

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 27 May 1997

**concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)**

(97/622/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/692/EEC of 23 December 1991 on the standardization and rationalization of reports on the implementation of certain Directives relating to the Environment<sup>(1)</sup>, and in particular Articles 5 and 6 and its Annex VI,

Having regard to Council Directive 75/442/EEC of 15 July 1975 on waste<sup>(2)</sup>, as last amended by Commission Decision 96/350/EC<sup>(3)</sup>,

Having regard to Council Directive 91/689/EEC of 12 December 1991 on hazardous waste<sup>(4)</sup>, as last amended by Directive 94/31/EC<sup>(5)</sup>,

Having regard to European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste<sup>(6)</sup>,

Whereas Article 8 (1) of Directive 91/689/EEC requires Member States to transmit to the Commission information on the application of this Directive in the context of the report provided for in Article 16 (1) of Directive 75/442/EEC;

Whereas Article 17 of Directive 94/62/EC requires Member States to transmit to the Commission information on the application of this Directive in accordance with Article 5 of Directive 91/692/EEC;

Whereas Article 16 of Directive 75/442/EEC, has been replaced by Article 5 of Directive 91/692/EEC which requires Member States to transmit to the Commission information on the implementation of certain Community Directives in the form of a sectoral report;

Whereas, this report has to be established on the basis of a questionnaire or an outline drafted by the Commission in accordance with the procedure set out in Article 6 of Directive 91/692/EEC;

Whereas the first sectoral report will cover the period 1998 to 2000 inclusive;

Whereas the measures envisaged by this Decision are in accordance with the opinion expressed by the Committee established in accordance with Article 6 of the abovementioned Directive,

HAS ADOPTED THIS DECISION:

*Article 1*

The questionnaires attached to this Decision, which relate to Directive 91/689/EEC and Directive 94/62/EC, are hereby adopted.

*Article 2*

The Member States will use these questionnaires as a basis for the drawing up of the sectoral reports they are required to submit to the Commission pursuant to Article 5 of Directive 91/692/EEC and to Article 17 of Directive 94/62/EEC.

<sup>(1)</sup> OJ L 377, 31. 12. 1991, p. 48.

<sup>(2)</sup> OJ L 194, 25. 7. 1975, p. 39.

<sup>(3)</sup> OJ L 135, 6. 6. 1996, p. 32.

<sup>(4)</sup> OJ L 377, 31. 12. 1991, p. 20.

<sup>(5)</sup> OJ L 168, 2. 7. 1994, p. 28.

<sup>(6)</sup> OJ L 365, 31. 12. 1994, p. 10.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 27 May 1997.

*For the Commission*

Ritt BJRREGAARD

*Member of the Commission*

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*ANNEX***LIST OF QUESTIONNAIRES**

1. Questionnaire relating to Council Directive 91/689/EEC of 12 December 1991 on hazardous waste <sup>(1)</sup>, as last amended by Directive 94/31/EC <sup>(2)</sup>.
2. Questionnaire relating to European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste <sup>(3)</sup>.

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<sup>(1)</sup> OJ L 377, 31. 12. 1991, p. 20.

<sup>(2)</sup> OJ L 168, 2. 7. 1994, p. 28.

<sup>(3)</sup> OJ L 365, 31. 12. 1994, p. 10.

## QUESTIONNAIRE

for the report of the Member States on the transposition and implementation of Directive 91/689/EEC on hazardous waste, as last amended by Directive 94/31/EC

*There is no need to repeat information already supplied but please indicate clearly where and when that information was provided.*

## I. INCORPORATION INTO NATIONAL LAW

1. (a) Has the Commission been provided with the national laws and regulations which implement Directive 91/689/EEC as amended into national law? (Yes/No)
- (b) If the answer to (a) above is 'No', please state the reasons why.
2. (a) Has the Commission been provided with the national laws and regulations which implement Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1 (4), first indent of Directive 91/689/EEC, into national law? (Yes/No)
- (b) If the answer to question (a) above is 'No', please state the reasons why.

## II. IMPLEMENTATION OF THE DIRECTIVE

3. (a) Has any waste other than those listed in Decision 94/904/EC been considered to display any of the properties listed in Annex III to Directive 91/689/EEC, pursuant to its Article 1 (4), second indent? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', has the case(s) been notified to the Commission? (Yes/No)
- (c) If the answer to question (b) above is 'No', please state the reasons why.
4. (a) Have measures been adopted to distinguish domestic hazardous waste from non-domestic hazardous waste? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please provide details.
5. (a) Have the necessary measures pursuant to Article 2 (1) been taken? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please provide details.
- (c) If the answer to question (a) above is 'No', please state the reasons why.
6. (a) Have the necessary measures pursuant to Article 2 (2) to (4) been taken? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please provide details.
- (c) If the answer to question (a) above is 'No', please state the reasons why.
7. (a) Have general rules been adopted to provide exemptions pursuant to Article 3 (2)? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please provide details.
- (c) If the answer to question (a) above is 'Yes', and if the rules referred to in Article 3 (2) have not been sent to the Commission, please state the reasons why.

8. (a) Are appropriate periodic inspections carried out by the competent authorities for producers of hazardous waste, pursuant to Article 4 (1)? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please give details of frequency.
9. (a) Are the producers of hazardous waste, establishments or undertakings referred to in Article 4 (2) required to keep records, pursuant to Article 14 of Directive 75/442/EEC? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please give details, including details of any standard form in use.
10. (a) Have the necessary measures pursuant to Article 5 (1) been taken? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', please provide details.
- (c) If the answer to question (a) above is 'No', please state the reasons why.
11. (a) Have waste management plans been drawn up, pursuant to Article 6? (Yes/No)
- (b) If the answer to question (a) above is 'No', please state reasons why.
- (c) If the answer to question (a) above is 'Yes', please indicate whether these waste management plans have been drawn up separately or in the framework of the general waste management plans referred to in Article 7 of Directive 75/442/EEC.
- (d) If these waste management plans have been drawn up separately from the general waste management plans referred to in Article 7 of Directive 75/442/EEC, please give the following details, where available, indicating whether any of the figures given is an estimate:

(tonnes/year)

	Hazardous waste
Total waste produced <sup>(1)</sup> , of which:	
— recycled <sup>(1)</sup> :	
— incinerated <sup>(1)</sup> :	
— incinerated with energy recovery <sup>(1)</sup> :	
— landfilled <sup>(1)</sup> :	
— others, please specify <sup>(1)</sup> :	
— recycled <sup>(2)</sup> :	
— incinerated <sup>(2)</sup> :	
— incinerated with energy recovery <sup>(2)</sup> :	
— landfilled <sup>(2)</sup> :	
— others, please specify <sup>(2)</sup> :	

<sup>(1)</sup> Within the Member State.<sup>(2)</sup> Outside the Member State.

- (e) If the answer to question (a) above is 'Yes', have the waste management plans been made public? (Yes/No)
- (f) If the answer to question (e) above is 'No', please state the reasons why.
12. (a) Have there been any circumstances under which necessary steps, including temporary derogations from Directive 91/689/EEC pursuant to Article 7, have been taken? (Yes/No)
- (b) If the answer to question (a) above is 'Yes', and the Commission has not been informed thereof, please state the reasons why.

## QUESTIONNAIRE

## for the drafting of reports by Member States on the implementation and application of Directive 94/62/EC on packaging and packaging waste

*There is no need to repeat information already supplied but please indicate clearly where and when the information was provided.*

## I. IMPLEMENTATION IN NATIONAL LAW

1. (a) Has the Commission been provided with details of the laws, regulations and administrative provisions introduced to comply with the Directive?  
(Yes/No)
- (b) If the answer to (a) is 'No', state the reason why.
2. (a) Are there plans to adopt further measures, not detailed below, within the framework of the Directive and under the scope of the notification obligation of Article 16?  
(Yes/No)
- (b) If the answer to (a) is 'Yes', has the Commission been notified of the measures in accordance with Article 16?
- (c) If the answer to (b) is 'No', state the reason why.
3. (a) If programmes have been set up the objectives of which go beyond those referred to in Article 6 (1) (a) and (b), have those objectives been communicated to the Commission in accordance with Article 6 (6)?  
(Yes/No)
- (b) If the answer to (a) is 'No', state the reason why.

## II. APPLICATION OF THE DIRECTIVE

1. (a) Have measures to prevent the formation of packaging waste been implemented in accordance with Article 4, other than those introduced in accordance with Article 9?  
(Yes/No)
- (b) If the answer to (a) is 'No', state the reason why.
- (c) Describe the measures taken, referring to any consultation with economic operators.
2. (a) Have measures been taken to encourage reuse systems in accordance with Article 5?  
(Yes/No)
- (b) If the answer to (a) is 'Yes', describe the measures.
3. (a) Have the necessary measures been taken, pursuant to Article 7, to set up systems for the return and/or collection of used packaging and/or packaging waste and systems for the reuse or recovery, including recycling, of packaging and/or collected packaging waste?  
(Yes/No)
- (b) If the answer to (a) is 'No', state the reason why.
- (c) Give details of the measures taken and of the systems which have been set up.
4. With regard to achievement of the recovery and recycling targets referred to in Article 6, please fill in and attach the formats adopted pursuant to Article 12 (3) indicating the method used to obtain data.

5. (a) Has the use of materials obtained from recycled packaging waste been encouraged in accordance with Article 6 (2)?  
(Yes/No)
- (b) If the answer to (a) is 'Yes', describe the actions undertaken.
6. How have the measures and targets referred to in Article 6 (1) (a) and (b) been published in accordance with Article 6 (4)? Describe the information campaign aimed at the general public and economic operators.
7. What measures have been taken, in accordance with Article 13, to ensure that users of packaging receive the information laid down in that Article?
8. (a) Are there any national standards relating to the essential requirements, in accordance with Article 9, and to the concentration levels of heavy metals, in accordance with Article 11.  
(Yes/No)
- (b) If the answer to (a) is 'Yes', have they been communicated to the Commission?  
(Yes/No)
- (c) If the answer to (b) is 'No', state the reason why.
9. (a) Do the waste management plans required by Article 7 of Directive 75/442/EEC include a specific chapter on the management of packaging and packaging waste, in accordance with Article 14 of Directive 94/62/EC?  
(Yes/No)
- (b) If the answer to (a) is 'No', state the reason why.
10. (a) Have economic instruments been adopted, in accordance with Article 15, to attain the targets set in the Directive?  
(Yes/No)
- (b) If the answer to (a) is 'Yes', specify the measures adopted.
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