



March 2<sup>nd</sup>, 2006

**Position on the Thematic Strategy on the Prevention and the recycling of Waste  
COM 2005 666**

**FNADE**

FNADE, National Federation of the Activities of Depollution and the Environment, member of the European Federation of the Activities of Waste (FEAD), is represented in France by 346 private companies, 82 000 employees and over 110 000 in the world, 10 billion euros of sales turnover, 870 treatment sites, 26 million tons collected and 42 million tons treated.

**Concerned activities:**

- urban cleanliness in general, and especially solid waste collection,
- exploitation of collection, composting, energy recovery factories
- exploitation of waste storage centers,
- construction of installations for transfer, separation, composting, heating treatment
- manufacturing of materials and equipment for waste processing,
- soil depollution,
- collection and treatment of hazardous waste,
- valorisation in agriculture.

The present position includes :

- p. 2: our most significant remarks;
- p. 3: our comments on the text of the Strategy;
- **p. 7: our position on the recommended actions, gathered in appendix 1**

1. The Thematic Strategy is intended to improve prevention and recycling, with an aim of environmental protection. The FNADE welcomes this reflection very positively, but regrets it was not integrated in a real Waste Policy, covering the three subjects : "prevention", which is very little mentioned in the Strategy, "recovery", (material recovery, which includes recycling and energy recovery), and "elimination", which remains an inevitable stage for non recoverable waste. Waste shipment should not be "eased", but on the contrary should answer obligations of traceability, security (restrictions according to the risks), and environmental impact (recovery/elimination/shipment).

Recycling, even as a priority, should not summarize this Waste Policy in itself. However, the Strategy mixes two exercises: to launch a welcome debate on prevention and recycling, and, - although it does not appear in headline-, to justify the remodelling of the Framework Directive which originated the installation, on about thirty years, of waste management systems, respectful of environment and people security. Thus it needed on one hand a revision of the Framework directive, and on the other hand a specific text for recycling.

2. FNADE is much concerned with the proposal for a fusion of Hazardous Waste Directive and its integration in the Framework Directive. Then hazardous waste will be some way standardized. There is no link with the theme of recycling and prevention.

3. FNADE refutes the reducing approach of storage, and more generally, insists on the complementarities of the various channels, according to economic, environmental, and local criteria, rather than on the "hierarchy" of treatments. The same criticism is made regarding the proposals for promotion of energy recovery: the criterion retained in appendix 1 and in the Framework directive will result in the disqualification of a great number of incinerators, whereas they are in conformity with Directive 2000/76 on Incineration and Co-incineration, and that much of them have an energetic efficiency corresponding to what the BREF (BAT reference document) declares waiting from installations implementing the Best Available Techniques.

4. Finally, we may regret that many aspects are not sufficiently approached or developed: benefit in terms of greenhouse gas emissions, renewable energies, recycling economy (outlets in question) within the framework of universalization and social aspects (is the example of China relevant?), environmental impacts of recycling, implementation of REACH...

<p>In conclusion of these introduction remarks, it is important to recall that waste prevention and processing do not find their origin in the market forces but in <b>legal obligations, which only guarantee a high level environmental protection</b>, an operating process free from distortions of competition or "eco-dumping", and finally coherent orientations on utility services and investments choices.</p>
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Statistical data

The Strategy notes an increase of waste production, beyond that of the GDP. But no quantified data appears in the Strategy. FNADE believes that this report, which applies to household waste, cannot be generalized to industrial waste, which is object of recycling efforts. Therefore, FNADE asks for a detailed analysis on the increase of main waste streams, in order to identify the efforts to be carried out. The analysis will also have to specify the localization of these streams, and the solutions (recovery/elimination) which are applied to them: industry waste, agro alimentary waste, household waste, deconstruction and demolition waste.

FNADE requests that the measures recommended in the Thematic Strategy be founded on a precise and detailed analysis of waste flows, in comparison with the existing capacities of collection and treatment.

**Concepts of "hierarchy" and recycling**

The concept of hierarchy of waste processing modes, throughout this Strategy, makes recycling a systematic priority. It would be more ambitious to promote the whole actions of recovery, through the concepts of material recovery, -which includes the re-use and recycling-, and of energy recovery. It would be more realistic to leave in this Strategy a special place for elimination channels. Elimination remains inevitable for waste not suitable to beneficiation, or for recovery residues, whose environmental potential impacts are more significant, or when recovery costs are prohibitive.

The strategy proposals were expected to be based on clearly defined criteria, related to serious assumptions as regards to durable development, scarcity of raw materials, displaced environmental impacts, recycled materials market...Nothing of all that.

It would be more ambitious to promote the whole of the actions of recovery, through the concepts of material recovery, which includes all operations and successive stages of recycling, and of energy recovery. It would have been more realistic to leave in this Strategy a special place for elimination options.

FNADE requests, first, an aim of "recovery", of material and of energy, broader than only material recycling, and second, the recognition of the complementarities of waste channels, by taking in account an approach of life-cycle (of resources and waste) and geographic, environmental, economic, energy, social factors.

**Incineration and storage**

Concerning waste processing, the Commission gives a report on significant progress of incineration and landfill channels. It should be noted that the incineration Directive was implemented with more rigour than the landfill Directive; that can be explained by the lower number of incineration factories than of landfills. Concerning the incinerators emissions: their legal constraints are the most demanding of all industry, and the emission levels are very appreciably reduced. Thus they do contribute no more but to a few percent of the total dioxin and other substances emissions. This is a legislative and material reality which is to be affirmed more clearly.

FNADE does not completely agree with the opinion of the Commission on the diversion of biodegradable waste of land filling. When the landfills are correctly managed, i.e. in conformity with Directive 99/31, biogas collection is a treatment alternative for methane produced by waste,

and thus leads to avoided impacts. The use of biogas constitutes an option for energy recovery of organic matter contained in waste, with a rate of CO<sub>2</sub>/energy produced, much better than the MBT rate. 4

It is still to recall that storage is an inescapable link of the chain of waste processing as incineration slags do not find a use and residues of smoke purification waste contain the pollutants extracted. These residues must find a safe storage. More generally, for certain toxic waste, only protected containers can avoid dispersion of pollutants (example of persistent organic pollutants).

FNADE thus protests against the very negative vocabulary used for storage, whereas this option is complementary to the whole waste management tools and constitutes the technical or economic ultimate solution for certain residues.

FNADE demands that Directive 99/31 related to landfill is applied with rigour and that the sites non in conformity are closed as soon as possible.

## **Part 2. Current situation**

The current situation as regards to recycling appears fuzzy. It is not always right to say that the Member States which most intensely recourse to storage are those which recycle less. A sector analysis of waste recycling (domestic, industrial) would have the merit to avoid short cuts which do not reveal clearly the problems and the objectives to reach to countermeasure these situations.

A precise inventory of fixtures on the actions carried out by the Member States is necessary , in terms of prevention, quantity (packaging, actions of reduction to the source of industrial waste, but also quality (limitation of the dangerous substances in certain products, reduction of the toxicity of waste, dangerous waste collection, specific treatment).

FNADE requests for a more accurate analysis of the recycling situation in order to determine the axes of most relevant progress.

### **Standards for recycling**

FNADE supports the aim of development of European quality standards for recycling, with the participation of all the concerned professionals. Standards must be applied to recycled materials but also to process and installations, as well as control of recycled materials use.

## **Part 3 An aim of Community policy**

The posted goal is "to reduce the use of available natural resources, and to limit the quantity of waste». This is not sufficient. The first aim must remain (Framework directive of 1975) the guarantee of a high level environmental protection and, thus, waste reduction by means of prevention actions , recovery (material and energy) and elimination. It is then necessary to stand on relevant concepts, which overlap successively like Russian dolls :1. Waste Policy, 2.waste management, 3.waste processing (which also includes the storage of waste which was not recovered), 4.waste recovery (which also includes the production of fertilizing substances, energy production from waste), 5.waste recycling, 6.re-use of waste.

## **Part 4 Actions**

### **Policy application**

We can only ask for reinforcement of the policy application.

### **Legislation simplification**

## **Hazardous waste management must remain the object of a special legal directive** 5

, taking into account specificities and risks of this typology of waste: collection, shipment, security, protection of workers, treatment. A fusion of the Hazardous Waste Directive in the Framework Directive would tend to standardize hazardous waste, by erasing a number of definitions and specific essential rules for public health and environment protection.

Section 4 of Directive 91/689 specifies : "an appropriate management of dangerous waste requires an additional regulation, more rigorous, to take in account the particular nature of this type of waste". What changes do justify a fusion of the hazardous Waste Directive??

However, obviously, the existence of defined sectorized directives always made possible progress for the whole of Member States (incineration, landfills, WEEE, batteries, waste oils, packaging....). Simplification must be part of a global solution for waste management and complementarities between options. Homogeneous and equivalent rules, without exemptions, must apply to all treatment units, of elimination or recovery, in connection with IPPC Directive.

The application of the regulation to the whole operations applicable to waste must be founded on a concept of identical licence, via IPPC, which field must be extended to all treatment units, processing elimination or recovery, without possible exemption. The hazardous Waste Directive should not be amalgamated - diluted - in the Framework Directive.

FNADE also draws attention on the need for a legal protection of operators, and the risks of litigations induced by the necessary requirements for example with art.7 of the proposal for a Framework directive.

### **The life cycle approach**

The life cycle thinking in waste policy is not new. FNADE is favourable there, in combination with other decision tools, in particular to question the obligations which would not fit to best environmental choice.

FNADE estimates this tools should provide elements for debate (see thematic strategy on the durable use of natural resources) but the Life cycle approach cannot determine a solution in itself. It is necessary to integrate other factors: energy , geographic, taxation contexts etc.

### **Waste prevention**

Plans to prevent waste production is a good suggestion (for example in France: operation "- 10% of waste" in the industrial sector), the results are encouraging . As for household waste, there are few means to reduce waste quantities, except by changing consumption modes. The household waste collection could still be improved. The produced quantities could only be reduced by taking into account waste in the products design. No track of this type is proposed by the thematic Strategy on recycling and prevention of Waste.

The prevention part of the thematic Strategy must thus lead to an application to production activities, as the Waste Framework directive does not bring concrete answers on this point.

### **5 Awaited impacts**

If the aim is to reduce quantities of waste to be eliminated, one cannot see how the prospect for a storage prohibition will answer to a problem which should be solved upstream. Storage remains a solution for mineral industrial waste and ultimate domestic waste, as it is noted in the Strategy. We regret that this strategy is making the echo of a bad intention pursuit against which we protest, and

quote the more moderate approach of France which programmed a reduction of waste in storage incoming and incineration.

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FNADE supports an objective of balanced treatment between the two channels incineration and landfill.

FNADE also observes that economic or tax instruments, developed without coordination by the Member States, introduce distortions of competition and flow diversion, and do not guarantee that this waste is always effectively recycled. The FNADE estimates that national taxation must be applied with understanding, and their incomes used for environmental improvements, with an effective control of waste transfers.

## **6. the international situation**

The quoted examples are allusive and little documented. They are not comparable: differences on social protection EU/out EU, differences on environment standards, on acceptability of waste as well as in treatment installations. What are the real results of the American experiment for landfill reduction ?

## **Conclusions**

### **Comments on Appendix I: main actions suggested**

### **End of the waste concept**

Criteria must be enacted clearly in the future Framework directive, in order to allow a homogeneous application in all the Member States. It is not acceptable, in the name of homogeneity of the law application, of public health and environmental protection, as well as equitable rules of operation of the domestic market, that the criteria are established in "Comitology" on the general principle basis only - that the Strategy did not either work out.» Waste flow" could validly be established only taking into consideration precise criteria registered in the Directive.

The criteria for "end-of-life" waste must be also established in the Framework directive, and could not be left to a later procedure to be established. Among the criteria for waste status exit, FNADE recommends:

- The declassification of waste should not generate risk for environment.
- Recovery must be effective (the waste status exit is accomplished when the material is introduced into a process of production).
- The waste status exit can be considered only in the case of a material recovery.

### **By-products**

FNADE is worried about the legal consequences of a Communication of the Commission containing only guidelines founded on the jurisprudence of the Court of Justice, and about the creation of an alternative category, the by-products, distinct from waste/non-waste. FNADE asks for clear definition criteria, so that this new category does not circumvent the definition of waste and lower requirements for environmental protection.

### **Definition of recovery and elimination activities**

The fact that waste is developed or eliminated should not alter environmental precautions towards it. The recovery concept should not be used as a criterion to facilitate waste transfer.

Recovery is only carried out during the effective use for production of a new product or for energy consumption. To qualify the intermediate operations of waste preparation as operations of recovery can only lead to abuses. Indeed these 'recovery installations' will import waste without the country of origin being able to oppose, and after more or less thorough pre-processing, part of waste will be sent to another recycling installation, and will be able to 'eliminate' the remainder for the current price in the country (which is very low in certain countries of the Union).

FNADE supports definitions of recovery and waste disposal to determine objectives on one side and, on the other side, the definition of adapted criteria for waste transfer, in accordance with the Basel Convention.

### **Criterion for energy recovery**

Energy recovery depends much on local conditions and on the consumers. Energy recovery from waste is not sufficient. Consumers also have to use it. The Strategy and the Impact Assessment refer explicitly to the energy recovery output, which is normally obtained while implementing the Best Available Techniques, as indicated in the reference document for the MTD on incineration just published by the Commission.

Instead, the Framework Directive project proposes in appendix 2 a complex formula with a very high -and not justified- threshold (neither by a Life Cycle approach nor 8 by another). The result of this formula is that almost all of the French incinerators will be qualified as elimination operators, because of the special conditions of the country (lenient winters, seldom heating networks, factories in the countryside due to NIMBY, average temperature of the air higher than in North East of Europe).

FNADE requests that, as indicated in the Strategy, the framework directive take the values indicated in the BREF on waste incineration for criterion of energy recovery, as normally obtained when one implements the Best Available Techniques.

### **Definition of Recycling**

FNADE agrees with the definition registered in the proposal for a Framework Directive: recovery of waste in products, materials or substances for purposes of their initial functions or other ends. That does not include energy recovery.

### **Other simplification measures**

FNADE accepts that an IPPC licence "is worth" allowed waste processing. With the conditions of extending the field of the Directive IPPC to all waste processing installations (recovery as well as elimination), certain units of recycling not being compelled to a licence IPPC. The Strategy underlines that certain operations of recycling involve hazards for environment and for health.

FNADE estimates that all the operators processing waste must follow the same rules for environmental protection. IPPC licences must cover all recycling installations.

### **Introduction of a Life-Cycle approach in the management of waste and the design of the products**

FNADE thinks that this state of mind must underlie any environmental consideration, but that thorough studies must remain voluntary steps, in case of doubt about the optimal solution for the environment.

### **For a European society of recycling**

FNADE supports the idea of a regulation framework which encourages recovery activities in general, and improves recycling conditions, in particular by the edition of standards for the recycling channels. It is opposed to the suppression by principle restrictions on waste transport : the regulation of waste transfers must remain conditioned by the nature of waste (hazardous/non-hazardous), the recovery effectiveness considered, the internalisation of costs and harmful effects of transport.

For a development of powerful recycling channels, and for a better traceability of the various substances at the various recycling stages, shipment, re-use, it is necessary that the operators establish, for each recycled materials, the "input-outputs" assessments, by means of electronic forms emitted along the recycling process.

In complement with IPPC licences, to be extended to all waste operators (all the recycling installations are not covered by IPPC), material balances must follow recycled materials.

### **Introduction to economic instruments and taxes**

This idea is too general, it deserves a finer approach for each option and country, or else there will be even less "domestic market" of waste. Beware of price distortion 9 and competition, with the creation of an artificial economy (destabilization of production and treatment channels).

### **National fees for landfill**

Why focus on storage, why should not the product assignment be charged with such "ecotaxes" which are principally known to abound public income? We underline the risk of flow diversion towards border countries, with no more guarantee of recycling. This will do nothing but increase the transport of waste to tax-free or less expensive sites. Only a tax on this same waste on export would reduce these transfers. Still it is necessary to maintain traceability and controls on transborder movements of waste.

FNADE considers that possible national fees for landfill must be established in concertation between neighbour countries, implying a control on waste movements.

### **New ways to impulse recycling**

The Strategy evokes the responsibility of the producer. FNADE draws the attention on the disadvantages of the "widened" responsibility of the "producer" (of the product? of waste? Which action is generating the responsibility: the production, consumption, the fact of being deprived of the product or waste?) and on the imperative need to work out a clear definition of responsibilities between the various actors of the production chain, waste consumption and processing.

### **Bio waste**

The Commission considers that there is not a "single solution", and that it falls on the Member States to propose a proper planning, according to European guidelines, in accordance with the soil Policy. FNADE subscribes to this approach.

### **Waste oils Directive**

FNADE requests the upholding of the obligation on waste oils collection in the proposal for a Framework Directive.

