

# Stakeholder input request following publication of the Second Working Document on End of Waste criteria for biodegradable waste subject to biological treatment

## Background

The current process of establishing End of Waste criteria for biodegradable waste subject to biological treatment (compost and digestate) has come to an advanced state. The scope has been set, the major points of discussion have been clarified and the current working document provides a clear proposal for a set of End of Waste criteria for compost and digestate. At the same time, we realize that some items may need clarification, that data gaps could exist and that some questions remain to be answered.

The aim of this action is to request additional information from the stakeholders on

- Items that would merit additional information and numerical data
- Specific questions that remained open during the drafting of the second working document
- New questions that have been raised following publication of the second working document.

In order to enable the best possible incorporation of your feedback, we kindly ask to **follow the structure of this questionnaire in your answers**, clearly referring to the different questions.

If you esteem that important parts of information are lacking, which have not been dealt with in this questionnaire, you may provide additional feedback in a separate document, thereby clearly indicating which section of the Second Working document you are referring to (section title, paragraph or page number). However, given that the most important issues have already been discussed during the two workshops and general feedback has been acquired during the previous stakeholder consultations, the aim of the current consultation is not to reopen the discussion on core issues that have been settled in the working document.

In addition to this document with specific questions, a **spreadsheet file** is provided with a proposal for two **positive lists**, one for compost and one for digestate. Stakeholders are requested to provide specific input on the different items on the list. As such it can be proposed to exclude items, to modify their definition or to add new items. Furthermore the spreadsheet file contains a sheet on the **provision of information**, where input can be provided on which parameters to declare for compost and/or digestate and what information to deliver with the compost/digestate in a statement of conformity or otherwise.

We would appreciate receiving a unique feedback per Member State, industry organization or non-governmental organization.

Finally, we would like to focus the attention to the fact that the approach should always follow the **4 basic conditions for End of Waste** as they have been defined in the Waste Framework Directive (Directive 2008/98/EC), rather than e.g. specific national concerns or industrial interests:

*‘Certain specified waste shall cease to be waste within the meaning of point (1) of Article 3 when it has undergone a recovery, including recycling, operation and complies with specific criteria to be developed in accordance with the following conditions:*

- (a) the substance or object is commonly used for specific purposes;*
- (b) a market or demand exists for such a substance or object;*
- (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and*
- (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.*

*The criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.’*

**The deadline for submission is Wednesday 11 January 2012.**

## Questions

### ***Chapter 2: Background information on compost and digestate***

#### Question 1

Please provide additional information on digestate production from biodegradable waste in every Member State, split in biodegradable waste from municipal solid waste, biodegradable waste from agriculture, biodegradable waste from industry, manure, sewage sludge. Figures on digestate production from energy crops not used in a waste treatment operation are also welcome but should be clearly marked as such. Especially data from the EU-12 would be very welcome.

#### Question 2

Please provide additional information on gate fees charged for anaerobic digestion of biodegradable waste in every MS. Especially data from the EU-12 would be very welcome.

#### Question 3

Please provide additional information on digestate sales prices in every MS. Especially data from the EU-12 would be very welcome.

#### Question 4

Please provide additional information on market outlooks for digestate in every MS, such as planned new anaerobic digestion for biodegradable waste capacities and expected evolution of digestate sales. Especially data from the EU-12 would be very welcome.

### ***Chapter 3: JRC Sampling and analysis campaign***

#### Question 5

Please provide recent information (no more than 5 years old) on organic pollutant concentrations (including details on sampling and measurement) for compost, digestate, sewage sludge and manure,

#### Question 6

Please provide information on organic pollutant limit values in the different EU-27 Member States for compost, digestate and other biodegradable waste materials destined for use in agriculture, by preference expressed on dry matter value.

### ***Chapter 4: End of waste criteria***

#### **Product quality requirements**

#### Question 7

It has been proposed that stability for compost and digestate should be regulated by market aspects rather than by putting a limit value as part of product quality requirements. At the same time, a European wide standard measurement method for this parameter seems to be lacking, especially in the case of digestate. Therefore it has been suggested to include stability as a parameter in the product declaration, rather

than imposing a minimal value. Please provide your opinion on whether a limit value should be imposed on the stability for compost and digestate, based on the 4 basic Waste Framework Directive conditions for End of Waste, including the exact limit value and the internationally recognized standard method for measurement.

#### Question 8

It has been suggested that Cu and Zn levels could be raised for compost and digestate as these are considered to be micronutrients. At the same time, it is argued that increasing these levels may lead to the use of more polluted input materials. Please provide scientific information on the need for either increasing these levels or lowering them. Please also indicate how Cu and Zn levels could be lowered in certain input materials in order to obtain lower concentrations in the compost/digestate materials produced, or why this may not be possible, to your opinion.

#### Question 9

Some Horizontal standards, allow for the choice of different procedures. As such WI CSS99049 allows to measure impurities by either a sieve analysis without washing or with a bleach washing method ([http://www.ecn.nl/docs/society/horizontal/BT\\_TF151\\_WI\\_CSS99049\\_Impurities\\_13\\_32007\(E\).pdf](http://www.ecn.nl/docs/society/horizontal/BT_TF151_WI_CSS99049_Impurities_13_32007(E).pdf)). Should a specific procedure be chosen in this case and if yes, which one? Please explain why, based on the 4 basic Waste Framework Directive conditions for End of Waste.

### **Input material requirements (see also spreadsheet file)**

#### Question 10

Is an update mechanism for the positive list feasible to be implemented in practice without generating too much administrative burden? If yes, please provide a concrete proposal for such an EU-wide update mechanism, likely to be acknowledged by the Commission and Member States, on how to evaluate exclusions of materials listed, inclusions of new materials or re-entries of formerly excluded materials.

#### Question 11

Are the below proposed categories for indication of the input materials adequate? If not, please provide alternative category descriptions.

- Separately collected biowaste from households, restaurants, caterers and retail premises, and comparable waste from food processing plants
- Garden and park waste
- Agricultural waste
- Food industry waste
- Other input materials (any specific material present in a quantity of more than 5% of the initial weight should be declared)

#### Question 12

Should the newly proposed additives be more clearly defined regarding content and allowed amounts? E.g. which polymers should be allowed for dewatering digestate and in which dose? Please explain why, based on the 4 basic Waste Framework Directive conditions for End of Waste.

## **Requirements on Processes and Techniques**

Question 13

Could other time-temperature profiles be envisaged for anaerobic digestion than those presented in the working document, for both mesophilic and thermophilic processes? Please provide clear information on time and temperature requirements and where they apply in the chain of the anaerobic digestion process.

Question 14

What could be the mechanism for Member States to grant deviations from the proposed time-temperature profiles in the working document?

## **Requirements on the provision of information (see also spreadsheet file)**

Question 15

To your opinion, which information is really necessary to declare in order to meet the EoW conditions and which information may be optional? Please adduce arguments.

Question 16

To your opinion, are all the proposed parameters to declare useful for all kinds of materials (e.g. grain size for liquid digestate)? Please adduce arguments.

Question 17

To your opinion, do certain parameters need to be added for specific materials (e.g. viscosity for semi-liquid materials)? Please adduce arguments.

Question 18

To your opinion, what instructions on use /compliance with national regulations should be mentioned: those of the Member States of production or of the Member States where the product is purchased/used? Please adduce arguments.

Question 19

What items should be part of the core statement of conformity and what items are part of the more general information to be provided? Please adduce arguments.

Question 20

Should there be a time period imposed for the producer to store information regarding traceability? Please adduce arguments.

## **Requirements on quality assurance**

Question 21

What EU-wide recognized quality assurance scheme could be proposed for digestate?

Question 22

To your opinion, what should be the requirements regarding spot monitoring of organic pollutants of compost/digestate in a quality assurance system?

## **Application of end of waste criteria**

Question 23

To your opinion, should imports of EoW compost/digestate from outside the EU (e.g. Switzerland, Norway, Ukraine,...) be allowed? If imports of EoW compost/digestate from outside the EU are to be allowed, what should be the requirements (e.g. quality management system audited externally by a quality assurance organisation acknowledged by a Member State authority)?

## ***Chapter 5: Description of impacts***

Question 24

Please provide information regarding the possible impacts when shifting compost/digestate from the waste status to end-of-waste status, for the current set of proposed end of waste criteria. Please also provide information on how the impacts could be affected in case the final end of waste criteria would become either more lenient or more strict than the current proposal. Please bear in mind that impacts should not be absolute but relative and hence only describe the effects that can be attributed to the shift from waste to product.

Please provide your impact assessment on following items:

- Environmental and health impact
- Economic impact
- Market impact
- Legislative impact