



Notification Number: 2010/161/UK

## Quality Protocol: End-of-waste criteria for the production of pulverised fuel ash (PFA) and furnace bottom ash (FBA) for use in construction and manufacturing

Date received : 18/03/2010

End of Standstill : 21/06/2010

### Message

Message 001

Communication from the Commission - SG(2010) D/5655

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2010/0161/UK - Notificare.

No abre el plazo - Nezahtuje odlady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία 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 - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201000655.EN)

#### 1. Structured Information Line

MSG 001 IND 2010 0161 UK EN 18-03-2010 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Innovation and Skills  
Innovation & Enterprise Group  
1 Victoria Street, London, SW1H 0ET.

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#### 3. Originating Department

Department for Environment, Food and Rural Affairs (Defra)



Waste Framework Directive Unit  
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Email: [trevor.staines@defra.gsi.gov.uk](mailto:trevor.staines@defra.gsi.gov.uk)

#### **4. Notification Number**

2010/0161/UK - S00E

#### **5. Title**

Quality Protocol: End-of-waste criteria for the production of pulverised fuel ash (PFA) and furnace bottom ash (FBA) for use in construction and manufacturing

#### **6. Products Concerned**

It sets the end-of-waste criteria for the production and use of PFA (including cenospheres) and FBA arising from the combustion of coal, with or without co-combustion materials, for the purpose of energy production.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

The end-of-waste criteria for the production and use of PFA (including cenospheres) and FBA arising from combustion of coal with or without co-combustion materials that has four main purposes:- (1) to clarify the point at which waste management controls are no longer required, the material has undergone a complete recovery operation, has been fully recovered and has ceased to be waste within the meaning of Article 1(1)(a) of the Waste Framework Directive (2006/12/EC); (2) to provide users with confidence that, where required, the PFA and FBA they use conforms to an approved product standard, or if specified a customer specification; (3) to provide users with confidence that the material is suitable for use in designated applications; and (4) to protect human health and the environment (including groundwater). The PFA and FBA will be regarded as having been fully recovered and ceased to be waste, and therefore no longer subject to waste management controls when the requirements of the approved product standards have been met. Producers must demonstrate that the criteria have been met by either obtaining certification from an approved certification body or producing and keeping copies of the customer supply documentation which includes a declaration that the PFA and FBA material meets both the approved standards and the end-of-waste criteria.

#### **9. Brief Statement of Grounds**

The Waste Framework Directive requires Member States to encourage the use of waste as a resource. The Landfill Directive (Directive 1999/31/EC) sets stringent targets to reduce the amount of municipal waste that is disposed of by landfilling. The interpretation of EU legislation is ultimately a matter for the European Court of Justice (ECJ) and there is now a substantial body of case law on the interpretation of the definition of waste in Article 1(1)(a) of the Waste Framework Directive. Subject to ECJ case law, it rests with Member States' competent authorities to determine on a case-by-case basis when substances or objects are discarded and become waste, and when waste has been fully recovered and ceases to be waste. Based on the principles set by the ECJ case law, the quality protocol for end-of-waste criteria for PFA and FBA seeks to identify with greater certainty the point at which PFA and FBA have been fully recovered and ceases to be waste. In doing so, the end-of-waste criteria's objective is to provide greater certainty for both establishments and undertakings



producing PFA and FBA under the terms of a permit issued by the competent authority under Article 10 of the Waste Framework Directive, or a permit exemption registered under Article 11 of the Directive, and to users of PFA and FBA produced by such waste recovery operations. The greater certainty provided by the end-of-waste criteria for PFA and FBA will fulfil not only the objectives of the Waste Framework Directive by making more effective use of waste as a resource, but also those of the Landfill Directive by reducing the amount of waste disposed to by landfilling.

**10. Reference Documents - Basic Texts**

No Basic Text exists

**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 aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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