

## PRO EUROPE COMMENTS

### European commission communication on a thematic strategy on the prevention and recycling of waste

#### PRO EUROPE position statement

The Commission adopted its Communication “Towards a thematic strategy on the prevention and recycling of waste” last May 27<sup>th</sup>, 2003 which aims to open a broad debate about strategic options for the further development of Community policy on waste prevention and recycling.

PRO EUROPE represents national schemes in 21 Member States, 3 candidate countries (Turkey, Bulgaria, Romania), Norway and Canada <sup>1</sup> that have been set up to organise the collection and recovery of used packaging and are responsible for ensuring that these countries achieve the recovery and recycling targets laid down in EU Directive 2004/12/EC on Packaging and Packaging Waste. The national schemes within PRO EUROPE cover all professional sectors, all materials and all types of packaging.

Given the opportunity provided by the Commission to all stakeholders to express their opinion, PRO EUROPE would like to contribute to the debate in light of its experience in packaging waste management but it must be taken into consideration that our experience is primarily with municipal solid wastes and that it is not always possible to generalize about other waste streams.

In our view the following points deserve to be emphasized:

1. Producer responsibility, in conjunction with an equitable division of costs between the parties involved, yields the results sought by the Commission such as, e.g., the de-coupling of economic growth and packaging consumption.
2. It is the shared view of all PRO EUROPE members that specifically the separate collection and subsequent recycling of valuable materials constitute a generally appropriate way of minimizing the potentially negative effects of packaging and/or of achieving significant reductions in our use of natural resources.
3. Consumer information is an important prerequisite for achieving long-term change in consumer behaviour toward a sustainable society and a sound market for secondary raw materials is another essential prerequisite for ensuring the success of the separate collection of waste.
4. A global and voluntary approach, comprising resources and waste, and involving every stakeholder from producer to consumer, is the most efficient way of working on prevention.
5. A material based approach should be actively investigated further to work in parallel and in complement with product based targets for particular waste streams.
6. Any measure derived from the Thematic Strategy should build on the already existing experience of packaging waste collection and recovery schemes throughout the EU, which have demonstrated very good results. The contrary could lead to important technical, economical and environmental losses.

<sup>1</sup> ARA-Altstoff Recycling Austria (Austria); FOST Plus (Belgium); Eco-Emballages (France); DSD-Duales System Deutschland (Germany); Repak (Ireland); VALORLUX (Luxembourg); Sociedade Ponto Verde (Portugal); Ecoembalajes España (Spain); Reparegistret AB (Sweden); HE.R.R.Co (Greece); Materialretur (Norway); CEVKO (Turkey); EKO KOM (Czech Rep.); EnviPak (Slovak Rep.); Green Dot Cyprus (Cyprus); Latvijas Zalais Punkts (Latvia); ÖKOPANNON (Hungary); RekoPol (Poland); Zaliasis Taskas (Lithuania); SLOPAK (Slovenia); EcoPack (Bulgaria); GreenPak (Malta); ERO (Estonia); Eco-Rom (Romania) and the co-operation partners VALPAK (United Kingdom) and CSR (Canada).

<sup>2</sup> Materialretur (Norway); Latvijas Zalais Punkts (Latvia); Zaliasis Taskas (Lithuania); EKO-KOM (Czech Republic); SLOPAK (Slovenia); RekoPol (Poland); Öko-Pannon (Hungary); CEVKO (Turkey), ENVI-PAK (Slovak Republic); Green Dot Cyprus (Cyprus) and the co-operation partner CSR (Canada).

## **GENERAL COMMENTS**

PRO EUROPE welcomes the initiative of the European Commission to launch a broad debate to obtain stakeholders' opinions on a future comprehensive strategy for prevention and recycling of waste.

A previous comment that we would like to emphasize is the idea that the Strategy highlights within the document: *“an optimal waste management strategy to minimise environmental impacts will include a combination of waste prevention, material recycling, energy recovery and disposal options”*. Therefore, due to the fact that recycling is not always the best waste management option and other waste treatment operations are at least as valid or as suitable as recycling, in our opinion it would be more appropriate to entitle the Communication *“Towards a thematic strategy on the Prevention and Recovery of waste”*.

PRO EUROPE also agrees with the main principles to achieve minimizing environmental impact of waste addressed in this Strategy:

- A global approach mixing legal, voluntary and economic instruments could reinforce the effects of implementing each of these instruments by themselves.
- Concerning cost-benefit analysis, PRO EUROPE is fully aware of its methodological limitations and the different research approaches which are being developed, but believe it can be used by policy makers to provide criteria for the necessary framework to develop a balanced recycling policy from the environmental and economical point of view. Infinite recycling is not always the most efficient option, since resources invested would become higher than the natural resources saved. Additionally, a life-cycle approach can be a tool of continuous improvement for companies to minimise waste generation of products. However, this tool can be costly and time consuming to implement and is not suitable for wide scale use on all companies and products and its use should not be made mandatory.

With regard to the subsidiarity principle, it is necessary to assess if a concrete measure will be more efficient at Community level or at national or local level. Moreover, once decided the convenience of setting up a national or local measure, its impact on the free movement of goods within the European Union must be carefully analyzed.

Finally, from our experience on the implementation of the packaging waste Directive, the developing of a market for secondary raw materials is a key issue that could determine the success or failure of a waste recycling strategy. Therefore, we consider that the assessment of demand-side measures to promote the market for recycled materials should be analysed within the context of this strategy. Moreover, this approach should be complemented with a communication policy to improve citizens perception of products made with recycled materials.

## **WASTE PREVENTION**

Prevention should be tackled in a broad sense. Besides qualitative and quantitative reduction, measures directed to reintroduce raw materials into the production process is a way of preventing waste. Regarding packaging waste, Directive 94/62/EC defines prevention in a broad sense, covering all phases (production, trade, distribution, use and disposal).

Moreover, packaging waste selective collection and subsequent recovery of valuable materials, that the packaging producer responsibility schemes manage, constitute an appropriate way of minimizing the potentially negative effects of packaging waste and/or achieving significant reductions in the use of natural resources.

On the other hand, the overall goal is to reduce environmental impacts providing at the same time the services that society demands. To achieve this balance should be the main objective.

Nevertheless, when considering the possibility of setting up prevention targets, as the Commission recognises, it is necessary to take into account that waste generation depends on numerous uncontrollable factors (level of economic activity, demographic changes, life-style, production and consumption patterns...). Their concrete influence on waste generation is often unknown and it is difficult to predict the evolution of these parameters and to determine what the level of waste would have been if particular measures had not been taken. Consequently, the high degree of uncertainty makes it inappropriate to tackle prevention through quantitative targets.

From our experience, companies are really interested in preventing waste, not only for environmental reasons but also for economic ones. The achievements in avoiding huge amounts of packaging going to landfill come from a comprehensive concept of prevention and from voluntary approaches. Although in some Member States companies are compelled by their national law to work on prevention (for example, through waste prevention plans), the results achieved in comparison to other Member States are similar. Therefore, prevention on a voluntary basis is the most feasible approach and has produced very good results.

Regarding IPPC, this policy is focused only on the production processes' environmental impacts, so according to life-cycle approach, it is necessary to take into account other phases such as design, distribution, use and waste management.

For the above mentioned reasons, the Commission should adopt a global and voluntary prevention approach, comprising not only wastes but resources and involving every stakeholder from producer to consumer. For this purpose, IPPC could be an interesting approach.

## **WASTE RECYCLING**

### **Material based recycling targets in articulation with end-of-life products based targets**

In our opinion, there are potential environmental and economic benefits to setting up a comprehensive approach of waste recycling by materials, but there are also a number of practical difficulties and we recommend that further research and consultation work be undertaken. Detailed information will be necessary on each waste stream in order to conduct the necessary cost benefit analysis and determine how each one could contribute to the global material target.

A material based approach should be actively investigated further to work in parallel and in complement with product based targets for particular waste streams. The recovery and reprocessing industry does not generally deal efficiently with specific product streams as they are not usually separated out unless there are particular environmental or economic reasons, for example, with vehicles or tyres. The recovery industry is much more effective in separating out by material rather than product and this is what is of value to reprocessors. For example, it does not matter to a steel reprocessor whether the material comes from a drinks can, a fridge or a window frame as long as it is the correct grade of steel. The economics of the collection infrastructure would then naturally select the most economic sources of material regardless of product. Also the environmental consequences of landfill of, say, a tonne of plastic are the same whether it is plastic packaging or plastic toys.

Product based measures are still appropriate where there are particular hazards or other issues involved with specific sectors or waste streams. The two approaches could therefore work in parallel.

On the other hand, producer responsibility based schemes have been demonstrated to be successful systems to reach the already existing end-of-life products based targets. Material based targets could make it difficult to apply the producer responsibility principle and it will be important to ensure that the good progress made with existing measures is not lost.

Besides the above mentioned remarks, we support the Commission in its remark that a careful delimitation of the collected fractions is to the advantage of the effectiveness of collection and recycling systems. Additionally, it should be necessary to look for potential synergies among those waste streams whose joint collection could be more efficient from an environmental and economic point of view. This could be acceptable if it improves current waste collection systems and the quality of the packaging waste collected material is equally good, optimising at the same time collection costs. In a project of this type, a clear-cut allocation of actual and financial responsibilities to the individual product groups is important so there cannot be any subsidies among different products.

### European vs. national targets

European targets could have a difficult practical application implying many obstacles and problems of competition.

Therefore, PRO EUROPE considers that waste recycling targets should be set up as common national targets for all Member States, like the already existing packaging waste recycling and recovery targets.

### ***Instruments to promote waste recycling***

PRO EUROPE welcomes those initiatives aimed fostering waste recycling and which contribute to a sustainable waste management policy.

- Landfill taxes

They have to reflect the real current and future costs of managing a controlled landfill. This will help to balance landfill costs with recovery options due to the fact that, as the Commission recognizes, at this moment landfill is almost always the cheapest waste management option.

- Producer responsibility

As Commission indicates, although Packaging Directive 94/62/EC does not explicitly include the producer responsibility principle, in fact most systems through which the Directive has successfully been implemented are based on producer responsibility and on the shared responsibility principle. Producer responsibility schemes have been demonstrated to be an environmentally and economically efficient solution for packaging waste. Producer responsibility schemes for packaging have considerable experience in the efficient operation of recycling markets and this could be of benefit in developing the Thematic Strategy further.

Regarding the impact on competition, producer responsibility schemes have been shown to exert no negative influence on competition. As a general rule, service contracts are awarded on a competitive basis in accordance with legal requirements.

It is the very not-for-profit character of PRO EUROPE members which enables the medium and long-term planning required, e.g., to develop markets for recycling products, carry out pilot projects, and conduct research (or arrange for research to be conducted) into new sorting and recycling methods.

- Pay-as-you-throw schemes

Pay-as-you-throw schemes have already been implemented in several Member States with a positive impact on consumer awareness and selective collection results. From our experience, we can point out a risk that this kind of schemes can embody: the pressure on the “refused fraction” can lead to an “illegal dumping” placing the “refused fraction” in the containers intended for certain selectively collected wastes, like packaging. Additionally, consumers should not be charged twice for the same concept (producer responsibility fees + waste management municipal taxes).

At European level, although it seems difficult to implement due to the local factors involved, we consider that the Commission has an important role to play promoting the exchange of experiences at EU level. For example the Commission could maintain a library of pay-as-you-throw schemes and their results achieved so that other areas can learn from this experience and carry out initiatives as the referred guidebook to improve municipal waste management.

- Tradable certificates:

Tradable certificates systems have already been implemented in a number of environmental markets, for example, CO<sub>2</sub> emissions, renewable energy and packaging recovery in the UK. Although they are a relatively new tool and there are a number of implementation difficulties, there is increasing evidence that when properly established, they can lead to very effective implementation of environmental measures at minimum cost to industry.

We consider that it is important to include the learning from all such schemes before spreading them to other environmental areas. This learning should ensure that the implementation of tradable certificates systems in the future avoids the potential risk of becoming a complex and uncontrollable system, with a potential high risk of fraud.

### ***A level playing field for recycling***

Regarding the proposal of the Commission to move towards a level playing field for recycling across the EU through the extension of the IPPC Directive to the whole waste sector, we would like to point out that the most polluting activities of the waste management sector are already under its scope.

The possibility of enlarging the scope of this Directive to include all waste management operations has to be carefully assessed in order to establish proportional measures to the environmental impact of each process. If the Commission believes in recycling, it should also believe in the recycling industry and not to burden it with environmentally unjustified operational conditions.

Additionally, PRO EUROPE considers that the determination of quality prescriptions for recycling are a pre-requisite to achieve a level playing field for recycling that will avoid future problems of unfair competition within the EU.

### ***Accompanying measures***

- Improving the legal framework

PRO EUROPE believes that it is necessary to have common definitions of “waste”, “recovery” and “disposal”, independently if they are referred to packaging waste than to other waste and which should be interpreted in the same way in all Member States.

Besides this, definitions should not represent an obstacle for recycling operations or for the free trade of sorted materials.

- Education and training

Some tools like public information, environmental awareness campaigns, education partnership with others actors could be envisaged. For example, in the area of packaging waste, some of these measures have already been carried out by PRO EUROPE schemes and have proved to be a good anti-littering solutions. The activities carried out by the producer responsibility schemes have covered a large number of European inhabitants and wide variety of communication tools that have contributed to increase citizens' environmental awareness.

Besides, in order to get to know the different experiences regarding these issues the Commission could organise forums and or workshops in which the different agents involved could exchange their experiences. The international cooperation of PRO EUROPE with non EU Members allows us to have an enriched vision of the importance of education and training of citizens towards an appropriate selective collection of packaging waste.

### ***Accession candidate countries***

Our cooperation with now 9 members from accession candidate countries has revealed that many countries still have enormous deficits as far as operational waste and resource management systems are concerned. In the view of PRO EUROPE, therefore, these countries will remain in need of material and personnel support for several years to come.

To avoid distorted competition and the emergence of dumping solutions in accession candidate countries and other third-party states, it is necessary to develop binding recycling standards at the European level. Only then can we attain a high environmental protection level throughout the EU while creating a reliable investment climate for the recycling industry in the European Union.

Within the global waste generation, packaging represents only a small fraction of total waste. In spite of this, due to the specific characteristics (a relevant fraction in volume of the municipal solid waste), it has been the first waste stream regulated at EU level and during the last ten years collection and recovery systems have been implemented all over Europe.

As a result, more than 200 million inhabitants have incorporated selective collection habits into their life-style. Therefore, development of producer responsibility schemes has helped lead European citizens to reach a high level of environmental awareness.

The comprehensive waste management approach that the Commission shapes in this Communication would contribute to the objective of high environmental protection throughout the European Community.

Consequently, any measure derived from the Strategy could build on the already existing experience of packaging waste collection and recovery schemes throughout the EU, which have demonstrated very good results. The contrary could lead to important technical, economical and environmental loss.