



Jord & Affald  
J.nr.  
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## **Import of waste to Danish hazardous waste incinerators – requirements for R1 classification**

In the beginning of 2012, the Danish Environmental Protection Agency (DEPA) assessed that import of waste for incineration at NORD may be classified as recovery (R1) if certain requirements are fulfilled. If these requirements are not fulfilled, incineration at NORD is – as previously – considered as disposal (D10).

### **Criteria**

Classifying incineration at NORD or similar plants as recovery requires the following criteria to be met:

1. The lower heating value of the waste in question is equal to or above 11 MJ/kg.
2. The waste must not contain substances subject to destruction requirements.

Reference is made to the definition of recovery and disposal in the waste framework directive (2008/98/EC), defining the terms as: “Recovery: any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy” and “Disposal: any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy.”

It is the interpretation of the DEPA that “serving a useful purpose” presupposes that a net energy surplus is achieved, here formulated as a requirement connected to the lower heating value of the waste.

Additionally, it is the assessment of the DEPA that the content of substances subjected to destruction requirements and with it the destruction obligation renders a potential recovery aspect a secondary matter in correlation to the destruction requirements; cf. the negative delimitation of the term disposal.

Criterion 2 can only be regarded as fulfilled, if the waste does not contain any substances subjected to destruction requirements. Hence, the criterion is not considered fulfilled just because the content of e.g. PCB is below 50 mg/kg. It is

thus the view of the DEPA that incineration of waste containing POP substances, certain fluorinated greenhouse gases or ozone-depleting substances at NORD or similar plants is for the purpose of destruction, which is why the treatment of these waste types must be classified as disposal.

### **Documentation requirements**

#### Lower heating value

- Chemical analysis confirming the required lower heating value

#### Content of substances subject to destruction requirements

In case the waste in question is not expected to contain POPs<sup>1</sup> or other substances subject to destruction requirements<sup>2,3</sup> and has not in the course of its life cycle from product to waste been in contact with these substances:

- A solemn declaration from the notifier or competent authority confirming that the waste does not contain or has been in contact with these substances, and
- A statement which renders the abovementioned probable by describing the waste and describing how the waste has been generated.

If the matter concerns a waste type which could contain POPs<sup>1</sup> or other substances subject to destruction<sup>2,3</sup> an analysis of all relevant substances is required.

The documentation requirements listed above do not substitute the information or documentation required by the competent authorities in connection with notifications under Regulation 1013/2006 on shipments of waste.

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<sup>1</sup> cf. annex IV in Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC with later amendments.

<sup>2</sup> cf. annex I in Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases.

<sup>3</sup> cf. annex I in Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer.