Focused stakeholder meeting – Thematic Strategy on the prevention and recycling of waste

Revision of the Waste Framework Directive

Brussels – 11 March 2005
Session I: General Presentation of the revision and general questions
Where have we come from?

• First Directive 1975, revised in 1991
• Towards Communication took an open position on many WFD issues
• Feedback from stakeholder consultation, expert meetings, has concentrated on a few issues – reasonable degree of consensus
• Conclusion – a moderate revision, retaining the framework approach
Issues identified

• Lack of precision/clarity in the WFD text
• No clear statement of what the Directive is for, and how it should be applied
• Some definitions and other legal issues not working well
• Need the WFD to do more in some areas
Principles of the revision

• Introduce the new approach:
  – life cycle thinking,
  – environmental impact focused,
  – standards based,
  – Prevention framework

• Tackle real problems – end of waste, recovery and disposal, recycling

• Modernise, simplify, clarify where useful

• Leave elements that work untouched
Brief overview

- New environmental objective
- EOW criteria for definition of waste
- Remodelling of recovery and disposal
- Clear definitions of recycling, re-use
- Clarification of some exclusions
- BAT for recovery facilities
- Clarification and life cycle in WM plans
- Hazardous Waste Directive integrated
- Waste Oil Directive repealed
- Double permitting tackled
- Waste prevention programmes introduced
Hazardous Waste Directive

• Most of the provisions of the HWD fit easily into the WFD
• This would help legislative certainty and simplicity, for no environmental cost
• Member States broadly in favour
• Some provisions go beyond just integration – eg mixing ban – move to a BAT approach
• Again, a number of elements are now redundant or are covered elsewhere
• Others are clearly important – separate collection
• Considering repealing the regeneration priority – as not demonstrated that regeneration is clearly better for the environment
• Most Member States would like to abolish priority, but those in favour of keeping it could do so nationally
Session II: Framework conditions
The environmental objective

- WFD does not currently contain an explicit environmental objective
- We believe that it should have one, focused on reducing the environmental impacts of waste generation throughout the life cycle of resources
  - This will be basis for implementation of the WFD
  - It will inform applying the waste hierarchy for specific cases

What additional measures or provisions would be necessary to translate the environmental objective into practice?
Economic instruments

• IA shows best option to promote recycling and recovery are landfill taxes
• Large degree of consensus amongst stakeholders
• Politically barrier: unanimity voting
→ Fallback: general provision encouraging use of economic instruments

How would an increased focus of MS on economic instruments influence waste policies?
Best Available Techniques

- Currently BAT binding for disposal (WFD) and recovery of hazardous waste (IPPC)
- Heavier permitting requirements in IPPC than WFD
- Example of mining Directive which incorporates BAT
  → Possible way forward: generalise BAT requirement in the WFD and extend IPPC Directive to limited number of activities (with general review of IPPC Directive)

What type of guidance would be necessary for defining BAT for processes that are not covered by the IPPC Directive?
Session III – End of waste
Definition of waste

• Large consensus on not modifying the ‘discard’ based definition

• Equally good consensus that there is a need to clarify when a waste ceases to be a waste
  – We consider that the only way to do this effectively is through a binding change

• Some stakeholders and Member States would also like a clarification of by-products – best done through guidelines – some cross over with EOW possible
**STEPS TO END OF WASTE CRITERIA**

**STEP ONE**
WFD amended to set framework conditions for waste streams and criteria – minimum standards

**STEP TWO**
Commission runs studies and consults to determine first wave of waste streams and draft criteria

**STEP THREE**
Comitology – Commission proposal, followed by procedure and a Commission Decision

**STEP FOUR**
Decision adopted – waste streams and criteria placed in annex of WFD

**STEP FIVE**
Implementation in national law - waste materials that match fitness for use and environmental criteria cease to be a waste at that point
**KEY ASPECTS**

**Objectives of provision**
- Set a high environmental standard
- Distinguish between clean + dirty recycled products
- Regulatory relief for low risk products
- Facilitate the internal market

**Framework conditions**
**Governing:**
1) Objective of system
2) Type of waste streams that can be included
3) Type of criteria necessary
4) Cut off level for criteria

**Waste streams eligible**
- Low environmental risk
- Potential environmental benefit
- Genuine barrier
- Solid market for recycled product

**Type of criteria**
- Environmental: leaching, contamination and so on
- Fitness for use: Meets market standards (possibly from CEN or similar)
Session IV- Recovery and Recycling
Revising the recovery definition

• Ideally we would not use the term recovery for different purposes, i.e. target setting and shipment

• This is not possible in the short term → need to find a pragmatic solution

• Main objectives of the revision are to:
  – Give legal clarity
  – Reflect environmental issues better
A definition with two corrective mechanisms

• Primary definition: recovery is or leads to substitution of natural resources in the economy
  – Objective not subjective
  – Includes intermediate operations
  – Lists only play a secondary role

• Corrective mechanisms (TAC)
  – Classify as disposal if not environmentally desirable
  – Set efficiency ratios for grey areas
Substitution? no

yes

Classified disposal?

no

yes

Efficiency threshold?

no

yes

Above threshold?

no

yes

Recovery

TAC procedure

Disposal
Recycling to recovery: a continuum of processes

Mechanical recycling

Polymer to polymer
Polymer to monomer
Cracking
Blast furnace

Energy recovery

Substitution of materials
same or other

Substitution of energy
carriers or alike

Where are there clear differences in environmental benefits?
Two paths to revising the definition of recycling

• Revision in WFD plus packaging, ELV and WEEE Directives without looking at the targets

• Revision in WFD only followed with a reconsideration of the targets in the product Directives based on the new definition