



Station Sud  
Domaine de Saint Clément  
34 980 St Clément de Rivière  
Tel: (33) 04 67 66 74 74  
Fax: (33) 04 67 66 74 60  
E-Mail: [nguyenthe@afocel.fr](mailto:nguyenthe@afocel.fr)

# GEDEON Waste Management in the Forest Logging Sector

## *Appraisal of the Regulations*



---

<b>Date</b>	December 2005	
<b>Authors</b>	M. Duprat and N.Nguyen The	Version 6

---

The aim herewith is to accurately appraise the regulations in force governing waste management. This document only makes reference to those items concerning waste holders and their obligations, and more particularly those concerning the forest logging sector.

## Contents

<b>1 General Context Concerning Waste</b>	<b>2</b>
1.1 At the European Level .....	2
1.2 At the French Level .....	3
1.3 Definitions and Classification of Waste .....	3
1.4 Waste Disposal .....	4
<b>2 Regulations Governing Waste</b>	<b>5</b>
2.1 General Regulations .....	5
2.2 Specific Regulations .....	8



# 1 General Context Concerning Waste

## 1.1 At the European Level

The European Union has reported that the amount of waste generated is increasing on a regular basis and that measures must be taken by the Member States to curb the trend. The European Union's approach in terms of waste management is based on the following three principles:

- **Reduce the production of waste:** avoid the generation of waste at the source as much as possible
- **Develop recycling and re-use:** if waste cannot be avoided, then it must be re-used whenever possible
- **Optimise the disposal process:** if waste cannot be recycled, it must be incinerated in line with acceptable environmental practices. Landfills must only be used as a last resort.

The practical component of this policy is particularly based on three directives and decisions.

- **Framework Directive 75/442/EEC** defines the concept of waste and stipulates that the Member States must take appropriate steps to particularly encourage the prevention, recycling and processing of waste, and implement a schedule for dealing with waste. The directive stipulates that any holder of waste must have it handled by a public/private waste collector or disposal undertaking, and that the costs must be borne by the holder and in some cases by the producer of the product from which the waste came.
- **Directive 91/689/EEC** distinguishes hazardous waste according to a number of properties that may be harmful to man and the environment, and states the need for inspections on the origin and destination of this type of waste by means of an identification form.
- **Council Decision 2000/532/EC** (as amended by Decision 2001/573/EC) establishes a list of waste commonly known as the "European Waste Catalogue", which is aimed at serving as a reference list. The different types of waste are defined by a six-digit code followed by a chapter heading.

Furthermore, Directive **1999/31/EC** sets out to ensure that the Member States implement procedures and guidelines aimed at preventing the adverse effects of landfilling. It defines the different categories of waste and divides landfills into three classes. Transposing this directive into French Law marked a decisive step in waste management, leading to the closure of open-air landfills in 2002.

Several directives subsequently provide further details on specific types of waste.

The Member States must take all the necessary measures to ensure that the collection and disposal of such waste is performed without any resulting harm to man and the environment, or that it allows for a more effective recovery and disposal. In particular, it concerns **waste oils** (Directive 75/439/EEC), **batteries and accumulators** (Directive 93/86/EEC), **packaging waste** (Directive 94/62/EC), **end-of-life vehicles** (2000/53/EC) and **waste electrical and electronic equipment** (2002/96/EC).

## 1.2 At the French Level

All European directives and regulations are transposed into French Law.

The founding text for the regulations governing waste management is **Act 75-633 of 15 July 1975**, relating to the disposal of waste and the recovery of materials. This act applies the principle of the producer or end holder of the waste being responsible up to the final disposal thereof and subjects waste disposal facilities to the legislation governing classified facilities for the protection of the environment (CFPE). It was amended by **Act 92-646 of 13 July 1992**, which states that *"any person producing or holding waste[...] is bound to dispose of said waste or have same disposed of in accordance with the provisions of the present act, in such a way as to avoid[...] any harm towards human health and the environment."*

This act was retranscribed in French **Environmental Law** (2000).

- Articles L.110-1 and L.110-2 express the general principles, including the "polluter pays" principle, according to which the costs arising from the measures to prevent, reduce and combat pollution must be borne by the polluter.
- Book V, Title IV brings together the entire legislative component dealing with waste.

## 1.3 Definitions and Classification of Waste

*"Waste is any residue from a production, transformation or usage process, any substance, material, product or more generally any furniture that has been discarded or whose owner is intending to discard."* (Art. T.541-1)

### 1.3.1 Classification by Origin

#### **Municipal Waste**

Municipal waste is defined as waste whose collection and processing is the responsibility of the town/village. It consists of household waste, mainly comprising household refuse, and community refuse arising from parks, public cleanup operations, and so on, and waste of a commercial or manual trade origin comparable to household refuse (whose properties and quantities are known).

#### **Corporate Waste**

This concerns all waste produced by industrial, business and small-scale companies, where the disposal thereof is normally the responsibility of the company.

### 1.3.2 Classification by Type

#### **Inert Waste**

This type is defined as waste that will not dissolve, burn or otherwise physically or chemically react, biodegradable or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health (Article 266 sexies III of the Customs Regulations). For example, it concerns building site rubble.

#### **Hazardous Waste (HW)**

This type is defined as polluting or hazardous waste (Articles 2, paragraph 2 of Decree no. 2002-540 and L 541-24 of the Environmental Law). This waste presents one or more hazardous properties for man or the environment. The hazardous properties are listed in

Appendix I of Decree no. 2002-540 of 18 April 2002. It concerns properties that are explosive, combustible, inflammable, irritant, noxious, toxic, carcinogenic, corrosive, infectious, mutagenic and ecotoxic. A non-exhaustive list of such waste is provided in Appendix II of the said decree. For example, it refers to waste oil and more generally all materials and containers soiled with oil.

This category distinguishes between **Special Industrial Waste (SIW)** produced by industrial companies, **Non-Hazardous Waste generated in a Scattered Manner** held in small quantities by dispersed producers (SMEs/SMIs, farmers, etc.) and **Special Household Waste (SHW)** produced by households.

### **Non-Hazardous Waste (NHW)**

This category refers to all non-inert and non-hazardous waste. Ordinary waste produced by companies is sometimes described as "comparable to household refuse", insofar as it may follow, under specific conditions, the same collection and processing channels (recycling, energy recovery and storage). For example, it refers to paper, metals and plastics.

### **Final Waste**

This category refers to waste that may or may not result from the processing of waste and which can no longer be processed in line with current technical and economic conditions, particularly through the recovery of its useful components or the reduction of its polluting or hazardous impact (Art. T.541-1). This type of waste does not concern any of the waste generated directly by forest logging operations.

The European Waste Catalogue was transposed into French Law by Decree no. 2002-540 of 18 April 2002. Reference to the code is compulsory in all tracking documents (Decree no. 2002-540).

## **1.4 Waste Disposal**

Until 2002, landfills and waste storage sites were divided as follows:

- Class I - for special industrial waste
- Class II - for household waste or similar
- Class III - for inert waste

Article L.541-24 stipulates that "*as from 1 July 2002, waste storage facilities will only be authorised to receive final waste.*" The classification of storage facilities has now been repealed. Consequently, waste must now be disposed of using the appropriate recognised, not to say approved channels.

- **Since 2002, landfilling is prohibited.**

## 2 Regulations Governing Waste

### 2.1 General Regulations

#### 2.1.1 Waste Disposal

**Companies are responsible for disposing of their waste**, either by setting up a specific network (collection, transport, storage, sorting and processing) or calling on the services of a specialised company (subcontracting) (Art. T.541-2).

In the event of fly-tipping or a deliberate failure to dispose of waste in accordance with regulations, the authorities may have the said waste disposed of. However, the company in question will be liable for the costs. If the company files for bankruptcy or is declared insolvent, the State will entrust ADEME (French Environment and Energy Conservation Agency) with restoring the site (Art. T.541-3).

If a publicly-owned organisation takes action to reduce the damage related to waste disposal, it must be reimbursed by the company responsible for the waste. However, such payment will not exonerate the company from paying any compensation due to injured individuals or legal entities (Art. T.541-6).

If no disposal facility authorised for this purpose is willing to process the waste (whose type and quantity are known), the State may compel the facility to do so. However, the company will still be liable for the costs (Art. T.541-30).

#### ➤ **Obligation for a company to dispose of its waste through specialised channels**

**The burning of hazardous waste is prohibited.** Such waste must be disposed of in authorised processing facilities (including storage). (Ministerial response no. 5370: Official Journal of the French National Assembly of 28 February 1994)

The burning of hazardous waste is also prohibited if stipulated by the French Departmental Health Regulations (RSD). The burning of waste is not systematically banned. In the standard RSD (decree of 9 August 1978 relating to the revision of the departmental health regulations), the ban concerning the burning of waste only applies to household refuse and waste from hospitals and similar establishments (the RSD was subsequently repealed for the latter). However, such practice is strongly discouraged, due to the potential impact on the environment and the health of those working at the sites, and even people living nearby.

#### ➤ **Waste disposal through burning is banned.**

**Hazardous waste is excluded from the collection of household refuse** and similar due to the danger that their properties present.

#### ➤ **Hazardous waste must be collected separately from non-hazardous waste.**

### 2.1.2 Temporary Storage of Waste

Temporary waste storage facilities are not subject to the regulations governing Classified Facilities for the Protection of the Environment (CFPE) and therefore do not require declarations to be submitted or authorisations obtained from the Prefecture if the following three conditions are satisfied (decree of 5 July 2001):

- The product when used does not introduce any additional risks compared to the product when new
- The volume is less than when the products are new
- There is a permanent recovery channel

However, waste must not be stored for longer than one year.

- **Garages and collection points are not subject to any storage regulations, provided that they satisfy the abovementioned conditions.**

### 2.1.3 Transportation of Waste

For transportation to be subject to regulations or a specific declaration, the mass of non-hazardous waste must be greater than 500 kg and the mass of hazardous waste greater than 100 kg. Furthermore, oil is exempt from transport regulations (decree of 28 January 1999), since it is subject to specific regulations.

- **No regulations apply to transportation if the quantity of waste is less than 500 kg for ordinary industrial waste and 100 kg for special industrial waste.**

### 2.1.4 Tracking

All companies must **be aware of the status of their waste** (type, quantities, destination, methods for disposal and consequences) and must be able to provide documentary evidence of same if requested by the authorities (Art. T.541-7).

All types of waste are attributed a **six-digit code as specified by the European Waste Catalogue**. Any waste mentioned on a tracking slip or a notice confirming its disposal must be referenced accordingly. The code resulting from the waste classification must be displayed (Decree no. 2002-540 Art 1).

- **Waste must be tracked (documentary evidence) until its final destination.**

### **For hazardous waste:**

Companies must **keep a chronological register** of the waste collected. This register must be kept for five years (*Decree no. 2005-635 of 30 May 2005*).

Furthermore, a **tracking slip must be issued** when the waste is collected. It must be signed by the collector and the disposal company, and then returned to the waste producer within one month. Tracking slips must be kept for five years.

These measures are not compulsory if hazardous waste is given to a waste collection site or collectors in small quantities\* (*Decree no. 2005-635 of 30 May 2005*).

\* "Small quantities" are generally considered to be less than or equal to 0.1 ton

- **For hazardous waste, companies must keep a register of the waste disposed of and issue a tracking slip, unless the waste is given to a waste collection site or the waste is in small quantities.**

### 2.1.5 Sanctions and Responsibilities

Except for domestic premises, inspection officers have access to all the company's facilities and are allowed to take samples (Art. T.541-45).

Any refusal to provide evidence of the waste's status, fly-tipping, "illegal" transportation of waste, failure to allow access to inspection officers and failure to comply with waste disposal legislation is liable to a two-year prison sentence and a fine of €75 000, which may also include an injunction subject to a running penalty to restore the site damaged by the waste (Art. T.541-46).

Sanctions may apply to both individuals and companies (whose moral responsibility may be involved) (Art. T.541-47).

- **Any individual or company is liable to sanctions if they are found to be in breach of the regulations and deny access to the inspection officers.**

## 2.2 Specific Regulations

Due to their specific nature, some categories of waste are subject to specific regulations.

### 2.2.1 Waste Oil

**Disposing of oil in the natural environment is prohibited** (dumping and incineration of waste lubricants in forests is forbidden) (Decree no. 77-254 of 8 March 1977). Similarly, incinerating oil in simple heating appliances releases noxious substances into the atmosphere and is consequently forbidden, except for approved facilities.

The decree of 28 January 1999 stipulates the conditions for recovering and disposing of waste oil. Holders of waste oil are **bound to collect and store the oil under satisfactory conditions** without mixing it with another type of waste (particularly avoiding any mixing with water or any other non-oily waste, such as solvents and coolants).

To avoid soil pollution, waste oil is stored in tanks:

- Underground double-walled tank with a leak detector
- Overhead tank on a statutory retention tank
- Dedicated double-walled containers are also available for waste oil, with capacities ranging from 600 to 2 500 litres

Holders of waste oil must **dispose of same through approved channels** (public/private waste collectors or disposal companies).

Approved waste collectors (approval is granted by the Prefect and is valid at departmental level) are bound to collect any batch of more than 600 litres free of charge within a fortnight and according to their storage capacities. Upon collection, they must take a sample of the oil to avoid any contamination by polychlorinated biphenyls (PCBs) or any other liquid.

If water contamination of more than 5% is detected in **motor-grade oil, the waste collector may issue an invoice accordingly.**

Note that these regulations apply to mineral and synthetic oils, with the exception of so-called "soluble" oils (used for metalwork) and vegetable oils.

### 2.2.2 Used Batteries

Batteries must be recovered to protect the environment against the substances used in their manufacture (mercury or cadmium in certain cases). Users of batteries other than domestic users **are bound to collect, recover and dispose of** these products at the end of their lifecycle or **call upon the services of a third-party provider** (D. no. 99-374, 12 May 1999, Art. 8: OJ, 1 January 1998).

Although the used batteries and accumulators targeted by Directive 91/157/EEC of 18 March 1991 are listed in the hazardous waste list (special industrial waste codes 160601 and s.), the same is not true for alkaline and saline batteries (Dir. 91/157/EC, OJEU no. L 78, 26 March). The European Commission is planning to extend obligations to all used batteries and accumulators.

### 2.2.3 Used Tyres

It is prohibited to dump or dispose of tyres in the natural environment or burn same in the open air (Decree 2002-1563 of 24/12/2002).

Tyre manufacturers finance the collection and processing operations. Distributors take back used tyres free of charge. Processing companies must be approved.

Holders of used tyres are bound to dispose of their stocks of tyres held as of 1 July 2004 within five years of the said date (or use the services of an approved company for the disposal).

Tyres must either be entrusted to:

- Specialised used tyre collectors: scrapyards
- General-purpose multi-waste collectors
- General-purpose car waste collectors

#### 2.2.4 Waste Electrical and Electronic Equipment (WEEE)

Such waste must be stored in a closed, covered room. To date, there are no regulations specific to WEEE. The following obligations will soon come into force:

Producers of electric and electronic equipment are responsible for processing, recovering and recycling the said equipment. They must also finance the collection of same when no longer of use. For companies, the **collection is performed directly** (no intermediary salvage firms - the producers are responsible for collecting the waste). Directive 2002/96/EC **transposed by 18 August 2005**.

#### 2.2.5 Impregnated Solids and Soiled Packaging

Any solid **soiled by hazardous products, such as oil, grease and paint, is considered to be hazardous waste** and must be disposed of in accordance with the associated legislation (Art L.541-38).

**Soiled packaging can only be disposed of** in Classified Facilities for the Protection of the Environment (Environmental Law, Book V, Title 1 relating to CFPEs). Burning this type of waste outside such facilities is especially prohibited.

#### 2.2.6 End-of-Life Vehicles

**End-of-life vehicles** may only be **handed over to scrap metal companies** or crushers with the necessary **approval**, or to grouping centres created by the producers (Decree 2003-727 applicable to personal vehicles and vans).

Crushers and grouping centres, as well as scrapyards that have accepted the vehicle, **may not charge the owners** handing over the end-of-life vehicle at the entrance to their facilities, unless the vehicle is lacking its main components (drive chain, catalytic converter, bodywork) or it contains unapproved waste or equipment that has been added and which increases the cost of processing the end-of-life vehicle.

This decree stipulates that a receipt must be issued to prove that the vehicle has been taken in for scrapping, followed by a certificate when the vehicle has actually been scrapped, so that the prefect can record the scrapping and cancel the vehicle's registration details.

#### 2.2.7 Packaging

Decree 94-609 of 13 July 1994 is aimed at recovering packaging waste "where the holders are not domestic users". The concept of industrial packaging that has become waste must therefore be understood by companies in the general sense of the word. However, the provision stipulated by **the decree only applies to companies producing a weekly**

**volume greater than 1 100 litres.** In this case, the only methods of disposal authorised for companies' packaging waste are recovery through re-use, recycling or any other action aimed at obtaining reusable materials or energy. The provision in the decree of 13 July 1994 offers companies the following choice:

- Recover the packaging waste themselves in approved facilities
- Transfer it, by contract, to the operator of an approved facility
- Transfer it, by contract, to an intermediary merchant, carrier or broker

Packaging must not be mixed with any other type of waste, particularly that of a toxic nature that would adversely affect its recovery.

**Pallets** can be **reused if intact or repaired** if a few elements only are damaged. If pallets cannot be recovered cost-effectively, they can **be used to provide energy in wood burners** after crushing and removing all metal fixings. After crushing and removing all metal fixings, crates can be used to manufacture chipboard or used in the wood energy sector after packaging as chips (Directive 2004/12/EC).

**Companies are responsible for the waste that they produce, up until its final disposal. Companies are therefore bound to know and use the waste management channels in accordance with regulations and to ensure that the waste management providers contracted have been awarded all statutory approvals and authorisations.**

Caution: legislation is constantly changing. It is essential to keep regularly abreast of the latest amendments. All individuals and companies are supposed to know the law. Therefore, check out [www.journal-officiel.gouv.fr](http://www.journal-officiel.gouv.fr).

Find all the regulations at:

- <http://aida.ineris.fr>
- <http://extranet.sita.fr>
- [www.droit.org](http://www.droit.org)
- [www.journal-officiel.gouv.fr](http://www.journal-officiel.gouv.fr)
- [www.legifrance.gouv.fr](http://www.legifrance.gouv.fr)
- [www.europa.eu.int](http://www.europa.eu.int)

For further details:

- [www.environet.fr](http://www.environet.fr)
- [www.ademe.fr](http://www.ademe.fr)
- [www.acfci.cci.fr](http://www.acfci.cci.fr)
- [www.cerfa.gouv.fr](http://www.cerfa.gouv.fr)