Biowaste - Need for EU Legislation?

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Keynote speech about bio-waste - by Jos Delbeke

Key messages

- Bio-waste debate comprises several core issues of technical and policy nature:

  Technical: how to make best use of bio-waste (compost versus renewable energy)

  Policy: is additional regulation needed at EU level? If yes what needs to be addressed (waste collection, treatment options, compost standards)

- The Commission is currently working on an Impact Assessment. Final results of the Impact Assessment are needed before a decision will be taken.

- The Commission is pleased with the amount of stakeholder contributions to the Bio-waste Green paper consultation and looks forward to the debate, including this conference.

SPEAKING POINTS

Greetings

1. I am pleased to be here to talk at this event on biowaste. First of all, I would like to thank the conference organisers for the timely organisation of this event and for establishing a very interesting conference programme. Biowaste is an interesting topic with many different national policies being in place at this moment. I am convinced that this conference offers a good opportunity for all stakeholders concerned to exchange points of views and come to a better understanding of the issues at stake.

2. Before getting into more details on the management of biowaste, I would like to give a brief overview of the 'bigger picture' of EU waste policies. As you all know, economic growth in the EU is still accompanied by increasing amounts of waste, causing unnecessary losses of materials and energy, environmental damage and negative impacts on human health and the quality of life. In 2005, with the adoption of the Thematic Strategy on Waste Prevention and Recycling, the EU has set the strategic goal to reduce the negative environmental impacts associated with waste and to turn the EU into a true "resource-efficient recycling society".

3. In the last 30 years, waste has been at the centre of EU environmental policy and a substantial body of EU legislation has been developed.

4. EU waste management policy is based on a concept known as the "waste hierarchy". This means that, ideally, waste should be prevented and what cannot be prevented should be re-used, recycled and recovered as much as feasible, with landfill being used as little as possible. Landfill is the worst option for the environment as it signifies a loss of resources and could turn into a future environmental liability. However, the waste hierarchy cannot be seen as a hard-and-fast rule as different waste treatment methods can have different environmental impacts, depending on lokal and regional conditions. Nevertheless, the aim of moving towards a recycling and recovery society means in general moving up the hierarchy, away from landfill and more and more to recycling and recovery.

5. The legal framework underpinning this strategic approach includes harmonised rules on waste management, eg the Waste Framework Directive which is complemented by specific legislation to address particular environmental threats associated with waste. These include:

- Harmonised rules on waste management practices, including strict emission limits and operating requirements for the incineration and landfill of waste.
- Harmonised rules on the shipment of waste, both inside the EU and to third countries;
- Product specific recycling legislation for the collection and recycling of waste batteries, packaging and packaging waste, end-of-life vehicles and electrical and electronic equipment. One specific feature is that producers are made financially responsible for the waste management of the products they put on the EU market.

6. This legislative basis has delivered significant environmental benefits and has resulted in the creation of many jobs in Europe. Just to quoto some numbers: the waste management and recycling sector has an estimated turnover of €100 billion. It is labour intensive and provides between 1.2 and 1.5 million jobs. The recycling industry is providing increasing amounts of resources to manufacturing industry: at least 50% of paper and steel, 43% of glass and 40% of non-ferrous metals produced in the EU are currently made out of recycled materials.

7. With growing resource demand globally and in EU, "waste" has lost much of its negative connotation, and is increasingly seen as a valuable resource for industry. Therefore, proper waste management offers opportunities. Not only opportunities to protect the environment, but also economic opportunities.

8. Let me now turn to the management of biowaste.

9. Definitions of what is actually covered by the term "bio-waste" differ. In line with the definition of the Waste Framework Directive, I would propose to define Bio-waste as biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from food processing plants. This definition would not include forestry or agricultural residues, manure, sewage sludge, or other biodegradable waste such as natural textiles, paper or processed wood. It also excludes those by-products of food production that never become waste. This is the definition we have set as our starting point in the Green Paper.

10. When using this definition, the total annual arising of bio-waste in the EU is estimated at 76.5-102 Mt food and garden waste included in mixed municipal solid waste and up to 37 Mt from the food and drink industry. In the EU, bio-waste constitutes usually between 30 and 40% of municipal solid waste, most of which is treated by options ranking low in the waste hierarchy.

11. There are large differences between Member States in bio-waste management. The report of the European Environment Agency distinguishes three main approaches:

    - Countries relying heavily on incineration to divert waste from landfills, accompanied by a high level of material recovery and often advanced strategies promoting biological treatment of waste.
    - Countries with high material recovery rates but relatively low, some achieving the highest composting rates in the EU others quickly developing their composting and recycling capacities and
    - Countries relying on landfills, where landfill diversion remains a major challenge due to lack of capacity

12. For the management of biodegradable waste that is diverted from landfills, there seems to be no single environmentally best option. The environmental balance of the various options available for the management of this waste depends on a number of local factors, inter alia collection systems, waste composition and quality, climatic conditions, the potential of use of various waste derived products such as electricity, heat, methane-rich gas or compost. Therefore, in 2005 in the Thematic Strategy on waste prevention and recycling, the Commission concluded that strategies for management of this waste should be determined at national level using life-cycling assessments to avoid overlooking relevant aspects and any bias.

13. However, already today a number of EU legal instruments address the issue of treatment of bio-waste in Europe. General waste management requirements such as environmental and human health protection during waste treatment and priority for waste recycling are laid down in the revised Waste Framework Directive which also contains specific bio-waste related elements (new recycling targets for household waste, which can include bio-waste) and a mechanism allowing setting quality criteria for compost. Landfilling of bio-waste is addressed in the landfill Directive which requires the diversion of biodegradable municipal waste from landfills. The revised IPPC Directive laying down the main principles for the permitting and control of bio-waste treatment installations will cover all biological treatment of organic waste above a capacity of 50 tonnes/day. The incineration of bio-waste is regulated in the Waste Incineration Directive while the health rules for composting and biogas plants which treat animal by-products are laid down in the Animal By-products Regulation. The proposed RES Directive also contains measures on how bio-wastes are to be counted towards renewable energy targets.

14. The revised Waste Framework Directive also calls upon the Commission to carry out an assessment of the management of biowaste, with a view to submitting a proposal, if appropriate.

15. A first step was the launching of Green Paper on bio-waste in December 2008, of which results will be summarize for you later today. We are pleased with the amount of comments received to the Green Paper to date. The comments give a good overview of the problems faced by stakeholders. One issue which was raised by many stakeholders was the issue of subsidiarity.

16. Now we are working on the preparation of a key element which should preceded any legislative proposal – the Impact Assessment which is planned to be finalised by the end of this year.

17. Before any proposal can be launched by Commission – we have to be sure if it is in line with European Treaties, Commission policy on Better Regulation and we should be sure that the proposed policies are measurable and enforceable and based on solid scientific grounds.

18. The Impact Assessment carefully analyzes the existing instruments that already exist at EU level related to bio-waste management. Before proposing any new rules, we also need to make sure that the existing rules are properly enforced. I am particularly thinking of the targets in the landfill directive for reducing the amount of bio-waste from landfills. Compliance with these targets is essential to reduce the main negative impacts of landfilling.

19. In the Impact Assessment we will also be looking carefully into the subsidiarity issue. We will assess whether action on national level could be sufficient to ensure proper bio-waste management in the EU, or whether Community action is needed; or in other words – where are the barriers which prevent Member States and other stakeholders from applying most environmentally efficient policies and how EU action can help to overcome them. We need to make sure that we do not miss an opportunity here.

20. Proper bio-waste management can contribute in many way to the most environmentally challenging problems which we are facing today. Improving the management of bio-waste will contribute, on the one hand to a sustainable management of resources and to improved protection of soil and, on the other, to the fight against climate change and to reaching the targets for landfill diversion, recycling and renewable energy.

21. Of course we will have to wait until the Impact Assessment is finalized before we can make any political decisions on direction of future policies on biowaste.

22. This conference is an important step to help us in finding a strong, fact-based, measurable arguments which we could use to improve quality of our work and our deliveries. We welcome your enthusiasm and input and I am looking forward to the discussions.

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Technical information:

Audience: *Stakeholders specialized in bio-waste, municipal waste management or related fields. Permanent Representatives of Member States on environment (may be accompanied by Member States desk officers), desk officers from relevant NGOs (environmental, industrial, local and regional administrations), some scientific institutions.*

Discussion Topic: *Is there a need for separate EU legislation on bio-waste?*

Style of speech: *The COM representative will speak as a first keynote speaker before high level environmental officials (DE ENV secretary of state and BE head of ENV Agency). No discussion is planned at this stage.*

BACKGROUND

Biowaste legislation - Historical background (as in speaking points)

DG ENV has been analysing the need for an EU directive on biodegradable waste since 1999. Several stakeholder consultations have taken place. The thematic Strategy on Prevention and Recycling of Waste on 2005 concluded that as there is no single environmentally best option for the management of bio-waste that is diverted from landfills, strategies for bio-waste management should be determined by Member States using life-cycle thinking. The new Waste Framework Directive adopted in 2008 calls upon the Commission to carry out an assessment on bio-waste "with a view to submitting a proposal if appropriate". In Dec. 2008, DG ENV launched a Green Paper on management of biowaste in the EU with a deadline for comments on 15 March 2009. The comments received reflects the political situation (as described below)

Political situation:

- There is a group of countries, so called "compost coalition" which pushes for strong bio-waste legislation (with obligation or targets for separate collection). Most notable **proponents** are **Germany, Spain, Belgium, Hungary (presidency trio 2010-half 2011), Austria**.

- The major **opponents** are **UK, France and Nordic countries**. They are against new legislation due to high reliance on waste incineration, low demand for compost but high demand on energy from waste (Nordic countries), lack of tradition and popularity of separate collection of food and kitchen waste.

- On the non-governmental side there is general support for biowaste legislation from environmental NGOs as well as from waste management industry associations. The opposite view has been presented by associations of local authorities – on the grounds of subsidiarity and adaptation of policies to local conditions.

- The **European Parliament** has been always **actively supporting** strong bio-waste legislation and called for "political courage" from the Commission.

- While it is clear that countries could conduct a separate collection policy bio-waste on national level (as encouraged by current legislation and successfully conducted by several countries) it seems that some of the countries want strong political framework set by "Brussels", probably to justify their policies on national forum.

Situation within the Commission:

2 key points:

1) Need to safeguard the impartiality of the IA process

2) Need to protect the agreed waste hierarchy of the Waste Framework Directive

Some numeric data:

The total annual arising of bio-waste in the EU is estimated at 76.5-102 millions of tonnes of food and garden waste included in mixed municipal solid waste, and up to 37 millions of tonnes from the food and drink industry.

Still most of them is landfilled (over 40%) which should change due to gradual implementation of landfill directive. The other options are incineration with energy recovery (about 20%) and other (including biological treatment) – about 40%.

Remarks to point 10 – "Even if biowaste is not critical factor…"

- Landfill diversion policy has already been addressed by landfill directive,
- soil issues – like lack of organic matter - should be addressed first of all by proper agricultural practises. The use of bio-waste has limited capacity to solve the soil quality problem in the EU - it has been assessed that only 3.2% of agricultural land could be upgraded even if all bio-waste was composted and used
- In field of renewable energy – biowaste is relatively small stream of biomass which can deliver renewable energy - potential for bio-energy from the Municipal Solid Waste is 20 Mtoe - which would account for around 7% of all renewable energy in 2020.