

Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance)

CHAPTER VII

FINAL PROVISIONS

[^{F1}Article 38

Exchange of information and sharing of best practices, interpretation and adaptation to technical progress

1 The Commission shall organise a regular exchange of information and sharing of best practices among Member States, including, where appropriate, with regional and local authorities, on the practical implementation and enforcement of the requirements of this Directive, including on:

- a the application of the calculation rules set out in Article 11a and the development of measures and systems to trace municipal waste streams from sorting to recycling;
- b adequate governance, enforcement, cross-border cooperation;
- c innovation in the field of waste management;
- d national by-product and end-of-waste criteria, as referred to in Article 5(3) and in Article 6(3) and (4), facilitated by a Union-wide electronic register to be established by the Commission;
- e the economic instruments and other measures used in accordance with Article 4(3) in order to boost the achievement of the objectives laid down in that Article;
- f measures laid down in Article 8(1) and (2);
- g prevention and the setting up of systems which promote re-use activities and the extension of life span;
- h the implementation of the obligations with regard to separate collection;
- i the instruments and incentives towards achieving the targets laid down in points (c), (d) and (e) of Article 11(2).

The Commission shall make the results of the exchange of information and sharing of best practices publicly available.

2 The Commission may develop guidelines for the interpretation of the requirements set out in this Directive, including on the definition of waste, prevention, re-use, preparing for re-use, recovery, recycling, disposal, and on the application of the calculation rules set out in Article 11a.

The Commission shall develop guidelines on the definitions of municipal waste and backfilling.

The Commission is empowered to adopt delegated acts in accordance with Article 38a to amend this Directive by specifying the application of the formula for incineration facilities referred to in point R1 of Annex II. Local climatic conditions may be taken into account, such as the severity of the cold and the need for heating insofar as they influence the amounts of energy that can technically be used or produced in the form of electricity, heating, cooling or processing steam. Local conditions of the outermost regions as

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recognised in the third paragraph of Article 349 of the Treaty on the Functioning of the European Union and of the territories mentioned in Article 25 of the 1985 Act of Accession may also be taken into account.

3 The Commission is empowered to adopt delegated acts in accordance with Article 38a to amend Annexes IV and V in the light of scientific and technical progress.]

Textual Amendments

F1 Substituted by [Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste \(Text with EEA relevance\)](#).