



EUROPEAN COMMISSION

Brussels, 06.02.2012  
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*Dear President,*

*On behalf of the European Commission, I would like to thank you for the Opinion of the Assembly of the Republic of Portugal on the Communication from the Commission to the Council and the European Parliament on future steps in bio-waste management in the European Union (COM(2010)235 final).*

*The Commission shares the view of the Portuguese Parliament regarding the importance of proper management of bio-waste for the environment. It also takes note of the comments related to the extension of the current legislative framework by a new, separate directive on bio-waste that would target prevention of waste, elimination of bio-waste from landfills, and promoting the use of bio-waste on land and as a fuel. The Commission also notes the arguments put forward by the Portuguese Parliament justifying the need for such a directive, including support to implementation of other related legislation, greater clarity, simplification, and legal certainty.*

*The Commission is concerned with the low rates of diversion of bio-waste from landfills in some Member States; nevertheless, the Commission is of the opinion that a new standalone bio-waste directive would not solve the problem. Rigorous implementation and enforcement of existing legislation should have priority over creating new legislation. Priority actions should include strict enforcement of the targets for diverting bio-waste away from landfills contained in the Landfill Directive (1999/31/EC), as well as proper application of the waste hierarchy and other provisions of the Waste Framework Directive (2008/98/EC), especially the provisions related to encouraging the separate collection of bio-waste.*

*As correctly pointed out in your Opinion, according to the Commission's analysis there are no policy gaps at the EU level that could prevent Member States from improving their bio-waste management. Progress achieved in several Member States shows that the*

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*existing waste legislation is an excellent basis for advanced bio-waste management. For this, the available tools need to be used to their full potential and rigorously enforced in all Member States. Accordingly, in its analysis the Commission did not find deficiencies of current legislation that would require a specific directive on bio-waste management. Moreover, a review of the recycling targets in the Waste Framework Directive is planned for 2014.*

*Finally, the Commission plans to actively follow the objectives set out in the Communication on bio-waste management, such as developing standards for compost which will be crucial to improving the market for quality compost and ensuring a level playing field across the EU. The Commission will also propose specific guidance and indicators for bio-waste prevention, as well as guidelines on the application of life cycle thinking and assessment in the biodegradable waste management sector.*

*I trust that these clarifications address the comments and concerns raised in the Opinion submitted by the Portuguese Parliament, whilst apologising for the undue delay in replying to your opinion.*

*I am looking forward to continuing our constructive political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*