



FEAD comments

3rd JRC report on end-of-waste for biodegradable waste

28 September 2012

In August 2012, JRC published the final draft version of their report on EU end-of-waste criteria for biodegradable waste. Being a member of the JRC working group on end-of-waste for biodegradable waste, FEAD is following the development of these criteria with great interest and is well aware of the huge efforts made by the JRC.

Even though the JRC had invited Member States, stakeholders and NGOs to only provide comments fine-tuning the document at this final stage, there are a number of major questions which still remain unanswered and which need to be assessed more in detail:

1. No clear analysis of the consequences of the end-of-waste criteria on the present national regulatory frameworks for products, agriculture and the environment

From our point of view, the final draft JRC report underestimates the consequences of the EU end-of-waste criteria on the national regulatory frameworks and only touches upon this point briefly. A more detailed analysis would be required. In particular, we would like to know in how far Member States can still define own end-of-waste criteria and standards for input materials that are not included in the positive list and for which, as a consequence, the EU end-of-waste criteria will not apply. This can have a substantial impact on existing compost and digestate markets in the Member States.

2. Need to clarify the interrelation between EU end-of-waste criteria for biodegradable waste and the upcoming revision of the EU Fertiliser Regulation

The end-of-waste criteria for biodegradable waste are certainly also of importance in view of the revision of the EU Fertiliser Regulation the preparation of which at EC level has already started in several working groups at the beginning of this year. In that regard, one of the points that is being discussed is whether to include also organic fertilisers, soil improvers and growing media in the scope of the revised Regulation. As a consequence, the EU Fertiliser Regulation would replace national regulations and cover all materials which are marketed as products. We consider that such a harmonisation at the EU level must be done with care as national regulations differ quite substantially: in some Member States compost is considered as a soil improver whereas in other countries it falls under the category of organic fertilisers, depending on the applicable

national legislation. Furthermore, depending on the Member State, organic material can be either regulated under waste and/or fertiliser legislation.

The specific questions to which we seek answers are the following:

1. Will the scope of the EU Fertiliser Regulation be limited to only include material which is in compliance with the EU end-of-waste criteria, i.e. material that has a non-waste status?
2. Will existing national waste and fertiliser legislation still apply for organic material which does not comply with the end-of-waste criteria and as a consequence, might not be regulated by the EU Fertiliser Regulation in the future?

We ask you to carefully assess the consequences of the inclusion of organic fertilisers within the scope of the EU Fertiliser Regulation and the impact of the EU end-of-waste criteria which are currently under discussion. Contradicting requirements between the EU waste and production legislation applicable for compost and digestate need, under any circumstances, to be avoided. Only this way, the revised EU Fertiliser Regulation will provide a boost for the organic fertiliser markets in Europe.

3. Publication of the complete analytical results of the FATE-COMES study on composts and biowaste

The results of the FATE-COMES study on composts and biowaste and of the related sampling and analysis campaign have only been published in a shortened form in the final draft JRC report. The publication of the final and complete analytical results is still pending. A pre-requisite for assessing adequately the end-of-waste criteria as suggested by JRC is, however, to be able to check the complete results of the campaign.

In conclusion, we would like to underline that the JRC proposal for end-of-waste criteria for biodegradable waste in its current form:

- **Will lead to confusion and disturbances of national compost and digestate markets and complicate the treatment of biodegradable waste instead of providing clarifications and boosting existing markets.** The basic principle of a new European regulation should be to provide added value which we do not consider to be the case here.
- **Will not bring the expected benefits due to the unclear and complex regulatory framework at the European level:** links and overlaps between the end-of-waste criteria for biodegradable waste and the EU Fertiliser Regulation, which is currently under revision, have not been sufficiently identified and addressed yet. The harmonisation of the very diverse existing national regulatory frameworks for fertilisers (environmental and/or agricultural regulations according to the individual Member State) needs to be prepared in a more holistic approach.

FEAD is of the opinion that, at this moment and on the basis of the third draft of the JRC document, end-of-waste criteria for compost and digestate from biodegradable waste is not a sufficiently mature concept. Putting in place the end-of-waste criteria for these streams in its current form and without further work and specifications would jeopardize the existing national markets.

FEAD is the European Federation representing the European waste management industry. FEAD's members are national waste management associations covering 19 Member States and Norway. They have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion.

FEAD represents about 3000 companies with activities in all forms of waste management. These companies employ over 320000 people who operate around 2400 recycling and sorting centres, 1100 composting sites, 260 waste-to-energy plants and 900 controlled landfills. They play an important role in the determination of the best environmental option for waste management problems.