

Focus on EU waste legislation

Agreement reached on a new Framework Directive

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Although the gap between the opinions of the Council and the European Parliament's Environment Committee regarding the revision of the Waste Framework Directive almost seemed impossible to reconcile, on 17 June 2008 the European Parliament finally gave its green light to a second-reading agreement with the Council. The European institutions found a compromise, including on the most pending topic of the debate: the inclusion of targets.

As we already stated in the last few months, we believe that each level of the five-step hierarchy – including waste prevention – should be enforced with the help of binding targets. While the second-reading agreement does include targets for recycling to be attained by 2020, it stays rather vague on the setting of waste prevention targets in the future.

Waste prevention is reinforced - Targets to be considered in the future

The new directive will oblige Member States to establish waste prevention programmes with "waste prevention benchmarks" 5 years after the directive enters into force. Further to this duty, the compromise includes a new article on waste prevention, asking the Commission to propose - if appropriate - by end 2014 the setting of waste prevention and decoupling objectives for 2020.

We welcome the importance given to the concept of waste prevention programmes as it is crucial that each Member State adopts some specific measures to reduce the amount of waste generated. However, a clear signal should have been given to the Member States that the waste prevention objectives should be ambitious. We are convinced that an objective of waste reduction at source of at least -15% (or -100kg based on a European average waste production of 600 kg/inh/year) could have been put forward.

Inclusion of targets for recycling

MEPs managed to include a new article on reuse and recycling targets, which was neither foreseen by the original proposal from the Commission nor by the Council's Common Position. The compromise states that Member States "shall take the necessary measures designed to achieve the following targets":

- by 2020, for reuse and recycling of waste materials such as paper, metal, plastic and glass from households and similar waste streams: overall 50 % by weight
- by 2020, for non hazardous construction and demolition waste: 70 % by weight.



Member States shall set up separate collection of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors. By 2015 separate collection shall be set up for at least paper, metal, plastic and glass.

We welcome the adoption of recycling targets, as they do help to foster the development of selective collection systems for recycling at national, regional or local level and they will encourage less performing Member States to follow the trend. However, an ACR+ survey related to the performances of cities in terms of selective collection has demonstrated that many cities and regions in Europe already achieve municipal waste selective collection and recycling rates of between 50 and 80%. Thus, the target for municipal waste could have been even more ambitious.

It is also interesting to note that the European Commission will be obliged to establish detailed rules on the application and calculation methods for verifying compliance with the targets set in the Directive.

Other important aspects

Waste Hierarchy

The five-stage waste hierarchy, which is designed to prevent and reduce waste generation, is made more certain and comprehensive and moved to a more prominent place. The hierarchy lays down an order of preference for waste operations: prevention, preparing for re-use, recycling, other recovery operations and, as a last resort, safe and environmentally sound disposal. Member States shall treat this "as a priority order" in waste prevention and management legislation rather than as a "guiding principle" as proposed by the Council. But departing from the hierarchy may be possible where it is justified by "life cycle" thinking on the overall impacts of the generation and management of such waste.

Biowaste

For biowaste, Member States are free to take measures to encourage:

- the separate collection of biowaste, with a view to the composting and digestion of biowaste
- the treatment of biowaste in a way that fulfills a high level of environmental protection
- the use of environmentally safe materials produced from biowaste.

The Commission shall carry out an assessment with a view to proposing a specific Biowaste Directive. We believe that, similarly with what exists for other waste management options, a specific Biowaste Directive is needed, especially as the new Framework Directive does not specify any real obligations to the Member States.

Waste Incineration

The controversial criteria defining when municipal waste incineration can be considered as recovery has also been adopted. Incineration of municipal solid waste should be categorised as recovery, provided it meets certain energy efficiency standards (energy efficiency formula in annex II to the directive). According to the



Commission, this will have the effect that only the most energy-efficient existing municipal solid waste incinerators will be classified as recovery installations. On the one hand, we understand and welcome the fact that municipal solid waste incinerators have to be energy efficient. On the other hand, we stress the utmost importance of complying with the recycling targets, so that recycling remains the preferable option before incineration. And we strongly urge that the possibility to revise the efficiency criteria after 6 years, which is stated in the Directive, should not lead to a leveling down of the criteria.

About definitions

Finally, the new Directive contains a number of new definitions, including end-of-waste and by-products. These definitions refer to a number of conditions to be met in order to classify a substance respectively as non-waste or as a by-product. However, the Directive postpones the adoption of concrete implementation measures of these conditions to the so-called "comitology" procedure, which means that the designated experts of each Member State and, as a last resort, the Commission, will decide upon these measures.

After the formal approval of this agreement by the Council and after its publication in the Official Journal, Member States will have 2 years to transpose the Directive into their legislation. It is obvious that the new EU waste legislation will have significant consequences for all waste management actors, at national, regional or local level, in the public and private sector, for citizens and NGO's. Also, it is clear that the new Directive gives an important role to the European Commission for the assessment and the exchange of information and experiences on the implementation of new or future waste management rules. In this respect, we will continue to provide the European Commission with updated information based on the experiences of the local and regional waste actors in the field.

See also ACR+ press release on achievability of targets:
<http://www.acrplus.org/upload/documents/document441.pdf>