



24 January 2017

BusinessEurope comments on key issues voted by ENVI Committee on the Waste Framework Directive (COM proposal amending Directive 2008/98/EC on waste)

Municipal waste

To adopt a clearer definition of municipal waste is essential for the sake of calculating and reporting on the waste management performances and the attainment of the targets. Nevertheless, when defying municipal waste the quantity criterion should be as well applied. Without the reference to such a measurable criterion, the scope of municipal waste would encompass a significant quantity of waste from commercial and industrial activities that is today treated on B2B market. These waste streams differ completely from household waste because of their large quantities that makes it easier to find market solutions for increased recycling.

Therefore, if the quantity aspect is not carefully taken into account, the scope of municipal waste might risk to be improperly widened.

It is also important to plainly stipulate into the definition of municipal waste that this is neutral with regard to the public and private status of the operator managing waste. In this sense, BusinessEurope supports the strengthening of this principle by incorporating it into Article 3 of the Waste Framework Directive.

Commercial and industrial waste

Commercial and industrial waste, which is not similar to household waste in nature, composition and quantity, has to be excluded from the definition of municipal waste. The same need to be further addressed and clarified in its notion and scope. A requirement highlighted by the Members of the European Parliament that is fully shared by industry. However, the adoption of any specific definition, that would distinctly demarcate the perimeter of the waste stream, must be preceded by an accurate assessment of volumes and properties. The adoption of a definition which paves the way to the setting of targets, requires as key prerequisite the scrupulous gathering of data. This must come first and not after the adoption of a definition.



Preparing for reuse

The definition of preparing for re-use is important to ensure a proper calculation of recycling/preparation for re-use level. Yet, BusinessEurope agrees on the need to clarify that the “re-use” takes place before a product becomes waste while the “preparation for re-use” comes at the stage when the product has turned into waste.

Final recycling process

BusinessEurope believes that the reference to the term “mechanical”, as proposed by the European Commission, appears too narrow as not leaving room for other forms of sorting. Therefore, it would be appropriate to replace “mechanical sorting” by “mechanical and other sorting technologies”.

However, it would be important to keep the words “enter to a production process” of the original text as it clarifies that there is no need for further waste treatment.

By-products

It is of utmost importance to achieve a simplification and harmonisation of the legal framework on by-products. In this sense, the exhortation to prioritize the existing and replicable practises of industrial symbiosis in the development of detailed criteria is positively perceived. However, industry does not believe that such purpose should be pursued through the adoption of delegated acts by the European Commission. Instead, the Commission should evaluate specific cases and problems in close cooperation with Member States and affected stakeholders. Following the example of the Commission Communication 2007/59 on waste and by-products, interpretative guidelines could be developed and published. Goals of these guidelines could be i) to realise a unified implementation and application in the Member States, ii) to promote the objective that market access to materials classified as ‘by-products’ should be incentivised and iii) to give priority to material streams already involved in existing industry processes. This should lead to solving problems arising for specific by-products with a view to ensuring the functioning of the circular economy.

In addition, when defining the possibility of establishing detailed criteria on specific by-products on a case by case basis, the inclusion of “limit values for pollutants” should not be compulsory (Article 5 – paragraph 3) as a number of existing product legislations already define them.

End of waste

It is positive to complement the definition of end of waste by including the reference to waste which has undergone “recycling or other recovery operation” and well as the exhortation to set detailed criteria on the basis of the monitoring of the situations in member States. Yet, the conferment of delegated acts to the Commission raises concerns for the same reasons illustrated in the paragraph above.



Extended producer responsibility

BusinessEurope supports the objective to encourage extended producer responsibility (EPR) in Member States. It can be an effective tool to improve waste management system in Europe. However, it should be implemented in a way that does not challenge the existing and well-performing waste stream-specific and sector-specific schemes in Member States.

The creation of any EPR scheme should be preceded by an analysis of its technical, economic and environmental viability. These should be also defined in close cooperation with all actors involved in the waste management.

When referring to “specific operational and/or financial obligations for products (...) extended to the post consumers’ phase of a product’s life cycle”, it must be clear that producers should not solely have financial but also operational responsibility. Bearing also operational responsibility within the schemes allows producers to ensure that they fulfil their responsibility in the most cost efficient way. It also must be clear that producers cannot be liable for events and costs that go beyond their sphere of influence/remit, such as littering or illegal collection of waste.

Therefore, producers cannot be asked to cover the entire cost. Minimum requirements to ensure more transparency of EPR financial management and cost-efficiency are strongly appreciated

The provision of leaving to the producers the choice to fulfil its obligations either individually or by joining a collective schemes is also generally perceived as positive. Yet, product design requirements for the enhancement of the resource efficiency should not be legislated by the Waste Framework directive

Separate collection

Separate collection is an effective mean of obtaining higher recycling at lesser cost. BusinessEurope supports separate collection where technically, environmentally and economically practicable, and also promote sorting processes at a later stage. While source-separate collection should be the rule, certain level of flexibility must be foreseen taking into account the practical feasibility of separate collection.

Targets

Targets for recycling and preparation for re-use can be ambitious, but must be economically, environmentally and socially viable and achievable and should take technological development into account. In a sequential logic, the level of targets depends on the calculation methodology that will finally be applied and on the Member State performance that will be measured. For this reason, a provision aiming at revising the targets by 2020 after the impact of the new calculation methodology has been analysed and documented should be pragmatically taken into account.



With regards to the commercial and industrial waste stream, as argued at the beginning of this text, a full assessment must precede its definition and consequently even more the setting of any related target

Calculation methodology

BusinessEurope fully supports the objective of elaborating harmonised rules for calculating the achievement of the same EU targets among Member States. In this sense, both measurement points proposed by the European Commission are needed. For the sake of the reliability and accuracy of data, due to their nature different waste streams can have different measurement points, hence it is required to keep the input into the final recycling process as well as the output of sorting under certain conditions.

The impact of the new calculation method on a Member State's ability to collect relevant statistical data and reach the targets will need to be thoroughly assessed.

* * *