

FEAD statement on the revision of the List of Waste

5 March 2013

Concerning the ongoing work of the European Commission on the List of Waste, FEAD¹ would hereby like to express a number of comments which we deem important to integrate in the final document.

1. Differentiation between household and commercial/industrial/institutional wastes similar to household waste

Although waste management companies have not encountered major problems in applying and using the current List of Waste, we have identified some problems linked to the misuse of the list and the different interpretations of the codes. This is mainly due to the unclear differentiation between household and similar waste of commercial, institutional and industrial origins in the List of Waste:

- Publicly-owned companies in some countries, e.g. Austria, Belgium, Sweden, Finland, argue that not only mixed but also separately collected waste from small businesses are “*similar to household waste*”, thereby taking away from those businesses the responsibility and possibility of choosing a cost-effective waste service from the private sector. According to these publicly-owned companies, also separately collected waste falls under the responsibility of the local authorities and must therefore only be collected on assignment of the local authority. This could, in the future, also lead to mandatory supply contracts for producers of commercial, institutional and industrial waste similar to household waste. In this case, the waste producers would no longer have the opportunity to decide for themselves the waste services they require. As a consequence, private waste operators would be put out of business.

¹ FEAD is the European Federation representing the European waste management industry. FEAD's members are national waste management associations covering 19 Member States and Norway. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion.

FEAD represents about 3000 companies with activities in all forms of waste management. These companies employ over 320000 people who operate around 2400 recycling and sorting centres, 1100 composting sites, 260 waste-to-energy plants and 900 controlled landfills. They play an important role in the determination of the best environmental option for waste management problems.

- More recently, some publicly-owned waste management companies have even been trying to extend their services to larger-size businesses for the collection and treatment of their wastes. For decades this service has been provided by private waste management companies. Hence, disputes between some public and private waste management companies are ongoing regarding the responsibility for this sort of waste.
- In addition, another difficulty faced by waste management operators is that collectors of waste (private, as well as public operators), collecting commercial, industrial and institutional wastes separately from household wastes, do not have a specific code at their disposal to describe the waste they collect. Currently, this waste is falling under category 20 of the European List of Waste which includes all sorts of municipal wastes, meaning commercial, industrial and institutional as well as household wastes. As mentioned above, waste of commercial origin is collected separately from household waste (for recycling purposes). As regards the waste codes, the current category 'municipal wastes' is too broad, as the origin of this waste is specifically of commercial, institutional and industrial nature and should be considered separately from household waste. Furthermore, codes exist for each specific economic activity, but not for commercial, industrial and institutional wastes originating from several economic activities, which are collected in the same collection vehicle.

As part of the on-going process of the review of the List of Waste, FEAD members therefore advocate for a split into two separate chapters: '20 ...' waste from households and '21 ...' commercial, industrial and institutional wastes, including separately collected fractions (similar to household waste). This would constitute an important step towards a level-playing field between public and private waste management companies. We are of the position that for all sorts of separately collected waste – be it of commercial, institutional and industrial origins or from households - the European freedoms should apply without exception, especially the freedom to provide services and the free movement of goods. For this sort of material a market based on fair competition has to be guaranteed.

The clearer assignment of responsibilities for separately collected waste of commercial, industrial and institutional origins would result in more business certainty for the waste management sector, leading to more investments and innovation and ultimately boosting the recycling market. Moreover, it would also help to avoid a situation in which citizens and municipalities pay the costs of the collection and treatment of this type of material.

A split of the current chapter '20' into two separate ones could also contribute to the forthcoming review of the 50% recycling target in the Waste Framework Directive. This target currently allows Member States to measure their progress in one of four different ways, some of which are limited to household waste and some of which include other similar waste. Revised recycling targets, which would apply separately to household waste and to commercial waste similar to household waste, would be possible if the current chapter 20 was split into two separate ones. This could lead to increased

recycling ambition. In this way, the European secondary raw materials market would be provided with more valuable resources.

2. Introduction of codes to better take into account the recyclable material fractions and the residues of the sorting process

Improving the knowledge base of waste management is one of the objectives underlined by the EC report on the Thematic Strategy on Waste Prevention and Recycling from 2011. In that regard, we would suggest the modification of certain entries to take more into consideration the efficiency of the recycling and sorting processes of household, commercial, institutional and industrial wastes:

- 19 12 11* Other wastes (sorted refused waste) from mechanical treatment of household waste containing dangerous substances
- 19 12 12 Other wastes (sorted refused waste) from mechanical treatment of household wastes other than those mentioned in 19 12 11
- 19 12 13* Other wastes (sorted refused waste) from mechanical treatment of commercial, industrial and institutional waste containing dangerous substances
- 19 12 14 Other wastes (sorted refused waste) from mechanical treatment of commercial, industrial and institutional wastes other than those mentioned in 19 12 13
- 19 12 15 Recyclable mixed wastes from the mechanical treatment of household waste
- 19 12 16 Recyclable mixed wastes from the mechanical treatment of commercial, industrial and institutional waste

Furthermore, two entries should be introduced to distinguish between waste that is collected separately and waste that is not:

- 20 01 03 Mixed household waste dry fractions collected for recycling
- 20 03 08 Non-recyclable household waste after the separate collection of recyclable fractions

We would also suggest the introduction of dedicated codes for separately collected biowaste:

- 20 01 07 Biowaste from households (biodegradable garden waste, food and kitchen waste from households)
- 21 01 07 Biowaste of commercial, industrial and institutional origin (biodegradable garden and park waste, food and kitchen waste from restaurants, caterers and retail premises and comparable waste from food processing plants;)

The separately collected amount of biowaste represents one of Europe's largest recyclable waste fraction concerning waste from private households. For waste management considerations, the knowledge of these quantities, depending on the

collection system and the origin of waste, is essential. Only in this way collection, recycling and recovery rates can be properly determined. Even for decisions under the Waste Shipment Regulation, it is appropriate to allow a differentiated approach for biowaste. Also considering the end-of-waste-criteria for compost and digestate, it remains important to distinguish between biowaste (separately collected) and mixed municipal waste.

3. Introduction of a code to distinguish between non-hazardous and hazardous 'wastes not specified'

Since the List of Waste is not exhaustive, all codifications ending by 99 (non-hazardous) should be accompanied by a mirror entry '98*', in order to allow the classification of this sort of waste as hazardous where necessary. Otherwise, every waste which is not further described would be considered as non-hazardous.

A detailed proposal can be found in the annex.



ANNEX

<u>Current text in the List of Waste</u>	<u>FEAD proposal</u>
<p>19 Wastes from Waste Management Facilities, off-site waste water treatment plants and the preparation of waste intended for human consumption and water for industrial use</p> <p>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</p> <p>19 12 01 paper and cardboard 19 12 02 ferrous metal 19 12 03 non-ferrous metal 19 12 04 plastic and rubber 19 12 05 glass 19 12 06* wood containing dangerous substances 19 12 07 wood other than that mentioned in 19 12 06 19 12 08 textiles 19 12 09 minerals (for example sand, stones) 19 12 10 combustible waste (refuse derived fuel) 19 12 11* other wastes (including mixtures of materials) from mechanical treatment of waste containing dangerous substances 19 12 12 other wastes (including mixtures of materials) from mechanical treatment of wastes other than those mentioned in 19 12 11</p>	<p>19 Wastes from Waste Management Facilities, off-site waste water treatment plants and the preparation of waste intended for human consumption and water for industrial use</p> <p>19 12 wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified</p> <p>19 12 01 paper and cardboard 19 12 02 ferrous metal 19 12 03 non-ferrous metal 19 12 04 plastic and rubber 19 12 05 glass 19 12 06* wood containing dangerous substances 19 12 07 wood other than that mentioned in 19 12 06 19 12 08 textiles 19 12 09 minerals (for example sand, stones) 19 12 10 combustible waste (refuse derived fuel) 19 12 11* other wastes (sorted refused waste) from mechanical treatment of household waste containing dangerous substances 19 12 12 other wastes (sorted refused waste) from mechanical treatment of household wastes other than those mentioned in 19 12 11 19 12 13* other wastes (sorted refused waste) from mechanical treatment of commercial, industrial and institutional waste containing dangerous substances 19 12 14 other wastes (sorted refused waste) from mechanical treatment of commercial, industrial and institutional wastes other than those mentioned in 19 12 13 19 12 15 Recyclable mixed wastes from the mechanical treatment of household waste 19 12 16 Recyclable mixed wastes from the mechanical treatment of commercial, industrial and institutional waste</p>

APOH, Slovakia
 ARS, Romania
 ASEGRE, Spain
 BDE, Germany

CAOH, Czech Republic
 ESA, UK
 EWMA, Estonia
 FEBEM-FEGE, Belgium

FISE, Italy
 FLEA, Luxembourg
 FNADE, France
 IWMA, Ireland

LASUA, Latvia
 NORSK INDUSTRI, Norway
 PASEPPE, Greece
 PIGO, Poland

SRI, Sweden
 VA, Netherlands
 VÖEB, Austria
 YYL, Finland

<u>Current text in the List of Waste</u>	<u>FEAD proposal</u>	
<p>20 Municipal Wastes (Household waste and similar commercial, industrial and institutional wastes) including separately collected fractions</p> <p>20 01 separately collected fractions (except 15 01)</p> <p>20 01 01 paper and cardboard 20 01 02 glass</p> <p>20 01 08 biodegradable kitchen and canteen waste</p> <p>20 01 10 clothes 20 01 11 textiles 20 01 13* solvents 20 01 14* acids 20 01 15* alkalines 20 01 17* photochemicals 20 01 19* pesticides 20 01 21* fluorescent tubes and other mercury-containing waste</p> <p>20 01 23* discarded equipment containing chlorofluorocarbons</p> <p>20 01 25 edible oil and fat 20 01 26* oil and fat other than those mentioned in 20 01 25</p> <p>20 01 27* paint, inks, adhesives and resins containing dangerous substances 20 01 28 paint, inks, adhesives and resins other than those mentioned in 20 01 27 20 01 29* detergents containing dangerous substances</p> <p>20 01 30 detergents other than those mentioned in 20 01 29</p> <p>20 01 31* cytotoxic and cytostatic medicines 20 01 32 medicines other than those mentioned in 20 01 31</p>	<p>20 Waste from Households</p> <p>20 01 separately collected fractions (except 15 01)</p> <p>20 01 01 paper and cardboard 20 01 02 glass 20 01 03 mixed household waste dry fractions collected for recycling</p> <p>20 01 07 biowaste from households (biodegradable garden waste, food and kitchen waste from households)</p> <p>20 01 08 biodegradable kitchen and canteen waste</p> <p>20 01 10 clothes 20 01 11 textiles 20 01 13* solvents 20 01 14* acids 20 01 15* alkalines 20 01 17* photochemicals 20 01 19* pesticides 20 01 21* fluorescent tubes and other mercury-containing waste</p> <p>20 01 23* discarded equipment containing chlorofluorocarbons 20 01 25 edible oil and fat 20 01 26* oil and fat other than those mentioned in 20 01 25 20 01 27* paint, inks, adhesives and resins containing dangerous substances 20 01 28 paint, inks, adhesives and resins other than those mentioned in 20 01 27 20 01 29* detergents containing dangerous substances</p> <p>20 01 30 detergents other than those mentioned in 20 01 29 20 01 31* cytotoxic and cytostatic medicines 20 01 32 medicines other than those mentioned</p>	<p>21 Commercial, industrial and institutional wastes, including separately collected fractions (similar to household waste)</p> <p>21 01 separately collected fractions (except 15 01)</p> <p>21 01 01 paper and cardboard 21 01 02 glass 21 01 03 mixed commercial, industrial and institutional waste dry fractions collected for recycling</p> <p>21 01 07 biowaste of commercial, industrial and institutional origin (biodegradable garden and park waste, food and kitchen waste from restaurants, caterers and retail premises and comparable waste from food processing plants;)</p> <p>21 01 08 biodegradable kitchen and canteen waste</p> <p>21 01 10 clothes 21 01 11 textiles 21 01 13* solvents 21 01 14* acids 21 01 15* alkalines 21 01 17* photochemicals 21 01 19* pesticides 21 01 21* fluorescent tubes and other mercury-containing waste</p> <p>21 01 23* discarded equipment containing chlorofluorocarbons 21 01 25 edible oil and fat 21 01 26* oil and fat other than those mentioned in 21 01 25 21 01 27* paint, inks, adhesives and resins containing dangerous substances 21 01 28 paint, inks, adhesives and resins other than those mentioned in 21 01 27 21 01 29* detergents containing dangerous substances</p> <p>21 01 30 detergents other than those mentioned in 21 01 29 21 01 31* cytotoxic and cytostatic medicines 21 01 32 medicines other than those mentioned in 21</p>



<u>Current text in the List of Waste</u>	<u>FEAD proposal</u>	
<p>20 01 33* batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries</p> <p>20 01 34 batteries and accumulators other than those mentioned in 20 01 33</p> <p>20 01 35* discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components (e)</p> <p>20 01 36 discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35</p> <p>20 01 37* wood containing dangerous substances</p> <p>20 01 38 wood other than that mentioned in 20 01 37</p> <p>22 01 39 plastics</p> <p>20 01 40 metals</p> <p>20 01 41 wastes from chimney sweeping</p> <p>20 01 99 other fractions not otherwise specified</p> <p>20 02 garden and park wastes (including cemetery waste)</p> <p>20 02 01 biodegradable waste</p> <p>20 02 02 soil and stones</p> <p>20 02 03 other non-biodegradable wastes</p> <p>20 03 other municipal wastes</p> <p>20 03 01 mixed municipal waste</p> <p>20 03 02 waste from markets</p> <p>20 03 03 street-cleaning residues</p> <p>20 03 04 septictank sludge</p> <p>20 03 06 waste from sewage cleaning</p> <p>20 03 07 bulky waste</p> <p>20 03 99 municipal wastes not otherwise specified</p>	<p>in 20 01 31</p> <p>20 01 33* batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries</p> <p>20 01 34 batteries and accumulators other than those mentioned in 20 01 33</p> <p>20 01 35* discarded electrical and electronic equipment other than those mentioned in 20 01 21 and 20 01 23 containing hazardous components (e)</p> <p>20 01 36 discarded electrical and electronic equipment other than those mentioned in 20 01 21, 20 01 23 and 20 01 35</p> <p>20 01 37* wood containing dangerous substances</p> <p>20 01 38 wood other than that mentioned in 20 01 37</p> <p>20 01 39 plastics</p> <p>20 01 40 metals</p> <p>20 01 41 wastes from chimney sweeping</p> <p>20 01 98* other fractions not otherwise specified containing dangerous substances</p> <p>20 01 99 other fractions not otherwise specified</p> <p>20 02 garden and park wastes (including cemetery waste)</p> <p>20 02 01 biodegradable waste</p> <p>20 02 02 soil and stones</p> <p>20 02 03 other non-biodegradable wastes</p> <p>20 03 other household wastes</p> <p>20 03 01 mixed household waste other than those mentioned in 20 01 03</p> <p>20 03 02 waste from markets</p> <p>20 03 03 street-cleaning residues</p> <p>20 03 04 septic tank sludge</p> <p>20 03 06 waste from sewage cleaning</p> <p>20 03 07 bulky waste</p> <p>20 03 08 non-recyclable household after the separate collection of recyclable fractions</p>	<p>01 31</p> <p>21 01 33* batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries</p> <p>21 01 34 batteries and accumulators other than those mentioned in 21 01 33</p> <p>21 01 35* discarded electrical and electronic equipment other than those mentioned in 21 01 21 and 21 01 23 containing hazardous components (e)</p> <p>21 01 36 discarded electrical and electronic equipment other than those mentioned in 21 01 21, 21 01 23 and 21 01 35</p> <p>21 01 37* wood containing dangerous substances</p> <p>21 01 38 wood other than that mentioned in 21 01 37</p> <p>21 01 39 plastics</p> <p>21 01 40 metals</p> <p>21 01 41 wastes from chimney sweeping</p> <p>21 01 98* other fractions not otherwise specified containing dangerous substances</p> <p>21 01 99 other fractions not otherwise specified</p> <p>21 02 garden and park wastes (including cemetery waste)</p> <p>21 02 01 biodegradable waste</p> <p>21 02 02 soil and stones</p> <p>21 02 03 other non-biodegradable wastes</p> <p>21 03 other commercial, industrial and institutional wastes</p> <p>21 03 01 mixed commercial, industrial and institutional waste other than those mentioned in 21 01 03</p> <p>21 03 02 waste from markets</p> <p>21 03 03 street-cleaning residues</p> <p>21 03 04 septic tank sludge</p> <p>21 03 06 waste from sewage cleaning</p> <p>21 03 07 bulky waste</p> <p>21 03 08 non-recyclable commercial, industrial and institutional waste after the separate collection of</p>



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