



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

FEAD Position on the Revision of the Waste Framework Directive KEY PRIORITIES for the SECOND READING

May 2008

On 8 April 2008, the European Parliament's Environment Committee voted on the second reading draft recommendation for the Waste Framework Directive. FEAD, the European Federation of Waste Management and Environmental Services, generally, welcomed the outcome of the vote.

In view of the ongoing discussions and given forthcoming negotiations for a possible second reading agreement, FEAD would like to stress the following points:

- **BY-PRODUCTS**

FEAD welcomes the deletion of the by-product definition as adopted in the ENVI Committee on 8 April. FEAD promotes a more efficient use of resources and considers that the end-of-waste mechanism is the right way to do so. FEAD is opposed to the creation of a "third" legal category within the Waste Framework Directive: a secondary product, material or substance is whether a "waste" or a "non-waste". It is impossible to cover all potential industrial waste streams within one generic definition on by-products.

Any definition on by-products would require a proper assessment of any potential negative impacts on the environment and human health. A definition on by-products will create a legal loophole and lead to potential deregulation of industrial waste streams including hazardous waste. This way, by-products will escape from control and traceability provisions which would normally be applied under the waste regime. Today, the interface between by-products and the REACH Regulation is unclear. There are no sufficient guarantees that by-products escaping from the waste regime and exempted from provisions of the REACH regulation will not pose any environmental and health risks.

In the absence of measures adopted at EU level or applicable European case law, the materials or substances concerned should be considered as waste. Measures including environmental and quality criteria, as foreseen by the Council Common Position, are considered as "non-essential" elements of this directive which "may" be adopted in accordance with the comitology procedure with scrutiny. This will lead to differences of interpretation within the Member States and to distortions of the internal market.

A case-by-case approach as presented in the Commission's Communication is therefore the best way to proceed. FEAD supports the European Parliament's call for a dedicated directive on by-products by 2010, if deemed necessary.

- **ENERGY from WASTE**

FEAD welcomes the fact that both the Council and the Members of the Environmental Committee acknowledged that municipal solid waste-to-energy plants complying with ambitious energy efficiency thresholds, as set in the R1 formula, should be classified as recovery. FEAD members consider that energy-from-waste has its role to play in the climate change and energy supply policies

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- **SELF-SUFFICIENCY and PROXIMITY PRINCIPLE**

FEAD members are dissatisfied with the extension of the self-sufficiency and proximity principle to waste destined for recovery as proposed by the Council Common Position. This extension puts at risk the benefits offered by the internal market. Moreover, it is against provisions in the Treaty which foresee the free movement of goods and contradicts the environmental objective of the Treaty aiming at the creation of harmonised European standards. It thereby fully counteracts the long-term environmental objective of creating a “European recycling society”. In terms of resource efficiency, the potential of waste for recovery should be fully exploited and hence it should be allowed to circulate freely.

- **SEPARATE COLLECTION**

The Environment Committee adopted an amendment providing for setting up separate collection schemes for paper, metal, plastic, glass, textiles, other biodegradable wastes, oil and hazardous wastes. In general, FEAD encourages the development of separate collection systems depending on the foreseen application of the material. However, **FEAD does not support an EU-wide mandatory separate collection** mainly for reasons of logistics and local conditions. Jointly collected waste materials (e.g. glass, plastic and aluminium) destined for recycling can be separated in automatic plants guaranteeing high quality standards and facilitating the following recycling.

- **HAZARDOUS WASTE**

FEAD welcomes the efforts accomplished by the Members of the Environmental Committee on hazardous waste. Key provisions of the former Hazardous Waste Directive i.e. on the classification, traceability, record keeping and permit requirements for hazardous waste should be fully integrated into the Waste Framework Directive. The revision of the latter should in no way lead to a deregulation of hazardous waste. More specifically, permit requirements for hazardous waste should not be subject to any exemptions.

- **SEPARATE BIO-WASTE DIRECTIVE**

FEAD calls on the elaboration of a separate legislative proposal with a scope going beyond the recovery of organic matter. The waste management industry is not only dealing with separate collected bio-waste but also with residual waste for biological treatment.

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Note to the editor:

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. We have 19 members from 18 EU Member States and Norway. Our industry contributes more than € 50 billion annually to the European economy.