

Laws regarding waste

Waste management and legislation

Up to the Seventies, Municipal Solid Waste (MSW) was collected without any separation, and it was disposed prevalently in non-controlled dumps. As an alternative to the direct disposal of waste in the ground, thermal treatment or incineration was used. In Italy, the concept of recycling and recovery of materials through separate waste collection began only in the 90s. In this period also laws regulating waste disposal in the dumps were issued. In Italy a legislative measure, which was very important from the point of view of waste disposal, was Legislative Decree n. 22 dated 1997, better known as the “Ronchi Decree”, from the name of the Minister who signed the law. The more important aspect of this decree is that it represented a change in the legislation regarding all the regulations on waste. Practically, the philosophy of the decree is based on the belief that pollution produced by waste must be coped with by decreasing the total amount of waste produced, and not only by the simple disposal of waste in the dumps. At present, the Ronchi Decree has been superseded and cancelled by Legislative Decree n. 152 dated 2006, subsequently followed by Legislative Decree n. 205, dated 3 December 2010 – in force from 25 December 2010 – implementing European Directive 2008/98/EC on waste in the Italian legislation.

European Directive 2008/98/EC

The Directive states how waste must be treated in the Community. The primary aim of the directive is to protect the environment and human health, through the prevention of the negative and dangerous effects deriving from the production and management of waste. According to the directive, a greater protection of the environment requires the realization of a series of measures that are applicable according to an order of priorities: 1) prevention of waste; 2) preparation for waste re-utilization, 3) recycling; 4) another type of recovery (for example of energy), 5) disposal. This means that first of all we need to think of preventing waste, avoiding producing waste; and if this is not possible measures must be taken to reutilize it, after which it must be recycled, and so on...

All the Member States of the European Community can apply further legislative measures in order to strengthen this hierarchy, but what is important is that human health must always be guaranteed, and that the environment must be respected. Whoever produces or possesses waste products must take care of treating the same or must hand it over to someone else who is appointed to do so. In particular stocking and treatment of dangerous waste products must follow an even more severe code for their disposal than domestic waste, to avoid any risks for humans or for the environment. Furthermore, since the production of waste tends to increase in Europe, the regulations carry an invitation to strengthen all measures in the field of prevention and reduction of the correlated impacts and to encourage the recovery of waste.

Ronchi Decree and Legislative Decree 52/2006

The Ronchi Decree defines waste as “any substance or object which the owner discards, or intends or is required to discard”. First of all this definition assumes that any goods are destined, sooner or later, to become waste. Secondly it can be deduced that the transformation from goods to waste depends mainly on the consumers’ choice.

Waste is classified according to its origin, into Municipal Solid Waste (MSW) and Special Waste (SW) and, depending on its characteristics and dangerous nature, into Dangerous Waste (DW) if the waste contains at least one of the substances listed in the attachments of the Decree, and into Non-Dangerous waste if the waste does not contain any of the said substances. For example, batteries, expired drugs and exhaust oil are considered DW.

If, instead, we look at waste management, we must remember that any treatment will only lead to a transformation of the waste and/or its transfer from a physical state to another, however in no cases does the treatment lead to its destruction (the law on conservation of mass). Therefore the most sustainable behaviour with regard to waste, is to reduce the amount upstream, in other words to produce as little waste as possible trying to use each thing a number of times (as in the past). And these were the principles that were followed when the Decree was written. In order to reach these aims, it is fundamental to inform the citizens and the producers, and make them aware. Wherever it is not possible to reduce the amount upstream, or in case the materials cannot be re-utilized, waste that cannot be recovered must be separated from waste that can be sent for recycling.

Legislative Decree 152 of 2006, became effective on 22 April 2006, and at the same time it also cancelled the Ronchi Decree. Legislative Decree 152 of 2006, regulates waste management, packaging and other special categories, such as electronic waste, hospital waste, etc. The area of application of this Decree regards waste management and reclamation of polluted sites, also in fulfilment of the EEC Directives. The management activity has the task of guaranteeing a high level of protection of the environment and efficient controls, bearing in mind the specific nature of dangerous waste, and also the protection of natural resources. Waste must be recovered or disposed of without any danger for human health and without using processes or methods that could jeopardize the environment. The Decree promotes, as a fundamental point, the prevention and reduction of waste production, and of poisonous waste, in particular through the development of clean technologies, techniques to eliminate dangerous substances in waste with the scope of favouring the recovery of the same; and lastly a decrease in the quantity of waste. Finally, the measures aimed at the recovery of waste by reutilization, recycling of the same or any other direct action, must be oriented mainly at using waste as a source of energy. Among the principal novelties of the Decree, there are measures to increase separate waste collection, which includes a definition of the aims (the target is 65% by 2012).