***Changes to legislation:*** *There are outstanding changes not yet made to Regulation (EC) No 2150/2002 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (Text with EEA relevance)

## REGULATION (EC) No 2150/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 November 2002

on waste statistics

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposals from the Commission[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(3)],

Whereas:

(1) Regular Community statistics on the production and management of waste from businesses and private households are required by the Community for monitoring the implementation of waste policy. This creates the basis for monitoring compliance with the principles of maximisation of recovery and safe disposal. Statistical instruments are still required, however, for assessing compliance with the principle of waste prevention and to establish a link between waste generation data and global, national and regional inventories of resource use.

(2) The terms for the description of waste and waste management need to be defined in order to ensure the comparability of results in waste statistics.

(3) Community waste policy has led to the establishment of a set of principles to be followed by waste-producing units and waste management. This requires the monitoring of waste at different points of the waste-stream generation, collection, recovery and disposal.

(4) Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics[(4)].

(5) To guarantee comparable results, waste statistics should be produced in accordance with the specified breakdown, in an appropriate form and within a fixed period of time from the end of the reference year.

(6) Since the objective of the proposed measure, namely to establish a framework for the production of Community statistics on the generation, recovery and disposal of waste, cannot be sufficiently achieved by the Member States, by reason of the need to define terms of description of waste and waste management so as to ensure the comparability

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of the statistics supplied by the Member States, and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve the objective of the proposed measure.

(7) Member States may need a transitional period for the establishment of their statistics on waste for all or some of the economic activities A, B and G to Q of **[**F1NACE Rev. 2**]** as established by Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community(5) for which their national statistical system requires major adaptations.

(8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission(6).

(9) The Statistical Programme Committee has been consulted by the Commission,

HAVE ADOPTED THIS REGULATION:

**Textual Amendments**

**F1** Substituted by Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (Text with EEA relevance).

*Article 1*

**Objective**

1 The objective of this Regulation is to establish a framework for the production of Community statistics on the generation, recovery and disposal of waste.

2 Member States and the Commission, within their respective fields of competence, shall produce Community statistics on the generation, recovery and disposal of waste, excluding radioactive waste, which is already covered by other legislation.

3 The statistics shall cover the following areas:

a Generation of waste according to Annex I;

b Recovery and disposal of waste according to Annex II;

c After the pilot studies according to Article 5: import and export of waste for which no data is collected under Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community(7), in accordance with Annex III.

4 In compiling the statistics, Member States and the Commission shall observe the mainly substance-oriented statistical nomenclature, as set out in Annex III.

**[**F25 The Commission shall establish a table of equivalence between the statistical nomenclature of Annex III to this Regulation and the list of waste established by Decision 2000/532/EC(8). This measure, designed to amend non-essential elements of this Regulation, by

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supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3) of this Regulation.**]**

**Textual Amendments**

**F2** Substituted by Regulation (EC) No 221/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 2150/2002 on waste statistics, as regards the implementing powers conferred on the Commission (Text with EEA relevance).

*Article 2*

**Definitions**

For the purposes and within the framework of this Regulation:

(a) ‘waste’ shall mean any substance or object as defined in Article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste[9];

(b) ‘separately collected fractions of waste’ shall mean household and similar waste, selectively collected in homogeneous fractions by public services, non-profit organisations and private enterprises acting in the field of organised waste collection;

(c) ‘recycling’ shall have the same meaning as in the definition given in Article 3(7) of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste[10];

(d) ‘recovery’ shall mean any of the operations provided for in Annex II.B to Directive 75/442/EEC;

(e) ‘disposal’ shall mean any of the operations provided for in Annex II.A to Directive 75/442/EEC;

(f) ‘recovery or disposal facility’ shall mean a facility that requires a permit or registration pursuant to Articles 9, 10 or 11 of Directive 75/442/EC;

(g) ‘hazardous waste’ shall mean any waste as defined in Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste[11];

(h) ‘non-hazardous waste’ shall mean waste which is not covered by point (g);

(i) ‘incineration’ shall mean thermal treatment of waste in an incineration plant as defined in Article 3(4) or a co-incineration plant as defined in Article 3(5) of Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste[12];

(j) ‘landfill’ shall mean a waste disposal site as defined in Article 2(g) of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste[13];

(k) ‘capacity of waste incineration facilities’ shall mean the maximum capacity to incinerate waste, in tonnes per annum or in gigajoules;

(l) ‘capacity of waste recycling facilities’ shall mean the maximum capacity to recycle waste, in tonnes per annum;

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(m) 'capacity of landfills' shall mean the remaining capacity (at the end of the data reference year) of the landfill facility to dispose of waste in the future, measured in cubic metres;

(n) 'capacity of other disposal facilities' shall mean the capacity of the facility to dispose of waste, measured in tonnes per annum.

*Article 3*

**Collection of data**

**[**[F2]1 Member States shall, whilst complying with conditions as to quality and accuracy to be defined in accordance with the second subparagraph, acquire the data necessary for the specification of the characteristics listed in Annexes I and II by means of:

— surveys,

— administrative or other sources, such as the reporting obligations under Community legislation on waste management,

— statistical estimation procedures on the basis of samples or waste-related estimators, or

— a combination of these means.

The quality and accuracy conditions shall be defined by the Commission. Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).

In order to reduce response burdens, the national authorities and the Commission shall, subject to the limits and the conditions fixed by each Member State and by the Commission in their respective fields of competence, have access to administrative data sources.**]**

2 In order to reduce the administrative burden on small enterprises, enterprises of less than 10 employees shall be excluded from surveys, unless they contribute significantly to the generation of waste.

3 Member States shall produce statistical results, following the breakdown set out in Annexes I and II.

4 The exclusion referred to in paragraph 2 must be consistent with the coverage and quality objectives as referred to in Section 7(1) of Annexes I and II.

5 Member States shall transmit the results, including confidential data, to Eurostat in an appropriate format and within a set period of time from the end of the respective reference periods, as laid down in Annexes I and II.

6 The treatment of confidential data and the transmission of such data as provided for in paragraph 5 shall be carried out in accordance with the existing Community provisions governing statistical confidentiality.

**Textual Amendments**

**F2** Substituted by Regulation (EC) No 221/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 2150/2002 on waste statistics, as regards the implementing powers conferred on the Commission (Text with EEA relevance).

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*Article 4*

**Transitional period**

1 During a transitional period the Commission may, at the request of a Member State and in accordance with the procedure referred to in Article 7(2), grant derogations from the provisions of Section 5 of Annexes I and II. This transitional period may not exceed:

a two years after the entry into force of this Regulation, for the production of results relating to Section 8(1)(1), Item 16 (Services activities) of Annex I and to Section 8(2) of Annex II;

b three years after the entry into force of this Regulation, for the production of results relating to Section 8(1)(1), Items 1 (Agriculture, hunting and forestry) and 2 (Fisheries) of Annex I.

2 The derogations referred to in paragraph 1 can be granted to individual Member States only for the data of the first reference year.

3 The Commission shall draw up a programme for pilot studies on waste from the economic activities referred to in paragraph 1(b) to be carried out by the Member States. The pilot studies shall aim to develop a methodology to obtain regular data which shall be governed by the principles of Community statistics, as laid down in Article 10 of Regulation (EC) No 322/97.

**[**[F2]The Commission shall finance up to 100 % of the costs for conducting the pilot studies. On the basis of the conclusions of the pilot studies, the Commission shall adopt the necessary implementing measures. Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3) of this Regulation.**]**

**Textual Amendments**

**F2** Substituted by Regulation (EC) No 221/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 2150/2002 on waste statistics, as regards the implementing powers conferred on the Commission (Text with EEA relevance).

*Article 5*

**Import and export of waste**

1 The Commission shall draw up a programme for pilot studies on the import and export of waste to be carried out by Member States. The pilot studies shall aim at developing a methodology to obtain regular data which shall be governed by the principles of Community statistics, as laid down in Article 10 of Regulation (EC) No 322/97.

2 The Commission programme for pilot studies shall be consistent with the contents of Annexes I and II, particularly the aspects related to the scope and coverage of wastes, waste categories for the classification of waste, reference years and periodicity, taking into account the reporting obligations under Regulation (EEC) No 259/93.

3 The Commission shall finance up to 100 % of the costs for conducting the pilot studies.