

European Compost Network - Position Statement
on the
Third Technical Report for End-of-Waste Criteria on Biodegradable Waste
Subject to Biological Treatment

20 September 2012

Introduction

The European Compost Network ECN e.V. is the leading European membership organisation promoting sustainable recycling practices in composting, anaerobic digestion and other biological treatment processes of organic resources. This Position Statement sets out our response to the **Third Technical Report for End-of-Waste Criteria on Biodegradable Waste Subject to Biological Treatment**¹ published by the Joint Research Centre's Institute for Prospective Technological Studies on the 10th August 2012.

Background

For over ten years the European Compost Network has supported the initiatives of the European Commission to improve the management of biodegradable waste across Europe. With the publication of the Green Paper on the "Management of Bio-Waste in the European Union"² and the Communication from the Commission to the Council and the European Parliament on "Future Steps in Bio-Waste Management in the European Union"³, the European Commission has stressed the importance of the sustainable management of bio-waste in Europe.

Composting and anaerobic digestion processes treat incoming wastes and create products that have beneficial end uses, such as soil improvers and organic fertilisers. The control of such activities and wastes are defined under the Waste Framework Directive (WFD)⁴, and in many Member States manufactured composts and digestates remain classified as wastes, even if they are of high quality. This leads to problems for both processors and end users alike. As such, the Joint Research Centre's Institute for Prospective Technological Studies (JRC-IPTS) is developing methodology to define End of Waste (EoW) criteria for composts and digestates.

Work on EoW criteria started in 2007, to which ECN has contributed actively ever since. The publication of a first working document was followed by a first workshop of experts, NGO's and other interested parties in Seville on 2nd March 2011. During this first meeting, it was asked by the French Ministry of Environment to JRC to realize a new campaign of analysis on different types of compost and digestates produced throughout the European Union in order to dispose of a recent and representative data base on compost quality. After this meeting, JRC decided to launch and realize this European screening campaign during summer 2011 and asked to the

¹http://susproc.jrc.ec.europa.eu/activities/waste/documents/IPTS_EoW_Biodegradable_waste_3rd_working_document_wo_line_nr.pdf

² COM(2008) 811 final

³ COM(2010) 235 final

⁴ 2008/98/EC

working groups members to facilitate the organisation of this screening on a voluntary basis of compost and digestate producers. The JRC published on 11th October 2011 a second working document in which the very first results of this screening campaign were integrated. This publication was followed by a second workshop of experts, NGOs and other interested parties that took place again in Seville on 24-25th October 2011. During the second workshop, some new but very partial results of the campaign were orally presented by JRC without giving the possibility to the participants to react seriously to this presentation. Based on the results of the sampling campaign the third technical document was published on the 10th August 2012, and is the focus of this Position Statement.

ECN's Overall Position

ECN objects strongly to the proposal by the JRC-IPTS to allow mixed MSW and sewage sludge to be permitted feedstocks

ECN objects strongly to the recent proposal by the JRC-IPTS to allow at first instance mixed MSW to be a permitted feedstock for manufacturing EoW compost and digestate that will: “enable their circulation on the internal market and to allow using them without further monitoring and control of the soils on which they are used”. As mixed MSW, by definition, do not rely upon separate collection schemes, we find this paradigm shift to be unacceptable. This undermines the important principle of naturally recycling biomass into soil-humus substances.

For now we also disagree to integrate sewage sludge in the positive list on EU level, though with a different rationale behind:

- If the heavy metal limit values of the EU Sewage sludge Directive would be kept as minimum requirement. (= up to the 30-fold of the EoW criteria for compost & digestate) it would open the door for any and very detrimental dilution concepts in sludge recovery via the *cheap composting route*.
- Therefore only quality certified sludge with lower limits would be needed in order to prevent the dilution of highly contaminated sludge into EoW products. But for sure this would mean a major and complex negotiation process. At the end we need a well understood logic behind the limit setting (e.g. max. 1,5 or 2 times of the proposed limit values of EoW compost taking into account a 30 to 40% sludge ratio in the initial mix for composting).
- This would constitute a revocation of the originally agreed principle that permissible input materials should by its origin guarantee a low likelihood of unexpected elevated *background contamination* and therefore, as a rule, no quality criteria and testing of input materials shall be applied.

Since the production and agricultural use of certified sludge compost is applied in many MSs, here it is very important that national, even EoW, rules with quality requirements for sludge compost and their uses can be maintained and further established.

Members of the JRC Experts group repeatedly asked JRC and the Commission representatives for clarification on this point by the legal services, but regrettably still no answer was given.

So in this respect, we urgently ask for formal clarification, under which Article of the EU Treaty the EoW criteria will be set and if MS will have the possibility to maintain and establish national EoW regulations for compost and digestate from sewage sludge if these would not be covered by the EU EoW regulation.

Underlying Principle – The Separate Collection of Bio-Waste

Underpinning the various European Commission (EC) policy documents has been the ethos of separate bio-waste collections in order to provide clean, contaminant free feedstocks so that quality composts and digestate can be manufactured and applied to land sustainably. Indeed this is set out in Article 22 of the **Waste Framework Directive**, which states:

“Member States shall take measures, as appropriate ... to encourage ... the separate collection of bio-waste with a view to the composting and digestion of bio-waste”.

The European Commission’s own guidance document published in June 2012⁵ clarifies this:

“the wording of Article 22 WFD leaves the introduction of separate bio-waste collection to Member States’ discretion but obliges Member States – ‘shall take measures’— to concretely encourage separate collection.”

In addition, Article 11 of the Waste Framework Directive states that:

“Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.”

Notably, the EC’s **Communication on Bio-Waste**⁶ in 2010; Point 7.2.3 set out the rationale to “Promote separate collection and biological treatment of bio-waste”:

“Composting and anaerobic digestion offer the most promising environmental and economic results for bio-waste that cannot be prevented. An important pre-condition is a good quality of the input to these processes. This would in the majority of cases be best achieved by separate collection. Member States should make strong efforts for introducing separate collection in order to meet high quality recycling and anaerobic digestion.”

The first and second EoW working documents published by the JRC-IPTS upheld this principle, which was welcomed by the vast majority of ECN members operating across Europe. By contrast, the third technical report, published in August 2012, suggests a radically different approach towards defining suitable feedstocks for EoW compost and digestate; namely allowing mixed municipal waste and sewage sludge to be permitted feedstocks.

⁵ COM(2012) Guidance on the interpretation of key provisions of Directive 2008/98/EC on waste

⁶ COM(2010) 235 final

Rationale for Objection

We believe this decision by the JRC-IPTS to include mixed MSW and sewage sludge feedstocks is flawed and has no justification whatsoever for a number of reasons, which are set out below:

Limited number of analysed samples

We do not believe that the limited number of test results quoted in the third technical document provide sufficient data on which to base a decision of this significance

The basis for inclusion of mixed municipal waste and sewage sludge appears to have been made on the basis of test results from a total of only **88 compost** and **25 digestate** samples from across the whole of the EU.

Given ECN's extensive experience in compost quality and certification, **we do not believe that these limited number of test results provide sufficient data on which to base a decision of this significance** Further the report **fails to describe the methodology used to prepare the samples**; in our expert opinion **this is a significant omission**.

There exists a significant body of evidence relating to compost (and to a lesser extent digestate) quality, derived from practical operation of compost quality assurance organisations across the EU. **Data have been supplied previously by ECN; however, we note with regret that these appear to have been disregarded in this technical document.**

We believe that further detailed monitoring of the quality of residual MSW compost and sewage sludge compost manufactured across the EU needs to be carried out over the forthcoming years in order to amass a comprehensive database before any decision to include these feedstocks is made. At present, **based on existing information, this decision is premature and thus unwise.**

Positive input list

The inclusion of mixed municipal solid waste and sewage sludge onto the positive list is a paradox

The inclusion of mixed municipal solid waste and sewage sludge onto the positive list is a paradox: as mixed MSW and to a lesser extent also sewage sludge contain a complex mix of waste components from, potentially, a wide range of sources that cannot be traced at all, this renders a positive list of input materials obsolete and contradicts the whole ethos of separate collections described above.

Acceptance / rejection criteria would not be possible for incoming mixed MSW; For the necessary testing of minimum quality criteria for sewage sludge would hardly be practicable and traceable on EU level

It also raises practical, operational issues relating to the **visual inspection of incoming materials**. This is a **cornerstone of all compost quality assurance schemes**: namely, the visual acceptance of incoming feedstocks, accompanied by **stringent acceptance / rejection criteria**. This would not be possible when mixed MSW enter the treatment plant.

As indicated above, in the case of sewage sludge, a test report would need to prove compliance with the (necessary but currently missing) minimum quality criteria to be accepted for producing

EoW Sludge Compost. Even if stringent limits would be established (they might need to include also some organic indicator compounds in order to prevent the measurement of organic pollutants in the final product) we do not believe that this exercise could be done and controlled at the needed level all over Europe.

It is uncertain how a quality assurance scheme would operate for these feedstocks. In the case of mixed MSW and sewage sludge feedstocks, quality control would necessarily rely solely on final product criteria (i.e. sample testing and comparisons with limit values) – this would significantly increase the risk that contaminated (non-conforming) material is dispatched for use, due to the relatively small number of samples tested. Importantly, it also opens the door to dilution of contaminated waste streams.

Also *Quality Assurance* and inspection and control measures by the competent authority would become extremely complex for multi-purpose facilities processing mixed MSW, high quality certified and low quality sludge as well as green and bio-waste at one location. By practical experience, it is extremely difficult to proof illegal mixing of several material streams ending up in fraudulent declaration of final products.

It will undermine separate bio-waste collection schemes

To put it bluntly, why should Member States introduce separate collection systems for bio-waste if, potentially, all materials are accepted for producing end-of-waste compost and digestate under the EoW-regulation? It has the potential to undermine nascent collection schemes in many parts of the EU, especially the EU12 (new member states).

End user confidence

Specifically the inclusion of mixed MSW in EoW compost and digestate will undermine consumer confidence

ECN members have spent many years developing composting and digestion businesses, where consumer confidence and markets for composted products have been built up in a step-wise fashion over many years

We know from experience that countries where bio-waste management started through biological treatment of mixed solid waste, consumer confidence in such materials was never achieved. As a result, these member states introduced separate bio-waste collection schemes resulting in high quality compost and digestate; consumer confidence has been built on the basis of quality and acceptance of defined, uncontaminated feedstocks. The numerous compost quality assurance schemes (QAS) across Europe, and indeed ECN's own QAS is proof of this.

Specifically the inclusion of mixed MSW in EoW compost and digestate will reverse and damage this thoroughly established relationship between the bio-waste and the users sectors. In particular, supermarkets and their consumers may well decide that use of such materials is unacceptable – the potential for a European-wide food scare exists, and the outcome may well tarnish the hard won reputation of quality composts and digestate for many years.

Next Steps

We strongly urge the JRC-IPTS to remove mixed MSW and also sewage sludge from the positive input list

ECN members represent a large number of experts and more than 1500 bio-waste treatment plants with 20 million tonnes annual capacity in 24 European countries. Based on the experience of our members who are operational in Member States across the EU that have both mature and developing bio-waste management infrastructure, we repeat here that should mixed MSW and sewage sludge remain on the positive feedstock list for EoW compost and digestate then **the compost and digestate markets in Europe will be damaged irreversibly. This would therefore contradict the intention of an End of Waste provision as defined in the WFD, and would have a negative economic impact:** reintroducing compost and digestate manufactured from mixed MSW again would undermine the enormous energy and expenditure that made over the last twenty years in gaining the trust of the market, which was unduly cautious due to its experience of using products made from MSW in the decades before.

**We urge the JRC-IPTS not to repeat the mistakes of the past!
The recent inclusion of mixed municipal waste and sewage sludge as permissible input materials within the EU EoW regulation should be reversed.**

About ECN

The European Compost Network ECN e.V. is the leading European membership organisation promoting sustainable recycling practices in composting, anaerobic digestion and other biological treatment processes of organic resources. The European Compost Network serves as central resource and network for the organic waste recycling sector in Europe, as well as the emerging bio-based economy.

ECN's vision is a Europe in which all organic resources are recycled to land sustainably and/or used to generate renewable energy to benefit the global and local environment, to contribute towards sustainable agriculture, improve human health and benefit European market. To achieve this, effective recycling in all member states should be built on separately collected organic wastes, trained operators for biological processing. Involved processes should be monitored within an independent quality assurance scheme in order to manufacture quality compost and digestate that can be applied to land safely.