

Biowaste - Need for EU Legislation?

Brussels, 9 - 10 June 2009

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EUROPEAN UNION



Committee of the Regions

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**OPINION
of the
Committee of the Regions
on
THE MANAGEMENT OF BIO-WASTE IN THE EUROPEAN UNION**

THE COMMITTEE OF THE REGIONS

- suggests that measures and restrictions relating to bio-waste management should be determined at Member State level. The competent authorities, which in many Member States are local and regional authorities, should be free to choose bio-waste management methods that are adapted to local needs, safe for the environment and effective;
- emphasises that the overall goal is to prevent the production of bio-waste. It suggests that efforts be made to increase awareness, to curb the amount of food discarded, to support forward-looking town planning, "smart gardening" and home composting as well as to consider public procurement as an important means in this regard;
- believes that national measures to limit the volume of bio-waste that may be landfilled above the thresholds set out by the EU, combined with EU support for investment in infrastructure, will accelerate the transition from landfill to other, more sustainable, methods of bio-waste treatment;
- calls for separate collection of bio-waste, partly as a means of quality assurance, with methods of bio-waste collection to be determined by local circumstances and be introduced in the Member States as one of several means of developing bio-waste management;
- believes that the form of and the framework for selective collection and recycling objectives must be fixed by the EU, with each Member State being able to specify national targets based on its circumstances and needs. Non-legislative targets at EU level should be phased in, since fertiliser production requires quality-assured management of bio-waste. Quality standards for compost and compost-like output from bio-waste should be EU-wide in the case of substances that might be harmful to the environment and human health.

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Reference document

Green Paper on the management of bio-waste in the European Union
COM(2008) 811 final

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I. POLICY RECOMMENDATIONS

THE COMMITTEE OF THE REGIONS

General comments

1. The CoR welcomes the Green Paper and its overarching objective of breaking the link between economic growth and increasing volumes of waste in the EU. This is also an important goal in the EU's strategy for sustainable development, which aims to combine high environmental standards and social cohesion with a sustainable and dynamic economy.
2. The CoR notes that waste production and waste management present an environmental and health problem in the EU as well as globally, which directly implicates local and regional authorities in their general roles as decision-makers and organisers. The Committee also points out that all those who manage waste are responsible for ensuring a high level of environmental and human health protection. Waste management should thus be regarded as a service of general economic interest within the meaning of Article 86(2) of the EC Treaty.
3. The CoR emphasises that the overall goal is to prevent the production of bio-waste as far as possible. The EU institutions and the Member States must ensure that this objective of general interest is achieved in accordance with Article 16 of the EC Treaty.
4. The CoR notes that the transport of waste represents a significant proportion of transport in the EU, as well as creating climate problems, and must therefore be cut to a minimum. Bio-waste should therefore be managed in accordance with the principles set out in Article 174(2) of the EC Treaty, namely that environmental degradation should be prevented at source. It is therefore important that transport and infrastructure factors be taken into account when managing bio-waste. An important tool here is provided by the waste management plans drawn up under Directive 2008/98/EC on waste.
5. The CoR notes that the Green Paper covers a wide range of policy areas, from waste, climate, energy and transport to farming, consumption and food production, as well as competition and free movement. The Committee trusts that, in its further work on developing the management of bio-waste, the Commission will, in line with Article 6 of the EC Treaty, incorporate environmental protection factors into the respective policy areas that are relevant to bio-waste management.
6. The Committee believes it is important to support the development of a market for bio-waste and that this market should preferably be local. Bio-waste should be recognised as a valuable natural resource that can produce compost, which is vital to keep soil productive, reduce the use of energy-intensive artificial fertilisers and increase the soil's ability to hold water (and

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therefore reduce run-off and flash flooding). The CoR feels that the market for bio-waste should be based on principles set out in the Treaty: the precautionary principle, the principle that preventive action should be taken, and the "polluter pays" principle. These are important prerequisites for ensuring that the Commission's future bio-waste management proposals meet public expectations and demands for credible action on waste. The market for bio-waste must be developed and analysed in order to avert any over- or under-supply from a national or EU perspective. The national waste management plans are an important instrument here.

7. The CoR agrees with the Commission that the competent authorities in the Member States should be free to choose waste management methods on the basis of local and regional requirements. This is important to ensure the development of bio-waste management methods that are adapted to local needs, safe for the environment and effective. Important factors include climate, geology and soil conditions, demand for fertiliser and energy, population density and volume of waste, material factors such as infrastructure, as well as local commitment and effective dialogue between the competent authorities and other stakeholders, not least the general public. In this area it is clear that the subsidiarity principle, the principle of local self-government and the proximity principle play an important role in realising the EU's objectives.
8. In the Green Paper, bio-waste is defined as it is in Article 3(4) of the EU Waste Directive. The CoR can understand the Commission's reservations about defining bio-waste too broadly, since this could hamper efforts to minimise the volume of bio-waste and streamline its management. However, the Committee urges the Commission to consider the implications of the definition proposed in the Green Paper.
9. The CoR would remind the Commission that expanding society's infrastructure for managing waste, including bio-waste, presents a challenge for both public and private operators. Well-designed waste management plans approved by national, regional or local authorities provide a tool for creating an effective waste infrastructure. It is important that these plans be coordinated with other plans relating to public amenities. Waste management plans can also be developed, among other things, for monitoring bio-waste treatment in the Member States, and as a basis for sharing experience.
10. The development of bio-waste management methods that are adapted to local needs, safe for the environment and effective requires financial support and increased investment in R&D. The CoR would like EU funding to be provided so as to expand infrastructure adapted to local needs and build up markets for sustainable bio-waste management. EU funding in this area must be accompanied by benchmarking and relevant research, and comply with socio-economic principles.

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Assessment of the initiative

Question 1: Waste prevention

11. Much of the bio-waste covered by the Green Paper definition is produced as a result of society's food consumption and production. A statistic quoted for the United Kingdom is that up to 35% of food bought by households is thrown away. Household purchases are increasingly determined by trends, the development of "fast food", and pre-prepared or convenience foods, as well as the need to save time and money by buying in bulk. The CoR suggests that efforts be made to increase awareness among both producers and consumers of the link between consumption and production, as well as costs, waste, the environment and health. Measures should also be taken to curb the amount of food discarded by the food industry, shops, restaurants, the healthcare sector, schools, etc. The Committee would like to see more R&D in the area of sustainable production and consumption.
12. The CoR recommends that measures be taken to elucidate and highlight the connection between bio-waste production and EU legislation, funding and policies on farming and food.
13. The CoR believes that creating the conditions for sustainable consumption and production through forward-looking town planning is an important factor in the development of sustainable cities. One example would be increasing the number of food shops where people actually live, instead of locating them away from residential areas. Town planning that is based mainly on a small-scale approach promotes more sustainable shopping practices and so should hinder the production of bio-waste.
14. The CoR believes the development of "smart gardening" should be supported, as well as R&D in this area. Composting with local nutrient recycling from the management of gardens, parks or green zones reduces transport of waste, improves quality assurance and makes bio-waste management safer. Home composting should be developed as far as possible, with the aim of establishing local bio-waste cycles as well as supporting and capitalising on the commitment of ordinary people.
15. The CoR points out that public procurement, which accounts for 14% of the EU's GDP, is an important means of preventing bio-waste production. Steps should be taken to develop dialogue between the public sector and producers of goods and services relevant to the production and management of bio-waste. Technology procurement must be developed in the food sector so that products and services can be devised in collaboration between producers and consumers.

Question 2: Restricting the amount of biodegradable waste allowed on landfill sites

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16. The CoR notes that local and regional authorities have made significant financial investment and have developed associated long-term strategies and partnerships to meet EU environmental requirements, in particular the Landfill Directive (1999/31/EC). These must be recognised when considering future biowaste initiatives to ensure that they are not jeopardised.
17. The CoR points out that administrative, political and economic - as well as geographical and climate - conditions vary widely between the 27 Member States. This would suggest that measures and restrictions relating to bio-waste management should be determined at Member State level.
18. The CoR notes that regardless of whether the Member States focus on nutrient recycling through composting or anaerobic digestion, biogas production or incineration of bio-waste to produce energy, and regardless of whether this investment is private or public, these efforts create a burden for public finances in the form of capital investment and/or high payments for waste management.
19. The Committee notes that there has been positive experience with rules set at national level to limit the volume of bio-waste that may be landfilled above the thresholds set out in the EU Landfill Directive. In Sweden, landfilling of both combustible and organic waste has been banned since 2002 and 2005 respectively. These rules have led to a substantial reduction in landfilling of bio-waste and have accelerated the development and expansion of bio-waste treatment higher up the waste hierarchy.
20. The CoR notes that there is reason to believe national measures to restrict landfilling of bio-waste, combined with EU support for investment in infrastructure, would accelerate the transition from landfill to other, more sustainable, methods of bio-waste treatment. Countries with the most favourable administrative, political and economic conditions have a good basis for achieving the shift, whereas other Member States may need support in this process. In order to make the shift, the EU must ensure that the authorities responsible for bio-waste management, which is a service of general economic interest, can if necessary invest in their own facilities without being hindered by EU competition or internal market rules. The Committee believes it necessary to establish additional measures that would limit the quantity of landfilled waste, restricting the amount of organic matter with a fast fermentation rate in landfilled waste and making its stability a requirement, or economic measures that would penalise landfill (charging for landfill).

Question 3: Bio-waste management options

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21. The Committee notes that the need for energy and heating, nutrient recycling and production of biogas must be determined on the basis of local and regional circumstances. The choice of methods for bio-waste management must therefore take place at a local or regional level.
22. The CoR stresses that the competent authorities, which in many Member States are local and regional authorities, have to plan waste management on the basis of their remit and responsibilities, determining the most appropriate treatment methods. They must also be given the legal and financial means to conduct the planning of this service of general economic interest. Any decisions to cooperate at regional level and with private players should not be obstructed by competition and internal market rules. The Commission is responsible for establishing a good balance between freedom of movement and environmental and climate considerations. The precautionary principle, the principle that preventive action should be taken and the "polluter pays" principle must underpin any Commission proposal in this area. Life-cycle analyses are an important tool here for developing a comprehensive decision-making process.
23. The CoR points out that the EU's ambitious climate targets require the development of modern techniques for harnessing and producing sustainable energy. Extracting biogas from bio-waste diverts waste from landfill. For biogas to become a fully sustainable energy source at local level, biogas produced from bio-waste must be produced in sufficient quantities and it must be possible to distribute it effectively.
24. The CoR notes that there is also substantial untapped potential for reducing emissions of greenhouse gases in the local transport sector. This is influenced among other things by the increasingly rigorous environmental requirements in public procurement. Biogas represents part of this potential, which includes:
 - public transport based on energy-efficient vehicles powered by biogas;
 - biogas-powered freight vehicles and machinery;
 - car pooling using biogas vehicles;
 - biogas-powered taxis.
25. The CoR notes that choosing treatment methods for bio-waste diverted from landfill requires more consistent use of life-cycle analyses. Here methods must be developed and the relevant issues addressed.

Question 4: Energy recovery from bio-waste

26. The CoR believes a crucial prerequisite for bio-waste incineration to become a viable alternative in the waste hierarchy is that it be coupled with energy generation. Incineration of

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bio-waste is an alternative to the production of fertiliser principally when the quality of bio-waste cannot be guaranteed, i.e. for waste not selectively collected but containing bio-waste.

27. The Committee points out that many Member States have extensive local infrastructure for distributing district heating, for instance from waste incineration. Such infrastructure is being expanded to keep pace with the increased need for heating, cooling and electricity, and is also linked to the increasing amount of waste produced.

Question 5: Bio-waste recycling

28. The CoR believes that the selective collection and recycling objectives for different waste fractions promote environment-friendly development of bio-waste treatment. The form of and framework for these objectives must be fixed by the EU, with each Member State being able to specify national targets based on local, regional and national circumstances and needs. Non-legislative targets at EU level should be phased in, since fertiliser production requires quality-assured management of bio-waste. This is only possible if the raw material for the production of fertilisers is selected, i.e. through the selective collection of bio-waste. The technology and logistics involved take time to develop and apply, and R&D investment is required at both national and EU level.
29. The CoR believes that the precautionary principle must be uppermost to protect human health, in the treatment and use of bio-waste in relation to its possible indirect return to the food / food processing chain and in its utilisation in imported foods and feedstuffs.
30. The CoR points out that the need to use fertiliser, on farmland for instance, varies between the Member States, depending on geology, soil type and soil use. Bio-waste management must therefore be appropriate to local and regional conditions and needs.
31. It makes sense to coordinate the production of fertilisers and biogas by using residues from biogas production as fertilisers. Fertilisers or biogas can be produced not only from what the Green Paper calls bio-waste, but also from farming and forestry, manure, waste water sludge or other biological waste such as natural fibres, paper or wood waste. The CoR notes that, where all types of bio-waste are managed on an integrated basis, it is important to have a comprehensive approach and system that embraces all aspects of sustainable development.

Question 6: Measures to strengthen the use of compost/digestate

32. The CoR calls for separate collection of bio-waste, partly as a means of quality assurance. However, methods of bio-waste collection should be determined by local circumstances and be introduced in the Member States as one of several means of developing bio-waste management.

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33. The Committee considers that, in those cases where the organic content of soil must be increased to improve fertility, the best way to manage bio-waste is selective collection and subsequent treatment via anaerobic digestion and composting of digested matter or other processes, obtaining high-quality compost, and thus successfully recovering materials and energy.
34. The Committee observes that a critical reason for not using bio-waste as fertiliser is the available scope for quality assurance. Another important factor is public/consumer understanding of the need for an effective recycling-based economy and the opportunities that it provides.
35. The CoR believes that quality standards for compost and compost-like output from bio-waste should be EU-wide in the case of substances that might be harmful to the environment and human health. Account must also be taken of the area over which the compost and compost-like output is to be used, the type of land on which it is to be used, volumes and concentrations of compost, etc. To do this, the land on which compost and compost-like output is to be used must also be graded.

There are two quality categories for output from bio-waste:

- biowaste output added to land for food production;
- biowaste output added to parkland, green zones and forest soil.

36. The CoR points out that one way of promoting the greater use of bio-waste as fertiliser is to declare its contents, in particular components such as mull and nutrients.
37. The CoR notes that the main argument for using bio-waste to improve soil is the need to return plant nutrients to agricultural and other land. However, conditions and needs vary here between the Member States, and it is therefore important that local needs and circumstances determine the choice between (1) returning quality-assured bio-waste to agricultural or other land or (2) using bio-waste to produce energy through incineration.

Question 7: Regulatory framework for operational standards for bio-waste treatment plants

38. The CoR notes that the requirements imposed on bio-waste treatment plants should be based on prevailing environmental standards, but should also be adapted to local and regional conditions and needs.

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Question 8: Advantages and disadvantages of developing different management methods

39. The CoR would like to see further investment in research and development, which is required in order to identify the advantages and disadvantages of different bio-waste management methods, and also to develop new techniques and methods. Research should cover all aspects of bio-waste treatment, from consumption and production to technical factors and its environmental safety.

Brussels, 18 June 2009.

The President
of the Committee of the Regions

Luc Van den Brande

The Secretary-General
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Gerhard Stahl

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II. PROCEDURE

Title	Green Paper on the management of bio-waste in the European Union
Reference(s)	COM(2008) 811 final
Legal basis	Article 265 (1) ECT
Procedural basis	Optional referral
Date of Commission letter	3 December 2008
Date of President's decision	19 December 2008
Commission responsible	Commission for Sustainable Development (DEVE)
Rapporteur	Mona-Lisa Norrman (SE/PES) Member of Jämtland County Council
Analysis	18 February 2009
Discussed in commission	7 May 2009
Date adopted by commission	7 May 2009
Result of the vote in commission	Majority
Date adopted in plenary	18 June 2009
Previous Committee opinions	<p>Opinion on Promotion of renewable energy, COM(2008) 19 final - 2008/0016 (COD), CdR 160/2008 fin¹</p> <p>Opinion on Taking sustainable use of resources forward: a thematic strategy on the prevention and recycling of waste, COM(2005) 666 final, and on the Proposal for a Directive of the European Parliament and of the Council on waste, COM(2005) 667 final - 2005/0281 (COD), CdR 47/2006 fin²</p> <p>Outlook report on the Implementation of the Directive on the Landfill of Waste (1999/31/EC) at regional and local level, CdR 254/2005 fin³</p> <p>Opinion: Towards a thematic strategy on the prevention and recycling of waste", COM(2003) 301 final, CdR 239/2003 fin⁴</p>

¹ OJ C 325, 19.12.2008, p. 12.

² OJ C 229, 22.9.2006, p. 1.

³ OJ C 115, 16.5.2006, p. 95.

⁴ OJ C 73, 23.3.2004, p. 63.