



Notification Number: 2011/82/F

Draft decree on the prevention and management of chemical household waste that may pose a significant risk to health and the environment.

Date received : 22/02/2011

End of Standstill : 23/05/2011

Message

Message 002

Communication from the Commission - SG(2011) D/5400

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0082/F

No abre el plazo - Nezaahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201100400.EN)

1. Structured Information Line

MSG 002 IND 2011 0082 F EN 22-02-2011 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère de l'écologie, du développement durable, des transports et du logement
Direction générale de la prévention des risques



Service de la prévention des nuisances et de la qualité de l'environnement
Bureau de la qualité écologique des produits
Grande Arche- paroi nord – 92055 La Défense Cedex

4. Notification Number

2011/0082/F - S00E

5. Title

Draft decree on the prevention and management of chemical household waste that may pose a significant risk to health and the environment.

6. Products Concerned

The draft decree concerns chemical household waste that may pose a significant risk to health and the environment that belong to the following categories included in Article R. 543-225:

- Pyrotechnic products,
- Extinguishers and other extinguishing devices,
- Hydrocarbon-based products,
- Sticking, sealing and surface-preparation products,
- Products for treating and coating materials,
- Maintenance and protection products,
- Ordinary chemicals,
- Solvents and thinners,
- Biocides and household plant health products,
- Household fertilisers,
- Fabric dyes and colorants,
- Inks and printing and photographic products,
- Aerosol dispensers.

7. Notification Under Another Act

- Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of Information Society services

8. Main Content

The decree establishes the principle of extended producer responsibility (EPR) for the management of chemical household waste that may pose a significant risk to health and the environment (known as Specific Dispersed Waste), which shall now be the responsibility of the entity placing such products on the national market.

This responsibility includes user information, providing for separate collection and organising the removal and treatment of separately collected waste.

Entities placing such products on the market may organise themselves individually or collectively to fulfil their obligations. The individual systems and the recycling bodies set up by the entities placing such products on the market must be approved and authorised by the public authorities.

9. Brief Statement of Grounds

Local and regional authorities assume the cost related to collecting and treating this waste, the majority of which is hazardous waste. Collected separately in fixed waste disposal sites and as part of a number of local initiatives



relating to specific collections for specific disposal, this waste is nonetheless still too often disposed of along with ordinary household waste. The current rate of separate collection of this waste is estimated to be about one third of the total. This situation poses a risk to health and the environment, and hinders the development of the organic use of waste, in particular composting.

In late 2007, Undertaking 250 of the Grenelle Environment Forum established the collegial intention to set up a suitable tool for the management of "hazardous household waste and similar". This undertaking resulted in the establishment of the principle of extended producer responsibility (EPR) for the management of chemical household waste that may pose a significant risk to health and the environment in Article L. 541-10-4 of the Environment Code.

The purpose of this initiative is to promote the separate collection of this waste so that it can be properly treated, mitigating the risks posed to health and the environment.

10. Reference Documents - Basic Texts

Reference texts: Article L. 541-10-4 of the Environment Code
Environment Code

Legislative part

Book V: Prevention of contamination, risk and pollution

Heading IV: Waste

Chapter I: Prevention and management of waste

Section 2: Design, manufacture and distribution of waste-generating products

Article L541-10-4

As of 1 January 2011, any natural person or legal entity manufacturing, importing or introducing into the national market chemicals that may pose a significant risk to health and the environment shall be bound to make technical and financial provision, itself or by means of a specialist company, for the collection and treatment of household waste from such products (containing and contained). These products must be properly marked to prevent users from disposing them with ordinary household waste. As of 1 January 2011, any entity placing such products on the market that fails to observe this requirement shall be liable to pay a general tax on polluting activity.

The implementation methods for this article shall be determined by decree.

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No



15. Impact assessment

Yes

16. TBT and SPS aspects

TBT relevance

No - The draft is neither a technical regulation nor a conformity assessment.

NO - The draft does not have a significant effect on international trade.

SPS relevance

No - The draft is not a sanitary or phytosanitary measure.

NO - The draft does not have a significant effect on international trade.

Catherine Day
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Commission européenne

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