

24/09/2012

By email

Italy wishes to express its concern about the third draft of the JRC working document on End of Waste criteria for biodegradable waste subject to biological treatment that was circulated on 10 August. Belgium, Denmark, Germany, the Netherlands, Spain and the United Kingdom also share these concerns and collectively we do not support the current document.

We were surprised and disappointed to see such fundamental changes to the latest draft, most notably, the inclusion of mixed municipal waste as permitted inputs and new requirements for testing of organic pollutants. It is also unsatisfactory that members of the technical working are restricted to providing only technical corrections to the document within a very short timescale, despite the significant changes to the document. We would like therefore to make the following opening points.

#### Market impacts

We cannot accept the inclusion of mixed municipal waste in the positive input list of waste streams for the production of EoW digestate or compost. The inclusion of such materials would severely undermine market confidence in high quality waste-derived compost and digestate across the EU. In some countries the inclusion of such wastes will be entirely unacceptable to the market.

Our view, which had very wide support at the last Technical Working Group meeting in Seville, is that the EoW system should be based only on source separated biodegradable input materials.

#### Results from sampling campaign

We do not agree that the results of the sampling campaign justify the inclusion of mixed municipal waste on the positive list. It is important to note the data limitations of the sampling campaign. There were very few samples of certain technologies and the samples only provide a snapshot. They take no account of the fact that a plant's compost or digestate may vary over the year. MBT materials and sewage sludge are inherently more variable in their content. The nature of waste inputs to an MBT plant in particular will inevitably result in greater potential for unexpected increases in contamination or seasonal variation in the quality of outputs.

#### Analysis costs

The working document includes new requirements for testing organic pollutants. This will result in a substantial increase in costs both for carrying out the tests and for accrediting laboratories to undertake the analyses. Such costs will inevitably be passed back to operators and represent an unnecessary additional cost burden that could be avoided by restricting inputs to source separated inputs.

#### End of Waste principles

Fundamentally, we question whether the inclusion of mixed municipal waste as permitted inputs meets any of the four key principles of End of Waste, notably in respect of whether the product will be commonly used; whether a market exists for the product; whether it fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and whether its use will not lead to overall adverse environmental or human health impacts.

Equally, the inclusion of such materials would appear to contradict the guidelines of the Waste Framework directive to “encourage the separate collection of biowaste” (Article 22a), and previous European Commission communications which support source separated inputs in order to generate high quality recycled compost and digestate (COM(2010)235).

Our detailed comments on the draft working document are attached to this message.