

Thematic Strategy on the prevention & recycling of waste and Revision of Directive 75/442/EEC on waste

PRO EUROPE¹ welcomes the Commission's Thematic Strategy Communication and the Proposal to revise the Waste Framework Directive (WFD), both of which appear to be intended to clarify the current European waste policy framework and to establish guidelines for future policies.

We believe that the adoption of these two documents represents an opportunity to present a clearer and less complex legal framework. Simplifying EU waste policy should be a positive exercise as long as it provides legal certainty for economic operators and public administrations.

However, PRO EUROPE is concerned that the Commission's preference for leaving a number of important provisions up to the Member States (developing waste prevention programmes, qualitative and quantitative prevention targets, waste management plans, ...) shows a lack of long term strategic direction, which may have the undesirable effect of Member States implementing a wide range of uncoordinated, complex and possibly environmentally questionable legislation, such as plastic carrier bag taxes and mandatory beverage deposit systems, in order to satisfy calls to meet individual environmental commitments.

As the European Parliament and Council consider the Commission proposals, PRO EUROPE wishes to make its contribution to the institutional debate with the following comments and recommendations:

- ***The current situation***

The Thematic Strategy Communication begins by highlighting that both municipal solid waste generation and GDP in the EU-25 increased by 19% from 1995-2003, with a 40% increase in waste generation projected within the next 15 years. However, the source of the data and methodology used to arrive at this prediction are unclear. In our view, it would be useful to **compare the projected increases in waste generation with the Commission's predictions for economic growth over the same period.**

By analysing both estimates together, stakeholders would have a more tangible appreciation of the efforts required to achieve the Commission's objective of environmental impact reduction.

- ***The Directive's new environmental objective***

PRO EUROPE supports the Directive's new environmental objective of **reducing environmental impacts** related to both the use of resources and the generation and management of waste.

The reworded '**waste hierarchy**' as proposed by the Commission establishes a suitable framework to allow the use of the most favourable waste management option, taking into account the product's whole life-cycle.

- ***Waste prevention***

As the Commission recognises, it is necessary to create a more robust scientific, ecological and economic base for waste prevention policy. It should be noted that prevention measures can only be effectively implemented with the co-operation of a well-informed commercial sector, public sector and domestic consumers.

- ***Recommendation:*** national waste prevention policies should take into account the principles of sustainable development, and any **measures taken should be based on sound information considering national, regional or local conditions.**
- ***Recommendation:*** any future national or local prevention measures should be carefully assessed and implemented in order to **avoid barriers to the Internal Market.**

¹ PRO EUROPE is the umbrella organisation for the packaging and packaging waste recovery schemes acting in the interests and on behalf of industry, and mainly using the "Green Dot" trademark. Its members span 21 Member States, 3 candidate countries (Turkey, Bulgaria, Romania), Norway and Canada.

PRO EUROPE would support the Commission statement that it will promote the use of the IPPC Directive, IPP and other tools in order to encourage the spread of best practices in waste prevention.

- **Definition of 'recycling'**

PRO EUROPE would support the proposed 'recycling' definition in the Proposal, **as long as it can be shown to meet the objectives of administrative simplification** and continues to **include existing packaging waste recycling processes** currently carried out within the EU.

PRO EUROPE is in favour of **developing quality standards for certain recycling facilities** to achieve a level playing field. These quality standards, as the Commission recognises, will stimulate demand for and acceptability of recycled materials, while helping to standardise conditions under which recycling and recovery operations are carried out between EU and non-EU facilities. PRO EUROPE considers **CEN** to be an appropriate body for developing these quality standards, and we would like to see all relevant stakeholders involved in waste recovery and recycling processes consulted and encouraged to participate in the development of these standards.

- **Recovery and disposal activities**

PRO EUROPE supports the Commission's view that **certain recovery operations can be as environmentally beneficial as recycling** and have a high potential to contribute to the Directive's objectives of reducing the environmental impacts of waste and the overall environmental impacts related to the use of resources.

In our view, classification of recovery based on the substitution of natural resources in the economy as opposed to in a specific plant represents an improvement. In addition, the establishment of an energy efficiency threshold for municipal incinerators is, in our opinion, a positive suggestion. It is therefore sensible that operations in energy-efficient municipal waste incinerators can qualify as energy recovery.

Finally, the extension of the scope of the IPPC Directive to selected waste management activities should be carefully considered, taking into account that any measures proposed should be proportional to the environmental impact of each process.

- **Secondary products materials and substances**

PRO EUROPE would **urge against using the comitology procedure** to reclassify waste as secondary products materials or substances, since it prevents valuable input from relevant stakeholders. Instead, PRO EUROPE would consider **CEN** to be an appropriate organisation to agree the environmental and quality criteria for reclassification of waste using the newly proposed two-step procedure.

PRO EUROPE would also be pleased to participate in stakeholder consultations and provide its technical knowledge and expertise in order to identify criteria and help to elucidate any new necessary standards.

- **Hazardous waste**

Household hazardous waste remains out of the scope of the specific hazardous waste provisions in the revised WFD (as well as out of the scope of Directive 91/689/EC). According to the Proposal, this will continue to be the case **until it is collected by an undertaking which carries out waste treatment operations or by a private or public waste collector** (article 12§2).

This provision would appear to imply that any process of household waste collection may lead to the waste being considered as hazardous, as long as the possibility of the presence of some hazardous material exists.

Decision 2001/118/EC (amending decision 2000/532/EC) regarding the list of wastes refers specifically to packaging waste:

"When separately collected by municipalities, packaging wastes are considered hazardous only if the concentrations of hazardous substances within them are such that the packaging waste presents one or more of the properties listed in Annex III to Council Directive 91/689/EEC".

- **Recommendation:** this provision should be taken into account by decision-makers in order to ensure that sorted, collected packaging waste remains classed as 'non-hazardous'.

- **Introduction of life-cycle thinking into waste policy**

PRO EUROPE supports the introduction of this approach into European waste policy. Applying the life-cycle approach to waste policy implementation, if properly enforced, would have many positive environmental benefits, ensuring that those responsible within the production and distribution chains take proportionate responsibility for their actions.

However, the difficulty in the past has been in determining how to take this approach forward in a practical and meaningful way so that business, the reprocessing industry, local authorities and the public fully understand and adopt this approach.

PRO EUROPE's members have a great deal of experience and expertise in the interpretation and effective translation of environmental legislation into tangible and nationally enforceable obligations. We would therefore be pleased to offer our support in developing basic guidelines into an agreed approach and methodology in order to make life-cycle tools applicable to waste policy.

- **Recommendation:** the Commission should urgently undertake further work to develop life-cycle thinking in order to determine future policies in this important area.

- **Life-Cycle Analysis (LCA)**

PRO EUROPE would suggest that to achieve a complete and representative LCA, the analysis should extend throughout the entire production chain into the areas of raw material choice and procurement as well as production methods. Only by doing this can a LCA provide a complete picture of a given product's environmental footprint.

It should also be remembered that the complexity and resource commitments involved in performing such LCA studies would render them appropriate in only a small number of cases, and hence their applicability would be marginal at best.

- **Recommendation:** for these reasons, PRO EUROPE would recommend that LCA studies are implemented on a voluntary basis.

- **Improving the knowledge base**

PRO EUROPE agrees that a sound knowledge base is crucial to build successful long term waste policies. In this regard, one of the major contributions of PRO EUROPE members in the implementation of Directive 94/62/EC on packaging and packaging waste has been the generation of **sound data on packaging waste and waste management**. This data assists Member States in their reporting obligations, and provides objective information for well-founded decision making.

PRO EUROPE would be therefore be pleased to continue offering its expertise and know-how to EU decision-makers as discussions progress on the waste Thematic Strategy and revision of the WFD.

- **Simplification of existing legislation and other measures**

One of the stated aims of the new Strategy is the simplification and modernisation of existing legislation. PRO EUROPE is in favour of simplified legislation at the EU level as long as the **consequences for its implementation at Member State level** are taken into consideration. For example, Directive 2002/96/EC on waste electrical and electronic equipment appears on first glance to be short, concise and modern in its outlook. However, due to the ambiguity of its content and a number of unclear and confusing articles, it has proven extremely difficult to transpose into national legislation.

PRO EUROPE supports the Commission's target of administrative simplification by the removal of potential overlaps between permit procedures set up in the WFD and IPPC Directive.

In addition, we believe that the proposed combination of the legislation on hazardous waste with the WFD will make things clearer and simpler for stakeholders from the both the public and private sectors.

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