



30 April 2021

Submission to the Fit for Future Platform

CONTEXT

BusinessEurope welcomes the European Commission's continued efforts on regulatory simplification and regulatory burden control. The new Fit for Future (F4F) Platform serves as key infrastructure to support these efforts with the consensus from stakeholders.

While the business community is still considering possible new suggestions for regulatory simplification, by the set deadline of 30 April BusinessEurope re-confirms the validity of its [submissions](#) in 2019, as already reiterated in our letter to the Secretariat-General of the Commission on 3 February 2021, notably on

- Public procurement
- Value added tax
- Ecodesign Directive
- Industrial design protection

and puts forward one new suggestion hereunder on

- Waste management

SIMPLIFICATION PROPOSAL

Waste management and circular economy objectives

Legislation concerned

Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation).

Problem description

We fully support Regulation 1069/2009 and its aim to avoid spreading diseases but believe there is room for simplification in order to make the framework better tailored for the EU's circular economy objectives. Due to the current complexity, the EU aviation sector is missing out on more sustainable and efficient waste-management solutions, both environmentally as well as economically.



A large share of waste in the airline services comes from inbound airplanes from inside and outside the EU. Of all inbound waste, the absolute majority is *catering waste* (the rest is waste left in the cabin such as wrapping of blankets, damaged onboard brochures or items left in the seat pockets by passengers).

The EU defines ‘International Catering Waste’ (ICW) as catering waste from means of transport ‘operating internationally’. Catering waste from outside the EU is always classified as Category 1 (CAT1) Waste (potentially dangerous to animal and/or plant health), CAT1 being the highest degree of hazard on a three-level scale. This type of waste is subject to strict EU regulation, *prohibiting recycling*. Regulation (EU) 1069/2009 obliges that all “International Catering Waste”, so coming from outside the EU, e.g. on aircraft, must be *incinerated or buried in an authorised landfill* (the latter does not exist in most EU Member States). Due to regulatory responsibilities, just a fraction of all catering waste is recycled or separated, despite open *possibilities to recycle a higher percentage of waste*.

Regulation 1069/2009 is the most recent legislation on catering waste from international flights. No EU guidelines specifying practices in light of this Regulation have been issued until now. This is hindering more sustainable waste management in aviation and leads to differences in interpretation, and therefore national differences in waste handling in practice. An example is the wording of the most recent Regulation with regard to defining different degrees of danger for waste management. Although the term “operating internationally” is not defined in the EU legislation, it has been interpreted by a number of EU Member States as being only applicable to aircraft arriving from countries outside the EU. Other Member States classify *all* waste material from aircraft as ICW, without any consideration of the origin of the waste, whereas others thus apply a more risk-based approach.

Absence of the uniform risk assessment and application across the EU, which stems from this complex piece of legislation hinders the sustainability efforts of EU airline companies and also puts additional unnecessary economic cost on those efforts.

Suggested solution

As the first step, the Commission could launch a research in the field of aviation waste management. The lack of availability of statistics stands in the way of any simplification in the field of waste management. The Commission’s own assessment could build on the existing studies¹. It must be assessed whether the current legislation can be revised

¹ IATA concluded in 2018 ([International catering waste: a case for smarter regulation](#)) that coordinated action by governments and the aviation sector could provide opportunities for more waste to be re-used and recycled.

Several examples of a risk-based approach on a national level can already be found. The Finnish authorities have made an exception to allow for the recycling of cups and containers which have held milk or honey as both substances were deemed harmless (see [kansainvälinen ruokajäte](#), a finding also mentioned in the IATA report mentioned above).



in such a way that the same high standards continue to apply while better supporting today's circular economy ambitions. The rules must be revised and simplified to allow for recycling and re-use where this is appropriate.

Secondly, the Commission could address the regulatory framework and enable more harmonised and updated approach to risk assessments of inbound products. Developments of the latter over the last dozen of years changed the realities, and the complexity of the EU rules may be causing a significant share of waste suitable for recycling being disposed of in an unsustainable manner.

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The findings by the independent Dutch research group TNO point that liquids such as water and juices can be exempted from CAT1 waste without health risks – the Dutch food safety authority is currently reviewing these findings