

Joint statement on the importance of the waste hierarchy in calculating recycling targets

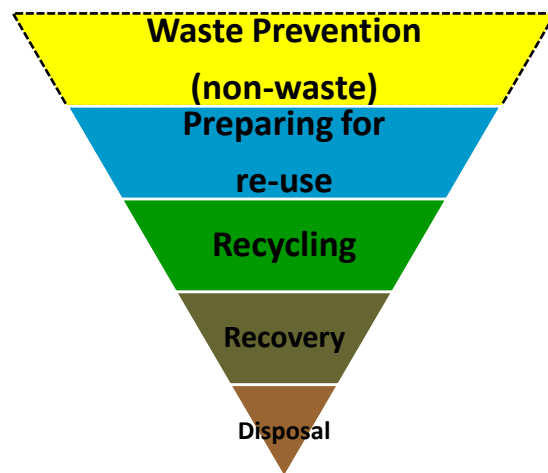
The co-signatories have been made aware that the Council of the European Union is considering the inclusion of activities in the provisions to measure recycling targets which either have nothing to do with recycling or result in the production of low quality waste materials. This inclusion, if endorsed, would enable to count as recycled waste materials which are not recycled and hence artificially increase recycling rates. In other words, such rules would enable in practice to cheat on the achievement of recycling targets, encourage poor quality recycling and annihilate the benefits of ambitious recycling rates. From a legal view, they would contradict the waste hierarchy first laid down by European legislation in the original directive [1975/442/EEC](#) of 15 July 1975 on waste.

- **Waste hierarchy and definition of recycling**

The waste hierarchy prioritises resource treatment options according to their environmental impacts. Separate collection and recycling targets are two instrumental factors to increase recycling. **Separate collection is the pre-condition to quality recycling** by avoiding waste contamination at collection stage. Recycling targets provide the certainty needed to make long term investments.

We understand that the Council is assessing the addition, in the provision setting the rules for the attainment of recycling targets of the waste framework directive, of:

- **Co-incineration**, taking place for example in cement kilns;
- For biodegradable waste, **any kind of other output** counted as recycling;



Such proposals cannot be accepted:

- First, because co-incineration is not recycling as expressly provided by the waste framework directive [2008/98/EC](#):

Art.3.17: "recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes organic recycling but **does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;**' (emphasis added).

- Second, because recycling of biodegradable waste requires the use of dedicated processes in dedicated facilities as expressly provided by:

Art.3.17a (as adopted by the European Parliament in plenary session on 14/03/2017): "organic recycling" means recycling in the form of an aerobic or an anaerobic treatment, or another treatment of the biodegradable parts of waste, which produces products, materials or substances; mechanical biological treatment and landfill are not considered to be a form of organic recycling;'

- Third, because a catch all phrasing referring to "other output" is a vague formulation that i) results in legal uncertainty and ii) runs against source separation/separate collection, which is a prerequisite for quality recycling in general and quality compost and digestate in particular. It would allow to count as recycled the output of mechanical biological treatment designed to process mixed waste and hence undermine the uptake of strictly enforced separate collection.

The co-signatories trust that this joint statement will receive the appropriate attention.