



CEMR response to the Green paper on the management of biowaste in the European Union

Key points

- Local and regional authorities are increasingly involved in the management of biowaste. They need visibility and certainty on rules to apply on biowaste management, in particular to help inform decisions on investments and policy choices, whilst ensuring that existing capacity can continue to function.
- The approach to biowaste management should primarily be integrated within waste and resource management policy. We further consider that all biowaste, not only biowaste from households, should be taken into account.
- Management of biowaste has a strong local dimension, so that it is not possible to identify one single environmentally best option for biowaste treatment. Therefore, a binding European legislative initiative would not be a suitable approach to biowaste management.
- The EU should leave a large degree of flexibility to Member States and local and regional authorities to identify the most adapted management option for biowaste, in function of local factors and conditions. Imposing mandatory separate collection or additional recycling targets at EU level may prove to be counter-productive.
- The European Union should promote a market driven approach viewing waste as resource. We advocate the development of European standards for quality compost from source separated material to ensure that credible markets can be developed.

General comments on the management of biowaste

1. The Council of European Municipalities and Regions (CEMR) is the umbrella organisation gathering 53 associations of local and regional authorities in 38 European countries. CEMR working groups on environment and waste are active to make sure the interests and concerns of local and regional authorities are taken into account from the earliest stages of the EU legislative process related to sustainable development and waste. CEMR recently took position on directive 2008/98/EC on waste and the preparation for the review of directive 2002/96/EC on waste electrical and electronic equipment.
2. Local and regional authorities are heavily and increasingly involved in the management of waste, including biowaste. In most cases, they are responsible for developing and implementing municipal waste management plans based on the medium to long term. They are also democratically accountable for the quality of life of the citizens and for the quality of the local environment.
3. CEMR welcomes the Green paper on the management of biowaste in the EU as a good overview of background issues to be discussed. We consider it should be the opportunity to decide whether legislation on biowaste should be adopted at European level or not. Indeed, local and regional authorities urgently need more visibility and certainty on rules to apply on biowaste management, in particular to help inform decision on investments.

4. The approach to biowaste management should primarily be integrated within waste and resource management policy and be based on the waste hierarchy as set out in directive 2008/98/EC on waste. Even though the reduction of greenhouse gas emissions and the potential contribution to soil improvement are relevant aspects of this waste stream, biowaste must primarily be considered through the holistic approach of integrated waste management.
5. The management of biowaste has a strong local dimension and we appreciate this is recognised on several occasions in the Green paper, as well as the impossibility of identifying a single environmentally best option for biowaste management, considering the significantly varying national and local conditions.
6. CEMR would not favour the adoption of a European directive on the management of biowaste. We are indeed convinced that the management of biowaste is an issue to be left to the regional and local level, and a clear illustration of a policy field where the subsidiarity principle should apply.
7. However, the European Union could have an added-value in setting common standards for products from source-separated biowaste, in order to avoid fragmentation of the European market for quality compost. Promoting the exchange of experiences on biowaste management and supporting the dissemination of local and regional know-how would also be relevant tasks for the European Union.
8. Understanding the financial dimension of biowaste management is essential. Local and regional authorities have to balance between different priorities while being financially constrained. Separating waste, building biogas plants or creating sustainable options for waste streams are expensive and such local investments may have direct impacts on the level of local taxation and local policy choices.
9. More specific views on relevant points for local and regional government are presented in the following responses to the questions of the Green paper on the management of biowaste.

Responses to the questions in the Green paper

Better prevention of waste

Question 1: Waste prevention is at the top of the EU's waste treatment hierarchy. From your experience, what could be specific bio-waste prevention action at EU level?

CEMR encourages prevention measures such as home and community composting. However, such prevention initiatives must stem from local needs and are influenced by national circumstances. Therefore, the action of the EU in this field is limited. We believe that the initiative of the European Commission on a sustainable production and consumption action plan is very positive. Furthermore, soft measures such as helping sharing information on local initiatives, relevant programmes or comparable data on biowaste could also be of added-value at EU level.

Limiting landfilling

Question 2: Do you see benefits or disadvantages of further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? If yes, should this be done on EU level or left to decide by Member States?

As stressed in the Green paper, several Member States are still implementing requirements of directive 1999/31/EC on the landfill of waste and many efforts and investments still need to be done, in particular in new Member States. Thus, already strengthening current provisions of the directive may prove difficult or unrealistic. Furthermore, article 5 of the Landfill directive foresees that the European Commission should report by 2014 on the pursuance of the diversion targets and, if appropriate, initiate

their revision. CEMR believes that the current targets are sufficient and a strengthening does not need to be considered before the evaluation of the Commission in 2014. Furthermore, CEMR regrets that the Green paper on the management of biowaste only takes into account municipal waste and does not consider biowaste from other sources than municipal (non households). An approach which would include biowaste from households and biowaste from industry would be, in our sense, more comprehensive and relevant, as well as a way to strengthen the provisions of the Landfill directive. Any further decision on restriction of the amount of biodegradable waste on landfills should be taken at national level, considering the differences of situations in Member States.

Treatment options for biowaste diverted from landfill

Question 3: Which options for the treatment of bio-waste diverted from landfills would you prefer to see strengthened and what would you see as their main benefits? Do you think that the choice of the treatment of bio-waste diverted from landfills should benefit from a wider and more consistent use of life-cycle assessment studies?

We believe that the distinction between landfilling and other treatments options for biowaste could have been clearer in the Green Paper. Landfilling is the worst solution, according to the waste hierarchy and facts presented in the Green Paper, and a sound waste management should aim at diverting biowaste from landfills.

The choice between other treatment options (e.g. incineration, biological treatment, etc.) should be decided on the basis of local conditions and definitively left to the local and regional level. It is not possible to provide an overall assessment or to establish a hierarchy between the different biowaste treatment options, considering the diversity and number of local factors.

CEMR is pleased to note that the Green paper concludes that 'for the management of biodegradable waste that is diverted from landfills, there seems to be no single environmentally best option' and we confirm that it is up to local and regional authorities to assess the benefits of the different treatment options and decide which one should be strengthened, on the basis of the life-cycle assessment in local conditions.

Improving energy recovery

Question 4: Do you think that energy recovery from bio-waste can make a valuable contribution to sustainable resource and waste management in the EU and meeting the EU's renewable energy targets in a sustainable way and, if so, under which conditions?

Energy recovery from biowaste is a valid option to manage resource and waste in a sustainable way, in particular to produce renewable energy in plants making use of combined heat and power technology. Thus, we appreciate the recognition of the contribution of biomass and biofuels to achieve the targets set in the directive on the promotion of energy from renewable sources (COM (2008)0019 (2008)0019 FREE).

Nevertheless, we believe that the contribution of energy recovery from biowaste is relatively low and depends widely on local solutions and waste management policies.

Increasing recycling

Question 5: Do you see a need for promoting bio-waste recycling (i.e. compost production or use on land of composted material) and, if so, how ? How can synergies be achieved between bio-waste recycling and energy recovery? Please provide the necessary evidence.

Article 4 of directive 2008/98/EC on waste sets the waste hierarchy as a priority order in waste management policy. Article 11 states that 'by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 % by weight". This implies that biowaste from households could count towards this recycling target.

CEMR believes that those provisions of the waste framework directive combined with product quality standards provide suitable and sufficient tools to promote biowaste recycling. Specific Community recycling targets for biowaste are not necessary and could be counter-productive, since they could reduce the room for manoeuvre of local and regional authorities to choose the most adapted waste and resource management option. Moreover, we do not think that an obligation should be imposed on Member States to set up separate collection schemes for biowaste. It should be left up to local authorities to carry out an assessment based on the local conditions and needs and then decide whether to create such schemes.

Contributing to Soil Improvement

***Question 6: In order to strengthen the use of compost/digestate:
- Should quality standards be set for compost as a product only or also for compost of lower quality still covered by the waste regime (e.g. for applications not linked to food production)?***

- Should rules for the use of compost/digestate (e.g. limits on pollutant concentration in compost/digestate and land on which compost/digestate is applied) be set?

- Which pollutants and concentrations should these standards be based on?

- What are the arguments for/against the use of compost (digestate) from mixed waste?

CEMR believes that strengthening the use of compost is more a matter of waste management policy than soil policy. As underlined in the Green paper, the contribution of compost to improve soils is limited.

A clear distinction has to be made between source-separated compost and materials resulting from mixed waste. CEMR advocates stringent quality standards to be set at European level for source-separated compost. These standards could be derived from the current work on a methodology for end-of-waste and the associated criteria to be met. Such standards would help developing a credible market for source-separated compost and improve its acceptability by farmers. Focusing on product standards set at EU level would be sufficient to drive the market for quality compost without the need for mandatory separate collection. Furthermore, this would allow local and regional authorities to build sustainable and competitive outlets for these products and reinforce certainty for the related investments.

Operational (treatment) standards for small plants

Question 7: Is there any evidence of gaps in the existing regulatory framework concerning the operational standards for plants which do not fall under the IPPC scope and if so, how should this be addressed?

We do not identify any gap in the existing regulatory framework and on the contrary believe that legislative provisions in the waste framework directive, the animal by-products regulation and the draft recast of directive on industrial pollution in its current state, already overlap each other. Thus, there is no need to consider further regulation for small plants which do not fall under the IPPC scope. Current European legislation already provides the basis for a sound waste management, ensuring protection of the environment and of human health.

Other uses of bio-waste

Question 8: What are the advantages and disadvantages of the abovementioned bio-waste management techniques? Do you see regulatory obstacle preventing the further developments and introduction of these techniques?

The Green paper is vague when it comes to biowaste treatment techniques under development and it may prove difficult to assess techniques still in research phase. It is essential that any further measures or legislation on biowaste allow sufficient flexibility to take into account new findings and adaptation to technological development.