

UK RESPONSE TO A EUROPEAN COMMISSION GREEN PAPER: ON THE MANAGEMENT OF BIO-WASTE IN THE EUROPEAN UNION

1. INTRODUCTION AND GENERAL COMMENTS

The United Kingdom Government welcomes the opportunity to respond to the European Commission's Green Paper on the management of biowaste. Bio-waste management is an important topic bringing together as it does the renewable energy, food, soil management and waste agendas. The UK like most Member States is already making very significant changes to the way it manages certain biowaste streams in response to the Landfill Directive targets, and further refinement is anticipated as the UK draws up a strategy to meet its renewable energy targets. These changes involve enormous capital investment as well as significant behavioural change.

The UK broadly welcomes the Commission's Green Paper as a fair summary of the issues and options available for future biowaste management. We have one or two general observations, followed by a series of answers to the questions raised by the Commission.

The UK notes that the definition of 'bio-waste' in the Commission's paper is narrower than was the case with its earlier proposal for a biowaste directive, excluding as it does sewage sludges, manures and slurries. Whilst it is recognised that the present definition is consistent with that used in the revised Waste Framework Directive (2008/98/EC) (WFD), we feel that it is important that any measures taken by the Commission should not reduce Member States' ability to manage other, similar wastes in similar ways where appropriate.

2. BETTER PREVENTION OF BIO-WASTE

The UK notes the requirement of Article 29 of the revised WFD to establish waste prevention programmes by December 2013 and that generally waste prevention is far more effective in resource and energy-saving terms than management or treatment of waste once it has arisen. This is equally true of those biowastes which can be prevented – for instance, the embedded energy saved by not wasting food is more than five times that recoverable from the food once it becomes waste. So, as the Commission's Green Paper suggests, we would therefore expect the waste prevention programmes to be drawn up by Member States to cover bio-wastes, *inter alia*. In the UK one important tool for bio-waste prevention has been public information campaigns, such as "Love Food, Hate Waste" (see references). We do not think such campaigns would work at a European level since the messaging needs to be finely tuned to national sensitivities. We also consider that decisions about how to collect waste and the role to be given to home composting are best taken by Member States or, indeed, more locally by local authorities. This does not

mean that there cannot be European rules governing the status of material collected in different ways, where appropriate – the UK is in principle supportive of EU efforts to confer a higher status on products derived from bio-waste which has been separately collected, for example.

Research in the UK has found that consumer responses to the date marking of food can be important in the generation of food waste. Misunderstanding (and hence inappropriate use) of date labelling by consumers can lead to some food being unnecessarily thrown away. The UK is seeking to improve the clarity of the European legislation in this area as part of negotiations on a Commission Proposal to update and improve food labelling legislation. The aim of the UK's intervention is to clarify the distinction between the different types of date marking, thereby promoting more appropriate application and contributing to food waste reduction. We trust that the Commission will support our efforts.

3. LIMITING BIO-WASTE TO LANDFILL

Any proposed changes to the existing regulatory framework would need to be justified by a thorough impact assessment. The UK has found its municipal waste diversion targets under the Landfill Directive extremely challenging and our general view regarding mandatory EU-wide targets is that the existing targets should be left in place rather than made more demanding. Changes now could adversely affect the final investment decisions being taken on projects to achieve the original targets.

The UK is already using a range of national policy measures to help divert bio-waste from landfill, including a progressively rising level of landfill tax and a system of tradable landfill allowances for local authorities. However, we have an open mind on the possibility of other changes to the national regulatory framework, such as bans or restrictions on the type of wastes which could be disposed of in landfill. We are considering the possible role of such restrictions on certain organic wastes in helping to drive the creation of a market in renewable energy from waste and we are evaluating the evidence. Key issues include the cost to waste producers of the necessary separate collection (we discuss this in section 6) and the availability of suitable alternative management routes.

4. ENERGY RECOVERY AND RECYCLING OF BIO-WASTE

The appropriate option for the treatment of bio-waste will differ depending on a number of variables such as location, waste feedstocks and the availability of destinations for the treated material. As such the best option will usually be decided upon a case by case basis. This will be even more apparent when the various options are considered across the EU. There is also some uncertainty over the relative value of carbon when used as a source of energy compared with its long-term value in augmenting soil organic matter.

The UK believes that the combined energy recovery and recycling that can be achieved by AD means that AD may often be the best option for certain bio-wastes such as food waste but that composting still has an important role to play to treat biodegradable waste that includes green waste.

In general there is a need for careful consideration of renewable energy and recycling targets to ensure consistency between them. As the Commission notes, the revised WFD sets a new recycling target for household waste, which can include bio-waste. As matters stand, it is not clear whether all such waste sent to AD will count as having been recycled, where part of the output of the AD is biogas from which energy is recovered. We trust that a commonsense interpretation will prevail, otherwise the 50% household waste recycling target in the revised WFD will act as a perverse incentive to compost organic waste – therefore losing its energy potential – rather than sending it to AD. We would welcome the earliest possible clarification from the Commission on this point.

For these reasons the relative advisability of these management routes is a complex issue. Generally therefore, the UK sees no need for further regulatory provisions in this area; instead, individual Member States should continue to base their decisions and structure their market incentives on the waste hierarchy and other relevant provisions of the revised WFD.

5. STANDARDS FOR COMPOST

The UK believes that there is a need to encourage the use of good quality compost and digestate on land that can be accomplished through the development of appropriate standards. However, this cannot come about purely through a ‘push’ from waste legislation specifying the qualities of produced compost; ideally there will be a complementary ‘pull’ from secure markets for use promoted by other appropriate legislation. If there is to be a Soils Directive it could play a role by encouraging the use of a risk based approach, at national level, to set standards and pollutant limits. It is clear that soil characteristics and needs vary considerably across different Member States; and this is an argument against setting prescriptive, EU-wide compost standards.

An appropriate approach could be for the framework for developing compost/digestate standards to be set at EU level, but that within this individual Member States should set the values for each parameter appropriate to their own case. Each Member State would be free to set one or more standards, but the minimum standard should specify when the compost is no longer considered as waste. Higher standards could specify compost/digestate suitable for agricultural uses etc. A common labelling framework would enable Member States to determine how they wanted to treat compost originating in other Member States.

The UK believes that mechanical and biological treatment (MBT) outputs from non-source segregated bio-waste are of variable, but generally low quality. They should

be deemed able to meet only a minimum standard, suitable for certain specialised uses and not applied more generally to land. This minimum standard should include appropriate toxicity testing.

6. STRENGTHENING EXISTING MANAGEMENT OPTIONS

The UK Government believes that AD should be the normally preferred option for the management of wet biodegradable wastes and is taking a range of steps to encourage its use. This policy is based on a number of life-cycle type studies indicating its particular value as a source of renewable energy, as well as soil conditioner (*e.g.* ERM/Golders, 2006). Although an established technology for the treatment of sewage sludge, AD's use in the UK for management of bio-waste, as defined in the Green Paper, is currently limited.

We recognise a need for separate collection of bio-waste to fully utilise the potential of AD and composting and to allow residues from both treatments to be recovered on land. However, the cost to waste producers of separate collection is an important factor. Early evidence is that financial costs for English local authorities in respect of municipal food waste could be substantial, with additional costs to producers of commercial and industrial food waste. Despite our preference for the use of AD in managing certain bio-wastes, for reasons including but not limited to collection costs, we recognise that varying circumstances across Member States may favour other options. Thus we support individual Member States being free to make their own choices in this regard, where this is supported by sound research, including life-cycle assessments (LCAs).

With regard to LCAs, we would suggest that the Commission clarifies at what level - EU-wide, national, regional or other – it believes these studies should be used, since this will affect both their feasibility and the validity of their results. In general conclusions of LCAs cannot be expected to remain valid across the whole of the EU and such studies are likely to prove unduly costly or onerous at sub-national level.

7. NEW MANAGEMENT OPTIONS

The UK is aware of some recent research regarding new management options including biochar and algal biofuel production from AD digestate. Work on these is at an early stage but presently we are not aware of specific regulatory obstacles to their eventual implementation for managing bio-wastes.

8. OPERATIONAL STANDARDS FOR SMALL PLANTS

In addition to large-scale commercial composting operations, the UK has a sizeable community composting network of plants operating well below 50 tonnes/day capacity, a proportion of which are not covered by the Animal By-Products

Regulation. Appropriate operational standards for these smaller plants are met though the permitting requirements of the revised WFD.

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REFERENCES

ERM/Golders (2006). *Carbon Balances and Energy Impacts of the Management of UK Wastes*. Defra R&D Project WRT 237, Final Report, December 2006.

Love Food, Hate Waste. Food waste minimisation campaign managed by the UK Waste and Resources Action Programme (WRAP). See:

www.lovefoodhatewaste.com