

CONTENTS

<i>Table of Cases</i>	xiii
<i>Table of International Instruments</i>	xvii
<i>List of Abbreviations</i>	xxiii
<i>Introduction</i>	xxv
 1. EU Framework Directive on Waste	
The Main Orientation and the Legislative History of the 2008 Waste Framework Directive	1.01
The Definition of Waste	1.20
The theory	1.22
Negative indication: Goods with a positive economic value are not excluded	1.31
Positive indication: The objective qualities of the good versus the intention of the holder?	1.39
A short-lived way out of the impasse: The <i>Euro Tombesi</i> bypass	1.48
Relief of the centre, congestion in the suburbs	1.53
From the <i>Tombesi</i> attempts to <i>Arco Chemie</i> and beyond: The bypass unravelled in a series of landmark cases—the current approach of the Court of Justice	1.59
Appraisal	1.66
Secondary raw materials	1.73
Conclusion	1.79
Conclusion with respect to the Court of Justice's case law on the definition of waste	1.160
Rider: Criteria employed by the ECJ for determining waste	1.162
Exclusions from the Scope of the Directive	1.166
End of Waste Status—Full Recovery	1.189
Recovery and Disposal within the New Waste Hierarchy	1.202
Waste prevention	1.206
Recovery	1.208
Disposal—and the 'disposal' and 'recovery' annexes	1.212
The origin of the definitions of 'recovery' and 'disposal' in the ECJ's case law (<i>Abfall</i>) and the waste incineration cases (including <i>Commission v Germany</i>)	1.215
Recycling, and recycling and collection targets	1.255
Other recovery	1.266

By-products	1.269
Member States' Duties under the Directive	1.275
Waste hierarchy and general duties under the Directives	1.276
Union self-sufficiency and the proximity principle	1.291
Waste management plans	1.294
Procedural and administrative requirements for waste management	1.299
Polluter pays principle	1.309
2. Toxic and Dangerous Waste—'Hazardous Waste'	
Introduction	2.01
Preceding Regulations on Hazardous Waste	2.03
Directive 78/319	2.03
Directive 91/689: A protracted struggle to reach a definition of hazardous waste and the pivotal case of <i>Fornasar</i>	2.06
Current Legislation: Directive 2008/98 and Decision 2000/532	2.27
Definition of hazardous waste, the EU list, and Member States' deviations from same	2.28
Waste management requirements for hazardous waste	2.42
Permits for hazardous waste management	2.50
3. Shipments of Waste	
General Framework and Sources of Inspiration	3.01
Scope of Application	3.21
Exclusions from the Scope	3.27
Shipments within EU Member States, with or without	
Transit through Third Countries	3.45
Requirement of a waste processing contract	3.46
The notification process	3.48
Objections to shipments	3.57
Extensive case law of the ECJ	3.66
The <i>DaimlerChrysler</i> confusion	3.91
<i>EU-Wood-Trading</i>	3.111
<i>Commission v The Netherlands</i>	3.122
<i>Pedersen: EU-Wood-Trading</i> confirmed and further specified	3.124
<i>Ragn-Sells</i>	3.129
Exports and Imports from and into the EU	3.138
Waste Destined for Disposal	3.139
Waste destined for recovery	3.142
General Obligation for 'Environmentally Sound Management' and Other Provisions	3.167
Radioactive Waste Shipment Rules	3.171

4. Packaging and Packaging Waste	
Origins of the Directive	4.01
Scope of Application and Objectives—Hierarchy of Principles	4.05
Amendments by Directive 2004/12—New Targets: More Clarity on the Definition of ‘Packaging’	4.09
Issues not covered	4.10
The Commission proposal: Targets and the illustrative list of packaging	4.16
Amendments adopted: Directive 2004/12—new targets and pending review of the targets	4.21
Amendments adopted: Directive 2004/12—definition of packaging	4.31
Prevention, Reuse, Recycling, and Recovery	4.41
Prevention	4.41
Reuse, recycling, and ‘other forms of recovering waste’: Targets and the provision for both weaker and stricter targets	4.52
Other Provisions	4.74
Tensions with the Internal Market—Free Movement of Goods	4.86
<i>Commission v Denmark</i>	4.88
The (two) case(s) against the German system	4.98
Collective Organization of Packaging Waste Issues and EU Competition Law	4.116
Eco-Emballages	4.117
DSD	4.122
State aid and waste collection associations	4.128
5. Landfill of Waste	
A Winding Road to the Current Directive	5.03
Directive 1999/31	5.20
6. Incineration of Waste	
Incineration and the Waste Hierarchy	6.01
The Previous Directives on the Prevention of Air Pollution from Municipal Waste Plants	6.17
The Previous Directive on the Incineration of Hazardous Waste	6.22
Directive 2000/76 on Waste Incineration: This One, Too, Now Qualifies as ‘Previous’	6.25
7. Waste Oils	
Previous Legislation	7.03
Current Legislation: The Waste Framework Directive	7.18

8. Mining Waste	
History of the Mining Waste Directive	8.01
Communication (2010) 600	8.04
Communication (2012) 95	8.05
General Scope of Directive 2006/21 on the Management of Waste from Extractive Industries and in Relation to the WFD	8.06
Waste within the Scope of the Mining Waste Directive	8.14
Waste Excluded from the Scope of the Mining Waste Directive	8.16
Member States' Obligations under the Mining Waste Directive	8.20
Waste management plan (Article 5)	8.23
Major accident prevention policy (Article 6)	8.24
A permit	8.25
Backfilling (Article 10)	8.26
Closure and after-closure procedures (Article 12)	8.28
Financial guarantee (or equivalent)	8.30
Implementing and Amending Measures	8.31
Effect of Transposition	8.33
9. Batteries and Accumulators	
Predecessors and General Context to the Regime	9.01
Directive 2006/66	9.08
Relationship with Other Directives	9.28
10. Other Specific Regimes	
PCBs/PCTs	10.02
End-of-life Vehicles	10.11
Electrical and Electronic Equipment	10.23
<i>Appendix 1</i>	231
<i>Appendix 2</i>	260
<i>Index</i>	379