Summary report

Focussed stakeholder consultation meeting on the revision of the Waste Framework Directive held on 11 March 2005-03-15

Session II: Framework conditions

The proposal to include an environmental objective in the WFD focussing on the reduction of life-cycle impacts of resource use was welcomed by several participants who stressed this would promote a better focus on the environmental issues. It was criticised by certain participants as being vague and complex, making the application of the waste hierarchy difficult and bringing into question the current system of the WFD.

It was recalled that the 6EAP defined a number of environmental objectives and additional elements were proposed for inclusion in the objective of the revised directive including an economic objective, landfill diversion, a focus on energy efficiency and on life span of products and ensuring substances incorporated in products do not affect end-of-life recovery and hazardous substances are not dispersed in the environment.

One participant stressed that if the proposal to repeal the priority for the regeneration of waste oils is based on life-cycle information it appears to ignore a recent study made available by the regeneration industry. Furthermore, the exemption of excise duties for using waste oil as a fuel favours energy recovery.

Economic instruments were accepted in principle as a good means to influence waste management practices and to apply the polluter pays principle. However, it was stressed that co-ordination of national economic instruments, for example landfill taxes, is needed to avoid unnecessary shipments of waste.

Generalising BAT in waste management was welcomed and considered to make a significant contribution to building a level playing field for waste management. Several participants felt that it would be worth examining how the environmental objective of the WFD could influence the drafting of BREFs and considered that waste prevention was insufficiently tackled in the BREFs. Some called for a high level of harmonisation in the implementation of the BREFs.

Additional issues discussed concerning the framework conditions for waste management included:

- The need for principles and concept to be simple and clear;
- An increased focus on EU self-sufficiency for the management of its waste (e.g. as regards WEEE);
- Excluding non-movable materials from the WFD or the waste definition, such as contaminated soil;
- Recycling facilities should not have to comply with two permits (IPPC and waste) as this generates unnecessary administrative burdens;
- There should be a focus on collection of wastes which recycling is desirable, such as paper;
- An article on enforcement should be added to the WFD.
Session III: end of waste

Determining when specific wastes cease to be waste was largely welcome. It was also argued that the best way to do this would be to first complete necessary studies and then bring the detailed technical proposals through co-decision. Several sectors of industry considered some wastes from their sector could qualify for end-of-waste criteria while others considered that very few wastes could comply with appropriate selection criteria. It was argued that in many cases traded wastes have a low risk similar or lower to that of primary materials and waste legislation actually discourages recycling in these cases by imposing costly regulatory burdens. It was also suggested that end-of-waste criteria could be used case by case for sets of similar wastes.

Some considered that end-of-waste criteria could also contribute to levelling the playing field as for some wastes the environmental issues relates more to the degree of treatment and quality of recycled material than to the emissions of installations (e.g. recycled aggregates).

It was also stressed that a high level of environmental protection must be maintained and application of end-of-waste criteria should be limited to cases where the regulatory relief provisions contained in current legislation are not sufficient. The case of solid recovered fuel produced from mixed household waste was given as an example of substances for which the final treatment operation is the most polluting and must take place in high standard facilities; if such fuels fall out of the definition of waste they could be traded out of the EU and burned in polluting installations or they could be used as fuel by households within or out of the EU. Similarly, the example of copper was discussed with two real life examples: clean sorted and shredded copper (99.5% purity) was presented as a good example while cases with 30% copper and 70% plastics were presented as bad examples – in the latter open burning is often applied to separate the copper with significant polluting emissions to the air.

Additionally, some considered that the concept of discard should also be revisited and that interpretative guidelines are necessary for by-products.

Session IV: recovery and recycling

The intention to develop a clear system of definitions in the WFD was welcome although some preferred this to take place separately in each daughter directive. Good definitions of recovery and recycling were considered essential for implementation.

Basing the definition of recovery on substitution of resources with a corrective mechanism was welcome by the majority of participants. Others feared this would reverse the jurisprudence of the European Court of Justice which classification of municipal incinerators as disposal operation. The corrective mechanism was qualified as a good system to fight sham recovery and ensure recovery has a net environmental benefit. A multi-criteria approach to the corrective mechanism was suggested.

Additionally, it was suggested to classify recycling of aggregates into aggregates as recycling while use of slags from industry in construction should be classified as recovery and be regulated in more detail because of their variable composition. It was also questioned whether decontamination of food waste would be classified as recovery.
Most participants were in favour of addressing the **definition of recycling** in two steps. First adopt clear reference definitions in the WFD. Then use these definitions in the assessment, report and proposals concerning the daughter directives. This would make it possible to contain the risks inherent to revisiting key definitions.

Comments were made on processes that alter or consume the waste material such as cracking of polymers or their use as reducing agent in blast furnaces. For some this could not be recycling as the material is no more available. Others considered the environmental benefits of such processes can be bigger than those of mechanical recycling, for example for mixed plastics, and these processes should therefore not be negatively discriminated.