

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**

*Article 41*

**Repeal and transitional provisions**

Directives 75/439/EEC, 91/689/EEC and 2006/12/EC are hereby repealed with effect from 12 December 2010.

However, from 12 December 2008, the following shall apply:

- (a) Article 10(4) of Directive 75/439/EEC shall be replaced by the following:
4. The reference method of measurement to determine the PCB/PCT content of waste oils shall be fixed by the Commission. That measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4) of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste<sup>(1)</sup>;
- (b) Directive 91/689/EEC is hereby amended as follows:
- (i) Article 1(4) shall be replaced by the following:
4. For the purpose of this Directive “hazardous waste” means:
- waste classified as hazardous waste featuring on the list established by Commission Decision 2000/532/EC<sup>(2)</sup> on the basis of Annexes I and II to this Directive. This waste must have one or more of the properties listed in Annex III. The list shall take into account the origin and composition of the waste and, where necessary, limit values of concentration. This list shall be periodically reviewed and, if necessary revised. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4) of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste<sup>(3)</sup>,
  - any other waste which is considered by a Member State to display any of the properties listed in Annex III. Such cases shall be notified to the Commission and reviewed with a view to adapting the list. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4) of Directive 2006/12/EC.;
- (ii) Article 9 shall be replaced by the following:

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### *Article 9*

The measures necessary for adapting the Annexes of this Directive to scientific and technical progress and for revising the list of wastes referred to in Article 1(4), designed to amend non-essential elements of this Directive, inter alia by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4) of Directive 2006/12/EC.;

(c) Directive 2006/12/EC is hereby amended as follows:

(i) Article 1(2) shall be replaced by the following:

2. For the purposes of paragraph 1, point (a), Commission Decision 2000/532/EC<sup>(4)</sup> featuring the list of waste belonging to the categories listed in Annex I to this Directive shall apply. This list shall be periodically reviewed and, if necessary, revised. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4).;

(ii) Article 17 shall be replaced by the following:

#### *Article 17*

The measures necessary for adapting the Annexes to scientific and technical progress, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(4).;

(iii) Article 18(4) shall be replaced by the following:

4. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof..

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex V.

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- (1) OJ L 114, 27.4.2006, p. 9.;
- (2) OJ L 226, 6.9.2000, p. 3.
- (3) OJ L 114, 27.4.2006, p. 9.;
- (4) OJ L 226, 6.9.2000, p. 3.;