**European end of waste criteria for biowaste.**

**Report on 3rd technical workshop**

**JRC Seville**

These are informal notes of the meeting for the information of stakeholders.

**Attendees:**

Participants were mostly those that have attended the previous 2 workshops with the addition of three new invited experts. Eighteen member states were represented. Seventeen trade bodies and industry representatives attended. Newly invited experts came from the UK, France and Switzerland. A full participants list will be circulated by the JRC shortly.

**Purpose:**

The meeting was organised following an unprecedented level of response to the JRC 3rd working document. The JRC and the Commission both received a very high volume of comments, questions and issues from a large number of member states. This made it clear to them that there was still a volume of work to be completed before a reasonable working document could be submitted by the JRC to the commission.

The meeting agenda – attached - was drafted around the key unresolved issues. The JRC stated at the start that there wouldn’t be the option to add new items to the agenda at this stage and that old issues would not be reopened.

**Highlights and actions:**

1. The JRC and the commission opened the day by making it clear that this would be the last workshop. As reported in the press, the Commission has some doubts over the development of European end of waste criteria in general and particularly for biowaste. A significant lack of consensus and agreement between Member States may result in no proposal being taken forward.
2. The Commission made clear that this wasn’t the forum to discuss the use of end of waste criteria to define recycling. There is an ongoing review of the landfill and recycling targets and how recycling is defined will be debated there.
3. There was a prolonged discussion of the analytical campaign data set and on how the JRC have used this to justify decisions. There was repeated criticism of the small size of some data sets, but the JRC maintain that this is the evidence base that they are using. They are also supplementing it with all the various data sets that have been supplied by member states.
4. There was a long debate about persistent organic pollutants. JRC have reduced the requirement to PAH16 only and have introduced a lighter sampling regime after the recognition year. However there was little support for the inclusion of even PAH16 with the majority of member states asking for it to be removed. Some member state think that knowing what is in compost or digestate is a good idea though. JRC and commission suggested that there may be merit in collecting data on a randomised spot check basis to provide data to support the decision to exclude organic pollutants, as an alternative to routine sampling from all plants.
5. Contaminants. The discussion focussed on Cu and Zn where the JRC have proposed raising limit values. The discussion followed the expected pattern with some member states wanting higher limits and some lower ones. There was little support for the JRC proposal for reporting ‘high Cu and Zn’ compost and some support for adopting a single limit with a reporting threshold. The UK and others made a plea for consistency between regimes, particularly the sludge directive. The option for the use of a fresh weight calculation was discussed, though that discussion was short and not well understood by all present
6. The limit on physical contaminants was discussed as part of the discussion on the methods used to determine the level of physical contaminants. The UK again made the point that our limit is much lower. There was quite a lot of discussion about the use of the bleach methods and whether it is safe to use or not.

1. The JRC are resistant to moving the proposed limits for Ni and Pb
2. Stabilty. The new approach from the JRC was generally welcomed but its faults were acknowledged. Giving a choice of different methods will inevitably result in a difference in compost and digestate quality between member states.
3. Scope. This was perhaps the most important issue discussed. The new approach from the JRC allows for a wide, scope statement with some generic descriptions of allowable waste types. The approach was generally welcomed as it is more flexible. Member States would be allowed to make their own decision on which waste could be suitable and could in fact use EWC codes to define them.
4. The scope as written excludes sewage sludge and MBT residues. There was some considerable discussion about the justification for and implications of this but it looks like this decision by the JRC is quite firm. Exclusion from EU EoW would however mean that member states would be free to use or to develop national EoW criteria for these materials. This diffused the French argument for the inclusion of MBT to some extent.
5. The scope is quite narrow and includes biowaste and agricultural residues. Manure is included. The UK made the point that our industry is diverse and needs to be able to accept a range of suitable, source separated wastes.
6. The 10% change in inputs triggering a return to recognition year sampling frequency was discussed. General agreement that this figure is too low. There was some support for UK proposal that sampling frequency should be part of a plant QMS.
7. A range of issues were added by various representatives at the end of the meeting. The storage provision issue was touched on. Some agreement that this should not be part of the EoW criteria and that a material should be EoW when it leaves a plant.
8. There was little discussion of the requirement for independent sampling. Outside the meeting the JRC agreed that a QMS approach that includes operator sampling would work for the UK but doubted that it would be effective in less well developed regulatory systems.
9. Timetable. There was considerable debate of some issues at the meeting and in some cases considerable lack of consensus. Therefore, instead of proceeding directly to a new working document, the JRC will now issue another questionnaire. When they have had the chance to process the responses to that, they will revise the working document and circulate it to the Working Group for consultation. The timetable is still very vague, but at the end of the meeting the JRC were talking about getting a questionnaire to us ‘in a few weeks’ and issuing a new working document ‘in the summer’.

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