

Waste law: the second “end of waste” Regulation on glass cullet has come into force. What types of glass will it be applicable to, though?

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The Eu Regulation no. 1179/2012, intended to set criteria whereby substances or objects which meet the waste definition can achieve, after undergoing a recovery, a non-waste status and thus fall outside the scope of waste law, shall apply starting from today, 11 June 2013 (the full text of the Regulation is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:337:0031:0036:EN:PDF>).

The true scope of the new Regulation has nonetheless been subject to wary scrutiny by the glass sector actors: it is not clear, in particular, whether the end of waste criteria established by the Regulation concern any type of glass cullet or just a few of them. Secondly – in the hypothesis the Regulation were found to be relevant to certain types of glass cullet only – it should be ascertained whether end of waste criteria could be established with regard to glass cullet which are not covered by Regulation no. 1179/2012 according to the “generally” applicable end of waste principles and rules or these types of glass cullet should instead be qualified as “waste”.

The most persuading response to these questions is that indeed the new Regulation does apply uniquely to non-dangerous glass cullet resulting from the recovery operation destined for the production of glass substances or objects in re-melting processes. It should be pointed out, nonetheless, that glass cullet which does not fall under the scope of the Regulation should all the same be recognized the possibility to achieve non-waste status under the terms of the relevant European and domestic waste law.

The EU Commission Joint Research Centre has published a report aimed at defining the minimum quality criteria for reprocessed cullet to obtain the status of end of waste (available at: <http://ipts.jrc.ec.europa.eu/publications/pub.cfm?id=4940>) which confirms the aforementioned interpretation. The report states that the use of glass cullet such as the CRT glass in non-recycling non-re-melting operations are not part of the scope of the end of waste criteria there presented. With specific regard to glass cullet destined for non re-melting uses, therefore, current practice under waste law can continue and its legal status would remain as it is today. These types of glass can, accordingly, be qualified as “end of waste” to the extent that they comply with the ordinary criteria referred to by article 184-ter Legislative Decree no. 152/2006 (*i.e.* the criteria singled out by the Ministerial Decrees on simplified permit procedures relating to classes of materials recovered from waste and/or the criteria contained in single-case decisions).

You will find an in-depth analysis of the matter in the section “articoli”.

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