



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

To Madalina Caprusu
Policy Officer – Hazardous Waste and Landfill Directive
DG Environment, Unit A 2 (Waste Management & Recycling)
European Commission

Brussels, 26 February 2016

Final report HP 14

Dear Ms Caprusu,

I am writing to you concerning the final report of the “*Study to assess the impacts of different classification approaches for hazard property "HP 14" on selected waste streams*”, made available on the Commission’s website last November¹. This study analyses the impact of four selected calculation methods for the assessment of the ecotoxicity of waste (HP 14).

FEAD is concerned that the recommendations of the study and the impact assessment are based on an extremely limited dataset. In order to require changes to the current requirements for classifying HP 14, robust scientific evidence must be obtained to demonstrate that there is a problem with the status quo. We do not think that sufficient evidence has been obtained to adequately assess potential impacts or to make such significant changes to the current methods for classifying HP 14.

Our members have obtained evidence to show that **bottom ash from the incineration of non-hazardous waste and aggregates from construction and demolition waste**, which are currently treated as non-hazardous waste, would be classified as ecotoxic and hence as hazardous, if the recommendations of the study conducted by BIO by Deloitte and INERIS are adopted by the Member States without any further consideration.

If the concerned waste streams are classified as hazardous, recycling them will become more burdensome. This is in our view not justified by the environmental risk: large volumes of incineration bottom ash and aggregates from construction and demolition waste have been recycled for decades without any recorded harmful effects on humans or the environment, and the classification methodology should reflect such reality. Classifying these wastes as hazardous would render hazardous waste landfill virtually the only option for dealing with it.

¹ <http://ec.europa.eu/environment/waste/studies/pdf/H14.pdf>

Our main concern with the proposed calculation methods is that three of them (1, 3 and 4) lack cut-off values, which leads to the unreasonable situation that the more substances operators determine analytically, the bigger the value they will get from the sum itself. Concentration of compounds below the cut-off values should therefore not be included in the HP 14 assessment equation as this will lead to results which do not reflect the real hazard.

In conclusion, we recommend that further scientific evidence is obtained to inform this process and to better assess the potential impacts before any changes are proposed.

Ultimately the Commission must opt for a calculation method which is both practical and shows high concordance with current waste classification. **The chosen method should keep the status quo as regards the classification of waste as hazardous or non-hazardous.**

Changing the current classification of waste based on what we consider an inadequate methodology could strongly discourage recycling and would be a step back in terms of resources management and Circular Economy, involving additional costs which are disproportionate to the envisaged benefits for human health and the environment.

I trust you will give the above-mentioned concerns due consideration and remain at your disposal for further information.

Yours sincerely,

Nadine De Greef

A handwritten signature in black ink, appearing to read 'Nadine De Greef', with a stylized flourish extending to the right.

FEAD Secretary General