM FOR EUROPEAN INSPECTORS |

# FINAL REPORT: drivers for EoW


- Methodology: how to comply with EoW criteria
- TFS and REACH interactions
- Inspection System
- Permitting: minimum content of form request and permit (Case by case)
- Database of EoW
- Technical and environmental standards
- Build trust in the market: communication strategies

MAKE IT WORK

IMPEL

European Union Network for the Implementation and Enforcement of Environmental Law

**Thank you for your attention**

jan.teekens@minienm.nl
rruggeri@arpa.sardegna.it

**Information on MiW and eco-innovations:**

http://minisites.ieep.eu/work-areas/environmental-governance/better-regulation/make-it-work/subjects/2018/02/enabling-eco-innovations

**Information on IMPEL "Landfill and Circular Economy" project:**

https://www.impel.eu/projects/landfill-inspections-project/

MAKE IT WORK

IMPEL

European Union Network for the Implementation and Enforcement of Environmental Law

**Meeting at DG ENVIRONMENT**
**28/06/2018 12.00 – 13.30**
**Building BU-5**
**BRUSSELS**

# ANNEX 2: Results of the survey to assess the implementation by EU Member States of provisions of Article 6 of Directive 2008/98 on End-of-waste status

## Survey to assess the implementation by EU Member States of provisions of Article 6 of Directive 2008/98 on End-of-waste status

| Directive 2008/98/EC - Article 6 |
| --- |
| 1. Certain specified waste shall cease to be waste within the meaning of point (1) of Article 3 when it has undergone a recovery, including recycling, operation and complies with specific criteria to be developed in accordance with the following conditions: |
| (a) the substance or object is commonly used for specific purposes; |
| (b) a market or demand exists for such a substance or object; |
| (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and |
| (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts. |
| The criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object. |
| 2. The measures designed to amend non-essential elements of this Directive by supplementing it relating to the adoption of the criteria set out in paragraph 1 and specifying the type of waste to which such criteria shall apply shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 39(2). End-of-waste specific criteria should be considered, among others, at least for aggregates, paper, glass, metal, tyres and textiles. |
| 3. Waste which ceases to be waste in accordance with paragraphs 1 and 2, shall also cease to be waste for the purpose of the recovery and recycling targets set out in Directives 94/62/EC, 2000/53/EC, 2002/96/EC and 2006/66/EC and other relevant Community legislation when the recycling or recovery requirements of that legislation are satisfied. |
| 4. Where criteria have not been set at Community level under the procedure set out in paragraphs 1 and 2, Member States may decide case by case whether certain waste has ceased to be waste taking into account the applicable case law. They shall notify the Commission of such decisions in accordance with 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 and of rules on Information Society services (1) where so required by that Directive. |

| | Member State | Organization | Drafter | Position |
|---|---|---|---|---|
| 1 | Belgium | Environmental Inspection Section - Flemish region | Liesbet Rommens | Environmental Inspector |
| 2 | Cyprus | Department of Environment, Ministry of Agriculture, Rural Develpment and Environment | Neoklis Antoniou | Environmental officer |
| 3 | Croatia | Ministry of Environment and Energy | Ivan Pušić | Senior Environmental Inspector |
| 4 | England | Environment Agency | Mair Davies | Senior Advisor, Definition of Waste |
| 5 | Estonia | Environmental Inspectorate of Estonia | Kristel Lopsik | Chief inspector |
| 6 | Italy (ARPAV) | Veneto Regional Environmental Protection Agency (ARPAV) | Luca Paradisi | Technical Assistant |
| 7 | Italy (ARPA Piemonte) | Piemonte Regional Environmental Protection Agency (ARPA) | Elena Foddanu | Technical Assistant |
| 8 | Latvia | The State Environmental Service of the Republic of Latvia | Kalvis Avotiņš | Inspector |
| 9 | Netherlands (Northsee) | Environmental service Northsee channel area | Arjen Snijder | Advisor waste and circular economy |
| 10 | Netherlands (ODRN) | Environmental Service Nijmegen Area (ODRN) | Ankie (J.M.) Peters | Environmental policy officer with waste specialty |
| 11 | Northern Ireland (UK) | Northern Ireland Environmental Agency | Claire O'Neill | Inspector |
| 12 | Poland | Chief Inspectorate of Enviromental Protection | Anna Poplawska | Head of Division |
| 13 | Spain | Generalitat Valenciana | Myriam Fernandez Herrero | Head environmental inspection section |
| 14 | Sweden | Swedish Environmental Protection Agency | | Technician waste specialist |
| 15 | Turkey | The Ministry of Environment and Urbanization | Pınar Ece Karaç | Engineer |
| 16 | Portugal | Portuguese Environment Agency | Cristiana Gomes | Technical Expert |
| 17 | Slovenia | | Jana Miklavcic | |
| 18 | Austria | | Franz Waldner | |

| REGULATION – NATIONAL EoW CRITERIA | Question 1: Are End of Waste criteria defined in your national legislation? If YES, for which waste streams and what is the relevant national legislation |
|---|---|
| **Italy (ARPA Piemonte)** | In Italian legislation there is an article in the main environmental law (d.lgs. 152/2006) with the rules of WFD. Then there is a specific law (Dm 5/2/98) which regulates Eow for a wide range of non dangerous wastes and a law (Dm 161/2002) for dangerous wastes. In addition others two specific laws for dangerous wastes from ships and secondary solid fuel. |
| **Italy (ARPA Veneto)** | Italian National Waste regulation (D. Lgs. 152/06 part IV) reports the transposition of EU Directive 98/2008 (WFD). Art.184 ter transposes art. 6 of WFD about End of Waste. In subsection 1 the four conditions to be demonstrated are translated. In the subsection 2 the way to get an EoW is reported: by EU Regulations or on case basis by Environmental Ministry (EM) Decrees. In subsection 3 is established that until new EoW Decrees are published by the EM it should be used the following Decrees:<br>1) EM Decree 05/02/1998 about EoW obtained from the recovery of several non hazardous waste streams;<br>2) EM Decree n. 161/2002 about EoW obtained from the recovery of some hazardous waste streams;<br>3) EM Decree n. 268/2005 about the recovery of boats waste.<br>Case by case EoW could be authorized inside an ordinary recovery plant permit or an IED permit (National Law 210/2009 art. 9bis –a) and b)) by regional or provincial Authority.<br>In 2013 the EM Decree n. 22 about EoW solid recovered fuel (SRF) used in cement factories and energy power plants.<br>The EM Decree 05/02/1998 includes several non hazardous waste streams which could achieve the EoW status after recovery. 195 Categories of EoW are defined belonging on the following waste classes:<br>1) Paper waste<br>2) Glasses waste<br>3) Metal scraps and metallic waste<br>4) Plastic waste<br>5) Inert waste<br>6) Textiles and tanning waste<br>7) Wood waste<br>8) Rubber waste<br>9) Waste from the food chain<br>10) Sludges<br>11) Ashes |

| REGULATION – NATIONAL EoW CRITERIA | Question 1: Are End of Waste criteria defined in your national legislation? If YES, for which waste streams and what is the relevant national legislation |
|---|---|
| | 12) Waste to produce RDF<br>13) Biowaste to be recovered by Anaerobic digestion<br>14) Biowaste to be recovered by Composting<br>15) Waste to be recovered by pyrolisis or gasification<br>16) Waste to be recovered as fertilizers<br>17) Waste to be energy recovered (R1): RDF, biogas, wood, sludges, textiles, paper production waste, syngas, coal and coke waste, poultry feces.<br>The EM Decree 161/2002 includes some hazardous waste streams which could achieve the EoW status after recovery. 29 Categories of EoW are defined belonging to the following hazardous waste classes:<br>1) Ferrous metallic waste<br>2) Precious metallic waste<br>3) Metals scraps<br>4) Hazardous sludges<br>5) Inorganic liquid waste<br>6) Organic liquid waste |
| **Belgium** | Yes. we have a list of waste streams that may be considerd for use as raw material, for use as feritliser, soil, building material, as artificial sealing coats utilizing water glass. The end of waste criteria are described in art 2.3.1.1 and annex 2.3.1 of VLAREMA for fertiliser, art. 2.3.2.1. and annex 2.3.2 of VLAREMA for building material, art. 2.3.3.1 for soil, art. 2.3.4.1. and annex 2.3.4 of VLAREMA for artificial sealing coats |
| **Cyprus** | No |
| **Croatia** | Yes, the End of Waste criteria is defined by the national Ordinance on by-products and end-of-waste status (OG No. 117/14) with special criteria for the EoW of compost status, anaerobic digestate, waste oil, biofuel for transport, solid biofuels, construction products and use of substances or objects for which are produced. |
| **Latvia** | At the moment the criteria are not defined in our national legislation. However, the legislation is in the process of development. |
| **Netherlands (ODRN)** | Regulation van de Government: Recycling Aggregates from stony wastes, nr. IENM/BSK-2015/18222, |
| **Netherlands (Northsee)** | Recycling Aggregates, Regeling vaststelling van de status einde-afval van recyclinggranulaat |

| REGULATION – NATIONAL EoW CRITERIA | Question 1: Are End of Waste criteria defined in your national legislation? If YES, for which waste streams and what is the relevant national legislation |
|---|---|
| **Northern Ireland (UK)** | No |
| **Poland** | The end of waste criteria has been defined in the Act of 14th December 2012 on Waste (O.J. 2018, item 21) and is a transposition of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives. There are no national provisions defining the end-of-waste status for specific waste streams. |
| **England** | No |
| **Estonia** | Yes, for the following waste streams:<br>(https://www.riigiteataja.ee/dynaamilised_lingid.html?dyn=104072017043&id=110042013001;104112015005;119052016009;128072017004): fuel additive produced from oil shale extraction and treatment, compost produced from biodegradable waste, digestate resulting from biofuel production, sewage sludge resulting from sewage treatment. |
| **Spain** | Draft Order establishing the criteria to determine when the recovered fuel from MARPOL type C waste treatment ceases to be waste under Law 22/2011, of 28 July, waste and contaminated soil. |
| **Sweden** | No |
| **Turkey** | There is not direct definition for EOW in national legislation. There are ongoing studies to transpose EOW legislation to national legislation. However, by-law on waste management defines "by-product" and just in this scope, the substance can be evaluated as by-product, not as waste. But certain waste streams are regulated in different pieces of legislation but they are still considered as waste: *By-law on Control of Waste oil * By-law on Waste management (It defines by-product and conditions for usage) * By-law on usage of domestic and urban sludge from wastewater treatment plant on soil. * By-law on control of air pollution caused by heating (standards for biomass fuels like prina) * Circular on recovery of certain non-hazardous waste (Specifications for secondary products obtained from recovery plants, technical reports that prove this product can be used by market and registration for marketing from other authorities) *Circular on composting. * Circular on Products Management for Machanical Seperation, Biodhydration, biometinazion and fermentation |
| **Portugal** | We have End of Waste criteria for recovered plastics, for tyre-derived rubber material and for compost. The relevant national legislation is, respectively, Portaria 245/2017, Portaria 20/2018 (ordinance) and Decreto-Lei n.º 103/2015 (decree-law). |
| **Slovenia** | Yes, the End of Waste criteria is defined by the national Decree on the treatment of biodegradable waste and the use of compost or digestate (OG No. 99/13 in 56/15) with special criteria for the EoW of compost status and anaerobic digestate. |
| **Austria** | In Austria national EoW legislation exists for the following waste streams:<br>- RDFs – Refuse derived fuels (Waste Incineration Ordinance; Federal Law Gazette II No. 2002/389) |

| REGULATION – NATIONAL EoW CRITERIA | Question 1: Are End of Waste criteria defined in your national legislation? If YES, for which waste streams and what is the relevant national legislation |
|---|---|
| | - Construction&demolition waste (Recycled Construction Materials Ordinance; Fed. Law Gazette II No. 181/2015)<br>- Compost (Compost Ordinance; Fed. Law Gazette II No. 2001/292)<br>- Wastes from wood materials industry (Recycled Wood Ordinance; Fed. Law Gazette II No. 2012/160) |

| REGULATION – "CASE BY CASE SITUATION | Question 2: Which tools does your Member State use to regulate the End of Waste status? IED Permits, general binding rules, letter of consent, special permission, court decision etc. |
|---|---|
| **Italy (ARPA Piemonte)** | There are different possibilities: if general (national) through legislation with a Ministerial Law, if specific with special permission of Local Authorities (even if this has been forbidden recently by a Sentence) |
| **Italy (ARPA Veneto)** | In Italy EoW status is defined only by permits: WFD permit, IED permit, or simple communication by the firm 90 days before starting to work (simplified permit): in the last case the plant manager has to respect all the requirements included in the above mentioned national Decrees (DM 05/02/98, DM 161/2002).<br>The "case by case" EoW is also regulated by permits. Until now (march 2018) Regions or Provinces were the authorities involved in case by case EoW permits writing. A recent Judgment of the National Administrative Council (Consiglio di Stato N. 1229/2018) established that the National Environmental Minister is in charge of "case by case" EoW permits tacking out. At that time some new national Decrees are under way (asphalt EoW, nappies recovery EoW), yet notified to the EC. Unfortunately the recent Judgment caused an uncertain situation for the stakeholders and regional/provincial permit writers. Many new case by case EoW permits were stopped, waiting to an official position paper by National Environment Ministry. |
| **Belgium** | For some materials listed in annex 2.2 and other intended raw materials which are not listed in annex 2.2 which also can be used as one of the four defined applications (fertilizer, building material, soil, artificial sealing coats) a Raw Material Declaration is required. The producer of the intended raw material sends an application for a raw material declaration to the Public Waste Agency of Flanders. All the issued declarations are registered and publicly consultable |
| **Cyprus** | Cyprus until now, has not faced the need to regulate the EoW status. No specific procedure has been established yet. Only what is required by the Directive. |
| **Croatia** | In order to cease the EoW status of a particular type of waste, it must undergo some of the waste recovery procedures envisaged by the Ordinance on by-products and end-of-waste status for the waste type concerned, and for the recovery, a permit must be obtained at the competent local authority or Ministry depending on whether it is a non-hazardous or hazardous waste that is being recovered. An operator conducting a recovery operation must use a management system that includes checks, records and appropriate documentation for each individual waste item and waste batch that has undergone a recovery operation, containing records of the procedures for verifying compliance with the prescribed conditions, the corresponding standard or specification for each batch as and the results of the appropriate tests performed by the approved laboratory on an annual basis in accordance with the above-mentioned Ordinance. |
| **Latvia** | Mostly terminal EoW status is not applicable, permits include specific conditions for waste recovery and another type of substance processing to avoid negative impacts on environment and human health |

| REGULATION – "CASE BY CASE SITUATION | Question 2: Which tools does your Member State use to regulate the End of Waste status? IED Permits, general binding rules, letter of consent, special permission, court decision etc. |
|---|---|
| **Netherlands (ODRN)** | Webtest for businesses with on demenad a legal opinion from the government. And also a envrironmental permit including the rating by the local governement. |
| **Netherlands (Northsee)** | Letter of consent |
| **Northern Ireland (UK)** | EoW is regulated under a 'Quality Protocol' system for a number of waste streams. The quality protocols set out how to fully recover wastes and turn them into quality products. It defines the point at which waste ceases to be waste and can be used as a product without the requirement for waste management controls. By following quality protocols, producers can create sustainable resources in which end users can have confidence. |
| **Poland** | End of Waste status is regulated by the Act on Waste (art. 14). The EU criteria have been laid down for: 1. Iron, steel and aluminium scrap (COUNCIL REGULATION (EU) No 333/2011 of 31 March 2011establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council) 2. Glass cullet (COMMISSION REGULATION (EU) No 1179/2012 of 10 December 2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council) 3. Copper scrap (COMMISSION REGULATION (EU) No 715/2013 of 25 July 2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council). Poland has not established its own technical regulations regarding the determination of End of Waste criteria to any types of waste. Nevertheless, EoW status is regulated in waste treatment permission given by environmental protection authority at the regional level. Permits determine the technological processes and conditions that must be met for materials obtained from waste recycling in accordance with the relevant administrative decision, providing that the material complies with criteria defined in art. 14.1 Act on Waste and specific requirements for products (e.g. for construction products and conditions specified in the REACH regulation) |
| **England** | In England we have Quality Protocols which are generic frameworks for 13 waste streams, see details here: https://www.gov.uk/guidance/turn-your-waste-into-a-new-non-waste-product-or-material. For case by case decisions, we provide a letter stating our opinion on the waste status of their material, after considering all the evidence they have provided, |
| **Estonia** | According to Estonian legislation then EoW status can be established with a regulation by the minister responsible for the area. In some cases (mostly exceptional cases) EoW has been decided within the process of permitting. |
| **Spain** | General binding rules approved by Ministry |
| **Sweden** | The operator is responsible for the assessment if the waste can cease to be waste or not. Through inspection and enforcement, the authorities have the possibility to agree on the decision made, or not. If the authority does not agree that waste has ceased to be waste, they can through a decision classify the material as a waste. |

| REGULATION – "CASE BY CASE SITUATION | Question 2: Which tools does your Member State use to regulate the End of Waste status? IED Permits, general binding rules, letter of consent, special permission, court decision etc. |
|---|---|
| **Turkey** | The operator has to apply for letter of consent for each by-product from Ministry of Environment and Urbanization. As mentioned above, general binding rules are defined for certain waste streams (still considered as waste). For some other cases, during permit procedure, the operator has to submit a report that shows the products can be used by markets(for example; egg packages produced from waste paper recycle, the operator has to submit a report to permit authority that prove the composition is suitable for food packaging) |
| **Portugal** | We don't have case by case EoW. Portugal uses general binding rules (in form of ordinance and decree-law) to regulate the End of Waste status. |
| **Slovenia** | In Slovenia EoW status is defined "indirectly" by permits: WFD permit and IED permit.<br>Explanation:<br>The permits define the process of recovery (environmental impacts, devices, location), which waste can be processed into compost or digestate, their quantity and monitoring the implementation of analyzes for the quality of compost or digestate (sampling frequency, conditions for the sampler, standards for analysis, ..). The criteria for the EoW status are prescribed in the Decree. 4 quality classes of compost or digestate are possible. The permit contains a general provision that the operator of the composting or biogas plants should classified compost or digestate into classes and its further use - according to the results of analyzes. If compost or digestate achieves the values specified for the product (1st class), then their use is without permit. For other quality classes, authorization is required for further use.<br>The "case by case" EoW is regulated by permits on the similar way like a previous explanation. The permit almost specifies waste recovery conditions.<br>If the recovery waste reaches the conditions or criteria from the standards (harmonized, non-harmonized - Slovenian technical approval), the products can be used as a product. Supervision of the Decree (for waste) is carried out by environmental inspectors. The appearance of products on the market is supervised by market inspectors (also by producers who want quality recycled material- for example plastic). Products determined on the basis of non-harmonized standards are controlled by an authorized organization for issuing the Slovenian technical approval. |
| **Austria** | Austrian Federal Waste Management Act, Art. 5 (1)defines<br>End-of-waste<br>§ 5. (1) Unless regulated otherwise in an ordinance as set out in paragraph 2 or an ordinance as set out in Article 6, paragraph 2, of Directive 2008/98/EC on waste, waste materials shall be considered waste until they or the materials recovered from them are used directly as a substitute for raw materials or products made from primary resources.In the case of preparation for re-use for the purposes of § 2 paragraph 5 number 6 (="preparation for re-use" shall mean any checking, cleaning or repairing recovery operations |

| REGULATION – "CASE BY CASE SITUATION | Question 2: Which tools does your Member State use to regulate the End of Waste status? IED Permits, general binding rules, letter of consent, special permission, court decision etc. |
|---|---|
| | by which products as well as components of products that have become waste are prepared so that they can be re-used without any other pre-processing) the end-of-waste status is reached upon the termination of this recovery operation.<br>Art. 5 (2) defines generally binding rules for EoW regulations (ordinances or "Abfallende-Verordnungen")<br>(2) The Federal Minister of Agriculture, Forestry, Environment and Water Management is authorised, in keeping with the objectives and principles of waste management, in keeping with the public interest (§ 1 paragraph 3) and with consideration for the standards set out in the Federal Waste Management Plan, to decree by ordinance under which conditions, at which time and for which purpose the classification as waste shall end for certain wastes in deviation from paragraph 1. Such an ordinance shall only be decreed, if<br>1. theobject is normally used for this specific purpose,<br>2. there is a market for it,<br>3. there are quality criteria that take the waste-specific pollutants into account, especially in the form of technical or legal standards or recognised quality guidelines, and<br>4. theobject does not cause any greater environmental pollution or risk than a comparable primary raw material or a comparable product from a primary resource.<br>(3) In accordance with the requirements of environmental protection an ordinance as set out in paragraph 2 shall include in particular the following items:<br>1. specification (description) of the object;<br>2. definition of the purposes for the scope of application of the ordinance;<br>3. definition of quality criteria relevant to a product or a raw material or compliance with requirements for a production process;<br>4. limits for waste-specific pollutants;<br>5. form of proof and documentation in accordance with the quality criteria, and<br>6. type, form and scope of records as set out in paragraph 5 and type, form, scope and transmission of reports as set out in paragraphs 4 and 5, taking due account of the type of waste and purposes.<br>(4) Any person who wishes the classification as waste of a certain waste to terminate in accordance with an ordinance as set out in paragraph 2 shall report this to the Federal Minister of Agriculture, Forestry, Environment and Water Management and include a declaration of compliance with the ban on mixing or blending as set out in § 15 paragraph 2.<br>(5) Any person who submits a report as set out in paragraph 4 shall keep continuous records for each calendar year on the compliance with the ordinance as set out in paragraph 2 with regard to type, quantity, origin and whereabouts. These records and the relevant documentation shall be kept for a minimum of seven years as of the last entry. The authorities shall be granted access to |

| REGULATION – "CASE BY CASE SITUATION | Question 2: Which tools does your Member State use to regulate the End of Waste status? IED Permits, general binding rules, letter of consent, special permission, court decision etc. |
|---|---|
| | such records and documentation. The records and documentation shall be submitted to the authorities on demand. The above requirements shall apply to the relevant owner in connection with a plant. Furthermore, reports comprising information about the type and quantity of the specified wastes in the previous calendar year shall be submitted to the Federal Minister of Agriculture, Forestry, Environment and Water Management not later than by 10 April of each year as laid down by an ordinance as set out in paragraph 2. Where significant modifications occur with regard to the intended purpose or the intended recipients, these must be notified to the Federal Minister of Agriculture, Forestry, Environment and Water Management together with the annual report.<br>(6) The Federal Minister of Agriculture, Forestry, Environment and Water Management shall be authorised to decree in an ordinance as set out in paragraph 2 reporting requirements in addition to the registration requirements set out in § 17 paragraph 5 and § 21 paragraph 3 with regard to identification of the initial waste producers and sites in the electronic data register and annual totals per type of waste.<br>(7) The Federal Minister of Agriculture, Forestry, Environment and Water Management is the authority in charge of the application of ordinances according to Art. 6 paragraph 2 of Directive 2008/98/EC on waste. Who transfers substances, products or items which according to an ordinance as set out according to Art. 6 paragraph 2 of Directive 2008/98/EC shall no longer be considered as waste to another legal person shall transfer to the consignee a copy of the conformity declaration according to this ordinance. The records, documents and conformity declarations according to these ordinances shall be kept for a minimum of seven years. Electronic storage is admissible if the electronic documents are saved according to the state of the art prior to data loss. |

| REGULATION – "CASE BY CASE SITUATION | Question 3: Which authority decides when the End of Waste status is applicable? |
|---|---|
| **Italy (ARPA Piemonte)** | If the wastes are in the stream regulated by national Laws is automatic, if not it is case by case the Local Authority |
| **Italy (ARPA Veneto)** | Until now The Region and the Provinces. For the present situation see answer to question n. 2 |
| **Belgium** | Public Waste Agency of Flanders |
| **Cyprus** | The Minister of Agriculture, Rural Development and Environment via Department of Environment |
| **Croatia** | The competent Ministry as a central body decides when the procedure for EoW criteria is applicable. Namely, when we want to cease the status of waste we must apply for registration in the EoW Register at the competent Ministry with prescribed documentation on the performance of a particular activity a waste management permit for the recovery of the appropriate waste and a certificate of conformity of the management system. |
| **Latvia** | The State Environmental Service |
| **Netherlands (ODRN)** | The (local) governement |
| **Netherlands (Northsee)** | Ministry of Infrastructure and water management |
| **Northern Ireland (UK)** | The Northern Ireland Environment Agency (NIEA) provides the applicant with a view – ultimately the end of waste status is determined by the courts. |
| **Poland** | Determining the conditions of waste treatment and criteria specifying when waste ceases to be waste and obtains a status of product is the competence of environmental protection authorities issuing waste management permits. |
| **England** | In England, it is the Environment Agency |
| **Estonia** | Environmental Board |
| **Spain** | The Ministry of Agriculture and Fisheries, Food and Environment is the competent Department in the scope of the General State Administration for the proposal and execution of the Government's policy regarding: fight against climate change, Protection of the natural heritage, biodiversity and the sea, Water, Rural development, Agricultural, livestock and fishing resources, Agrifood industry |
| **Sweden** | The local or regional authority is carrying out the inspection and enforcement. |
| **Turkey** | Ministry of Environment and Urbanization for by-product. |

| REGULATION – "CASE BY CASE SITUATION | Question 3: Which authority decides when the End of Waste status is applicable? |
|---|---|
| **Portugal** | It is the Portuguese Environment Agency that decides when the End of Waste status is applicable. If the EoW framework is applicable, then the EoW management system is verified by an accredited conformity assessment body. It is this accredited conformity assessment body that states the EoW status of the material recovered / "produced". |
| **Slovenia** | For the specific waste (compost, digestate) is regulated by decree, for others are regulated by standards. The operator is responsible for the assessment if the waste can cease to be waste or not. The authority is carrying out the inspection and enforcement. Also see answer of 2nd question. |
| **Austria** | Federal Minister of Sustainability and Tourism |

| PERMITTING PROCEDURE | Question 4: What do you think is the most relevant critical issue in the process of recognizing the status of End of waste following an initiative by an entrepreneur, when there is a lack of EU and national EoW criteria ("case by case" situation? |
|---|---|
| **Italy (ARPA Piemonte)** | The definition of unique rules and the difficulty to know the technical characteristics of the products |
| **Italy (ARPA Veneto)** | The most critical points of the Italian system to assess case by case EoW are following:<br>1) The definition of waste characteristics (quality, impurities, maximum pollutant's concentration) to be addressed to a new recovery activity<br>2) The definition of environmental and sanitary characteristics of EoW<br>3) The definition of EoW technical requirements (similar to a raw material)<br>4) To assess and to check the existence of a specific EoW market (see art. 6 of WFD, point b))<br>5) How to manage the mixing of several waste streams (for example for concrete production) to obtain an EoW according with "no dilution rule". |
| **Belgium** | The evaluation of the impact on environment on short term AND long term use |
| **Cyprus** | The use of the "waste" has less negative impact on the public health and the environment that the product is going to replace. |
| **Croatia** | Inadequate legislation entrepreneurs are inadmissible to initiate the procedure for the EoW status, especially for those types of waste that are not directly regulated by the EU Regulations especially in cases of obtaining waste recovery permits or accreditation of certain norms or analysis methods. |

| PERMITTING PROCEDURE | Question 4: What do you think is the most relevant critical issue in the process of recognizing the status of End of waste following an initiative by an entrepreneur, when there is a lack of EU and national EoW criteria ("case by case" situation? |
|---|---|
| **Latvia** | Any entrepreneur has opportunity to give all information, data and another evidence which proves if substance or object of waste recovery process can cease to be waste. |
| **Netherlands (ODRN)** | The substance or subject fulfils the technical requirements. There could be a lot of different legislation to rate. There could be the possibility to forget some. |
| **Netherlands (Northsee)** | The question if the use of the substance or object will not lead to overall adverse environmental of human impacts |
| **Northern Ireland (UK)** | Different cross country approaches – thereby creating an uncertainty hence hampering potential investment (therefore a barrier in reaching circular economy). |
| **Poland** | The most relevant critical issue in the process of recognizing the status of End of waste is the lack of uniform criteria and the list of substances / materials that may be obtained as a result of waste treatment. For example, with the regard to glass waste, despite the current EU regulation, permits are issued for the processing of waste through screening, sorting and crushing, and then used in concrete elements production (glass as an addition to concrete) – treated waste of glass obtains a product status due to the rules of waste treatment permission. Another example is production of a mixture of waste with soil and treating it as product, which is used as road bedding or used for the reclamation of excavations. The problem is to determine if and when the waste ceases to be waste, while the regulations define the EoW criteria and there are no national provisions regulating this issue. There is a problem with classifying the lead paste at the treatment of waste batteries facilities as a product under REACH regulation. |
| **England** | Knowing what is required to demonstrate that end of waste has been achieved. |
| **Estonia** | The lack of a standardized approach to the criterias of EoW. Usually entrepreneurs refer to technical requirements, which might not take into account the overall impact to health and environment. Lack of reliable studies or information to be used as referral. |
| **Spain** | Technical borden are relevant, but the most important is the lack of information to focus priorities by administration in order to smooth sectorial rules |
| **Sweden** | The responsibility of the operator, and the knowledge of the product legislation that takes over after waste ceases to be waste. |
| **Turkey** | The product shouldn't have negative impacts on environment and human health. The production method is also important. It should be clean technology and production efficiency should be high enough in terms of cost and benefits. In addition, approval is necessary from the competent authority. |
| **Portugal** | The most relevant critical issues are:Ensuring there is equity, between the different economic operators, in the process of making the case-by-case decisions;Ensuring that the conditions set up in article 6, paragraph 1 of Directive 2008/98/EC are met [The substance or |

| PERMITTING PROCEDURE | Question 4: What do you think is the most relevant critical issue in the process of recognizing the status of End of waste following an initiative by an entrepreneur, when there is a lack of EU and national EoW criteria ("case by case" situation? |
|---|---|
| | object is commonly used for specific purposes. There is demand for such a substance or object. The substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products. The use of the substance or object will not lead to overall adverse environmental or human health impacts. |
| **Slovenia** | The most critical points of the Slovenian system for case by case EoW system are following:<br>- clearly defined environmental criteria (in these cases, the focus is more on technical than on environmental requirements, at least for examples of construction aggregates),<br>- responsibility of the operator (the point is cutting costs rather than increase or maintain environmental awareness and possibly negative impact on the environment),<br>- a system to monitor the quality of the new resulting product and its use. |
| **Austria** | - Waste quality issues (content of hazardous substances)<br>- Is there a market for these materials (EoW products are competing with raw materials industry) ? |

| PERMITTING PROCEDURE | Question 5: When is the status of EoW defined? (at the end of the waste recovery process after verifying the compliance with technical and environmental standards, at the utilizer facility...) |
|---|---|
| **Italy (ARPA Piemonte)** | At the end of the waste recovery process after verifying the compliance with technical and environmental standards with the conformity declaration |
| **Italy (ARPA Veneto)** | Normally the EoW status is assessed at the end of recovery process after the evaluation of compliance with technical and environmental standards. Some doubts rose with the interpretation of art. 3 of Regulation 333/2011 "*Iron and steel scrap shall cease to be waste where, upon transfer from the producer to another holder, all of the following conditions are fulfilled*". Some local administrators or inspectors intend that EoW status occurs after the transfer to the utilizer. This point has to be better explained in WFD. By the way one of the biggest problem (in Italy) were the cost of financial guarantees for the storage of waste at the end of recovery process, if the status of EoW is not achieved until the transfer outside the recovery facility is completed. |
| **Belgium** | At the end of the waste recovery after verifying the compliance with technical and environmental standards and, in the case this is required, after recieving a raw material declaration |
| **Cyprus** | Cyprus has not a permitting procedure regarding the EoW status. Although, we believe that the EoW status is defined after a material |

| PERMITTING PROCEDURE | Question 5: When is the status of EoW defined? (at the end of the waste recovery process after verifying the compliance with technical and environmental standards, at the utilizer facility...) |
|---|---|
| | complies with the relevant specifications of a Quality Protocol. |
| **Croatia** | EoW status is defined if the waste has undergone a recovery process, including recycling and if it meets the specific criteria established in accordance with the following conditions and if it has been entered in the EoW status Register at the relevant Ministry |
| **Latvia** | EoW status can be defined if the waste has undergone a recovery process, including recycling and if it meets the specific criteria (it depends on the type of substance and the previous processing of waste) established in accordance with the following conditions: 1. the substance or object is commonly used for specific purposes, 2. a market or demand exist for such a substance or object, 3. the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products, and 4. the use of substance or object will not lead to overall adverse environmental or human health impacts. |
| **Netherlands (ODRN)** | It depends on the moment when it has undergone a recovery and complies with specific criteria. one moment it will be after the waste recovery proces, the other moment at the utilizer facility. |
| **Netherlands (Northsee)** | It depends on the diversty of waste stream. For a uniform wastestream the EoW moment shifts backwards in the production process from product to resource step |
| **Northern Ireland (UK)** | End of waste status is reached when quality protocol has been met – the waste will be a non-waste leaving a processing facility where the QP has been applied. However, should the 'material' not be used for an approved use it will be considered waste and all waste legislation will then apply. |
| **Poland** | Depending on the type of waste being processed and the conditions of permit, classifying waste as product may take place after carrying out tests verifying the quality of the product – for example in relations to building materials. |
| **England** | It is the point at which they can demonstrate that the waste material has met the end of waste test. This could be at the end of waste recovery process, or following the receipt of sampling data for example. |
| **Estonia** | At the end of waste recovery process after the product complies with technical standards/legislation. A recovery operation after which waste ceases to be waste shall be determined in the waste permit or integrated environmental permit of the undertaking which carried out the recovery operation. |
| **Spain** | Article 4 Declaration of conformity . 1. The producer shall issue, with each shipment of recovered fuel, a declaration of conformity according to the model set out in Annex II. 2. The producer will declare the declaration of conformity to the next holder of the shipment of recovered fuel. The producer shall keep a copy of the declaration of compliance during , at least, three years after the date of its issuance and will put it disposition of the competent authorities upon request. 3. The declaration of conformity may be submitted in electronic format. article 5 Management system . 1. The producer shall apply a verified quality management system externally, as rule Iso 9001 or similar, to demonstrate the compliance with the criteria indicated in article 3. |

| PERMITTING PROCEDURE | Question 5: When is the status of EoW defined? (at the end of the waste recovery process after verifying the compliance with technical and environmental standards, at the utilizer facility...) |
|---|---|
| **Sweden** | In most cases at the end of the waste recovery process. |
| **Turkey** | There is no exact definition for EoW status in legislation. In the by-law on waste management, the substances is defined as the same as defined in the Waste Framework Directive. The operator has to take latter of consent from the Ministry of Environment and Urbanization which ends the waste status of substances and called as a by-product |
| **Portugal** | In line with the European EoW Regulations, in Portugal we consider the EoW happens at the end of the waste recovery process, after verifying the compliance with all criteria set up, and when the substance or object is transferred to another holder (when there is a market demand for it). |
| **Slovenia** | In the most cases at the end of the waste recovery process. |
| **Austria** | EoW status is defined in Art. 5 paragraph 1 of the Federal Waste Management Act (see Question 2)<br>EoW status depends on<br>- The specific legal regulation (see Question 1; e.g. Recycled Construction Materials Ordinance, Fed. Law Gazette II No. 181/2015, Art. 14 (1) to (3): When the recycled material meets the defined quality standards and limit values a „Declaration of conformity“ will be issued by the producer. EoW status is achieved when the material is handed over to a third party.<br>The specific regulation listed above (seeQuestion1) refers to either national or EU (ISO) standards and/or specifications. |

| PERMITTING PROCEDURE | Question 6: Are there any guidance, norms or other kind of documents that operators and permit writers can use to define end-of waste for specific streams? |
|---|---|
| **Italy (ARPA Piemonte)** | Not for the case by case |
| **Italy (ARPA Veneto)** | The national Norms are reported in answer to question n. 1. In the case by case EoW the general structure of information needed to evaluate the compliance with art. 6 of WFD are following:<br>1) Description of waste input (EER entry – waste production activity – maximal content of impurities, pollutants ...);<br>2) Description of waste recovery process and management requirements;<br>3) Description of environmental/sanitary/technical requirements of EoW;<br>4) Description of the possible EoW utilise and demonstration of the existence of a consolidated market |
| **Belgium** | Yes |
| **Cyprus** | No |
| **Croatia** | There is an national Ordinance on by-products and end-of-waste status with an Appendix of special criteria for EoW status where waste criteria are included which are involved in the process of recovery with the types of waste by key numbers and additional conditions for waste entering the recovery process, criteria for the recovery process, criteria for waste generated by recovery and permitted uses of waste generated by recovery. |
| **Latvia** | Permit writers use existing regulatory EU framework, international experience and general good practice to define EoW status for specific waste streams |
| **Netherlands (ODRN)** | There is an kind of guidance in development by the governement. |
| **Netherlands (Northsee)** | In concept: a national guidance to determine waste or resource |
| **Northern Ireland (UK)** | Guidance for case by case EoW is available in addition to the quality protocols as discussed in question 2. |
| **Poland** | There no documents, guidance or norms have been developed in Poland to define EoW for specific streams. |
| **England** | We have lots of guidance available for customers - it is all available on our website: https://www.gov.uk/guidance/turn-your-waste-into-a-new-non-waste-product-or-material |
| **Estonia** | There is a general guideline at the website of Environmental Board which is targeted for appliers of the permits (https://www.keskkonnaamet.ee/et/eesmargid-tegevused/jaatmed/jaatmeluba/jaatmed-tooteks), but it is not based on waste streams. |

| PERMITTING PROCEDURE | Question 6: Are there any guidance, norms or other kind of documents that operators and permit writers can use to define end-of waste for specific streams? |
|---|---|
| **Spain** | No |
| **Sweden** | The EPA provides some guidance, but also the local and regional authorities. |
| **Turkey** | No. There are legislations mentioned in the first question. |
| **Portugal** | We don't have any kind of guidance, norms or other kind of documents, beyond our national waste legislation, yet. |
| **Slovenia** | Not for the case by case. Permit writers and expert at the ministry use existing regulatory EU framework, international experience and general good practice to define EoW status for specific waste streams. |
| **Austria** | Guidance and/or technical standards are included in the specific regulation (e.g. Compost Ordinance, Recycled Construction Materials Ordinance et.al.) and the EU EoW regulations (glass, metal scrap).<br>Furthermore advice is given in part 1, chapter 7 - "Priciples for the treatment of specific waste and material streams" –of the „Federal Waste Management Plan 2017" (EN translation not yet available). |

| INSPECTION SYSTEM | Question 7: Are specific inspection activities planned to verify compliance with the criteria for the cessation of the waste status? If yes: with which methodology (checklist, procedures, etc.) |
|---|---|
| **Italy (ARPA Piemonte)** | No |
| **Italy (ARPA Veneto)** | Veneto Region EPA regularly plans inspections in EoW/Recovery Plants. The main procedure regards the checking of the respect of permit's prescriptions. Often samples and analysis of input waste and EoW are carried out. It was prepared from Central Technical Direction, in collaboration with Regional Waste Observatory, a general check list, useful for Landfills, IED waste treatment plants and recovery plants. IED recovery installations are also obliged to sent yearly a technical report to the Public Authorities with analytical and technical data of self monitoring plan. Veneto Region EPA has also an internal procedure to collect waste samples. |
| **Belgium** | The Environmental inspection has a risk based inspection plan for taking samples of waste, raw materials or intended raw materials. The composition conditions and intended area of application are checked. For the sampling we use procedures written in a quality guideline for sampling waste and waste water specific for environmental inspectors. The analysis is performed by a recognized laboratory |
| **Cyprus** | Not for the moment |
| **Croatia** | During the drafting of the inspection plans, are included also operators who for certain types of waste cease the status of waste, primarily companies that have a waste management permit in such a way as to check whether the conditions of the permit are being respected when the waste status is ceased and also if special criteria for EoW status meet the four basic requirements of the EU Waste Framework Directive 2008/98/EC. |
| **Latvia** | Inspection plan for 2018 includes reinforced controls in waste recovery facilities. Inspector check fulfilment of the permit conditions and the compliance of performed waste recovery process with the established conditions (Directive 2008/98/EC Article 6) |
| **Netherlands (ODRN)** | Not specific as far as i know. |
| **Netherlands (Northsee)** | Inspection based on rules in the permit |
| **Northern Ireland (UK)** | No, however, checks are incorporated into routine regulatory site inspections of the waste facilities which are carried out to assess compliance with licence and permit conditions. Also, there is a requirement under some of the Quality Protocols to register with a compliance scheme. |
| **Poland** | During the inspection, inspectors check the compliance of conducted waste management with the permission rules, including the decision in which product can be obtained from waste treatment. In case if the inspector notes down the infringement of permission, it may apply to the authority issuing the decision on its withdrawn. |

| INSPECTION SYSTEM | Question 7: Are specific inspection activities planned to verify compliance with the criteria for the cessation of the waste status? If yes: with which methodology (checklist, procedures, etc.) |
|---|---|
| **England** | Inspection activities are carried out through our routine compliance and enforcement work. We do not carry out specific inspection activities for all materials we have given a positive end of waste opinion to |
| **Estonia** | To check the recovery process or EoW status then the there is a guideline, but no check-lists are in use. The aim is to check whether the criterias are met which are set with the permit. They can differ in practice. Also a practice to take samples is in place to check the conformity of the product. |
| **Spain** | No |
| **Sweden** | It is normally included in the inspection and enforcement activities carried out by the local and regional authorities. |
| **Turkey** | No. General inspection procedure is applied and these issues are inspected during waste inspections. |
| **Portugal** | As far as we know, there are no specific inspection activities planned to verify compliance with the EoW criteria. The compliance with the EoW criteria is verified by the accredited conformity assessment body. We are still in the initial phase of implementing the EoW. |
| **Slovenia** | The main procedure regards the checking of the respect of permit's prescriptions but without checklist. |
| **Austria** | A national ispection plan exists for transboundary waste shipments (delivered to EC).<br>When waste shipment controls are performed special interest is laid on recurrent transports of EoW material originating from the same EoW declaration issuer.<br>Emphasis is also laid on RDF materials control.<br>Another field of activity are EoW controls performed by Austrian customs authorities (to check whether the obligations of the landfill tax legislation („AlSAG“, Fed. Law Gazette No. 1989/299 current version) are fulfilled or not. |

| INSPECTION SYSTEM | Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?<br>a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)<br>b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?<br>c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?<br>d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up? |
|---|---|
| **Italy (ARPA Piemonte)** | a) In the laws of answer 1 the specific purposes are described, while if it is a case by case it depends form the rules of the Local Authority<br>b) In the laws of answer 1 the market/demand is described<br>c) In the laws of answer 1 the technical requirement and standards are described<br>d) In the laws of answer 1 the environmental and standard are evaluated |
| **Italy (ARPA Veneto)** | a) Normally the Decree or the case by case EoW permits shall describe the industrial uses and process for the specific EoW.<br>b) For not case by case EoW the national Decrees established the industrial processes, which usually and technically can use the specific EoW. In case by case EoW permitting procedure is normally required that a demand of an industrial (or other type) of process is demonstrated before receiving the permit.<br>c) Normally the respect of one UNI (the Italian norm regulation system) or EN-Norm is mandatory. Sometimes (for example for Glass from Cathodic-Ray-Tube recovery EoW set up by Veneto Region EPA with National Electronic Waste Authority) specific technical requirements are set up outside the UNI-EN Norm system.<br>d) Normally the environmental standard is the respect of leaching test limits (for inorganic pollutants, anions, pH and COD). At that time a scientific and technical discussion rose up in Italy with the aim to substitute the leaching test with an eco-toxicological test to better evaluate the environmental impact of the use of EoW. For some waste streams a sanitary standard has to be respected. |
| **Belgium** | a) The applicant (producer of the intended raw material) has to prove in the application for the raw material declaration that the 4 criteria of art. 6 are fulfilled<br>b) The applicant (producer of the intended raw material) has to prove in the application for the raw material declaration that the 4 criteria of art. 6 are fulfilled |

| INSPECTION SYSTEM | Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?<br>a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)<br>b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?<br>c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?<br>d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up? |
|---|---|
| | c) The applicant (producer of the intended raw material) has to prove in the application for the raw material declaration that the 4 criteria of art. 6 are fulfilled<br>d) The intended raw material has to be comparable or has to be even better than the primary material concerning nature, composition and impact on human health and environment. |
| **Cyprus** | N/A |
| **Croatia** | a) The Ordinance on by-products and end-of-waste status prescribes the criteria for waste that can enter the recovery process as well as the recovery process with or without the addition of certain substances where at the end of the process of EoW status of waste it must meet specific conditions or regulations.<br>b) If the operator cannot use waste that has passed the procedure of EoW status, must present proof from which it is clear where it ends and who is the ultimate user.<br>c) Waste generated following the process of recovery shall cease to be waste if the person performing the recovery provide check by an authorized laboratory through the verification of compliance with specific criteria or certain standards.<br>d) Avoiding adverse effects on the environment or human health during the inspection is carried out by controlling the measures of recovery process of a particular type of waste and by fulfilling the special conditions that are proved by tests by an authorized laboratory. |
| **Latvia** | a) The substance or object shall have specific characteristic equivalent to raw materials, and information about industrial process is crucial as well<br>b) The operator shall submit contracts with facilities and utilizers. All process form the object or substance to the end product shall be traceable.<br>c) The substance or object shall have specific characteristic equivalent to raw materials; compliance shall be confirmed by |

| INSPECTION SYSTEM | Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?<br>a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)<br>b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?<br>c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?<br>d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up? |
|---|---|
| | results of testing (carried out by accredited laboratory).<br>d) Permits contain specific conditions to avoid the overall adverse effects on the environment or human health, which can be caused by using substance or object for production. - substance or object shall have specific characteristic equivalent to raw materials; compliance shall be confirmed by results of testing (carried out by accredited laboratory). |
| **Netherlands (ODRN)** | a) Evidence like contracts between the holder and the customer. for example analysis to confirm that the products meet the specifications, analysis if there is a market, is the storage of the material enough in relation to the expected market, etc etc<br>b) See a)<br>c) no, we have to search for legal norms, product specifications etc.<br>d) for example the use of REACH, Weelabex, legislation like (EC) nr. 850/2004 Regulation on persistant organic pollution |
| **Netherlands (Northsee)** | a) contracts of buyers, market en EN-norms knowledge<br>b) long term contracts between market parties<br>c) EoW legislation, NEN-norms, REACH requirement<br>d) REACH, scientific research |
| **Northern Ireland (UK)** | a) Onus on applicant<br>b) EoW case by case applications- evidence is required as part of the application process.<br>c) Quality protocol technical specifications address this. For case by case – the onus is on the applicant to demonstrate such. NIEA then assess this information , including its reliability, and make a decision based largely on the information provided. Applicants will often use existing technical standards and apply them to their process / material specification.<br>d) Quality protocol technical specifications address this. For case by case – the onus is on the applicant to demonstrate such. NIEA then assess this information , including its reliability, and make a decision based largely on the information provided. |

| INSPECTION SYSTEM | Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?<br>a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)<br>b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?<br>c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?<br>d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up? |
|---|---|
| **Poland** | a) Polish regulations of waste management requires only to conduct waste records. There is no requirement of conducting any products records. Inspectors of environmental protection during the inspection may eventually ask for financial documents such as invoices (but according to Polish law inspectors of environmental protection do not have the authority to check financial document).<br>b) Inspector, to check if there is a market for a given product, may ask to show contracts with recipients of product, and conduct cross-checks at recipients to verify that these products are actually sold for their needs.<br>c) Due to the fact that Poland did not establish its own technical regulations regarding the EoW criteria, the Ministry of Environment has analyzed the "Guidance on the interpretation of key provisions of Directive 2008/98 / EC on waste" and accepted the explanation that " For a material that achieves EoW status, the associated producer of this material, i.e. the person who places the material on the market for the first time after it ceases being waste, must ensure that the material meets any relevant requirements under REACH Regulation (EC) 1907/2006 and CLP Regulation (EC) 1272/2008(...).Additional conditions may apply under specific EU product legislation, e.g. the Construction Product Directive 89/106/EEC."<br>d) If there are any requirements for building materials, the composition of the product can be verified for the content of certain substances. |
| **England** | a) The 4 criteria in Article 6 are for the Commission when establishing EU End of Waste Regulations. Therefore we do not assess compliance against Article 6(1). For national end of waste frameworks and for case-by-case decisions we assess against Article 6(4). See our website for full details: Provide full details of the process used to make the product and the characteristics of the product which make it suitable and marketable as a replacement for a virgin raw material or a non-waste derived product.<br>b) See answer above<br>c) See answer above |

| INSPECTION SYSTEM | **Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?**<br>**a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)**<br>**b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?**<br>**c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?**<br>**d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up?** |
|---|---|
| | d) See answer above |
| **Estonia** | a) This is up to the applier to give appropriate evidence, Environmental Board has the right to ask additional information.<br>b) This is up to the applier to prove. The price of the product and some information about the possible users of the products (and if contracts are already in place) might be required, but no standard list of verification documents exists.<br>c) There is a list for standards of construction materials, fertilizers at the website of Environmental Board. But not for all products there is a standard in place, for example granulates derived from tyres. In that case appropriate technical documentation needs to be presented. Environmental Board has a Waste Commission who decides and has the right to ask for additional analysis, documents to prove that recovery takes place to decide if the technical information is sufficient and waste can cease to be waste.<br>d) No. This is the hardest part of the 4 criteria since it is up to the expertise knowledge of the permitter. |
| **Spain** | a) the only case we know, it´s an evidence given about industrial processes has allowed to describe EoW Criteria. For example: According to the conclusions for fuels from the treatment of used oils included in the BREF document that identifies the Best techniques Available for European Reference for waste treatment, the "Fuel" obtained from soft reprocessing should not be considered as a material similar to fuel or be marketed as a product, still complying Technical specifications established for fuel nº 1 or BIA fuel in the Annex IV of Royal Decree 61/2006, of January 31, by which the specifications are determined of gasolines, gas oils, fuel oils and liquefied petroleum gases and regulates the use of certain biofuels, but it should be valorised energetically under the waste regime in authorized treatment facilities (co-incineration in cement plants, combustion plants ...), unless it undergoes more treatments severe that ensure the withdrawal of the pollutants present in these residues. Since in the waste MARPOL type C the majority fraction is the fuel refining in front of a small part that comes from used oils, it is possible that you can get a recovered fuel for that same use (fuel in ships),through physical treatments - chemicals provided that the fraction of waste oils present in waste MARPOL type C is low and that they are treated separately from used oils. Therefore, for the recovered fuel obtained from waste MARPOL type C can be considered a |

| INSPECTION SYSTEM | **Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?**<br>**a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)**<br>**b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?**<br>**c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?**<br>**d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up?** |
|---|---|
| | "product" fuel for ships, it is not enough to comply established in Royal Decree 61/2006, of January 31, but it is necessary establish end-of-life criteria condition of waste so that in the use of fuel recovered as fuel in ships ensures health protection human and environment<br>b) NO, the only case we know, it´s an assumption no proved but quite plausible<br>c) Those requerimentS are ruled at the ORDEN: 2. The management system will consist of a series of procedures documented in relation to each of the following aspects: a) Control of the admission of waste MARPOL kind C treatment object for obtaining recovered fuel as set out in section 1 of Annex I; b) supervision of the process and the treatment techniques described in the section 2 of Annex I; c) control of lto the quality of the recovered fuel resulting from the treatment as set out in section 3 of Annex I, sampling and analysis included; d) Customer observations on compliance with the requirements of quality of the recovered fuel; e) record of the results of the checks carried out in accordance with the lettersa) to c); f) review and improvement of the management system; g) staff training. In order to certify that each critical step of production has been carried out out of agreement with the corresponding process or quality standards and that any sampling and analysis have been carried out by standards recognized, the quality assurance system will be submitted annually to a certification audit tion through an external verification system or third-party audit<br>d) For the correct establishment of these criteria, a preliminary technical study was carried out and presented to the coordination on waste. |
| **Sweden** | a) The authorities may ask to see documentation that provides the basis for the assessment that waste has ceased to be waste.<br>b) See above, that depends on the situation, if it is needed in order to evaluate the decision made by the operator, then yes it can be requested.<br>c) See above<br>d) See above. The situation can be very different depending on type of waste, process and so on. |

| INSPECTION SYSTEM | Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?<br>a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)<br>b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?<br>c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?<br>d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up? |
|---|---|
| **Turkey** | a) Yes.The operator has to prove the substances as by-product according to standards and take approval from General Directorate of Environmental Management .<br>b) Yes. The operator should submit the contracts to the environment authority that indicate the products can be sold in the market.<br>c) Yes. There are some standarts and in some cases the reports from University is acceptable.<br>d) Any installation that may cause adverse effects on environment and human health is not allowed. EIA, Permitting&license and inspections are used for assuring compliance as in the case for all the other facilities. |
| **Portugal** | a) The national EoW criteria specify which uses are allowed and which are not.<br>b) The "producers" of the substance or object have to identify the users (enterprise and activity developed).<br>c) The substance or object has to comply with the EoW criteria.<br>d) The substance or object has to comply with the EoW criteria. |
| **Slovenia** | a) The holder of the product proves to satisfy the requirement in the contract with the downstream users of the sale of this product or to professional market analysis, which shows that this product ensures a long-term marketing.<br>b) a)<br>c) with the technical documentation of the production process<br>d) the rules governing the general safety of products and the rules governing the technical requirements for products and construction products regulations governing the protection of the environment and the protection of human health, and Regulation (EC) No. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency and amending Directive 1999/45 / EC and |

| INSPECTION SYSTEM | **Question 8: How is the compliance with the 4 criteria of article 6 of Dir. 2008/98/EC verified?**<br>**a) "the substance or object is commonly used for specific purposes": is some kind of evidence required? (information about industrial processes which use the obtained EoW)**<br>**b) "a market or demand exists for such a substance or object": is some kind of evidence required (a contract with the utilizers)?**<br>**c) "the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products" : is there a list of technical standards to comply with?**<br>**d) "the use of the substance or object will not lead to overall adverse environmental or human health impacts": are environmental and sanitary standards set up?** |
|---|---|
| | repealing Council Regulation No 793/93 and Commission Regulation (EC) 1488/94 and Council Directive 76/769 / EEC and Commission Directives 91/155 / EEC, 93/67 / EEC, 93/105 / EC and 2000/21 / EC (OJ L No 396 of 30.12.2006 , p. 1), last amended by Commission Regulation (EU) 2015/830 of 28 May 2015 amending Regulation (EC) No. Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) (OJ L 132 of 29.5.2015, p. 8), in so far as its requirements apply to the product. |
| **Austria** | a) EoW regulation in Austria is based on Art. 5 of the „Federal Waste Management Act", which is identical with the provisions of Directive 2008/98/EC. In general an EoW ordinance defines a certain kind of use of waste which implies it's EoW status. Using the waste in a different way would cause non compliance.<br>b) Regarding the EoW legislation listed under Question1 there is no such requirement (e.g. contract with utilizer). Natioanl EoW regulation is only established for certain types of waste where a market already exists.<br>c) National EoW legislation(see Question 1) includes very detailed technical requirements and/or standards or refers to such specific technical standards.<br>d) In single case decision procedures: this has to be defined by the technical expert in charge of case (based upon applicable standards of national groundwater protection & air emission regulation). |

| INSPECTION SYSTEM | Question 9: How is environmental impact or compliance evaluated? (leaching test, ecotoxicological essays...)<br>Is the characterization (for example chemical analysis) of input waste required? |
|---|---|
| **Italy (ARPA Piemonte)** | There isn't a general rule, it's depend on the EoW. Usually leaching test and sometimes essays |
| **Italy (ARPA Veneto)** | For the first questions see answer to question n. 8 d). Often a chemical or merceological (percentage of impurities) characterization of input waste is required. |
| **Belgium** | The environmental inspection take samples of raw materials to inspect the compliance with composition conditions and leaching criteria. Ecotoxicological essays to evaluate the impact are not performed by the environmental inspection |
| **Cyprus** | N/A |
| **Croatia** | -- |
| **Latvia** | Environmental impact and compliance assessment depends on the type of recovered waste stream. Appropriate testing methods shall be performed. |
| **Netherlands (ODRN)** | Must be included in environmental permits. (local) governement has the job to monitor and enforcing action when necessary. |
| **Netherlands (Northsee)** | Research, batch inspection, leaching test |
| **Northern Ireland (UK)** | Quality protocol technical specifications address this. For case by case – the onus is on the applicant to demonstrate such. |
| **Poland** | Depending on the use of the product produced in the waste treatment process, the permit may contain requirements for chemical composition - in such situations, inspectors can verify this by conducting tests during control. |
| **England** | There is no single way, all options are considered depending on the type of material and the use it is destined for. Full characterisation of the waste is always required. |
| **Estonia** | It is dependent on the specific case, different possibilities exist. Sometimes a verification analysis is made and then also the chemical composition is evaluated. The input of waste streams is always assessed and chemical analysis might be required (in some cases the verification of the absence of PCB-s is required and the company has to present tests of waste to check that the waste does not contain any PCB-s). |
| **Spain** | That task is reserved to national administration |
| **Sweden** | An evaluation has to be done in every case, it depends on waste, and what the aim is, what the uses will be. In many cases leaching tests and that kind of testing, is needed. |

| INSPECTION SYSTEM | Question 9: How is environmental impact or compliance evaluated? (leaching test, ecotoxicological essays...)<br>Is the characterization (for example chemical analysis) of input waste required? |
|---|---|
| **Turkey** | Yes. Required analysis depends on the kind of by-product. (for example for aggregate used as by-product leaching, ecotoxicity tests etc. are necessary.)Also the wastes(For example compost, waste sludges etc. ) should be analyzed for some parameters according to relevant legislation mentioned in the first question. |
| **Portugal** | The characterization of input waste is required, and, more important, a thorough characterization of the output of the recovery operation (the "product") is required (chemical and other analysis). |
| **Slovenia** | It is dependent on the specific case, different possibilities exist. Verification analysis is made and then also the chemical composition is evaluated. The input of waste streams is always assessed and chemical analysis might be required. |
| **Austria** | Waste characterisation (leachate characteristics& total content of specific parameters) has to be made according to national regulations (see Question 1) to comply with environmental protection standards. |

| INSPECTION SYSTEM | Question 10: Does the inspector usually take samples to check the status of EoW and/or to check the quality of input wastes? |
|---|---|
| **Italy (ARPA Piemonte)** | There is no general rule. It very variable |
| **Italy (ARPA Veneto)** | Yes, see also answer to question n. 7 |
| **Belgium** | The Environmental inspection has a risk based inspection plan for taking samples of input wastes, raw materials or intended raw materials. The composition conditions and intended area of application are checked. The input waste has to meet the same criteria as the raw material in order to avoid dilution of waste |
| **Cyprus** | N/A |
| **Croatia** | The inspector may order special sampling of input material or waste that has passed the recovery process exclusively through accredited laboratories, namely the inspector does not undertake any sampling or analysis. |
| **Latvia** | If there is a suspicion or there is a need for an examination, the inspector may impose an obligation to conduct a test. Testing and sampling is carried out by a certified laboratory. |
| **Netherlands (ODRN)** | Not in general; but possible in suspicious situations by a designated organisation. |
| **Netherlands (Northsee)** | We ask the operator for the test results of the accredited laboratories |
| **Northern Ireland (UK)** | No |
| **Poland** | If there are any standards for specific materials, e.g. building materials, building compounds etc., inspectors collect samples and perform tests to compare the concentrations of substances and compounds due to these standards. In addition, in the case of control of excavations, which are rehabilitate by mixtures of, for example, ashes and soil, tests are carried out on the content of chemical compounds, including heavy metals, in order to verify the fulfillment of soil quality requirements and exclude negative impact on soil and water environment. |
| **England** | No |
| **Estonia** | It is case dependent. |
| **Spain** | No |
| **Sweden** | No but they might evaluate the basis for the assessment done by the operator. If they see a need for testing that is not done, they might ask for that. |

| INSPECTION SYSTEM | Question 10: Does the inspector usually take samples to check the status of EoW and/or to check the quality of input wastes? |
|---|---|
| **Turkey** | Inspector takes sample when ıt is required. |
| **Portugal** | -- |
| **Slovenia** | Inspector does not take samples to check the conformity of the product. This is prescribed for the authorized laboratory. In accordance with the Environmental Protection Act, the inspector may order extraordinary analyzes, which must also be carried out by an authorized laboratory. However, this also depends on the available financial resources. |
| **Austria** | According to national EoW regulations samples are not normally taken by an inspector and/or an authority.<br>Checks are only made by Federal Environment Agency („Umweltbundesamt“) according to Federal Waste Act fulfilling environmental control measures.<br>Federal Ministry of Sustainability and Tourism (BMNT) e.g. performs waste shipment controls regularly and checks EoW status of the material. |

| INSPECTION SYSTEM | Question 11: Are any guidelines/checklist used to perform inspections aiming to assess the compliance to End of Waste criteria? If yes, may you supply the document? |
|---|---|
| **Italy (ARPA Piemonte)** | No |
| **Italy (ARPA Veneto)** | A general check list (see answer to question n. 7) was set up by Veneto Region EPA. Some points of such check list concern EoW assessment. Veneto Region Waste permitting Authority recently published a guideline with general criteria to evaluate case by case EoW for provincial permitting writers. At that time this guideline is not effective. |
| **Belgium** | We have no guideline or checklist. We have procedures and forms to fill in during the inspection, for taking samples of waste on a uniform way |
| **Cyprus** | N/A |
| **Croatia** | There are no guidelines or checklists for compliance assessment to EoW criteria during inspection. |
| **Latvia** | There are no specific guidelines or checklists for compliance assessment to EoW criteria during inspection. |
| **Netherlands (ODRN)** | Not in general |
| **Netherlands (Northsee)** | None available |
| **Northern Ireland (UK)** | No |
| **Poland** | There is no guidelines/ checklist used to perform inspections aiming to assess the compliance to End of Waste criteria in Poland. |
| **England** | We do have QP checkers for customers to check whether they comply with our QPs or not. Please see our website for more details: Provide full details of the process used to make the product and the characteristics of the product which make it suitable and marketable as a replacement for a virgin raw material or a non-waste derived product. |
| **Estonia** | No checklist exists. A general guideline is in place, but it refers to check in general the compliance with EoW criterias and recovery criterias. No specific EoW inspection guideline exists. |
| **Spain** | No |
| **Sweden** | The EPA has some guidance, including a step by step guidance ( http://www.naturvardsverket.se/Kalendarium/Dokumentation-fran-seminarier/Dokumentation-fran-Avfallsdag-i-Stockholm/ ) |
| **Turkey** | No |

| | |
|---|---|
| **Portugal** | -- |
| **Slovenia** | We do not have such documents or checklist yet. A general guideline is in place, but it refers to check in general the compliance with EoW criterias and recovery criterias. |
| **Austria** | Regional authorities („Länder“) can perform checks of waste treatment facilities to enforce EoW regulations (ordinances). Compliance with EoW regulations also can be checked by the Federal Minister of Sustainability and Tourism.<br>Guidelines and/or inspection checklists do exist on regional level (9 different regional authorities involved). |

| DATABASE | Question 12: Is there a database of waste streams with a “case by case” recognized EoW status? And if so, is it regularly updated and public available? |
|---|---|
| **Italy (ARPA Piemonte)** | No, only one region from 2018 has created a database |
| **Italy (ARPA Veneto)** | Veneto Region EPA (Waste Regional Observatory) drew up in collaboration with the permitting authorities the case by case EoW list three years ago. Now we’re doing an update of this work. This is an internal, not public list. |
| **Belgium** | Register of case by case: https://services.ovam.be/grondstofverklaringen/pages/public.xhtml |
| **Cyprus** | No |
| **Croatia** | There is a database within are all operators who have cease the waste status of some waste streams, is regularly updated and public available. |
| **Latvia** | Unfortunately, there is no separate database of the waste streams with EoW status. |
| **Netherlands (ODRN)** | Yes, but only recently |
| **Netherlands (Northsee)** | Yes on the website of ministry I&W https://www.afvalcirculair.nl/onderwerpen/afval/toetsing-afval/ |
| **Northern Ireland (UK)** | Not available publically. Applications are treated as commercially confidential. |
| **Poland** | There is no database of waste streams with a “case by case” recognized End of Waste status in Poland. |
| **England** | We have a record of all our case by case opinions, but it is not published. |
| **Estonia** | No |
| **Spain** | No |

| | |
|---|---|
| **Sweden** | No and it would not be possible, since the same waste can fulfill the requirements at one certain period of time, and not fulfill them at the next one. There might for example not be a market anymore, and it would then be classified as waste again. |
| **Turkey** | No |
| **Portugal** | Until now, we have a database only for compost. |
| **Slovenia** | No |
| **Austria** | There is no such database in AT.<br>Checks based on waste accounting regulation are possible but not really feasible and very complicated. |

| IMPEL PROJECT GOALS | Question 13: Please, have a look to the contents of the draft report on which the IMPEL project would like to work: please give your suggestions on what you would like to add and / or amend. Which topic is worth to be deepened in your opinion? |
|---|---|
| **Italy (ARPA Piemonte)** | No suggestion |
| **Italy (ARPA Veneto)** | Verification Systems of EoW<br>Check lists for inspectors<br>Reach/TFS compliance<br>Some needs of better describe EoW status (implementation of art. 6 WFD) |
| **Belgium** | A comparative research to develop a platform for European inspectors to help them with inspections when an EoW material crosses a border. |
| **Cyprus** | We would like to add a piece of text in the cases that a producer and the regulatory authority have a disagreement on the EoW status (Quality). Additionally, we would like to add a more detailed explanation on Art. 6. Par. 4. and especially what are the steps a MS needs to follow in order to develop National EoW Criteria. Are there any differences between Case by Case EoW and National Eow Criteria? |
| **Croatia** | Perhaps more attention should be paid to the methods of recovery used in the process of cease the status of waste as well as to the purpose of substances or objects that cease the status of waste. |
| **Latvia** | More attention should be paid to set united criteria (measurements, limit values) process of waste recovery (processing methods of waste) used in the process of cease the status of waste as well as to the purpose of substances or objects that cease the status of waste. |
| **Netherlands (ODRN)** | In general: Definition list;Relation with case law on this subject;List of international/national laws;List of product specifications;List of assessment guidelines;(international?) Industry standards;Quality marks;List of legal norms (national and international). Regulatory framework: (EC) 850/2004 Regulation on persistant organic pollutants. End of wast: methodology … : Scheme to follow; Explanations of the various aspects of rating the specific criteria. |
| **Netherlands (Northsee)** | I would like to add the development of a database for practical example exchange and sorted by language (translated?)and the usage of EN-norms |
| **Northern Ireland (UK)** | Section most interested in - section 6 and 7 |
| **Poland** | In my opinion there should be a discussion and working out on unified interpretation of the EoW task – wheatear MS are obliged to comply with the rules of mentioned above EU regulation on steel, glass and copper or it is possible to accept situations when after |

| IMPEL PROJECT GOALS | Question 13: Please, have a look to the contents of the draft report on which the IMPEL project would like to work: please give your suggestions on what you would like to add and / or amend. Which topic is worth to be deepened in your opinion? |
|---|---|
| | waste treatment processes products are obtained (there is no waste any more) – and if so what rules should be impose on operators treating specify waste streams. |
| **England** | -- |
| **Estonia** | It should have a wider selection of practical examples of different waste streams (tyre granulates, fuel oil from oil waste etc). Point 8 regarding the REACH regulation and its connections with EoW it should have more depth in detail. Not just naming the overall obligation to register substances, but to explain the process in either registration of the substance or using the exemption of registration according to Article 2 (7)(d) or giving a list of substances which are overall exempted from registration. Proving the sameness of the substances might be one of the key issues as well. |
| **Spain** | All issues which allows linking a rational verification/inspection system on EoW with market (consumers and enterprises):<br>1. build trust on the new product: communication strategies,<br>2. boost the market on EoW: strategies,<br>3. support to ecoinnovation |
| **Sweden** | -- |
| **Turkey** | Following questions can be discussed in the report: Which authority should be the competence authority to check the compliances with EoW criteria? How would Accredited or authorized companies, laboratories or universities have a role while defining and implementing EoW? |
| **Portugal** | 1-What happens when an EoW material (criteria defined in national legislation) crosses a border between two European countries? What happens if there are national EoW criteria in the European country that sends the EoW material and other national EoW criteria in the European country that will receive it? How shall this EoW material be considered? Equivalent to virgin raw material or as waste? How to deal with the problems caused by the fact that some material are, in some EU countries, equivalent to vigin raw materials and, in other, remain waste?<br>2-How do we ensure the traceability of the material that ceases to be waste?<br>3-Which R code shall be assigned to the recovery operation that grants EoW status (R12 or the correspondent R recycling code, namely R3, R4 or R5)?<br>4-If we assign an R recycling code (R3, R4 or R5) to the recovery operation that grants EoW status, but the operator is not able to ensure EoW status to the whole amount of waste material recovered; which R codes shall be assigned? The ideal situation would be to assign an R recycling code (R3, R4 or R5) to the amount of material that reaches EoW and to assign the R12 code to the remaining |

| IMPEL PROJECT GOALS | Question 13: Please, have a look to the contents of the draft report on which the IMPEL project would like to work: please give your suggestions on what you would like to add and / or amend. Which topic is worth to be deepened in your opinion? |
|---|---|
| | amount of material, but we don't know if it this option would contradict the Guidance on the interpretation of key provisions of Directive 2008/98/EC on waste namely on chapter 1.4.<br>5-Explore the possibilities of creating a database of all national EoW criteria, throughout the whole EU.<br>6-How do we ensure a minimum of justice / equality in the strictness of the EU-wide national criteria? |
| **Slovenia** | It should have a wider selection of practical examples of different waste streams (tyre granulates, fuel oil from oil waste etc). Point 8 regarding the REACH regulation and its connections with EoW it should have more depth in detail. Proving the sameness of the substances might be one of the key issues as well. |
| **Austria** | Art. 8 – End of Waste and connections with waste shipment and REACH regulation: e.g. slags exported from Austria: EoW applies in AT but not in country of destination<br>Art. 28 of Waste Shipment Regulation (WSR) defines that more strict rule applies.<br>EoW status may trigger REACH regulation: waste recyclers are not always aware of their obligations under REACH |

| IMPEL PROJECT GOALS | Question 14: On which of the listed topics would you like to give a contribution? |
|---|---|
| **Italy (ARPA Piemonte)** | In the verification / inspection system |
| **Italy (ARPA Veneto)** | Verification Systems of EoW<br>Reach/TFS compliance<br>Permitting writers guideline |
| **Belgium** | I want to elaborate the guideline that can be used to perform inspections aiming to assess the compliance to End of Waste criteria |
| **Cyprus** | Preferably on Art.2,4,5 and 7 but i am willing to contribute on any aspect the project asks me |
| **Croatia** | Waste Framework Directive |
| **Latvia** | End of Waste: Methodology to comply with the criteria of the WFD |
| **Netherlands (ODRN)** | Difficult to say at this time. I'm open to make my contribution on different topics if it is not (too) technical |
| **Netherlands (Northsee)** | 5.2 Waste recovery chain: unique permit and chapter 6 |
| **Northern Ireland (UK)** | -- |
| **Poland** | -- |
| **England** | -- |
| **Estonia** | Topic nr 7 ( The verification/inspection system) and topic nr 8 (EoW and connections with waste shipment and REACH). |
| **Spain** | 1. Build trust on the new product: communication strategies,<br>2. boost the market on EoW: strategies,<br>3. support to ecoinnovation |
| **Sweden** | -- |
| **Turkey** | -- |
| **Portugal** | -- |
| **Slovenia** | Topic No 7 (The inspection system) Nevenka<br>Topic No 1, 2, 3, 4, maybe 8 Jana |

| | |
|---|---|
| **Austria** | Input will be given at a later stage of the project |