

1.3 Legislative framework for oil spill waste

Oil and polluted material collected in the context of response operations implemented after accidental water pollutions are considered as “**Waste**” (i.e. Substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law”, Basel Convention).

Note. The EC legislative framework is used in this section as reference for legislative consideration under the OSWM. For non-EU Member States, this information is provided as reference material for their consideration.

“Oil wastes and wastes of liquid fuels” and “oil spills” are also often classified as “**Hazardous waste**”. OECD and Basel Convention considers “Waste oil/water, hydrocarbon/water mixtures, emulsions” as hazardous. In the EU, Commission Decision of 3 May 2000 (2000/532/EC) classifies oil spill waste as hazardous.

The essential objective of all provisions relating to hazardous waste management is the protection of human health and the environment against harmful effects caused by the collection, transport, treatment, storage and disposal of waste. As national rules aim to achieve a good level of environmental protection and management of hazardous waste, legislation is becoming progressively more stringent and complex. It regulates all aspects of hazardous waste management: from classification to disposal.

However, international convention and regional regulations usually provide that emergency situations may require derogations from general regulatory framework and that it may be necessary to implement specific procedures to avoid human or environmental threats. This may occur when important volumes of OSW are collected and have to be managed quickly and suddenly.

Main regulations will concern:

- ↪ Overall management (e.g. in the EU, the waste management policy is covered by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives).
- ↪ Transport (e.g. in the UE, the reference is the European Agreement concerning the international carriage of Dangerous goods by Road – ADR),
- ↪ Intermediate and long term storage,
- ↪ Treatments:
 - Landfill of waste with special requirements on Waste Acceptance Criteria (WAC) and procedure to check the conformity of waste (characterization, leaching limits...) with the requirement of the category of storage site (EC reference is Council Directive 1999/31/EC and 2003/33/EC and Council Decision of 19 December 2002),
 - Incineration with special requirements on compliance with emission limit values for some pollutants to reduce environmental atmospheric pollution due to incineration or co-incineration of waste (EC Reference is Directive 2000/76/EC),
 - Others if and when considered,
- ↪ Cross-border transfers regulated by the Basel Convention on the Control of trans-boundary movements of hazardous waste and their disposal of 22 March 1989 and OECD Decision C(92)39/FINAL on the Control of trans-boundary movements of waste destined for recovery operations of March 1992, and bi- and multi-lateral agreements (listed in the appendices of the Basel Convention).

Proposed content of this Sub Section of the Plan

- ➔ **Elements on International regulatory framework adopted by the country, specially the ratification of the Basel Convention.**
- ➔ **Elements on the Regional (European and Mediterranean) regulatory framework adopted by the country (regarding waste management and accidental pollution preparedness and response).**
- ➔ **Specific elements from the national regulatory framework.**
- ➔ **Legal status of oil spill waste in the country.**

Recommendations to develop this subsection

Refer to the Questionnaire of REMPEC, Section 2, Questions 2-1, 2-2, 2-3 and 2-4

Main aspects of legislative framework governing oily waste, i.e. classification (hazardous or not), handling, transportation, temporary storage and final disposal of oily waste streams must be provided in the OSWMP with their main implications.

Exemption cases and procedures must be provided.

① **See the Appendix n°10** “Main provisions of the Basel Convention”, p.111