

***WASTE DIRECTIVES.  
CIRCULAR ECONOMY PACKAGE:  
KEY ASPECTS***

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**WASTE DIRECTIVES.**  
**Circular Economy Package: Key aspects**

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**WASTE DIRECTIVES. Circular Economy Package: KEY ASPECTS**

**1 Extended Producer Responsibility” (EPR).**

We greatly favor the Commission to develop an article on the general requirements to be met by Extended Producer Responsibility (EPR) systems, in terms of their transparency and efficiency.

We also favor having the scope of the financing responsibility accepted by producers being tied to compliance with recycling targets through efficient processes.

To this end, we view as positive the Directive’s mention of the need to define the roles and responsibilities of every party involved in the recycling process, and we believe that given the complexity of packaging flows, it is necessary to include this provision in the Packaging Directive.

The decision of when to apply the EPR model must be taken in a case by case basis. It is essential to make prior analysis of technical, economic and environmental feasibility. The solution must be always the one resulting more efficient, as the aim is the optimal use of resources.

In particular it is necessary to conduct this study before extending the EPR to other waste as textiles, furniture, etc, as there is risk of incurring disproportionate costs such as collection from individual households.

## 2 Economical implications

**These four issues involve an economic impact for different business stakeholders, positive in some cases and negative in others.**

- A. Applying the waste hierarchy whenever it is technical, environmental and economically feasible**
- B. Calculation method for recycling targets, and quality of materials**
- C. Municipal waste definition**
- D. On the targets set**

### **A. Applying the waste hierarchy whenever it is technical, environmental and economically feasible**

To reduce the amount of municipal waste landfilled it is necessary that all countries and competent authorities apply management systems to remove the obstacles for the full implementation of EU waste legislation. This pass through the promotion of alternative treatments to landfilling.

This is the goal that would be more difficult to meet for Spain: The big difference between Spain and other countries with best practices in waste management is the high percentage of landfilling against to which is allocated to energy recovery.

Nevertheless, all Member States have to focus its efforts to minimize the quantity of waste going to landfill and applying the waste hierarchy whenever it is technical, environmental and economically feasible. In this sense:

- It is necessary the introduction of measures to promote and encourage separate collection at source, as well as a thorough control by the competent authorities, from source separation to the final management.
- European Commission has expressed that large implementation and enforcement differences persist between Member States. Depending on the targets and the waste streams, some Member States have gone far beyond achieving the minimum European recycling or landfill diversion targets although others will have to make additional efforts to respect the EU requirements. In addition to good governance and a strong political will, the advanced Member States have created better conditions for the recycling markets by optimally using a balanced mix of legal measures and economic instruments.

First of all, there should be provided legal solution to avoid the landfilling of waste that has no other treatment solution.

In any case, in the establishment of new taxes, they must be justified its nature and environmental purpose, respecting the principles of Single Market. Moreover, they should be made in each case the appropriate analyses to avoid situations of double taxation for citizens.

The restriction on landfill waste should be for the separately collected waste that has not been treated, but not for the rejection of the process

The actions of preparation for reuse and recycling should be encouraged, applying the principle of hierarchy in waste management. This requires first, a strong promotion of separate collection with quality, followed by proper planning of municipal waste management plants, intended for recycling in the highest degree of efficiency that allow technical and economic conditions. At the same time, from non-recyclables waste it is obtained a recovered fuel that is intended for energy recovery, thus contributing to the minimization of landfilling.

The landfill reduction target will only be achieved if recycling is complemented with energy recovery, and always from a context of technical and economic efficiency. Therefore, we believe it should be promoted energy recovery for waste difficult to recycle and the use of plastic waste as alternative fuels, as plastics have a huge potential for energy due to its calorific value, greater than coal and similar to natural gas.

ABOUT "CO-PROCESSING":

Member States should also encourage the combination of recovery operations leading to simultaneous substitution of raw materials and fossil energy (Co-Processing), in line with the guidelines on the interpretation of key provisions of Directive 2008/98/EC.

This guidelines state that certain processes can combine two or more recovery operations, thereby allowing simultaneous energy and material recovery leading to recycling (co-processing). As a result, multiple recovery practices in industry ought to be recognised and encouraged. In addition, the recovery of waste containing (non-critical) material should also be integrated within national management plans as it can lead to increased recycling rates when used as a raw material substitute.

The proposal should provide a clear recognition that the combination of energy recovery and material recycling is preferable to energy recovery alone.

### **B. Calculation method for recycling targets, and quality of materials**

We greatly favor the proposal included in the Packaging Directive and in the Waste Directive intended to ensure the quality and uniformity of the materials that enter the recycling process.

Calculation method for recycling targets must be clear, and appropriate for each waste stream. Robust measurement and accurate reporting will be crucial to ensure transparent and comparable data across the EU. The data included in the numerator and denominator must be chosen in a harmonized way, avoiding unfair evaluations of the objectives of each country.

The measurement point for any quantities recycled must be stable and identical for all Member States to ensure harmonization.

### **C. Municipal waste definition**

This definition comes with revised targets of 50% by 2020 and of 65% by 2030 “for recycling and preparing for re-use” defined exclusively by reference to “municipal waste”.

Collectors of waste covered by the “municipal waste” definition in the proposal can very much vary not only between Member States but also at regional level, in line with the subsidiarity principle.

The objective of harmonising the framework through an alignment of definitions among Member States and with other Directives under revision is positive.

It is desirable a real and effective harmonisation of definitions. In the case of “municipal waste definition”, it is especially relevant, as functionally related to calculation and reporting on the EU recycling targets and accounting on waste streams.

The clarification contained in Recital 6 “The definition of municipal waste in this Directive is neutral with regard to the public or private status of the operator managing waste” is also welcomed. A step forward would be to include it in the legislative part of the proposal, in order to have it legally binding, ensuring the uniform application of neutrality across the EU.

#### **D. On the targets set**

We support having the Commission set ambitious targets. It would be advisable that these were revised based on the results of 2020, to analyze the impact of the new calculation methodology.

In any case, we celebrate the commitment to a separate collection as a tool for effectively contributing to the circular economy. To this end, we believe it is essential to ensure lines of credit are available to undertake the investments needed to comply with the recycling targets and to develop a true circular economy.

### **3 Greater harmonization at European level, and simplification of the legal framework of by-products and the end of waste status will facilitate commercialisation.**

Waste policies should promote real efficiency in the use of resources (secondary raw materials, efficient recycling, materials and energy recovery as the hierarchy principle, etc.) and not efficiency from the point of view of revenue to public bodies or inefficiencies based in economies or subsidized behaviors. It is also necessary to enhance the implementation of technologies that help reduce waste generation in productive activities.

There should be provided legal solution to avoid the landfilling of waste that has no other treatment solution.

The mention of detailed criteria for applying the general conditions on “by-products” is basic for the establishment of the Circular Economy; those criteria should work for solving legal “dilemmas” arising from the interaction between different legislations on waste, products and chemicals. The subsequent use made of the substance or object must comply with the general regulations on products, their use must be safe and does not impact on health and the environment. As mentioned in the Communication of the Commission:

Point 4. *“From waste to resources: boosting the market for secondary raw materials and water reuse”*: *The interaction of legislations on waste, products and chemicals must be assessed in the context of a circular economy in order to decide the right course of action at EU level to address the presence of substances of concern, limit unnecessary burden for recyclers and facilitate the traceability and risk management of chemicals in the recycling process.*

#### **4 Quality of the statistics**

We share the view that the statistics essential to establishing a correct waste policy have to be improved.

As such, we believe that using a single calculation method to determine if targets are met will offset the current inability to compare the management statistics for this kind of waste.

We also greatly favor requiring that the recycling statistics submitted by Member States be accompanied by a quality report.