

Act to Promote Closed Loop Recycling Management and to Ensure Environmentally Sound Waste Disposal (Recycling Management and Waste Act - RMWA)

of 27 September 1994¹

PART ONE GENERAL PROVISIONS

Art. 1 Purpose of the Act

The purpose of this Act is to promote closed loop recycling management (*Kreislaufwirtschaft*), in order to conserve natural resources and to ensure environmentally sound disposal of waste.

Art. 2 Area of Application

- (1) The provisions of this Act apply to
 1. the avoidance,
 2. recovery and
 3. disposal of waste.
- (2) The provisions of this Act do not apply to
 1. materials that are to be disposed of pursuant to the Animal Carcass Disposal Act (*Tierkörperbeseitigungsgesetz*), to the Meat Hygiene and Poultrymeat Hygiene Acts (*Fleischhygienegesetz, Geflügelfleischhygienegesetz*), to the Act on Food and Commodities (*Lebensmittel- and Bedarfsgegenständegesetz*), to the Milk and Margarine Act (*Milch- and Margarinegesetz*), to the Epizootic Diseases Act (*Tierseuchengesetz*), to the Plant Protection Act (*Pflanzenschutzgesetz*) and pursuant to the statutory ordinances issued on the basis of these acts;
 2. nuclear fuels and other radioactive substances in accordance with the Atomic Energy Act,
 3. substances whose disposal is regulated by a statutory ordinance issued on the basis of the Precautionary Radiological Protection Act (*Strahlenschutzvorsorgegesetz*),
 4. waste occurring from prospecting, extraction, preparation, treatment and processing of mineral resources in facilities subject to mining inspection, except for waste not occurring directly and normally only in connection with the activities listed in the first half of this provision,
 5. gaseous substances not in containers,
 6. substances discharged or dumped into waters or the sewerage system,
 7. search for, recovery, transport, storage, treatment and destruction of warfare agents.

¹ Federal Law Gazette I, p. 2705 of 6. October 1994, as last amended of 25 March 1998, Federal Law Gazette I, p. 1455

Art. 3 Definition of Terms

(1) According to this Act, "waste" means all movable property that falls within one of the categories listed in Annex 1 and which the owner disposes of, intends to dispose of or is required to dispose of. "Waste for recovery" is waste that is recovered, waste that is not recoverable is "waste for disposal".

(2) Disposal as referred to in Para 1 occurs when the owner presents movable property for recovery within the meaning of Annex IIB, or for disposal within the meaning of Annex IIA, or when the owner gives up actual physical ownership over the property and any further purpose for it ceases to exist.

(3) The desire to carry out disposal as referred to in Para 1 must be assumed for any movable property

1. occurring in connection with energy conversion; or with production, treatment or use of materials or products, or of services; although such occurrence is not the purpose of the relevant actions, or
2. property whose original purpose no longer exists, or is given up, without being directly replaced by a new purpose.

The generator's or owner's opinion is to be used as a basis for evaluating the purpose, taking into account the consensus on the market situation.

(4) The owner must dispose of movable property in accordance with Para 1 when such property is no longer used in keeping with its original purpose, and when, due to its definite state has the potential to endanger, either in the present or the future, the public welfare, especially the environment, and when its potential danger can be ruled out only through proper and safe recycling or disposal that is sound with the public welfare, pursuant to the provisions of this Act and to the statutory ordinances issued on the basis of this Act.

(5) A generator of waste within the meaning of this Act is any natural person or legal entity through whose actions waste has occurred; or any person who has carried out pre-treatment, mixing or other treatment that effects a change in the nature or the composition of such waste.

(6) An owner of waste within the meaning of this Act is any natural person or legal entity who has actual physical ownership over waste.

(7) Waste management comprises the recovery and disposal of waste.

(8) Waste classified by a statutory ordinance pursuant to Art. 41 Para 1 or Art. 41 Para 3 No. 1 requires special supervision. All other waste requires supervision when it is to be disposed of; recyclable waste classified by a statutory ordinance pursuant to Art. 41 Para 3 No. 2 also requires supervision.

(9) The Federal Government is herewith authorised to delete or to amend waste categories, disposal and recovery operations in Annex I, IIA or IIB, in order to implement EC Legislations, with the consent of the Federal Council.

PART TWO

BASIC PRINCIPLES FOR, AND OBLIGATIONS OF, GENERATORS AND OWNERS OF WASTE AND PARTIES RESPONSIBLE FOR WASTE MANAGEMENT

Art. 4 Basic Principles of Circular Economy

(1) Waste

1. must, primarily, be avoided; especially by reducing its amount and dangerousness;
2. must, secondarily,
 - a) be subjected to material recycling or
 - b) used to obtain energy (energy recovery).

(2) Measures for waste avoidance include, especially, closed loop recycling management of materials within plants, low-waste product design and consumer behaviour oriented to the acquisition of low-waste and low-pollution products.

(3) Material recycling comprises substitution of raw materials through the extraction of materials from waste (secondary raw materials), and use of the substance properties within waste for their original purpose, or of other purposes, except for direct energy recovery. Material recycling is considered to occur when, in keeping with an economic perspective, and taking into account the impurities present in the relevant waste, the main purpose of the relevant measure is to use the waste, and not to eliminate its pollution potential.

(4) Energy recovery comprises the use of waste as a substitute fuel; the priority for energy recovery does not affect thermal treatment of waste for disposal, especially household waste. The main purpose of a measure in question shall be taken as the criterion for differentiation. For a given waste sample that has not been mixed with other materials, the type and extent of the waste's impurities, and the additional waste and emissions occurring as a result of its treatment, are the criterion for determining whether the relevant waste management measure's main purpose is recycling or treatment.

(5) Closed loop recycling management also comprises the provision, the supply, the collection, collection through the collect and bring systems, the transportation, the storage and treatment of waste for recovery.

Art. 5 Basic Obligations of Circular Economy

(1) Obligations to avoid waste generation are oriented to Art. 9 and to the statutory ordinances issued on the basis of Arts. 23 and 24.

(2) Generators and owners of waste are obligated to recover the waste in question pursuant to Art. 6. Where no other consequences result from this Act, waste recovery has priority over waste disposal. High-quality recovery appropriate for the type and the nature of the waste in question is to be pursued. To the extent required to fulfil requirements pursuant to Arts. 4 and 5, waste for recovery shall be separated for storage and treatment.

(3) Waste recycling, especially binding of waste within products, must take place properly and safely. Recycling takes place properly when it complies with the provisions of this Act and with other public-law provisions. It takes place safely when, given the waste's nature, the extent of the impurities the waste contains and the type of recycling in question, no impairment of the public welfare is expected, and, in particular, when no accumulation of dangerous substances occurs within the closed material cycle.

(4) The obligation to recover waste is to be met to the extent, this is technically possible and economically reasonable, especially when a market exists, or can be created, for an extracted material or for extracted energy. Waste recycling is technically possible even when it requires pre-treatment. Waste recycling is economically reasonable if the costs it entails are not disproportionate in comparison with the costs waste disposal would entail.

(5) The priority set forth in Para 2 for waste recycling does not exist in cases in which waste disposal is the more environmentally sound solution. In this connection, the following must especially be taken into account:

1. The expected emissions,
2. The aim of conserving natural resources,
3. The energy to be consumed and yielded, and
4. The resulting increased concentrations of pollutants in products, waste for recovery or products made from such waste.

(6) The priority for recycling does not apply to waste occurring directly and normally through research and development.

Art. 6 Material Recycling and Energy Recovery

- (1) Waste can be
 - a) subjected to material recycling or
 - b) used to obtain energy.

Priority shall be given to that form of use which is more environmentally sound. Art. 5 Para 4 applies accordingly. The Federal Government is herewith authorised, after hearing the concerned parties (Art. 60), to issue statutory ordinances giving priority to material recycling or to energy recovery for certain waste types; this shall occur with the consent of the Federal Council, on the basis of criteria set forth in Art. 5 Para 5, and taking into account the requirements listed in Para 2.

(2) If priority for a type of use is not set forth by a statutory ordinance pursuant to Para 1, energy recovery within the meaning of Art. 4 Para 4 is permissible only when

1. the calorific value of the waste in question, without the wastes being mixed with other materials, is at least 11 000 kJ/kg,
2. a combustion efficiency of at least 75 % is achieved,
3. the resulting heat is either used by the person/entity recovering the energy or supplied to a third party, and
4. further waste generated during the recovery can be landfilled if possible without further treatment.

Waste from renewable raw materials can be used for energy recovery if the prerequisites listed in Sentence 1 Nos. 2 through 4 are met.

Art. 7 Requirements of the Circular Economy

(1) The Federal Government is herewith authorised, after hearing the concerned parties (Art. 60), to issue statutory ordinances, with the consent of the Federal Council, and to the extent required to fulfil obligations pursuant to Art. 5, especially those ensuring safe recycling, that accomplish the following:

1. Restrict the binding or the residues of certain waste in products, specified by type, nature and content materials,
2. Mandate requirements of separation, transport and storage of waste,
3. Mandate requirements for waste provision, supply, collection and collection of wastes through collect and bring systems,
4. Mandate the following for certain waste, recycling of which, due to the type, nature or amount of the waste in question, is particularly able to impair the public welfare, especially the natural resources requiring protection that are listed in Art. 10 Para 4, by area of origin, place of origin or initial product:
 - a) That such waste may be put into circulation, or recovered, only in certain amounts or types, or only for certain purposes,
 - b) That certain types of such waste may not be put into circulation,
5. Mandate that relevant waste owners are obligated, when they supply waste to third parties, to notify such parties concerning the requirements resulting from these statutory ordinances,
6. Mandate labelling obligations with regard to waste.

(2) Mandatory requirements can be laid down on materials by means of a statutory ordinance pursuant to Para 1, when power-plant waste, gypsum from flue-gas desulphurisation facilities or other waste is used, by companies subject to supervision by mining supervisory authorities, for technical or safety reasons or for restoring usability of facilities.

(3) Specifications by means of a statutory ordinance pursuant to Para 1, may be laid down on procedures for the reviewing of the mandatory requirements in Para 1, especially referring to

1. the taking of samples, storage and safekeeping of reserved samples, including storage, and the procedures to be used in this case,
2. the analysis procedures required for identification of individual substances or substance groups.

As to the requirements pursuant to Sentence 1, reference may be made to publicly accessible official notifications of the pertinent expert bodies. In this case

1. the statutory ordinance shall give the date of the official notification and accurate source data,

2. the official notification must be filed in the archives of the German Patent Office for safe custody and a reference made to this fact in the statutory ordinance.

Art. 8 Requirements of Circular Economy within the Scope of Agricultural Fertilisation

(1) The Federal Ministry for the Environment, Nature Conservation and Reactor Safety, acting in agreement with the Federal Ministry of Food, Agriculture and Forestry and the Federal Ministry for Health, after hearing the concerned parties (Art. 60), is herewith authorised to mandate, by statutory ordinance, with the consent of the Federal Council, requirements for the area of agriculture for ensuring proper and safe recycling pursuant to Para 2.

(2) If waste for recovery, as secondary raw-material fertiliser or farm fertiliser; is applied, within the meaning of Art. 1 of the Fertiliser Act, on land used for agricultural, silvicultural or horticultural purposes, then the following, in particular, can be mandated, in statutory ordinances pursuant to Para 1, for such supply and application, with regard to the relevant pollutants:

1. Prohibitions or restrictions depending on factors such as type and nature of the pertinent soil, application site and time and natural site conditions, and
2. Studies of the relevant waste, farm fertiliser or soil, measures for pre-treatment of these materials, or suitable other measures.

This applies to farm fertiliser to the extent that the usual quantities employed in good and proper practice, within the meaning of Art. 1 a of the Fertiliser Act, are exceeded.

(3) The Governments of the Federal States may issue statutory ordinances pursuant to Para 2, if the Federal Ministry for the Environment, Nature Conservation and Reactor Safety makes no use of the relevant authorisation; in addition, they can transfer the relevant authorisation, by statutory ordinance, and completely or in part, to other authorities.

Art. 9 Obligations of Operators of Plants

The obligations of operators of plants that either require authorisation or do not require authorisation, pursuant to the Federal Immission Control Act, to construct and operate such plants in such a manner that waste is avoided, recovered or disposed of, are oriented to the provisions of the Federal Immission Control Act. Material-oriented requirements concerning the type and manner of the relevant recovery and disposal of waste pursuant to this Act are not affected. Material-oriented requirements for internal recycling within plants shall be mandated by statutory ordinance pursuant to Art. 6 Para 1 and Art. 7.

Art. 10 Basic Principles of Waste Disposal Compatible with the Public Welfare

(1) Waste which is not recovered shall be permanently excluded from the closed loop recycling management, and it shall be disposed of permanently in a manner safeguarding the public welfare.

(2) Waste disposal comprises the provision, supply, collection, transport, treatment, storage and deposition of waste for disposal. The amount and dangerousness of waste shall be reduced through waste treatment. Any energy or waste occurring in connection with treatment and deposition shall be exploited to the maximum extent possible. Treatment and deposition are to be considered waste disposal if the energy or waste occurring in connection with such treatment and storage can be exploited, but such exploitation is only a secondary purpose of the disposal.

(3) Waste shall be disposed of within the country. The provisions of Council Regulation (EEC) No. 259/93 of 1 February 1993 for supervision and control of the movement of waste within, into and out of the European Community (OJ EC No. L 30 p. 1) and of the Act Implementing the Basel Convention of 22 March 1989 for control of transfrontier movement of hazardous waste, and of its disposal, are not affected.

(4) Waste shall be disposed of in such a manner that the public welfare is not impaired. Impairment occurs when, in particular,

1. human health is impaired,
2. animals and plants are endangered,
3. water bodies and soil are harmfully influenced,
4. harmful influences on the environment are caused by air pollution or noise,
5. the interests of regional policy and planning of the Federal State, of nature conservation and landscape management and of town planning are not considered adequately or
6. the public's safety and the public order are otherwise threatened or disturbed.

Art. 11 Basic Obligations of Waste Disposal

- (1) Generators or owners of waste that is not recovered are obligated to dispose of such waste in keeping with basic principles of waste management that is compatible with the public welfare, pursuant to Art. 10, to the extent that Arts. 13 through 18 contain no different provisions.
- (2) To the extent necessary to fulfil requirements pursuant to Art. 10, waste for disposal is to be stored and treated separately from other waste.

Art. 12 Requirements for Waste Disposal

- (1) The Federal Government is herewith authorised, after hearing the concerned parties (Art. 60), to mandate, by statutory ordinance, and with the consent of the Federal Council, requirements, in keeping with the technological state of the art, for fulfilling obligations pursuant to Art. 11 for the disposal of waste; these requirements may specify area of origin, site of occurrence, as well as the type, amount and nature of the relevant waste. Such requirements may include especially
 1. requirements of separate storage and treatment of waste,
 2. requirements of provision, supply, collection, transport, storage and landfilling of waste and
 3. procedures for review of requirements pursuant to Art. 7 Para 3.
- (2) To execute this Act and the Federal statutory ordinances issued on the basis of this Act, the Federal Government, after hearing the concerned parties (Art. 60), and with the consent of the Federal Council, shall issue general administrative regulations concerning Requirements for environmentally sound waste disposal in keeping with the state of the art. This shall include mandating procedures for collection, treatment, storage and landfilling that, as a rule, ensure environmentally sound waste disposal.
- (3) The state of the art within the meaning of this Act is the level of development of modern procedures, facilities or operational practices that permit relevant measures practical suitability for environmentally sound waste disposal to be considered as assured. Determination of the state of the art shall especially include consideration of comparable procedures, facilities or operational practices whose success has been operationally tested.

Art. 13 Obligation to Make Waste Available for Public Waste Management Organisations

- (1) Contrary to Art. 5 Para 2 and Art. 11 Para 1, generators or owners of waste from private households are obligated to make such waste available to the legal entities who are obligated, pursuant to laws of Federal States, to carry out waste management (public waste management organisations), to the extent that such generators or owners are unable, or do not intend, to carry out recovery themselves. Sentence 1 also applies to generators and owners of waste for disposal from other areas of origin, to the extent that they do not dispose of such waste in their own facilities, or that predominating public welfares require such waste supply.
- (2) The obligation to make waste available to public waste management organisations does not exist if obligations for recovery and disposal, pursuant to Art. 16, 17 or 18, have been transferred to third parties or private parties responsible for waste management.

- (3) The obligation to make waste available does not apply to waste
1. subject to obligations, based on a statutory ordinance pursuant to Art. 24, to return waste, or to accept returned waste, in cases in which public waste management organisations are not involved in acceptance of returned waste on the basis of a provision pursuant to Art. 24 para 2 No. 4,
 2. that is subjected, through non-profit collection, to proper and safe recycling,
 3. that is subjected, through commercial collection, to proper and safe recycling, to the extent such subjection is demonstrated to public waste management organisations, and does not conflict with any predominating public welfares.

Nos. 2 and 3 do not apply to waste requiring special supervision. Special provisions contained in statutory ordinances pursuant to Arts. 7 and 24, regarding the obligation to make waste available, are not affected.

(4) To ensure environmentally sound disposal, the Federal States can mandate tendering (Andienung) and supply obligations in connection with waste for disposal requiring special supervision. To ensure environmentally sound waste management, they can mandate tendering and supply obligations in connection with waste for recovery requiring special supervision, to the extent that proper recovery cannot be assured by other means. The waste for recovery mentioned in Sentence 2 is selected by the Federal Government, by statutory ordinance, with the consent of the Federal Council. Tendering obligations mandated by the Federal States prior to the coming into force of this Act, in connection with waste for recovery requiring special supervision, are not affected. Where waste management obligations pursuant to Art. 16, 17 or 18 have been transferred to third parties or private parties responsible for waste management, such third parties or private parties are not subject to such tendering or supply obligations.

Art. 14 Toleration Obligations in Connection with Property

- (1) The titleholders and owners of property on which waste is generated that is subject to obligations to make waste available are obligated to tolerate the installation of containers required for waste collection, as well entry on to the premises for the purposes of collection and for supervision of waste separation and recovery.
- (2) Para 1 applies accordingly for return and collection systems required to fulfil obligations to accept returned goods on the basis of a statutory ordinance pursuant to Art. 24.

Art. 15 Obligations of Public Waste Management Organisations

- (1) The public waste management organisations shall recover, in keeping with Arts. 4 through 7, or dispose of, in keeping with Arts. 10 through 12 waste from private households in their area that has been provided to them, as well as waste for disposal from other areas of origin. If waste is provided to them for disposal for reasons listed in Art. 5 Para 4, the public waste management organisations are required to carry out recovery, to the extent that these reasons do not apply to them.
- (2) The public waste management organisations are exempted from obligations to manage waste from areas of origin other than private households, to the extent that waste management obligations have been transferred, pursuant to Art. 16, 17 or 18, to third parties or private parties responsible for waste management.
- (3) The public waste management organisations can, with the consent of the competent authority, exclude waste from waste management, to the extent that the waste in question is subject to obligations to accept returned goods, on the basis of a statutory ordinance issued pursuant to Art. 24 and that appropriate facilities for accepting returned goods are actually available. Sentence 1 also applies to waste for disposal from areas of origin other than private households, to the extent that the waste in question, due to its type, amount or nature, cannot be disposed of together with the household waste; or that safe, environmentally sound disposal, in harmony with the waste management plans of the Federal States, is assured by another party responsible for waste management or by another third party. The public waste management organisations can revoke the exclusion from waste management pursuant to Sentences 1 and 2, with the consent of the competent authority, if the prerequisites for exclusion as listed in those sentences are no longer fulfilled.

(4) The obligations pursuant to Para 1 also apply for motor vehicles or trailers without valid official registration, when they are parked on public areas or outside of contiguously built-up municipal areas, when there are no indications that they have been stolen, or that they are being used as intended, and when they have not been removed within one month after a plainly visible relevant request has been attached to them.

Art. 16 Commissioning of Third Parties

(1) Parties responsible for waste recovery and disposal can commission third parties to fulfil their obligations. Such commissioning does not affect their responsibility for fulfilment of the relevant obligations. The so-commissioned third parties must provide the necessary reliability.

(2) By application and with the consent of the parties responsible for waste management within the meaning of Arts. 15, 17 and 18, the competent authority can transfer the obligations of these parties to a third party, completely or in part, if

1. the third party in question has the necessary knowledge and capability and is reliable,
2. fulfilment of the transferred obligations is assured and
3. no predominating public welfares conflict with this procedure.

Transfer of obligations of the private parties responsible for waste management to third parties requires the consent of the public waste management organisations within the meaning of Art. 15.

(3) To demonstrate fulfilment of the prerequisites pursuant to Para 2, the third party must present, in particular, a waste management concept. The waste management concept must contain the following:

1. Details concerning the type, amount and whereabouts of the waste to be recovered or disposed of,
2. Description of the measures that have been taken and planned for waste recovery or for disposal,
3. Presentation of planned waste management measures for the next five years, including information about the necessary site- and facility planning and its chronological sequence,
4. Separate description of the waste listed under No. 1, for recovery or disposal outside of the Federal Republic of Germany.

Preparation of the waste management concept must take into account requirements of waste management planning pursuant to Art. 29. The waste management concept must be prepared and updated in keeping with Art. 19 Para 3. In addition, one year after transfer of the obligations, a waste management balances must be prepared and presented, in keeping with Art. 20 Para 1.

(4) The transfer shall be for a limited term. It can include collateral provisions; in particular, it can be issued conditionally and coupled to restrictions or a reserved right of revocation.

Art. 17 Performance of Tasks by Associations

(1) Generators and owners of waste from commercial enterprises and other types of industrial companies or public institutions may form associations that can be commissioned by generators or owners of waste to fulfil their responsibilities to recover and dispose of waste. Art. 16 Para 1 Sentences 2 and 3 applies accordingly.

(2) The public waste management organisations, and self-administration authorities in industry, may support formation of such associations and participate in them.

(3) The competent authority, with the consent of the public waste management organisations within the meaning of Art. 15 can transfer to such associations, at their application, and completely or in part, the obligations of generators and owners of waste. This can occur if

1. the purpose of the relevant association cannot be fulfilled by other means,
2. fulfilment of the transferred obligations is assured, especially the safety of waste management for the transferred task area, in harmony with the waste management plans of the Federal States (Art. 29), and

3. no predominating public welfares conflict with this procedure.

Art. 16 Para 3 and 4 applies accordingly.

(4) The competent authority can commission the association, within the framework of the transferred task area and of the association's purpose, to manage all waste in a designated area, especially waste for disposal of other generators and owners, to the extent that

1. this is necessary to protect the public welfare and
2. the generators and owners do not fulfil their obligations themselves.

(5) The associations may levy fees. The fee schedule must be authorised by the competent authority.

(6) Art. 15 Para 1 and 3 applies accordingly for the transferred recovery and disposal obligations. To the extent required to fulfil the transferred obligations, supply and toleration obligations exist toward the associations; Art. 13 Para 1 and 3 and Art. 14 apply accordingly. To fulfil the transferred obligations, the associations can require the waste generators and owners to separate waste for storage and to bring it to certain collection sites or treatment facilities. The authority of generators and owners to manage waste themselves is not affected by these provisions.

Art. 18 Performance of Tasks by Self-administrative Commercial Bodies

(1) Chambers of commerce, chambers of trade and chambers of agriculture (self-administration authorities in business industry and trade) may form institutions that can be commissioned, by generators and owners of waste, with the fulfilment of their recovery and disposal obligations. Art. 16 Para 1 Sentences 2 and 3 applies accordingly.

(2) At the application of the self-administration authorities in business, industry and trade, the competent authority may transfer, completely or in part, obligations of waste generators and owners to the institutions in a designated area. Art. 17 Para 3 through 6 applies accordingly.

Art. 19 Waste Management Concepts

(1) Waste generators who annually generate more than a total of 2,000 kilograms of waste requiring special supervision, or more than 2,000 tonnes of waste requiring supervision, per waste category; shall prepare a waste management concept for the avoidance, recovery and disposal of the generated waste. The waste management concept serves as an internal planning instrument and must be submitted, upon request, to the competent authority for evaluation in connection with waste management planning. The waste management concept shall contain the following:

1. Details concerning the type, amount and whereabouts of waste requiring special supervision, of waste for recovery requiring supervision and as well of waste for disposal,
2. Description of measures, taken and planned, for avoidance, recovery and disposal of waste,
3. Justification of the necessity of waste disposal, especially including details concerning lacking recyclebility for reasons listed in Art. 5 Para 4,
4. Description of the planned waste management procedures for the next five years; waste generators who carry out waste management themselves must also include information about the necessary site and facility planning and its chronological sequence,
5. Separate description of the final destination of waste listed under No. 1, for recovery or disposal outside of the Federal Republic of Germany.

(2) Preparation of the waste management concept must take account of requirements of waste management planning pursuant to Art. 29.

(3) The waste management concept shall be prepared, for the first time, by 31 December 1999 and shall cover the subsequent five years. It shall be updated every years, to the extent that the Federal States have made no different provisions by the time this Act comes into force. The competent authority can require submission of the waste management concept by an earlier date.

(4) The Federal Government shall mandate, by statutory ordinance and with the consent of the Federal States, and after hearing the concerned parties (Art. 60),

1. further requirements concerning the form and content of the documents to be submitted pursuant to Para 1,
2. exceptions, for certain waste types, to the obligations listed in Paras 1 through 3,
3. individual types of waste for recovery, not requiring special supervision, that are to be included in the waste management concept.

(5) The public waste management organisations within the meaning of Art. 15 shall prepare waste management concepts concerning the recovery and disposal of waste that is generated in their area and that must be made available to them. The Federal States regulate requirements for these waste management concepts.

Art. 20 Waste Management Balances

(1) Parties obligated in pursuance with Art. 19 Para 1 shall prepare annual analyses of the type, amount and storage of waste requiring special supervision, and of waste requiring supervision, that has been recovered or disposed of during the past year (waste management balances). Such analyses shall be prepared for the first time by 1 April 1998. Upon request, such parties shall submit such analyses to the competent authority. Art. 19 Para 1 Sentence 3 Nos. 1, 3, 5; Para 3 Sentence 1, 2nd part and Para 4 apply accordingly.

(2) Owners of waste from commercial companies or other business enterprises, or from public institutions, are obligated to provide information to the obligated parties within the meaning of Para 1 Sentence 1, to the extent that such owners are required to make waste available to them.

(3) The public waste management organisations within the meaning of Art. 15 shall prepare waste management balances in accordance with Para 1. The Federal States regulate requirements for the waste management balances.

Art. 21 Orders in Individual Cases

(1) In individual cases, the competent authority may issue the necessary orders for the execution of this Act and of the statutory ordinances issued on the basis of this Act.

(2) The competent authority may issue orders for parties obligated within the meaning of Art. 19 Para 1 to commission an expert named by the competent supreme Federal State authority with the review of waste management concepts and waste management balances pursuant to Arts. 19 and 20.

(3) If waste management concepts or waste management balances are not prepared, are not prepared as required or are not prepared on time, the competent authority can issue objections and grant the relevant obligated party a suitable period for improvement.

PART THREE

PRODUCT RESPONSIBILITY

Art. 22 Product Responsibility

(1) Parties who develop, manufacture, process and treat, or sell products have "product responsibility" for achievement of the aims of closed loop recycling management. In order to fulfil product responsibility, products must be so designed, if at all possible, that waste generation is reduced within their production and use, and that environmentally sound recovery and disposal of the waste resulting from their use is assured.

(2) In particular, product responsibility comprises

1. the development, production and marketing of products that can be reused, that are technically durable and that are suitable, after use, for proper and safe recycling and environmentally sound disposal,
 2. priority for use of recyclable waste or secondary raw materials in production of products,
 3. labelling of products containing pollutants, in order to ensure environmentally sound recovery or disposal of the waste remaining after their use,
 4. provision of information concerning possibilities or obligations for return, reuse and recovery, and concerning deposit-payment arrangements, through product labelling and
 5. acceptance of the products and of the waste remaining after their use, as well as the subsequent recovery or disposal of such products and waste.
- (3) As part of product responsibility pursuant to Paras 1 and 2, the following must be taken into account, in addition to proportionality of requirements pursuant to Art. 5 Para 4, provisions resulting from other requirements concerning product responsibility and protection of the environment, and provisions of Community Law concerning the free movement of goods.
- (4) The Federal Government determines, by statutory ordinances on the basis of Arts. 23 and 24, which obligated parties must fulfil product responsibility pursuant to Paras 1 and 2. It also determines the products for which, and by what means and manner, product responsibility must be fulfilled.

Art. 23 Prohibitions, Restrictions and Labelling

For definition of requirements pursuant to Art. 22, the Federal Government is authorised, after hearing the concerned parties (Art. 60), to mandate, by statutory ordinance and with the consent of the Federal Council, that

1. certain products, especially packaging and containers with only certain characteristics or for certain uses, for which proper recovery or disposal of generated waste is ensured, may be put into circulation,
2. certain products may not be put into circulation at all if, during their waste management, the release of dangerous substances cannot be avoided, or can be avoided only at disproportionately high expenditure, or if environmentally sound waste management cannot be assured by other means,
3. certain products shall be put into circulation only in a certain form which clearly supports waste management, especially in a form that facilitates reuse or that facilitates recovery,
4. certain products shall be marked/labelled in a specified manner, especially in order to assure fulfilment of basic obligations for acceptance of returned goods pursuant to Art. 5 (labelling obligation),
5. certain products, due to the content of a dangerous substance in the waste expected to remain after their intended use, shall be put into circulation only if they are provided with marking/labelling which points out, in particular, the necessity of return to the manufacturer, distributor or specified third parties, in order to ensure the necessary special recovery or disposal,
6. for certain products, for which obligations to accept returned goods, or to return goods, pursuant to Art. 24, have been mandated, that the site of sale or putting into circulation must call attention to the possibility of returning the goods, or that the products must be appropriately labelled,
7. certain products, for which levying of a deposit pursuant to Art. 24 has been mandated, must be appropriately labelled; if necessary, such labelling must include mention of the amount of the deposit.

Art . 24 Obligation to Return Certain Goods, and Obligation to Accept Returned Goods

(1) For definition of requirements pursuant to Art. 22, the Federal Government is authorised, after hearing the concerned parties (Art. 60), to mandate, by statutory ordinance and with the consent of the Federal Council, that manufacturers or distributors

1. may sell or put into circulation certain products only after providing a possibility for returning the goods,
2. shall accept certain products when returned and shall provide for return, by suitable measures, especially by means of systems for accepting returned goods, or by levying a deposit,
3. must accept certain products at the place where they are sold or where they occur,
4. shall keep records, to be presented to the Federal State, competent authority or party responsible for waste management within the meaning of Arts. 15, 17 or 18, concerning the type, amount, recovery and disposal of returned waste, and shall retain and store relevant documents, to be presented upon request.

(2) For definition of requirements pursuant to Art. 22 and for supplementary definition of obligations of generators and owners of waste, and of the parties responsible for waste management within the meaning of Arts. 15, 17 and 18, and within the framework of closed loop recycling management, the following may also be mandated in a statutory ordinance pursuant to Para 1:

1. which party is responsible for paying the costs for acceptance, recovery and disposal of products that must be accepted when returned;
2. that owners of waste must make waste available to manufacturers or distributors obligated pursuant to Para 1,
3. the means and manner by which waste shall be made available, including measures within the meaning of Art. 4 Para 5 for provision, collection and transport, and including waste-bringing obligations of the owners named under No. 1,
4. that the parties responsible for waste management within the meaning of Arts. 15, 17 and 18 shall cooperate in accepting returned goods, as a task entrusted to them, by collecting waste and making it available to parties obligated pursuant to Para 1.

Art. 25 Voluntary Acceptance of Returned Goods

(1) The Federal Government may define aims for the voluntary acceptance of returned waste, after hearing the concerned parties (Art. 60); that are to be attained within an appropriate period. It shall publish such defined aims in the Federal Bulletin.

(2) Manufacturers and distributors who voluntarily accept, returned waste for disposal, or waste for recovery requiring supervision or waste for recovery requiring special supervision, must notify the competent authority of such acceptance. The competent authority for receiving such notification should grant exemptions from obligations pursuant to Art. 49, and from proof obligations pursuant to Arts. 43 and 46, to the extent that the voluntary acceptance of returned waste promotes the aims of closed loop recycling management pursuant to Arts. 4 and 5 and other suitable proof is furnished that the accepted waste is properly recovered and disposed of.

Art. 26 Obligations of Owners after Acceptance of Returned Goods

Manufacturers and distributors who accept returned waste on the basis of a statutory ordinance pursuant to Art. 24, or who voluntarily accept returned waste, are subject to the obligations of waste owners pursuant to Arts. 5 and 11.

PART FOUR
PLANNING RESPONSIBILITY
SECTION ONE
ORGANISATION AND PLANNING

Art. 27 Regulation of Waste Disposal

(1) For purposes of disposal, waste may be treated, stored or landfilled only in authorised plants or facilities (waste-disposal facilities). In addition, treatment of waste for disposal is permitted in facilities that primarily serve a purpose other than waste disposal and that require a license pursuant to Art. 4 of the Federal Immission Control Act. Storage or treatment of waste for disposal in waste disposal facilities for these purposes is also permitted to the extent that such facilities, as insignificant facilities pursuant to the Federal Immission Control Act, do not require a license, and no other provisions are made in statutory ordinances pursuant to Art. 12 Para I or pursuant to Art. 23 of the Federal Immission Control Act or in general administrative regulations pursuant to Art. 12 Para 2.

(2) In individual cases, the competent authority may permit exceptions to Para 1 Sentence 1, while reserving a right of revocation, if such action does not impair the public welfare.

(3) The Federal State governments may permit, through statutory ordinance, disposal of certain waste, or of certain amounts of such waste, outside of facilities within the meaning of Para 1 Sentence 1, to the extent that such disposal is required and is not expected to impair the public welfare. In such cases, the Federal State governments may also determine the prerequisites for such disposal, and the type and means of such disposal, by statutory ordinance. The Federal State Governments may transfer, by statutory ordinance such rights completely or in part to other authorities.

Art. 28 Execution of Disposal

(1) The competent authority may require the operator of a waste disposal facility to permit a party obligated to carry out disposal pursuant to Art. 11, and parties responsible for waste management within the meaning of Arts. 15, 17 and 18, to use the relevant waste disposal facility, for an appropriate fee, to the extent that such a party or parties cannot efficiently dispose of the waste by other means, or can dispose of it only at a considerable additional cost, and that such use does not place an unreasonable burden on the operator. If agreement cannot be reached concerning the amount of the relevant fee, it shall be determined by the competent authority. Such assignment may take place only when it does not conflict with provisions of this Act; fulfilment of basic obligations pursuant to Art. 11 must be ensured. The competent authority shall require the party receiving such assignment to submit waste management concepts and shall use these concepts as the basis for its decision. By application of the, party obligated pursuant to Sentence 1, the party receiving the assignment can be obligated to accept waste of the same type, and in the same amount, after lapse of the reasons for the assignment.

(2) The competent authority may transfer, to the operator of a waste disposal facility who is able to dispose of waste more economically than the parties responsible for waste management within the meaning of Arts. 15, 17 and 18, on the application of such an operator, responsibility for disposal of the relevant waste. Such transfer can be coupled to the requirement that the applicant dispose of all waste occurring in the area for which the parties responsible for waste management are responsible, for reimbursement of costs, if the parties responsible for waste management cannot dispose of the remaining waste, or can dispose of it only at a disproportionately high expenditure, this does not apply if the applicant shows that assumption of responsibility for disposal would represent an unreasonable burden.

(3) The party holding the mining rights for, or the entrepreneur of, a mineral mining operation, as well as the titleholder or owner of land used for mineral mining, or party otherwise authorised to use land, can be obligated by the competent authority to tolerate disposal of waste in exposed tunnels in his facility, or on his land, to permit access and, to the extent that this is required, to make available existing facility equipment or facilities, or portions thereof. The party responsible for the disposal must reimburse the relevant party for incurred costs resulting from such use. The competent authority shall determine the content of this obligation. The priority of mineral extraction over waste management shall not be affected. The party required to tolerate such use shall not be liable for damage resulting from the waste disposal.

(4) Deposition of waste and waste incineration on high sea is prohibited according to stipulations of the Act on Prohibition of the Deposit of Waste and Other Substances on High Sea enacted on 25 August 1998 (Federal Law Gazette I p. 2455). The deposition of dredged material may be carried out on high sea in accordance with stipulations regarding the composition of the individual deposits entailed in the in Sentence 1 already mentioned Act.

Art. 29 Waste Management Planning

(1) The Federal States prepare waste management plans, for their respective areas, in keeping with supraregional perspectives. The waste management plans include descriptions of the following:

1. The aims of waste avoidance and recycling/recovery and
2. The waste management facilities required to ensure domestic waste management.

The waste management plans list the following:

1. Authorised waste management facilities and
2. Suitable areas for waste disposal facilities for final deposition of waste (landfill sites) and for other waste management facilities.

The plans can also mandate which parties responsible for waste management are to be chosen and which waste management facility the parties responsible for disposal must use.

(2) Description of requirements must take into account future developments expected within a period of at least ten years. To the extent this is necessary for description of requirements, waste management concepts and waste management balances must be evaluated.

(3) An area may be considered suitable within the meaning of Para 1 Sentence 3 No. 2 if its location, size and nature, with regard to the planned use, does not conflict with the waste management aims within the plan area, and if it does not clearly conflict with the public welfare. Site determination pursuant to Para 1 is not a prerequisite for plan approval or for licensing of the waste management facilities listed in Art. 31.

(4) Assignments within the meaning of Para 1 Sentence 3 No. 2 and Sentence 4 can be declared binding for the party obligated to carry out disposal.

(5) Waste management planning must take into account the aims and requirements of regional policy and Federal State planning. Art. 5 Para 4 and Art. 4 Para 5 of the Regional Development Act (*Raumordnungsgesetz*) are not affected. Regionally significant waste management planning requirements and measures can be incorporated in programmes and plans within the meaning of Art. 5 of the Regional Development Act.

(6) The Federal States should co-ordinate their waste management planning to and with each other. If planning is required that extends beyond a Federal State boundary, the affected Federal States, in preparing waste management plans, should reach mutual agreement concerning requirements and measures.

(7) Communities, or their associations, and the parties responsible for waste management within the meaning of Arts. 15, 17 and 18, shall be included in preparation of waste management plans.

(8) The Federal States regulate procedures for preparation of plans and for declaring them to be binding.

(9) The plans are to be prepared, for the first time, by 31 December 1999; thereafter, they are to be updated every five years.

SECTION TWO

AUTHORISATION OF WASTE MANAGEMENT FACILITIES

Art. 30 Exploration of Suitable Sites

(1) Owners of land and parties entitled to use land, shall permit persons commissioned by the competent authority, or by the parties responsible for waste management within the meaning of Arts. 15, 17 and 18, to explore/inspect suitable sites for landfill sites and publicly accessible waste management facilities, to enter property, except for residences, and to carry out surveying, soil and groundwater studies or other similar work. Landowners and parties entitled to use land shall be notified in advance of any intentions to enter on to the relevant property and to carry out such work.

(2) The competent authority and the parties responsible for waste management within the meaning of Arts. 15, 17 and 18, after completing such work, must restore, without delay, the relevant property to its condition prior to the relevant work. They are permitted to require, however, that facilities/equipment installed in connection with such exploration/inspection are not disturbed. The facilities/equipment shall be removed when they are no longer needed for the exploration/inspection, or if a decision concerning the exploration/inspection has not been taken within two years after installation of the facilities/equipment and the land owner or party entitled to use the land has lodged an objection, with the competent authority, to their continued presence on the land.

(3) Land owners, and parties entitled to use land, can require monetary compensation, from the competent authority, for financial disadvantages incurred through permissible measures pursuant to Para 2.

Art. 31 Plan Approval and Licensing

(1) The construction and operation of stationary waste management facilities for storage or treatment of waste for disposal, and significant changes in such facilities or their operation, require authorisation pursuant to the provisions of the Federal Immission Control Act; further authorisation pursuant to this Act is not required.

(2) The construction and the operation of landfill sites, and significant changes in such facilities or their operation, require plan approval by the competent authority. As part of the plan approval procedure, environmental impact assessment, pursuant to the provisions of the Act on the Assessment of Environmental Impact, shall be carried out.

(3) Art. 74 Para 6 of the Administrative Procedure Act (Verwaltungsverfahrensgesetz) is effective with the stipulation that the competent authority may issue, upon application or upon official cause, a plan licensing instead of carrying out a plan approval procedure only then, if

1. the construction and operation of an insignificant disposal site is applied for, and in the case that the construction and operation do not negatively affect the protected natural resources as defined in Art. 2 Para 1 Sentence 2 of the Act on the Assessment of Environmental Impact or,
2. significant change in a landfill site or in its operation is applied for, to the extent that such change can have no considerable negative effects on a good requiring protection as mentioned in Art. 2 Para 1 Sentence 2 of the Act on the Assessment of Environmental Impact, or
3. application is made for construction and operation of a landfill site that, exclusively or predominantly, is used for development and testing of new procedures, and the license is to be issued for a maximum period of two years following the operational start-up of the facility; upon application, this period can be extended for up to one additional year.

A plan approval in accordance with Sentence 1 No. 1 cannot be granted for landfill sites for wastes requiring special supervision; for these landfill sites a plan approval in accordance with Sentence 1 No. 3 can be granted for a maximum period of one year. The competent authority may conduct a licensing procedure if amendments are not considered to result in major set-backs for Art. 2 Para 1 Sentence 2 of the Act on the Assessment of Environmental Impact and are regarded as pursuing the target of achieving marked improvement for natural resources requiring protection.

Art. 32 Gants, Financial Guarantee, Collateral Provisions

(l) The plan approval decision pursuant to Art. 31 Para 2, or a license pursuant to Art. 31 Para 3, may be issued only if

1. it is ensured that the public welfare is not impaired, in particular,
 - a) that dangers to natural resources requiring protection, as named in Art. 10 Para 4, cannot arise and
 - b) that precautions are taken against impairment of natural resources requiring protection, especially through construction-related, operational or organisational measures in keeping with the state of the art,
2. no facts are presented that justify reservations concerning the reliability of the persons responsible for the construction, management or supervision of the landfill site's operation,
3. no negative effects on the rights of another person are to be expected and
4. the conclusions of a waste management plan that have been declared legally binding do not conflict with the project.

(2) The negative effects on the rights of another person, as described in Para 1 No. 3, do not conflict with the issuing of a plan approval or license if they can be prevented, or compensated for, through restrictions or conditions, or when the affected party does not lodge objections to them. Para 1 No. 3 does not apply if the project serves the public welfare. If plan approval is issued in this case, the affected party must be monetarily compensated for the resulting financial loss.

(3) The competent authority may require the owner of a landfill site to provide security for recultivation, and for preventing or eliminating any detrimental impact on the public welfare after closure of the facility.

(4) The plan approval decision, and the license pursuant to Para 1, may be made subject to certain conditions, linked with certain requirements and issued for limited terms, to the extent that this is required to protect the public welfare. Addition, revision, or supplementation of conditions concerning requirements for the landfill site, or its operation, is permitted even after the plan approval or license has been issued.

Art. 33 Permit of Pre-authorized Commencement

(1) In a plan approval or licensing procedure, the authority competent for plan approval or issuing of the license may give permission, subject to revocation, and for a period of six months, for construction and operation of the project to begin prior to plan approval or issuing of the license, if

1. a decision in favour of the party responsible for the project can be expected,
2. such early commencement is in the public welfare and
3. the party responsible for the project obligates himself to repair all damage caused by project execution, prior to the relevant decision, and, if the project does not receive plan approval or a license, to restore the relevant site to its former condition.

This period may, upon application, be extended by six months.

(2) The competent authority shall require financial guarantee if this is required to ensure that the party responsible for the project fulfils his obligations.

Art. 34 Plan Approval Procedure

(1) Arts. 72 through 78 of the Administrative Procedure Act (Verwaltungsverfahrensgesetz) apply to the plan approval procedure. The Federal Government is herewith authorised through statutory ordinance and with the consent of the Federal Council, to regulate further details of the plan approval procedure, especially the type and extent of the application documents.

(2) Objections within the framework of the authorisation procedure must be made in writing within the legally mandated period.

Art. 35 Existing Waste Disposal Facilities

(1) The competent authority may ordain time-limitations, conditions and requirements for the operation of landfill sites operated before 11 June 1972 or whose construction commenced before that date. It may prohibit the operation of such facilities, completely or in part, if a considerable impairment of the public welfare cannot be prevented through restrictions, conditions or time-limitations.

(2) Within the area named in Article 3 of the Unification Treaty, the competent authority may ordain time-limitations, conditions and requirements for the construction and operation of landfill sites operated before 1 July 1990 or whose construction commenced before that date. Para 1 Sentence 2 applies accordingly.

Art. 36 Closure

(1) The owner of a landfill site for which closure is intended must notify the competent authority without delay of such intended closure. Such notification must be accompanied by documents concerning the type of landfill, its size and operational procedure, as well as intended restoral measures and other measures to protect the public welfare.

(2) The competent authority should require the owner to restore the land used for a landfill site pursuant to Para 1, and to take other measures necessary to prevent detrimental impact on the public welfare, at his own cost. If the suspicion arises that hazardous changes in soil composition or other hazards affecting individuals or the public are taking place in a disused disposal site as defined in Para 1, the regulations of the Federal Soil Protection Act (Bundes-Bodenschutzgesetz) regarding recording, research, analysis and restoration become effective.

(3) The obligation pursuant to Para 1 also exists for owners of facilities, in which waste requiring special supervision is generated.

PART FIVE

PROMOTION OF RELEVANT SALES

Art. 37 Obligations of the Public Sector

(1) The Federal Authorities, as well as legal entities for public rights, special properties and other agencies under federal supervision, are obligated to contribute, through their behaviour, to the attainment of the aims of Art. 1. In particular and taking into account Art. 4 and 5 they shall examine the design of work procedures, procurement or use of materials and commodities within construction projects and other types of contracts in order to prove whether and to what extent, products can be used that are particularly durable, are easy to repair and are reusable or recyclable; as well as products that, in comparison to other products, result in less or less-polluting waste and products manufactured from waste for recovery.

(2) The agencies named in Para 1 shall strive to ensure, within the framework of their resources, that companies under civil law in which they have welfare shares fulfil obligations pursuant to Para 1.

(3) Special requirements, resulting from legal provision or reasons of environmental protection, for the use of products or materials, are not affected.

PART SIX

OBLIGATION TO PROVIDE ADEQUATE INFORMATION

Art. 38 Obligation to Give Advise Concerning Waste

(1) Parties responsible for waste management within the meaning of Arts. 15, 17 and 18 are obligated, within the framework of tasks conferred on them, and through self-administration, to provide information and advise concerning possibilities for avoiding, recovery and disposing of waste. Self-administrating authorities in industry and business are also obligated to provide advise. The parties so obligated may commission third parties pursuant to Art. 16 Para 1 to carry out this task.

(2) Upon request, the competent authority shall provide information, concerning existing suitable waste disposal facilities, to parties obligated by this Act to carry out disposal.

Art. 39 Informing the Public

The Federal States shall inform the public concerned progress achieved in avoidance and recovery of waste and concerning assured status of waste management. Such information shall contain, taking into account existing secrecy requirements, a summary and evaluation of waste management plans, a comparison to the previous such report and a prediction for the subsequent reporting period.

PART SEVEN

SUPERVISION

Art. 40 General Supervision

(1) Waste avoidance, in keeping with statutory ordinances issued on the basis of Arts. 23 and 24, as well as recovery and disposal of waste, are subject to supervision by the competent authority.

(2) The following parties shall provide information concerning operation, facilities, installations and other areas/objects subject to supervision to persons commissioned by the supervisory authority:

1. Generators or owners of waste,
2. Parties obligated to carry out waste management,
3. Operators of recovery and waste management facilities, even if the relevant facilities have been closed,
4. Former operators of recovery and waste management facilities, even if the relevant facilities have been closed,
5. Operators of wastewater facilities that also recover and dispose of waste,
6. Operators of facilities within the meaning of the Federal Immission Control Act in which waste is also recovered and disposed of.

Parties obligated to provide information shall allow the persons commissioned by the competent authority, in order to check fulfilment of obligations pursuant to Arts. 5 and 11, to enter premises, including offices and shops, to inspect documents and to conduct technical investigations and tests. The parties obligated to provide information are also required to permit entry, for these purposes, into the parties' homes, if this is required to avert imminent danger to public safety or order. The basic right to the inviolability of the home (Article 13 of the Basic Act) shall be restricted to that extent.

(3) Operators of recovery and waste management facilities, or of facilities that also recover and dispose of waste, are required to make such facilities accessible, to provide the manpower, tools and documents necessary for supervision and, following the relevant order of the competent authority, to permit the condition and operation of the relevant facility to be inspected, at their own cost.

(4) The party required to provide information may refuse to do so in respect of questions which, if answered, would expose him or one of the dependants mentioned in Art. 383 Para 1 Nos. 1 through 3 of the Code of Civil Procedure to the risk of penal prosecution or of proceedings under the Administrative Offences Act.

Art. 41 Waste Requiring Supervision

- (1) Special requirements, in keeping with this Act, are to be placed on the supervision and disposal of waste from commercial companies or other business enterprises or public institutions, that, due to its type, nature or amount, poses a particular risk to health, air quality or water quality, that is particularly explosive or flammable or that contains or could foster pathogens of communicable diseases (waste for disposal that requires special supervision). The Federal Government shall determine, after hearing the concerned parties (Art. 60), by statutory ordinance and with the consent of the Federal Council, which waste for disposal requires special supervision.
- (2) All waste for disposal that does not fall under Para 1 requires supervision.
- (3) The Federal Government is herewith authorised, after hearing the concerned parties (Art. 60), by statutory ordinance and with the consent of the Federal Council, to determine that the following waste is waste for recovery:
 1. waste for which recovery and supervision, on the basis of the material characteristics mentioned in Para 1 and in keeping with this Act, must be made subject to special requirements (waste for recovery that requires special supervision),
 2. waste for which, as a result of its type, nature or amount, certain requirements are needed to ensure proper and safe recovery(waste for recovery that requires supervision).
- (4) The competent authority may, in individual cases, classify waste in a manner that differs from that of Paras 1 through 3, to the extent that this does not conflict with the interests mentioned there.

Art. 42 Optional Proof Procedure Concerning Waste Disposal

- (1) The competent authority may mandate that owners of waste that is not disposed of together with household waste shall provide proof of the type and amount of this waste, and of its disposal, shall keep a record book, shall keep and store relevant records and shall submit such record books and records to the competent authority for inspection.
- (2) The proof pursuant to Para 1 may be required
 1. Before the commencement of the planned disposal; and consisting of an owner's declaration, a declaration of acceptance by the party carrying out disposal and confirmation by the competent authority and
 2. After execution of the disposal; consisting of appropriate documentation of the whereabouts of the waste.

The competent authority has the rights, within its competence, to take the decision concerning the type, extent and content of the required documentation.

- (3) Parties obligated pursuant to Art. 40 Para 2 Sentence 1 shall, even if no directive is made pursuant to Para 1, keep and store records testifying their dealing with waste for disposal for a period of 5 years. They shall do this for the purpose of providing proof. This five-year period shall apply unless a statutory ordinance pursuant to Art. 48 No. 4 sets forth a different period.

Art. 43 Mandatory Proof Procedure Concerning the Disposal of Waste Requiring Special Supervision

- (1) Obligated parties named in Sentence 2 shall keep a record book and submit records, in keeping with Art. 42 Paras 1 and 2, concerning the disposal of waste requiring special supervision, but not concerning the small amounts set forth by statutory ordinance pursuant to Art. 48 No. 5. They shall do this even without special request from the competent authority. The parties so obligated include
 1. the operator of a facility in which waste of this type is generated,
 2. all persons who collect or transport waste of this type,
 3. the operator of a waste disposal facility and

4. the operator of a wastewater facility, or of a facility within the meaning of the Federal Immission Control Act, in which waste of this type is also disposed of.
- (2) Parties who fulfil the prerequisites mentioned in Para 1 No. 1 through 4 must notify the competent authority accordingly.
- (3) The competent authority may exempt, upon application, a party obligated pursuant to Para 1 from keeping a record book, or from submitting records; such exemption, which is subject to revocation, may be either global or apply only to certain types of waste, and is possible to the extent that no detrimental effect on the public welfare is expected.

Art. 44 Exceptions to the Mandatory Proof Procedure

- (1) When waste generators or owners dispose of waste in facilities of their own that are closely interconnected, both spatially and operationally, the proofs are replaced by waste management concepts and waste management balances. Proof pursuant to Art. 43, or simplified proof pursuant to Art. 42 Para 3, is not required. The competent authority's rights, pursuant to Art. 42 Para 1, to require proofs in individual cases, is unaffected.
- (2) If such own disposal is carried out in facilities that are not tightly interconnected, both spatially and operationally, the competent authority should not require submission of proof pursuant to Art. 43, if compatibility with the public welfare of such own disposal can be proven through waste management concepts and waste management balances. In this case, Para 1 Sentences 2 and 3 apply accordingly.

Art. 45 Optional Proof Procedure for Waste Recovery

- (1) The provisions set forth by Art. 42 for waste disposal apply to the proof procedure for waste recovery.
- (2) Proof of recovery of waste not requiring special supervision should be ordained only if the public welfare requires this. If the competent authority; pursuant to para 1, in combination with Art. 42, requests proof of recovery of waste requiring special supervision, this request is to be limited to the following:
 1. Notification concerning the type and amount of the generated waste and concerning the intended recovery or
 2. Proof of recovery carried out or
 3. Proof of the whereabouts of the relevant waste.
- (3) Obligated parties pursuant to Art. 40 Para 2 Sentence 1, even without order pursuant to Para 1 in combination with Art. 42 Para 1, shall retain and store records intended for them in connection with their dealings with waste requiring special supervision, for the purpose of proof.

Art. 46 Mandatory Proof Procedure for Recovery of Waste Requiring Special Supervision

- (1) Obligated parties named in Sentence 2 shall keep a record book and submit records, in keeping with Art. 42 Paras 1 and 2, concerning the recovery of waste requiring special supervision, but not concerning the small amounts set forth pursuant to Art. 48 No. 5. They shall do this even without special request from the competent authority. The parties so obligated include:
 1. The operator of a facility in which waste for recovery requiring special supervision is generated,
 2. Every person who collects or transports waste for recovery requiring special supervision,
 3. The operator of a facility in which waste requiring special supervision is recovered, and
 4. The operator of a facility, within the meaning of the Federal Immission Control Act, that also recovers waste requiring special supervision.
- (2) Parties who fulfil the prerequisites mentioned in Para 1 No. 1 through 4 must notify the competent authority accordingly.

(3) The competent authority may exempt, upon application, a party obligated pursuant to Para 1 from keeping a record book, or from submitting records; such exemption, which is subject to revocation, may be either entirely or only for certain types of waste, and is possible to the extent that no detrimental effect on the public welfare is expected.

Art. 47 Exceptions to the Mandatory Proof Procedure

(1) When waste generators or owners dispose of waste in facilities of their own that are tightly interconnected, both spatially and operationally, the proofs are replaced by waste management concepts and waste management balances. Proof pursuant to Art. 46, or simplified proof pursuant to Art. 45 Para 3, is not required. The competent authority's rights, pursuant to Art. 45 Para 1; to require proofs in individual cases, is unaffected.

(2) If recovery is carried out in facilities other than those mentioned in Para 1; the competent authority should not require submission of proof pursuant to Art. 46, if the compliance and safety of the recovery can be proven through waste management concepts and waste management balances. In this case, Para 1 Sentences 2 and 3 apply accordingly.

Art. 48 Statutory Ordinances Concerning proof of Recovery and Disposal

The Federal Government is herewith authorised; after hearing the concerned parties (Art. 60), through statutory ordinance and with the consent of the Federal Council, to determine

1. that the required proofs and record books, and the retention and storage of records, must meet certain requirements,
2. that different requirements apply to the documents mentioned in No. 1, for certain waste types or groups,
3. that the competent authority, upon application, may determine the type, extent and content of the proof obligation to be different from the type, extent and content set forth in statutory ordinances pursuant to No. 1;
4. that the proofs, record books and records mentioned in No. 1 are to be stored for a certain period,
5. the small amounts for which, pursuant to Art. 43 Para 1 or Art. 46 Para I, records need not be submitted, these amounts may vary, in accordance with the type and nature of the relevant waste,
6. which parties are subject to the obligation to provide notification, pursuant to Art. 43 Para 2 and Art. 46 Para 2, as well as the form and content of the relevant notification.

Art. 49 Transport Licenses

(1) Waste for disposal may be commercially collected and transported only with a license (transport license) issued by the competent authority. This does not apply

1. for the parties responsible for waste management in accordance with Arts. 15, 17 and 18, and for the third parties commissioned by these parties,
2. to the collection or transport of excavated soil, road-construction waste or demolition waste, as long as these materials do not contain dangerous substances,
3. to the collection or transport of small amounts of waste, under the responsibility of commercial enterprises, except where the competent authority, upon application or ex officio, has exempted such enterprises from the licensing obligation pursuant to Sentence 1.

(2) The license shall be granted if no facts are known that justify reservations concerning the reliability of the applicant or of the persons responsible for managing and supervising of operations, and if the collector, transporter and third parties commissioned by them possess the necessary knowledge and expertise. The license may be tied to restrictions, if this is necessary to protect the public welfare. Issue of a transport license does not exempt the license from the obligation of submitting required proofs on

the basis of statutory ordinances pursuant to Arts. 12, 24 and 48, prior to the commencement of collection or transport operations.

(3) The Federal Government is herewith authorised, through statutory ordinance and with the consent of the Federal Council, to issue provisions concerning

1. the application documents, as well as the form and content of the transport license,
2. determination of conditions requiring payment of a fee, and concerning reimbursement for expenditures. The fee shall be at least ten DM; it may not exceed ten thousand DM in individual cases. The provisions of the Administrative Expenses Act (*Verwaltungskostengesetz*) shall apply.

The statutory ordinance may also set forth requirements for knowledge and expertise pursuant to Para 2 Sentence 1. It may also provide for restrictions, and it may mandate that the validity of the license, in certain cases, depends on submission of the proofs mentioned in Para 2 Sentence 3.

(4) The license is valid for the Federal Republic of Germany. The competent authority is the authority of the Federal State in which the transporter or collector has his main location.

(5) Statutory ordinances issued, for safety reasons, in connection with the transport of hazardous goods, are not affected.

(6) If licenses are required pursuant to Para 1, vehicles with which waste is transported on public roads shall be fitted with two rectangular, reflective, white warning panels with a baseline of at least 40 centimetres and a height of at least 30 centimetres; the warning panels must carry the inscription "A", written in black (letter height 20 centimetres, letter-stroke width 2 centimetres). During transport, the vehicle shall carry these warning panels both in front and in back; they shall be in a clearly visible position, perpendicular to the axle and not higher than 1.50 metres above the roadway. Tractor-trailers must carry the second panel at the rear of the trailer. The vehicle's driver is responsible for attaching the warning panels.

Art. 50 License for Agency Transactions and for Other Cases

(1) Parties who, without being in possession of waste, wish to provide commercial agency services, for third parties, for movement of waste, require a license from the competent authority. The license shall be issued, if no facts are known that would justify assuming the unreliability of the applicant or of a person charged with managing or supervising the relevant operations (or those of a branch office). The license may be restricted in its content, and it may be tied to restrictions, to the extent that this is required to protect public or the environment; under the same prerequisites, subsequent inclusion, change or supplementation of restrictions is permissible. If the licensing authority is aware of facts that would indicate such changes, it is up to the applicant to refute them. The license shall be revoked if facts that would indicate such revocation is required subsequently become known. Objections and actions of opposition have no suspensive effect.

(2) The Federal Government is herewith authorised, after hearing the concerned parties (Art. 60), by statutory ordinance and with the consent of the Federal council, to mandate that those persons

1. who collect or transport certain waste for recovery requiring special supervision, require, under appropriate application of Art. 49 Para 1 through 5, a license for such collection or transport,
2. who put into circulation or recovers certain waste requiring supervision, or certain waste requiring special supervision, for which special requirements are needed with regard to safe recovery, in keeping with Arts. 4 through 7, in order -to protect the public welfare, require a license for such actions or must prove their reliability or expertise in a procedure that remains to be specified more closely.

(3) If a license pursuant to Para 1 or 2 is not required, commissioned third parties in accordance with Art. 16 Para 1 shall notify the competent authority of their activity.

Art. 51 Waiving of Licensing Requirements for Transport and for Agency Transactions

(1) A specialised waste management company within the meaning of the Art. 52 Para 1 does not require a license pursuant to Art. 49 Para 1 and Art. 50 Para 1, if it notifies the competent authority of

its intentions to begin relevant operations, and if such notification includes proof of that the company is indeed a specialised waste management company.

(2) The competent authority may set forth restrictions for execution of activities subject to notification, to the extent that this is required to ensure fulfilment of obligations pursuant to Arts. 5 and 11, The competent authority shall prohibit execution of the activities subject to notification if facts become known that justify reservations concerning the reliability of the party obligated to carry out notification or of the persons responsible for managing and supervising relevant operations, or if compliance with the obligations mention in Arts. 5 and 11 cannot be ensured by other means.

Art. 52 Specialised Waste Management Companies; Waste Management Associations

(1) Specialised waste management companies are those companies that are entitled to carry the seal of quality of a recognised waste management association pursuant to Para 3, or companies which have concluded a supervision contract; with a technical supervisory organisation, comprising a least a one-year inspection. Supervision contracts require the approval of the highest Federal State authority responsible for waste management, or of an authority appointed by it; such approval may also be generally granted.

(2) The Federal Government is herewith authorised, after hearing the concerned parties (Art. 60), by statutory ordinance and with the consent of the Federal Council, to mandate requirements for companies specialising in waste management. Such requirements may include, in particular, minimum requirements for specialised knowledge, proof of personal reliability and of sufficient liability insurance and requirements concerning machines and equipment. The Federal Government is also authorised to provide for special recognition of companies specialising in waste management, and to regulate the procedures and prerequisites for such recognition, including its revocation, withdrawal and expiration, and for tests, for appointment and composition of testing bodies and for the relevant testing procedures.

(3) Waste management associations must be recognised by the supreme Federal State authority responsible for waste management, or by an authority it appoints. Such recognition may be revoked, especially for the purpose of countering threatening restrictions of competition. The activities of waste management associations are to be carried out in accordance with standardised guidelines issued by the Federal Ministry for the Environment, Nature Conservation and Reactor Safety, with the consent of the Federal Council. Such guidelines may also set forth the prerequisites for recognition and its revocation, for the supervisory seal and for procedures for issuing and revoking this seal.

PART EIGHT

COMPANY ORGANISATION AND WASTE MANAGEMENT OFFICER

Art. 53 Obligations to Provide Notification Concerning Company Organisation

(1) If the representative body of a joint-stock company consists of several members, or if a partnership company has several partners who are authorised to represent the company, then the competent authority is to be notified regarding which of these members or partners, pursuant to provisions concerning management authorisation, shall fulfil, on behalf of the company, the obligations of an operator of a facility requiring authorisation within the meaning of Art. 4 of the Federal Immission Control Act, or of an owner within the meaning of Art. 26, to which such an operator or owner is subject pursuant to this Act and the statutory ordinances issued on the basis of this Act. The overall responsibility of all members of such an body, or of all partners, is unaffected.

(2) The operator of a facility requiring authorisation pursuant to Art. 4 of the Federal Immission Control Act; the owner according to Art. 26, or the person to be named to act within the capacity of the management authorisation pursuant to Para 1 Sentence 1, shall inform the competent authority of the means by which it is ensured that provisions and orders issued to support avoidance, recovery and environmentally sound disposal of waste are being complied within the operations.

Art. 54 Appointment of a Company Waste Management Officer

(1) Operators of facilities requiring authorisation within the meaning of Art. 4 of the Federal Immission Control Act, operators of facilities, in which waste requiring special supervision is regularly generated, operators of stationary sorting, recovery or waste disposal facilities, and owners within the meaning of Art. 26, shall appoint one or more Company Waste Management Officers (Waste Officers), to the extent this is necessary, with regard to the type or size of the relevant facilities, due to

1. the waste generated, recovered or disposed of in the facilities,
2. technical problems of avoidance, recovery or disposal or
3. capability of products to cause problems, during or following proper use, with regard to proper and safe recovery or environmentally sound disposal.

The Federal Ministry for the Environment, Nature Conservation and Reactor Safety shall determine, after hearing the concerned parties (Art. 60), by statutory ordinance and with the consent of the Federal Council, for which facilities pursuant to Sentence 1 the owners must appoint Waste Management Officers.

(2) The competent authority may mandate that operators of facilities pursuant to Para 1 Sentence 1 for which appointment of a Waste Management Officer if not required by statutory ordinance, must appoint one or more Waste Management Officers, if, in individual cases, the necessity of such appointment results for the reasons mentioned in Para 1 Sentence 1.

(3) If an Immissions Control Officer must be appointed, pursuant to Art. 53 of the Federal Immission Control Act, or if a Water Protection Officer must be appointed, pursuant to Art. 21a of the Federal Water Act; then these parties may also fulfil the duties and carry out the tasks of a Waste Management Officer pursuant to this Act.

Art. 55 Tasks

(1) The Waste Management Officer advises the operators and the company's personnel in questions that could be of significance with regard to closed loop recycling management and to waste disposal. He is authorised and obligated

1. to supervise the different stages of waste management, from its generation or delivery to its recovery or disposal,
2. to supervise compliance with the provisions of this Act and the statutory ordinances issued on the basis of this Act, as well as fulfilment of existing conditions and restrictions, especially by controlling, at regular intervals, the company facilities and the type and nature of the waste generated, recovered or disposed of in the facilities, to provide information regarding detected insufficiencies and to make proposals for measures for eliminating these insufficiencies,
3. to inform company personnel concerning detrimental impact on the public welfare that could result from the waste generated, recovered or disposed of in the facility, as well as concerning facilities and measures for preventing such impact, taking into account the laws and statutory ordinances applying to the avoidance, recovery and disposal of waste,
4. to carry out the following with regard to plants requiring authorisation pursuant to Art. 4 of the Federal Immission Control Act or facilities in which waste requiring special supervision is regularly generated: to encourage the development and introduction of
 - a) environmentally sound, low-waste-producing procedures, including procedures for the avoidance, proper and safe recovery or environmentally sound disposal of waste,
 - b) environmentally sound, low-waste-producing products, including procedures for re-use, recovery and environmentally sound disposal upon completion of use of these products, and
 - c) to cooperate in the development and introduction of procedures mentioned under letters a and b, especially by studying the relevant procedures and products using criteria of closed loop recycling management and of disposal,
5. to encourage improvements of relevant procedures in facilities in which waste is recovered or disposed of.

(2) The Waste Management Officer shall submit an annual report to the operator concerning the measures taken and planned, pursuant to Para 1 Nos. 1 through 5.

(3) Arts. 55 through 58 of the Federal Immission Control Act apply to the relationship between the Waste Management Officer and person obligated to appoint a Waste Management Officer.

PART NINE FINAL PROVISIONS

Art. 56 Secrecy and Data Protection

Statutory ordinances concerning secrecy and data protection are not affected.

Art. 57 Implementation of Regulations of the European Communities

In order to transpose laws of the European Communities, the Federal Government may issue statutory ordinances, for the purpose mentioned in Art. 1, and with the consent of the Federal Council, for ensuring proper and safe recovery and environmentally sound disposal. Such statutory ordinances may also regulate the means by which the public is to be informed.

Art. 58 Enforcement within the Sphere of the Federal Armed Forces (*Bundeswehr*)

(1) In the sphere of the Federal Ministry of Defence, responsibility for enforcement of this Act, and of statutory ordinances based on it for recovery and disposal of militarily owned waste, lies with the Federal Minister of Defence and the bodies designated by him.

(2) The Federal Ministry of Defence is herewith authorised, for the purposes of recovery or disposal of waste, pursuant to Para 1, within the Federal Armed Forces, to permit exceptions to this Act and to the statutory ordinances based on it, to the extent that compelling reasons of defence or the fulfilment of intergovernmental obligations so require.

Art. 59 Participation of the Federal Parliament (*Bundestag*) in the issuing of statutory ordinances

Statutory ordinances pursuant to Art. 6 Para 1, Art. 7 Para 1 Nos. 1 and 4 and Arts. 23, 24 and 57 of this Act are to be submitted to the Federal Parliament. Such submission shall take place prior to submission to the Federal Council. Such statutory ordinances may be amended or rejected by resolution of the Federal Parliament. Resolutions of the Federal Parliament shall be submitted to the Federal Government. If the Federal Parliament, after the completion of three session weeks following arrival of a statutory ordinance has not dealt with it, the statutory ordinance is forwarded unchanged to the Federal Council.

Art. 60 Hearing of Concerned Parties

Where it is ordained that the hearing of involved parties is required for the authorisation of the issuing of statutory ordinances and general administrative provisions, a selected group of representatives from the field of science, affected individuals, involved industrial parties, supreme Federal State authority for waste management, communities as well as representatives from communal associations shall be invited to such a hearing.

Art. 61 Provisions Concerning Fines

(1) An administrative offence shall be deemed to have been committed by anyone who will fully or negligently

1. treats, stores or landfills waste, which he does not recover, outside of a facility pursuant to Art: 27 Para 1 Sentence 1,
2. contravenes Art. 27 Para I Sentence 1 by treating, storing or landfilling waste for disposal outside of an appropriately licensed waste disposal facility,
3. without a license pursuant to Art. 49 Para 1 Sentence 1, collects or transports waste for disposal, or contravenes an enforceable requirement pursuant to Art: 43 Para 2 Sentence 2,
4. serves as an licensed trader for movements of waste, without a license pursuant to Art. 50 Para 1,
5. contravenes a statutory ordinance pursuant to Art. 6 Para 1, Art. 7, Art. 8, Art. 12 Para 1, Art 23, Art. 24, Art. 27 Para 3 Sentences 1 and 2, Art. 49 Para 3 or Art. 50 Para 2, as far as it refers to this penalty provision in respect of certain constituent facts.

(2) An administrative offence shall be deemed to have been committed by anyone who will fully or negligently

1. contravenes Art. 25 Para 2 Sentence 1, Art. 43 Para 2 or Art. 46 Para 2 by failing to make proper notification,
2. contravenes Art. 30 Para 1 Sentence 1 by not allowing access to premises or by not allowing the carrying out of measurements or of soil and groundwater studies,
3. contravenes Art. 40 Para 2 Sentence 1 by failing to provide information, failing to provide complete information, or failing to provide correct information,
4. contravenes Art. 40 Para 2 Sentence 2 or 3 by failing to allow access to property or to residential, business or company premises; by failing to allow inspection of records or by failing to permit the carrying out of technical studies or tests,
5. contravenes Art. 40 Para 3 by failing to provide workers, tools or records,
6. contravenes an enforceable order pursuant to Art. 40 Para 3, Art. 42 Para 1, also in combination with Art. 45 Para 1, or to Art. 54 Para 2,
7. contravenes Art. 43 Para 1 Sentence 1 or Art. 46 Para 1 Sentence 1 by failing to keep a record book or to submit records,
8. contravenes Art. 49 Para 6 by failing to attach a warning panel; or by failing to attach it in the prescribed manner,
9. contravenes Art. 54 Para 1 Sentence 1, in combination with a statutory ordinance pursuant to Sentence 2, by failing to appoint a Waste Management Officer or
10. contravenes a statutory ordinance pursuant to Art. 48, and where it refers to this provision of penalty of fine in respect of certain indicative facts.

(3) Administrative offences pursuant to Para 1 may be punished by a fine of up to DM 100,000; administrative offences pursuant to Para 2 may be punished by a fine of up to DM 20,000.

(4) Administrative authority, according to § 36 Para 1 no. 1 of the Administrative Offences Act (*Gesetz über Ordnungswidrigkeiten*), is the Federal Office for Goods Transport (*Bundesamt für Güterverkehr*) when it concerns infringements in terms of Para 1 No. 3 & 5 or Para 2 Nos. 1,6,7,8 & 10 as well as violations during waste transportation with freight-haulage vehicles by firms in foreign locations.

Art. 62 Confiscation

Where an administrative offence pursuant to, Art. 61 Para 1 Nos. 2, 3, 4 or 5 has been committed, objects may be confiscated,

1. to which the administrative offence relates or
2. which have been used or intended for committing or preparing the administrative offence.

Art. 23 of the Administrative Offences Act (*Gesetz über Ordnungswidrigkeiten*) shall be applicable.

Art. 63 Competent Authorities

The Federal State Governments or those bodies designated by them shall determine the authorities competent for the application of this Act, unless such competence is assigned by Federal State law.

Art. 64 Interim provisions

Arts. 5a and 5b of the Waste Avoidance and Waste Management Act shall remain in force until they have been supplanted by appropriate statutory ordinances pursuant to Arts. 7 and 24 of this Act.

ANNEX I

CATEGORIES OF WASTE

- Q1 Production or consumption residues not otherwise specified below
- Q2 Off-specification products
- Q3 Products whose date for appropriate use has expired
- Q4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap
- Q5 Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.)
- Q6 Unusable parts (e.g. reject batteries, exhausted catalysts, etc.)
- Q7 Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.)
- Q8 Residues of industrial processes (e.g. slag's, still bottoms, etc.)
- Q9 Residues from pollution abatement processes (e.g. scrubber sledges, baghouse dusts, spent filters, etc.)
- Q10 Machining/finishing residues (e.g. lathe turnings, mill scales, etc.)
- Q11 Residues from raw materials extraction and processing (e.g. mining residues, oil field slops, etc.)
- Q12 Adulterated materials (e.g. oils contaminated with PCBs, etc.)
- Q13 Any materials, substances or products whose use has been banned by law
- Q14 Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards, etc.)
- Q15 Contaminated materials, substances or products resulting from remedial action with respect to land
- Q16 Any materials, substances or products which are not contained in the above categories.

ANNEX IIA

DISPOSAL OPERATIONS

NB: This Annex is intended to list disposal operations such as they occur in practice. In accordance with Article 4 of Council Directive 75/442/EEC of 25 July 1975 on waste (OJ EC No. L 194 p. 39), amended by Directive 91/156/EEC (OJ EC No. L 78 p. 32), most recently amended by Directive 91/692/EEC (OJ EC No. L 377 p. 48), amended by Decision of Commission 96/350/EC (OJ EC No. L 135 p. 32), waste must be disposed of without endangering human health and without the use of processes or methods likely to harm the environment.

- D 1 Deposit into or onto land (e.g. landfill, etc.)
- D 2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D 3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D 4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.)
- D 5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D 6 Release into a water body except seas/oceans
- D 7 Release into seas/oceans including sea-bed insertion
- D 8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12
- D 9 Physical-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)
- D 10 Incineration on land
- D 11 Incineration at sea
- D 12 Permanent storage (e.g. emplacement of containers in a mine, etc.)D 13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12
- D 14 Repackaging prior to submission to any of the operations numbered D 1 to D 13
- D 15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is generated)

ANNEX IIB

RECOVERY OPERATIONS

NB: This Annex is intended to list recovery operations as they occur in practice. In accordance with Article 4 of Council Directive 75/442/EEC of 25 July 1975 on waste (OJ EC No. L 194 p. 39), amended by Directive 91/156/EEC (OJ EC No. L 78 p. 32), most recently amended by Directive 91/692/EEC (OJ EC No. L 377 p. 48), amended by Decision of Commission 96/350/EC (OJ EC No. L 135 p. 32), waste must be recovered without endangering human health and without the use of processes or methods likely to harm the environment.

- R 1 Use principally as a fuel or other means to generate energy
- R 2 Solvent reclamation/regeneration
- R 3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
- R 4 Recycling/reclamation of metals and metal compounds
- R 5 Recycling/reclamation of other inorganic materials
- R 6 Regeneration of acids or bases
- R 7 Recovery of components used for pollution abatement
- R 8 Recovery of components from catalysts
- R 9 Oil re-refining or other reuses of oil
- R 10 Land treatment resulting in benefit to agriculture or ecological improvement
- R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10
- R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11
- R 13 Storage of wastes pending any of the operations numbered R 1 to R 12 (excluding temporary storage, pending collection, on the site where it is generated)