



Fédération Européenne des Activités du Déchet et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

KEY CONCERNS OF THE WASTE MANAGEMENT INDUSTRY REVISION OF THE WASTE FRAMEWORK DIRECTIVE Presidency Compromise Text – 11 May 2007

4 June 2007

BY-PRODUCTS

FEAD supports the Commission guidelines based on a case-by-case approach and present ECJ jurisprudence subject to revision in 2010. Elaborating a definition on by-products is a recipe for more legal uncertainty. FEAD opposes the creation of a third legal category and any attempt to widely declassify waste without the necessary environmental safeguards and environmental impact assessment. FEAD therefore supports the Parliament's wisdom in accepting that the European Union is today not yet ready to propose a definition of by-products.

END-OF-WASTE

FEAD supports a clarification of the procedure, however calls for an harmonisation at European level. For the sake of environmental protection and in order to avoid any attempt to widely declassify waste, the list of eligible waste streams should be stated in the Directive itself and be subject to a co-decision procedure.

SELF-SUFFICIENCY

The main reasoning behind the call for extension of the principles of self-sufficiency and proximity to waste for recovery is the protection of national market structures. A national market regulation though does not serve the environmental objective of the Waste Framework Directive. Furthermore, self-sufficiency rules for waste for recovery would splinter the internal market for the recovery of waste. The proposals jeopardise the achievements of decades of successful European waste management policy and hamper the development of sustainable waste management in Europe. FEAD therefore favours the European Parliament's approach suppressing the self-sufficiency principle for all kind of waste treatments and supporting the proximity principle for waste for disposal only.

RECOVERY AND PERMITTING

The distinction between recovery and disposal is a central component of the revised Waste Framework Directive. The definition of recovery should therefore provide legal certainty. Including a reference to "*principal result*" could again create legal uncertainty, thereby leaving each Member State with its own interpretation of what "principal" should mean. FEAD therefore recommends to support the Commission's proposal and welcomes the following clarification provided by the Council: "*Annex II sets out a non-exhaustive list of recovery operations*".

FEAD also calls for the deletion of the reference to high level of energy efficiency as a condition for a permit (Article 19.4). Permit requirements are falling under the scope of the IPPC Directive and not of the Waste Framework Directive.

NOTE:

FEAD is the European Federation which represents the European waste management industry. Our members are national waste management associations, which have an approximate 60% share in the household waste market and handle more than 90% of industrial and commercial waste in Europe, with a collective annual turnover of € 50 billion.

We have 19 members from 18 EU Member States and Norway. FEAD represents companies with activities in all forms of waste management. These companies employ over 300 000 people who operate around 3000 controlled landfills, 1350 recycling and sorting centres, 1000 composting sites and 350 incinerators and play an important role in the determination of the best environmental option for waste management problems.

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