



Response to the Circular Economy Package published on 2 July 2014

Municipal Waste Europe recognises the importance of achieving a circular economy in Europe and supports a definitive move in this direction.

Measuring the quantity and quality of materials sorted out of waste for recycling is a very important step in achieving a circular economy.

The proposals mark a very significant change. What is reported as recycled material is now mostly counted at pre-sorting. Moving the measurement point for recycled quantities to post-sorting is a dramatic change from current practice. It is a necessary change, but it is not practicable to set new recycling targets based on this new measurement point. As there is fall-out in the processes of sorting and recycling, the targets need to be adjusted accordingly. Due to the many different calculation methods for recycled quantities currently in use, there is a gap and sometimes an absence of knowledge and statistics. Clear and harmonised definitions are needed to complete the single calculation method.

Municipalities are a key to the success of recycling and the achievement of a circular economy in Europe. To achieve higher efficiencies in recycling, they need practical and financial support. The proper allocation of European funding to investment in the top three steps of the waste hierarchy (prevention, re-use and recycling) is essential to this goal. The revised directive should be explicit in mentioning the ex-conditionality criteria now embedded in the Structural and Regional Fund legislation.

For the foreseeable future, there will always be a proportion of municipal waste which cannot be re-used or recycled; amongst other reasons, this could be due to the absence of the technology to treat it, either in Europe or globally. Municipal Waste Europe has supported the implementation of a ban on the landfilling of recyclable and combustible waste, and here reiterates the fact that recovering the energy from that waste and other residual waste is preferable to landfilling it.



Definitions

The Waste Review correctly concentrates all definitions in the Waste Framework Directive. Municipal Waste Europe welcomes the greater clarity that this brings, which will facilitate understanding at Member State level and therefore also facilitate implementation.

Municipal Waste Europe finds that the definition of municipal waste, as it is currently proposed in Annex VI, would cause greater confusion on implementation and therefore be counter-productive. The definition should define only the type of waste, not list where it occurs or who collects it. Household waste should be defined as waste which occurs in the household. To ensure the availability of comparable statistics at European level, defining municipal waste as household waste and similar waste from commerce and industry is a necessity. Who collects is a decision for the member state. Member States wishing to retain an existing definition of municipal waste as exclusively household waste can do so, by also collecting statistics from commerce and industry on their production of waste which is similar to household waste. This makes all national statistics comparable at European level¹:

‘Municipal solid waste’ means household waste and all waste from commercial and industrial activities which is similar to household waste.

Definition of food waste: we propose that this is defined as follows:

‘Food waste’ is all organic waste which occurs in the preparation of food intended for human consumption, including food waste drawn into the waste water system.’

The definition of food waste should be supplemented by the clear mention that both composting and anaerobic digestion are recognised forms of recycling. Therefore the quantities of compost and digestate (solid and liquid) resulting from these processes must count towards the recycling targets. There should be a clear description of how these quantities are to be taken into account in the calculation methodology. There should also be a method for measuring and reporting the energy recovery issuing from anaerobic digestion, which is renewable and of additional environmental benefit.

¹ As stated in Municipal Waste Europe paper: Revising the Waste Directives, of 2 December 2013



The Landfill Directive proposal introduces a new definition for material recovery, covering all recovery operations apart from energy recovery and fuel production. All definitions should be exclusively in the Waste Framework Directive. For greater clarity, the Waste Framework Directive should include a definition of material recovery as well as a definition of energy recovery and a definition for the recovery of nutrients (for biowaste). The Landfill Directive should refer to the definitions in the Waste Framework Directive.

Calculation Method and Targets

It is clear to Municipal Waste Europe that reliable statistics on recycled quantities are a necessary part of achieving a circular economy. We therefore support the adoption of one calculation method to replace the current four methods and recognise the importance of setting high recycling targets to increase the recovery of materials from the waste stream.

Taking medium and long-term goals into account, it must not be overlooked that municipalities will be at the forefront of implementing the short-term goals: collection systems which lead to recycling target achievement. To successfully meet these challenges, municipalities must have the freedom to choose the systems and methods to deliver these goals.

On 2 December 2013, we wrote:

In order to achieve comparability of the data collected on recycled quantities, there must be only **one calculation method**, which is used by every Member State, which also stipulates that the point of measurement is after sorting.

As mentioned above, it must be recognised that the recycled (sorted) quantities will be lower than current levels with the new calculation method, as they are figures measuring only the recyclate sorted out of sorting plants and destined for recycling installations, whereas currently, mainly collected quantities are measured. Therefore, if overall recycling targets are raised at the same time, there will be a distortion of statistics. The new measurement method should thus both take into account existing data on separately collected waste and data on recycled quantities after the sorting process. Both sets of data should be reported, separately, as collected quantities and quantities prepared for recycling.



The combination of having the measurement of recycled quantities after sorting together with a common European definition of municipal waste, should lead to better and more comparable statistics at European level. In addition to this Municipal Waste Europe has previously proposed that, in those Member States in which municipal waste is defined as only household waste, commerce and industry should separately report the quantities of waste similar to household waste that they recycle. Aggregated at National and then European level, these statistics will thereby be comparable, regardless of whether the national definition of municipal waste includes or excludes waste similar to household waste from commerce and industry.

The proposal does not make particular mention of the difficulty of recycling products which contain hazardous substances or products which contain materials which are currently not recyclable. Municipal Waste Europe proposes that such a mention is included as part of the ecodesign and design for recycling obligations to producers, so increasing the recyclability of our waste stream as well as the demand for recovered raw materials.

With the new calculation method for recycling, which considers quantities recycled and not quantities collected, the previous target achievements and reference points taken for setting new targets are incorrect. It would be a mistake to fix a new objective for reuse and recycling of municipal waste at a minimum of 70% by 2030, without a reliable reference point. It is important to collect reliable statistics over a defined period of time first, use these new statistics to establish a point of reference for each objective and from those, set new targets. We propose that a period of three years is given to adjust to the new calculation method.



Benchmarking

Benchmarking can be a useful tool to identify waste management choices and measure their effectiveness. Some Member States have developed very effective benchmarking systems, which demonstrate that capital cities do not always provide the best examples, but smaller cities and large towns often do. As many municipalities can be rather small, it has become clear that inter-municipal arrangements are a key factor for success. Most importantly, it is clear that Member States with strong municipal responsibility and competence (strong governance), accompanied by good financial management and autonomy, can provide excellent examples.

Municipalities having implemented such benchmarking exercises are an excellent source of information, and can be used to assist municipalities in other countries which need to begin to decide on the choices that they will make as regards their collection and waste management systems in order to be able to fulfil the requirements of the waste directives.

Prevention and Re-use

There should be a greater focus on prevention and re-use within the waste framework and daughter directives, otherwise both of these goals remain ideas with little practical implementation. The Commission could complete this proposal with guidelines and examples of existing, effective prevention plans and re-use strategies.

In addition to this, the Waste Framework Directive should be complemented by an eco-design directive which regulates material use, longevity, dismantleability and design for recycling. A requirement to prepare and propose such a directive should be included in the waste framework directive.

Packaging

The targets in the Packaging Directive should include both transport and consumer packaging. The packaging directive must include a section on the requirements of eco-design of packaging.



Extended Producer Responsibility (EPR)

Municipal Waste Europe welcomes the increased clarity proposed in the waste review and more specifically in Annex VII of the waste framework directive, setting minimum requirements for Member States on how to implement and enforce EPR and how to structure the Producer Responsibility Organisations (PRO) which act on behalf of their members, the producers.

To further enhance clarity and facilitate implementation, there should be an additional paragraph in Annex VII that clearly recognises that a formally adopted EPR scheme is necessary to set the framework at national level, and is separate to the PROs which should be permitted as part of that framework. This will bring more clarity to the system, facilitate implementation and enable Member States to verify the effectiveness of the organisations more easily.

It is crucial to the success of recycling that producer engagement includes the embedding of the needs of the waste phase in the production phase. This is the intention of ecodesign, which should be better explained in the Annex. Linking ecodesign with market demand will increase the need for producers to use recovered raw materials as well as to design products with a longer use phase, which can be dismantled easily for repair, re-use and recycling.

When an EPR scheme is established, as in the OECD definition, it must be characterised by the shifting of responsibility upstream toward the producer and away from municipalities; it must also include the provision of incentives to producers to take environmental considerations into account when designing their products.

Municipal Waste Europe recognises that EPR may not be the appropriate mechanism through which to achieve high recycling rates in all Member States and therefore reinforces the proposal's statement that Member States are free to choose whether they implement EPR. However, if EPR is the chosen methodology for implementing the producer's responsibility for their post consumer products, it must follow the requirements of the Directive.



In order to be complete, reference to the Article on EPR in the Waste Framework Directive and to the minimum requirements in Annex VII should be made in all relevant waste directives, including WEEE, Packaging, ELVs and Batteries.

As municipalities have the knowledge of their geographical layout and demographics, they are better placed than either PROs or higher levels of government to decide on their collection system. The choice of collection system must therefore be taken by municipalities.

Improving Quality

To provide raw material for industrial use, it must be of the requisite quality. To assist this, Municipal Waste Europe supports the adoption of standards for the purity of sorted recyclables as well as standards for sorting plants. In this way, municipalities can be assured that they are sending their collected recyclables to certified sorting plants and can confirm to their citizens that the materials have been delivered into the recycling process.

Such standards can be officially recognised in the Waste Framework and relevant daughter directives in order to make them legal provisions.

The whole waste stream contains hazardous substances, requiring a sink for such substances throughout the treatment phase. In this way, the quality of the waste stream can be improved. Such a sink, which reduces the environmental impact of hazardous substances, is energy from waste, whereby their energy content can be recovered as a result of their safe waste treatment.

The waste framework directive should call for Member States to give precedence to the use of existing waste to energy capacity for the treatment of their **residual waste** in Europe over landfilling locally and new investments.

Biowaste

The mention of biowaste as a contaminant of municipal waste is a concern. Organic matter is a valuable material which can be composted to generate a soil improver or digested anaerobically to produce both renewable energy and a soil improver, which can also be used in organic agriculture

All elements of municipal waste contaminate each other if they are collected as one stream. Some can successfully be sorted out, while others cannot. This fact must be addressed seriously by all levels of national and local administration, when determining their waste collection and overall waste management systems.

End of Waste

We question the proposal to define sorted waste as being recycled. This will certainly lead to confusing statistics, with double counting of raw materials: after sorting and when they are finally included in a new production process.

Comitology and Delegated Acts

Comitology is a closed and therefore undemocratic process and should be limited to technical adaptations. Its use through delegated acts to take politically sensitive decisions, as proposed in the draft text, is not appropriate. As with the current process of co-decision to revise the waste legislation, the Council and Parliament must be involved. Municipal Waste Europe calls for the removal of the delegated acts from the proposed text.



Landfill Directive

With regard to the landfill directive, we would question the need for a maximum target of 25% by 2025. Rather than this, we would propose that the existing landfill ban rules in Member States which have tried and tested systems, such as Sweden, Germany, Austria, The Netherlands, are studied and a European set of rules is based on those.

Room should be left for exemptions, for wastes which cannot be recycled and should not be incinerated, for environmental reasons, such as PVC.

It must be understood that without an ambitious eco-design policy (for design, longevity and materials), it is impossible to eradicate landfilling of untreated waste by 2030.

As mentioned above, for waste for which there is no available technology to enable its reuse or recycling, energy recovery should be encouraged.

Implementation

The 'compliance-promotion initiative' which began in 2012, has been both effective in assisting the Member States and in increasing the Commission's understanding of implementation issues. Municipal Waste Europe calls for this process to be statutorily vested in the waste framework directive, as a practical complement to the early warning system.

MWE calls on the Commission to establish a guideline on the management of critical raw materials and how these should be included in national waste management plans in the future.

To conclude, it is of crucial importance if we wish to achieve the aims of a circular economy as a European Union, that we set ambitious but realistic goals at European level, with sufficient flexibility on implementation to allow for a period of adaptation to the new rules as well as to allow for geographical differences. Within that, it is necessary to recognise the differences between Member States which effect the waste management decisions that must be taken in order to achieve a workable system adapted to their local needs. These differences may be climatic, density of population, consumption habits or another factor, and can result in a greater need for energy, a very low arising of certain materials in the waste stream and therefore an inability to meet a European target. In such a case, the life cycle assessment tool could be used to justify a diversion from a target, not to assess the material's properties but to assess the environmental impact of the waste management options in that particular situation.

Thanking you for your consideration of these points and looking forward to working with you on this crucial legislation,

Weine WIQVIST
PRESIDENT

Vanya VERAS
SECRETARY GENERAL

10/11/2014