ISWA comments to the proposed revision of the EU Waste Framework Directive

Copenhagen 18 February 2006

1. Introduction
The International Solid Waste Association (ISWA) would like to give our comments and environmental concerns to the proposed revision of the EU Waste Framework Directive. ISWA has focused below on those elements of the proposal viewed as the main issues for ensuring sustainable waste management in the future:

1. Introduction of the Life Cycle Approach
2. Adjustment of the waste hierarchy
3. Including end-of-waste criteria
4. Changing the distinction between recovery and disposal
5. National Waste Prevention Programmes
6. Increasing the use of environmental criteria and standards – developed through the comitology procedure

2. Introduction of the Life Cycle Approach
The proposal includes in Article 1 the introduction of the goal of reducing the overall environmental impacts, related to the use of resources, of the generation and management of waste.

ISWA supports the idea of reducing the overall impact of the use of resources, of the generation and management of waste. However, it is very difficult from a life cycle approach to find an easy way to estimate when it is appropriate to recycle, incinerate with energy recovery or landfill.

The Commission finds that the Life Cycle (LC) - approach is the answer for the future waste management strategy and has promised to deliver a range of guidelines for the use of the LC – approach for waste management planning in 2007.

The LC – approach guidelines are very useful, but the models that are required are yet to be developed and adjusted for strategic waste management planning use. Questions such as boundary of the models in terms of the time aspects and geographic coverage etc. are essential for the output of such models.

Firstly, how can this LC – approach models incorporate the impacts from the European production and consumption “exported” to countries outside of Europe? The logic behind recycling will
disappear if these impacts are not included. The impacts of recycling are placed in Europe (although there is a trend towards exporting for recycling in Asia) and the impacts of extracting virgin material are often placed abroad (most often in environmentally developing countries).

Secondly, how can we ensure that LC-thinking models includes future impacts, which will increase as we deplete the easy accessible resources? The impacts of extracting resources increase as the resource is being exhausted.

ISWA agree that the hierarchy is not the ultimate driver for sustainable waste management, but believes that it is very important to keep this instrument until we have solved the above problems of the LC approach.

3. Adjustment of the waste hierarchy

Further in Article 1 the waste hierarchy is implicit mentioned by ranking the waste management options. However, there is an adjustment proposed by placing re-use, recycling and recovery on the same level.

The new hierarchy as implicit proposed in Article 1:

1. Qualitative and quantitative prevention
2. Recovery (re-use, recycling or recovery operation)
3. Disposal

ISWA finds it problematic that re-use is placed at the same level as recycling and recovery operation. ISWA believes that it is important to introduce drivers for increasing the level of prevention including re-use at a European level.

4. Including end-of-waste criteria

In Article 11 the Commission propose to include end-of-waste criteria.

Firstly, it is unclear (especially when reading both the Danish and the English version) whether the Commission propose that waste can be reclassified as product without being treated, or if waste has to be treated in some way before being classified as a secondary product. If the proposal is that waste can be reclassified as a secondary product without any form of treatment, then it could be very difficult for the Member States to reach recycling targets, since large amounts of waste will escape the waste system.

Secondly, ISWA has not through its international experience seen any examples where the free market for “secondary materials” leads to an increase in recycling quantities. ISWA therefore, finds that there is an environmental risk in introducing these criteria, in the sense of not being able to ensure that the criteria will be at a high environmental protection level.
ISWA would, if this approach is implemented, like to ensure that these criteria for end-of-waste will be at a high environmental protection level. The comitology procedure proposed is worrying in the sense that it is not an open process, where environmental interest can be assured its proper influence.

The distinction between by-product and waste is unclear and apparently not part of the end-of-waste criteria approach. In the thematic strategy on recycling it is mentioned that the Commission in 2006 will produce guidelines, based on the jurisprudence of the European Court of Justice on the issue of when by-products should or should not be considered waste. Why the by-products are not following the same logic as the end-of-waste criteria is unclear to ISWA and ISWA concludes that the guidelines will still cause uncertainty and lead to more court cases. This approach seems to be leaving a very important environmental issue to the European Court of Justice.

5. Changing the distinction between recovery and disposal
In Article 5 the Commission propose to introduce a clarifying distinction between recovery and disposal.

ISWA suggest it very important that these efficiency criteria, which also are to be set by the Commission in a comitology procedure, are set at a high environmental protection level, which is why ISWA would like see these decisions to be taken in an open democratic procedure.

In section two of the proposal the Commission proposes waste prevention programmes as mandatory for the Member States.

ISWA support this proposal and believes that this will be a very good driver for qualitative and quantitative waste prevention in the future.

ISWA however, finds that it is important to have a European strategy for waste prevention with common quantitative targets, as requested in the 6th Environmental Action Programme.

The European Thematic Strategy for Prevention and Recycling, as proposed by the Commission, does not include a “real” strategy for prevention at a European level as expected in the 6EAP.

ISWA would like to see a more ambitious political standpoint for reaching a higher level for prevention at an international level and believe that EU as one of the key players seen in an international environmental policy perspective should take the lead in this area.

7. Conclusion
ISWA has many concerns in relation to the proposal as it stands.

The proposal has jumped many steps in taking new approaches which, are very interesting and modern in its thinking. ISWA, however, does not believe that the models needed are available at the moment to ensure that aspects such as minimising environmental impacts placed outside of Europe as well as the future impacts.
Many very important environmental issues are to be decided later in a comitology procedure, which makes it very difficult for ISWA to predict the environmental impacts of the proposal, which is mainly the reason why ISWA has concerns in relation to this proposal.

ISWA finds that it is very important to have a Waste Framework Directive which, also in the future will ensure a high environmental protection level in the EU and keep its position as the front runner at the international level.