

EUROPEAN COMPOST NETWORK (ECN)

EUROPEAN ENVIRONMENTAL BUREAU (EEB)

Memorandum to EU Commissioner Dr Janez Potočnik

Calling for urgent action by the EU Commission to settle regulatory measures to support effectively sustainable Bio-waste Management in all European Member States

On behalf of national institutions and involved sectors in our countries the European Compost Network ECN and the European Environmental Bureau EEB call for the following specific guidance and support by the EU:

1. To develop a consistent strategy and policy framework for sustainable integration of bio-waste recycling in national waste management programmes;
2. To establish targets for bio-waste recycling as a fundamental driver to secure investment and to serve as the missing link between the diversion targets for biodegradable waste of the Landfill Directive, the current trend to use incineration as the main alternative and the 50% recycling targets today required by the WFD.
3. To develop clear and well-targeted provisions and harmonized calculation methods (such as a bio-waste recycling targets based on separate collection) in order to help member state administrations and municipalities develop integrated recycling schemes.

Background

1. Twelve years have now passed since the Commission dropped its initiative in 2001 to develop a Bio-waste Directive, for which broad consensus among Member States had been achieved.
2. Several times during this period, prominent European organisations working in alliance (e.g. ECN, FEAD, EEB, ASSURE, ISWA, RREUSE) expressed their disappointment about this inactivity directly to the Commission.

3. Meanwhile, Article 22 of the Waste Framework Directive (WFD) requires member states to: *“take measures, as appropriate, to encourage (a) separate collection of bio-waste with a view to the composting and digestion of bio-waste; (b) the treatment of bio-waste in a way that fulfils a high level of environmental protection; (c) the use of environmentally safe materials produced from bio-waste.”*
4. This principle is in line with the concept of the Waste Hierarchy set out in Article 4 of the WFD.
5. The Commission launched a number of studies to meet its commitment under the WFD to: *“assess the management of bio-waste with a view to submitting a proposal if appropriate and to examine the opportunity of setting minimum requirements for bio-waste management and quality criteria for compost and digestate from bio-waste”*. Its conclusions set out in its Communication on Bio-waste Management came to the same result: ***Separate collection of municipal as well as commercial bio-waste as the steering principle in bio-waste recycling via composting or AD would constitute the highest level of environmental benefit as well as economic viability.***
6. Between 2006 and 2011, under German, Spanish, Belgium and Czech Presidencies and supported by the European Parliament in a number of statements, several conferences and conclusive papers sent clear signals to the Commission, calling for legislative measures including targets for bio-waste recycling based on separate collection systems.
7. In contrast to these results, the Commission rejected or disapproved any attempt to begin to set specific mandatory targets for source separation and biological treatment of bio-waste, either through Article 5 of the WFD, or by any other means.
8. Although Article 5 of the WFD and the Commission decision on calculation methods for compliance with the recycling targets opened the door for inclusion of bio-waste and green waste, neither specifically make a distinct reference to source separation.
9. As a consequence, substantial support has not been provided to member states that are heavily reliant on landfilling or mixed waste incineration; these member states are at the very starting point in their development towards becoming a Recycling Society, as targeted by the EU as the guiding principle in waste management.
10. Instead of developing bio-waste recycling targets, the Commission launched the End-of-Waste (EoW) Project for compost and digestate to be prepared by the JRC-IPTS in Seville based on Article 6 in the WFD.
11. This process started in 2008, with basic studies on the methodology and the background situation on national bio-waste legislation, management, marketing and use in the EU. It was followed by the JRC publications on the EoW Criteria, Working Paper I in February 2011, Working Paper II in October 2011, Working Paper III in August 2012 and finally the Background Paper in February 2013. In total, this process has taken five years, without a clear end in sight.
12. As a consequence of this lack of activity by the Commission over the past ten years, valuable time has been lost in many EU member states (including the newly accessed states, Greece,

most parts of Spain, Portugal and France) to combat effectively the negative impact of food and green waste being landfilled or wasted via MBT or incineration, whilst at the same time missing the contribution of carbon recycling to the soil humus pool.

13. At the International Seminar “Bio-waste Sofia 2013”, jointly organised by the Bulgarian Ministry of Environment and Water, the European Compost Network and the International Solid Waste Association, delegates unanimously expressed their disappointment about the lack of structural and regulatory support by the EU Commission. Delegates included governmental representatives from EE, LT, LV, PL, BG, MT, RO, SI, ES, GR and CR, as well as the candidate country SRB.

Call for action

In conclusion the European Compost Network calls the Commission to act as a priority as follows:

1. Urge the JRS-IPTS to deliver its final concept for EoW criteria for compost and digestate based on the principle of separate collection of bio-waste at the source as agreed during the latest meeting of the Experts Working group on the Background Paper, February 2013.
2. Grasp the opportunity opened up by the review of the Waste Framework Directive and the revision of the Landfill Directive to create the necessary legal drivers for sustainable bio-waste management, notably by setting targets on separate collection and recycling rates for bio-waste, as well as take up bio-waste/green waste in all associated recycling calculation methods as a minimum requirement.
3. Immediately launch the Comitology Process to prepare a Decision on Quality Criteria for Compost and Digestate at the latest by September 2013 with the aim of delivering the Decision early in 2014.
4. Exclude biological treatment of the organic fraction included in mixed municipal solid waste in a MBT plant from being accepted as recycling measure, even if under national legislation it may be used in some restricted land reclamation applications.
5. It is important that bio-waste recycling (defined as a combination of R3 and R10) be based exclusively on source separation schemes for all types of organic waste being composted or treated in an anaerobic digestion plant. This clarification should be made when amending Article 5 of the WFD and the Commission Decision on the Calculation Methods of Recycling.