



Manual of European Environmental Policy

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The Waste Statistics Regulation

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| Formal references | |
| Regulation (EC) No 2150/2002 (OJ L332 9.12.2002) | Regulation on waste statistics |
| Proposed 27.1.1999 – COM(1999)31 | |
| Amended proposal 9.3.2001 – COM(2001)137 | |
| Amended proposal 10.12.2001 – COM(2001)737 | |
| Legal base | Article 338 TFEU (originally Article 285 TEC) |
| Amended by | |
| Regulation (EC) No 574/2004 (OJ L90 27.03.2004) | Commission Regulation amending Annexes I and III |
| Regulation (EC) No 782/2005 (OJ L131 25.05.2005) | Commission Regulation setting out the format for the transmission of waste statistics |
| Regulation (EC) No 783/2005 (OJ L131 25.05.2005) | Commission Regulation amending Annex II |
| Regulation (EC) No 1893/2006 (OJ L393 30.12.2006) | Regulation 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 |
| Regulation (EU) No 849/2010 (OJ L253 28.09.2010) | Commission Regulation amending Annexes I, II and III |
| Legal base | Article 338 TFEU (originally Article 285 TEC) |
| Regulation (EC) No 221/2009 (OJ L87 31.03.2009) | Regulation of the European Parliament and of the Council amending Regulation (EC) No 2150/2002 , as regards the implementing powers of the Commission |
| Legal base | Article 338 TFEU (originally Article 285 TEC) |
| Binding dates | |
| 2150/2002 | |
| Entry into force | 29 December 2002 |
| Provision of the statistical data required by the Regulation | By the end of 2004, and subsequently every two years thereafter |
| The Commission will report on the quality of statistics and the burden on businesses | By the end of 2007, and subsequently every three years thereafter |
| 574/2004 | |
| Entry into force | 16 April 2004 |
| 782/2005 | |
| Entry into force | 14 June 2005 |
| 783/2005 | |
| Entry into force | 14 June 2005 |
| 1893/2006 | |
| Entry into force | 19 January 2007 |
| Formal compliance | 1 January 2008 |

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| 221/2009 | |
| Entry into force | 20 April 2009 |

Purpose of the Regulation

The Regulation aims to establish a framework for the production of Community statistics on the generation, recovery and disposal of waste, that may be readily available, representative and comparable. In this way, the Regulation is intended to complement reporting under other waste legislation, namely the Directives addressing [hazardous waste](#), [waste oils](#), [packaging waste](#) and the [Waste Framework Directive](#). The Regulation replaces a voluntary system of surveys carried out for the OECD, in cooperation with Eurostat.

Summary of the Regulation

In order to ensure the effective provision of useful statistics on the generation, recovery and disposal of waste, the Regulation provides details of data collection procedures and timeframes for reporting by Member States.

Data collection

In line with the principle of subsidiarity and allowing for the fact that waste management systems are diverse within the EU, there is no one uniform methodology for the data collection prescribed in the Regulation. Member States are allowed the flexibility to identify the most appropriate methodology compatible with waste management in their nation. However, this methodology should involve one or a combination of the following: a survey; administrative or other sources; statistical estimation based on samples; or waste-related estimators. It is specified that, in order to reduce the administrative burden on small enterprise, any surveys should not require commitments from enterprises with less than ten employees, unless they contribute significantly to waste generation.

Annexes I and II of the Regulation provide details of the data specifications for the generation of waste and the recovery/disposal of waste, respectively. The waste categories in both Annexes are based on the specifications in the [European Waste Catalogue](#), with the relationship between them being outlined in the form of a transposition table in Annex III. There are 48 different categories of waste on which Member States are obliged to report, including hazardous and non-hazardous classes of solvents, used oils, discarded vehicles and equipment, sludge and biologically active wastes and contaminated soils and spoil. However, the context within which these categories are framed varies between the Annexes. Rather than monitoring purely the total waste produced for a category in Annex I, statistics on the quantity of waste produced, for each relevant waste category, are collected for 20 different groups of waste producer. These groups include households, processing industries such as manufacture, construction and waste management industries and primary industries such as agriculture, forestry, hunting, fishing and mining. Within Annex II different data sets are produced using the same waste categories and dividing their monitoring by the type of disposal or recovery operation waste has undergone, that is, data are collected, for each relevant waste category, on the quantities of waste incinerated, recovered (but not energy recovery) and disposed (other than by incineration).

The data collected for both generation and recovery/disposal should be monitored with regard to quantity and regional characteristics. In relation to quantity, all waste statistics should be reported in units of 1,000 tonnes of wet waste (although for sludge categories dry weight should be provided). In Annex I regional characteristics are monitored by assessing the percentage of a population or number of dwellings served by collection schemes. In contrast, regional assessments in Annex II monitor the number of operational facilities, the capacity of such operational units and the total quantity of waste treated. In order to assess the quality of data submitted by Member States, information detailing the coverage of statistics and the precision of data must also be submitted.

Transitional periods and pilot studies

There was no transition period for the Regulation as, due to the long development time of the Regulation, the majority of statistics were well known and expected. However, towards the end of the co-decision discussions categories such as the monitoring of waste from agriculture were added. Therefore, within the first three years of the entry into force date Member States could apply for derogation from provisions for monitoring agriculture, hunting and forestry. During these transition periods it was the Commission's intention that pilot studies be carried out to identify workable methodologies, which would allow regular data to be obtained once the derogations have expired.

In addition to pilot studies on agriculture, fisheries and hunting, the Commission also intended to complete other such studies to analyse the possibility of collecting waste statistics on several subjects identified as important and absent from the Regulation, during its development. Pilot studies to assess the relevance of including packaging waste were undertaken along with studies to look at the possibility of monitoring the import and export of waste. In the absence of such data, it is difficult to assess the true success (or indeed failure) of any piece of waste legislation. This is due to the fact that no records would exist to identify if a drop in waste disposal represents a true reduction in waste production or whether it is simply caused by increasing export of waste to third countries. On the basis of the pilot studies it will be possible to identify if the dumping of waste in third countries is an issue of concern and what implementation measures will be necessary to monitor such a problem.

Reporting

The first 'reference' year for which Member States should report their statistics was two years after the date of entry into force, that is, the end of 2004. Subsequent to this, monitoring is to be completed on a bi-yearly basis. The results of monitoring must be transmitted to Eurostat within 18 months of the end of each reference year. The Commission is to report to the European Parliament and the Council on the statistics compiled; the first report was submitted at the end of 2007 and subsequently the Commission will report every three years. In addition to reporting the statistics themselves, by the end of 2004, the Commission was to produce a report on the progress of pilot studies. This was completed, late, at the end of June 2005. In order to ensure that the legislation does not overlap with any other data collection criteria, the Commission is also to produce information on any overlap in reporting obligations.

Commission Regulation (EC) No [1445/2005](#) defining the proper quality evaluation criteria and contents of the quality reports for waste statistics aids Member States in their collection and presentation of waste management statistics for Regulation (EC) No 2150/2002.

Development of the Regulation

Between the implementation of the Fifth and development of the Sixth Environmental Action Programmes a review was completed. During this review it was recommended that the Commission seek to have regular, comparable, recent and representative data on waste production, recovery and disposal and the Regulation on Waste Statistics (EC) No 2150/2002 was developed to address this. The original draft proposal was published by the Commission on 27 January 1999 as COM(1999)31.

COM(1999)31 was very different in format to the final Regulation text, with the data required for each waste category being more detailed, although the categories of waste producers were more restrictive, that is agriculture, hunting, forestry and fishing being excluded from the data collection process. Other significant differences included a generic transition period of three years and a reporting cycle for Member States of three years. This initial proposal received positive feedback, in September 1999, from the Economic and Social Committee, being hailed as an 'important weapon in the environmental policy armoury', although concerns were raised concerning the transition period. In September 2000 the Council's Working Group reached a consensus, suggesting amendments that would reduce the data requirement and allow greater flexibility in data reporting by Member States. On 9 March 2001 the Commission submitted an amended proposal COM(2001)137 which took on board the comments made by the working group and altered the data collection criteria to a format consistent with the text of the final Regulation. This new proposal altered transition periods and proposed pilot studies.

The European Parliament's first reading of the proposal was on 4 September 2001, resulting in a number of amendments, including: the specification that Member States should report on an annual, not a three yearly, basis; that figures on imports and exports be included in the scope of the Regulation; and the abolition of the transition period. Despite the Commission producing a second amended proposal, COM(2001)737, in response to Parliament's opinion, all three of these major amendments continued to be points of debate and concern throughout the subsequent development of the Regulation.

In COM(2001)737 the Commission accepted various Parliamentary amendments including: increasing the comparability of data; extending the coverage of statistics on the generation of waste to include agriculture and fisheries; and accepting the need to develop new statistical tools to study dissociation of waste production and consumption of resources. However, Commissioners rejected the major request that data collection be annual, opting for a compromise, bi-yearly cycle. In its Common Position, based on the amended proposal, the Council highlighted the need to have statistics on imports, exports, agriculture and fisheries with a transitional period when pilot studies should be undertaken to assess the feasibility and relevance of such statistics. However, the Council felt that the use of transition periods should be kept to a minimum. During the development of the Regulation the Council had been conscious that an excessive burden should not be placed on Member States by reporting requirements. In this context, the Common Position supported the bi-yearly reporting cycle and proposed that steps should be taken to ensure that the overlapping of reporting is minimized.

At the second Parliamentary reading of the proposal MEPs again proposed amendments, still maintaining that reporting should be yearly and recommending that additional categories for data collection be added. On 25 October the Commission gave its opinion on these

amendments, adopting them all except the reduction in the reporting period. The Regulation, including these final amendments, was adopted and published in the Official Journal on 9 December 2002.

Commission Regulation (EC) No [317/2004](#) was published on 23 February 2004. This allowed derogations for Austria, France and Luxembourg from Regulation (EC) No 2150/2002 for the 2004 reporting period. All three countries were excused from reporting on the Annex I category, waste from agriculture, hunting and forestry. In addition, France was exempt from reporting on fisheries waste.

The pilot studies required by the Regulation were to be completed within three years of the Regulation's entry into force date, that is, the end of 2005. The Commission was to report on their progress within two year's of the Regulation's entry into force date, that is, the end of 2004. Accordingly, though later than specified, the Commission published a report ([COM\(2005\)223](#)) on the progress of the pilot studies in June 2005. The report concluded that further studies were required.

Several amendments have been published since the Regulation's entry into force, as listed at the beginning of this section, but none make major changes to the Regulation's intentions or requirements.

Implementation of the Regulation

As is usual for a Regulation, the Waste Statistics Regulation (EC) No 2150/2002 was not transposed differently in the national legislation of the Member States.

In June 2008 the Commission published a report ([COM\(2008\)355](#)), in line with Article 8(1) of the Regulation, on the statistics published under the Regulation and paying particular attention to the quality of statistics and the burden on businesses. The report was informed by individual quality reports for each of the Member States (see below for a link to these reports). The main implementation issues are summarized in Table 1. Note that the report addresses the first round of statistical and quality reporting – for 2004 and 2006, respectively. A more recent report on the subsequent round of reporting is yet to be published.

The individual quality reports from Member States are available from [DSIS](#).

Table 1. The main implementation issues of the Waste Statistics Regulation (EC) No 2150/2002

| Implementation issue | Comments |
|-----------------------------|---|
| Data collection method | Although the Regulation defines which data should be submitted and the quality required, it does not lay down a specific uniform method for data collection. This allows Member States to continue their own established methods of data collection (thus reducing the burden of compliance), but in doing so may inadvertently undermine the comparability and quality of data which the Regulation intends to achieve. |
| Completeness of data | For the first reporting period, Member States delivered 88 per cent of the required data; 12 per cent was declared missing. Some of these missing data were explained by Member States which had derogations from reporting on certain sectors. |
| Accuracy | Initially, there were some problems with differing interpretation of definitions. Particularly, there were some problems with how to include wood waste, metal waste and organic waste from the food industry. Naturally, differing interpretations of definitions will negatively influence data comparability. As a result, the Commission is working on the clarification of criteria to aid interpretation. In some cases, Member States derive data on waste generation indirectly from waste treatment data instead of collecting data from waste generators themselves. Though this method reduces burden on waste generators, it brings with it the risk of misallocation and inaccurate data. Measurement errors may result from incorrect conversion calculations, for example, where landfills are not yet equipped with weighbridges the figures tend to be based on the volume of collection vehicles and converted using average waste densities. According to the report, this often results in overestimates. However, as older landfills are upgraded or replaced to meet requirements of the Landfill Directive, this problem will lessen. |

Enforcement and court cases

No cases specifically concerning the waste statistics Regulation have been decided by the ECJ, and no other infringement proceedings have been begun by the Commission.

Further developments

On 12 December 2008, the Directive on Waste [2008/98/EC](#) was published. Though this Directive will repeal several pieces of waste legislation with effect from 12 December 2010, Regulation (EC) No 2150/2002 remains unchanged.

With COM(2009)535, the Commission proposed a codified version of Regulation (EC) No 2150/2002. The codification will produce a new Regulation that will supersede the previous Regulation and its amending acts; the proposal would not introduce any substantive changes to the requirements of the legislation.

Related legislation

The Waste Statistics Regulation (EC) No 2150/2002 aims to provide the information basis for waste management in the Member States and for the EU as a whole. It is, therefore, closely linked to supporting the implementation (and, later, review) of most EU waste law.