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## **CEMR Response to the Communication 'Towards a Thematic Strategy on the prevention and recycling of waste'**

CEMR represents over 100.000 local and regional authorities across Europe federated through 44 national associations of local government in 33 countries.

### **1. Introduction**

CEMR welcomes the Commission's Communication as an important opportunity for all actors and spheres of government to consider the future of waste policy. CEMR considers that waste policy is often too reactive, and the implications for consumers and local authorities as waste management authorities often determined too late in the process.

CEMR therefore uses this opportunity to set out the principles of waste policy that it would like to see enacted in the future. Comments set out below follow several themes including:

1. dialogue with local government;
2. policy principles;
3. waste hierarchy options;
4. instruments to prevent waste;
5. standards and definitions of waste;
6. development of waste policies.

Dialogue with local government

CEMR also takes this opportunity to highlight the importance of an early and structured dialogue between the Commission and local and regional government. We welcome the opportunity we have to discuss policy developments in the field of waste management with DG Environment in the context of Ad Hoc Waste Management Committee and we urge DG Environment to take account of our concerns in this context.

### **2. Principles of waste policy**

CEMR supports the use of targeted instruments in waste policy that adhere to the following principles:

· subsidiarity - local solutions are often more effective and in the crucial area of waste policy are vital to ensuring participation and acceptance on the local level. The Commission's recognition that 'changing our behaviour' is key to the development of waste policy is welcome. Local authorities play a major role in this, and are directly accountable for waste policy.

- proximity - waste should be avoided in the first instance, and particularly in cases where waste arisings contain hazardous materials. If this cannot be achieved, and re-use is not appropriate then waste should be treated as close as possible to where it arises. The recent legal cases on the definition of waste (notably Commission v Luxembourg and Commission v Germany) and the Blokland Report in the European Parliament have demonstrated that more clarity is needed in this area. Local and regional government need clear legislation as well as long-term guidelines, which would enable them to plan investments in waste management facilities in a reliable way and in accordance with the environmental priorities set out at EU level.

- Treatment standards - CEMR would support the introduction of minimum standards for waste recovery operations and tighter control over sorting facilities and other forms of "interim" recovery operations. Treatment standards, such as calorific value, should be determined at the EU level and incorporated into national licensing regimes.

- Producer responsibility - producer responsibility should be enacted throughout all products. It is vital to ensure that producers have the incentives to develop more environmentally friendly products and that the burden for dealing with increasing waste streams does not fall upon the tax-payer alone. Local government calls for greater clarity, for both consumers and local government in the responsibilities of producers to meet the costs of waste treatment or recovery. Producers located outside of the EU should not be exempted from producer responsibility. Agreements based on collective financing, especially for historical waste, such as recently proposed by four major electrical manufacturers, should be actively promoted across the Community.

### **3. Waste policy hierarchy**

CEMR would urge the Commission to re-examine the traditional waste hierarchy and consider the following approach :

#### 1) Prevention and social and lifestyle changes

- influencing consumer demand away from a culture of disposal or recycling towards re-use
- better collection of data and forecasting about product demand and usage
- better repair and maintenance of products and moving consumers towards purchasing - services' rather than just products, including maintenance of products to aid move away from the consume and dispose culture.

#### 2) Re-use and repair of products

- recovery of materials

- recovery should focus on all types of materials, and particular organics from the household waste stream. This should be based on the optimal environmental option and the principle highlighted above.

#### 3) Recycling

#### 4) Recovery· recycling,

processing of organic waste and energy recovery

#### 5) Disposal

- non-reusable residues should be treated and land-filled only as a last resort. The recycling efficiency of products should be high.

#### **4. Instruments**

##### Targets

- Targets are often the only practical way to identify the varying environmental burdens of waste. Targets are a useful tool but only if a stable market for recovered products and material can be established. Adequate forecasting using accurate data is therefore a primary imperative.
- Targets can help contribute to the level of certainty that is needed to develop markets in recovered materials.
- Targets are a useful driver of public demand and if combined with the appropriate collection facilities and information campaigns can be used as a central driver towards changing consumer demand.
- Targets must represent a realistic ambition and be determined in co-operation with all stakeholders, including local government.
- Targets should be mindful of re-processing capacity in Member States, the Commission should do more to be aware of the varying re-processing capacities of different Member States, and within Member States. Variation in re-processing capacity should not be a precursor to transporting large amounts of waste for treatment, this compromises the proximity principle.
- Targets that have greater latitude than at present should be established to take account of by varying capacities in the Community. Allowing greater variation within target bands would also allow Member States to meet targets without having to transport waste across the Community.
- Targets should be one element of a clear policy framework that includes IPP. It is too easy to remain focused on targets and meeting them, without the central aim of preventing waste being communicated effectively to consumers and industry.

##### Applying targets

- Targets must have some form of sanction if not met, that is applicable at the local level. Legal proceedings at the Community level can be too remote from the reality of local authorities trying to deliver on the ground.
- Material oriented targets are supported by local government over specific product targets.
- The combination of targets and an ambitious Integrated Product Policy programme, that includes fiscal tools could result in a more ambitious approach that no longer requires use of such blunt instruments as targets. Local government would like to consider this approach, adopting the principle of producer responsibility, as a central aim of the waste policy framework.

##### Prescriptive measures – bans

- Prescriptive measures such as bans are sometimes an appropriate instrument as they contribute to certainty and stability in waste management. Their current application has been effective in a variety of waste streams.
- Bans should not be the sole focus of Community policy, but should be complemented by measures to promote innovation in developing substitute products where bans are due to be introduced.
- Local authorities can find some bans confusing when they are implemented over a phased period. Bans implemented over a period of 5 years or more can result in an issue slipping down local government's agenda, resulting in a lack of preparedness. National government should undertake greater efforts to provide guidance about how to deal with impending EU legislation, which local authorities rarely have the resources to undertake.
- Local government would therefore support the use of more bans if they are the most appropriate measure in the waste treatment hierarchy. Attention should first focus on efforts to prevent waste and encourage changes to consumer demand and better servicing and more efficient usage of products with a full-scale ban being one of the secondary instruments for regulation.

#### Pay as you throw schemes

- CEMR supports the internalisation of costs of waste management operations, in particular the cost of transport and impact on the environment, coupled with an effective producer responsibility mechanism
- CEMR supports measures such as pay you throw schemes to make the cost of collecting and treating waste more transparent. This is fundamental in helping to prevent the use of resources earlier on in the life-cycle and adopting a more preventive approach to resource use.
- Such schemes are most appropriate in segregated waste streams.
- Variable charging can reflect the true cost of a product, including the costs of production and manufacture and the overall impact of a product throughout its lifecycle.
- CEMR would support the flexibility for local authorities to be free to introduce and vary charging according to the local conditions, in a way that impacts on waste streams that are most needed.

### **5. Standards and definitions**

#### Common standards for waste definition and treatment

- CEMR supports efforts made by the European Parliament to clarify the definition of waste according to its content and not its treatment process. This clarity is particular vital for local authorities that have planning competencies and a role in land-use planning. Treatment standards should not be used to define waste as this could lead to an over-reliance on forms of waste treatment that do not present the best environmental option, but merely address issues of capacity in areas such as incineration.
- Traditionally there has been too much focus on seeing everything as waste, rather than a resource. CEMR supports measures to move away from this, and this may require a review

of planning and licensing arrangements to help facilitate this shift towards a higher level of recovery and re-processing rather than the current focus of disposal and /or recycling. Potential changes to licensing regulation could be vital in ensuring that producer responsibility is met. Small consumables that present hazardous waste potential, such as batteries, need to have a flexible licensing regime that allows producers and retailers to take-back products from the public.

## **6. The development of waste policies**

### Data collection

- The Commission should focus on developing networks to feed into Community and international organisations such as Eurostat, OECD and ideally the EEA should be strengthened and require that data is collected on a regional and national basis.
- In each Member State this should be led by a particular Government department and fed through regional government offices. Local authorities should be in a position to provide data on municipal waste volumes and demographics. This improvement in data collection is vital to allow for more accurate forecasting of consumption patterns and waste growth.
- The EU's role should be to improve the collection of data on consumption and demographic changes to allow producers to more accurately plan the development of products and markets that minimise waste.

### Impact assessments

- CEMR would like to see the use of impact assessments extended beyond the piloted phase which is currently taking place. This will only work effectively if the Commission commits the Community to better and more accurate data collection and provision.
- Impact assessments are a vital tool in developing regulation but must not just concentrate on financial modelling. Externalities such as the social impacts of waste and its treatment should be included. The costs to communities of fly-tipping and recovery tourism should be identified, as well as the costs to consumers in terms of product price.
- Local authorities should be given consideration at the development of policy at the EU level and at the national transposition stage. Local government needs more involvement with institutions during the negotiation stage of vital dossiers if implementation is to be effective.
- CEMR would also support the introduction of impact assessments to major amendments proposed by the European Parliament. These can often result in major changes to Community law but are not currently subject to scrutiny.

### Education and awareness-raising

- The greatest potential for waste minimisation may well lie in areas where social behaviour can change.
- There is unlikely to be a uniform solution across the Community. Exchange of practice is therefore vital as well as accurate economic forecasting.
- Local authorities are already undertaking measures to embrace this, by developing partnerships with the local community and schools.
- Education measures must be more visible at the point of sale of a product. Consumers are bombarded with reasons why they should purchase a product but are rarely provided with

advice as to what to do once their product is no longer needed or has reached the end of its life.

- International labelling and colour coding is a vital component. The Commission should do more to understand the flows of products throughout the Community to understand where waste goes, and if international labelling for key products should be mandated.

- Facilitating exchange of best practice between waste managers, including on procurement, from different Member States should also be a key feature.