Waste Framework Directive

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This Commission staff working document complements the Green Paper on the management of bio-waste in the European Union by giving a brief summary of the EU legal instruments regulating the treatment of bio-waste.

The main instruments can be summarised as follows:

Revised Waste Framework Directive: the Directive requires that all waste be treated in a way that protects the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing the overall impacts of resource use and improving the efficiency of such use. Waste policy has to apply a five-step waste management hierarchy as a priority order. Highest priority is given to waste prevention, followed by preparation for reuse, recycling, other recovery and disposal. The Directive sets a 50% recycling target for at least paper, metal, plastic and glass from households - and possibly from other similar origins - to be met by 2020. This can work in favour of bio-waste recycling since bio-waste is the largest single fraction of household waste and Member States can include appropriate parts of it in the calculation of the 50% target. The target is subject to review by 2014. In addition, the Directive envisages the possibility of setting EU-wide “end-of-waste” criteria for compost. Facilities for the biological treatment of waste require a waste management permit. For recovery facilities Member States may derogate from the permit requirements provided they ensure environmentally sound waste management by laying down general rules for these facilities. Furthermore, it will allow the Commission to set minimum standards concerning health and environment for recovery activities not covered by the IPPC Directive.

Directive 1999/31/EC on the landfill of waste (Landfill Directive): this Directive is a primary driver for the better treatment of bio-waste as it requires the diversion of biodegradable municipal waste from landfills to 75% in 2006, 50% in 2010 and 35% in 2016 of the amount of bio-waste generated in 1995. Countries with high reliance on landfilling (over 80%, including most of the new EU12, but also the UK and Greece) may postpone the targets by a maximum of 4 years. While no requirements are set for the management of the diverted biodegradable waste the environmental costs need to be taken into account and the costs of landfilling are increasing rapidly.

Directive 1996/61/EC on integrated pollution prevention and control (IPPC Directive): this directive lays down the main principles for the permitting and control of installations based on best available techniques (BAT). It currently covers biological treatment of organic waste only if it constitutes pre-treatment before disposal.

Waste Incineration Directive 2000/76/EC: the incineration directive regulates the technical requirements for the operation of incineration plants, including emission limit values for selected potential contaminants (e.g. NOx, SOx, HCl, particulates, heavy metals and dioxins) in order to prevent, as far as practicable, negative impacts on human health and the environment. It is relevant for biowaste treatment as it covers incineration of most of bio-waste (including mixed waste containing biodegradable fractions).

Regulation laying down health rules concerning animal by-products not intended for human consumption 2002/1774/EC (The Animal By-products Regulation): this Regulation lays down detailed rules for the protection of public and animal health that apply to the use of animal by-products in biogas and composting plants. Category 1 and Category 2 animal by-products are either excluded from such use or may only be used under strict conditions and following processing. Pending the adoption of harmonised requirements for the processing of Category 3 classified catering waste, Member States may adopt risk

mitigating national rules for the processing of such material which must be at least equivalent to the standards set by the Regulation for the processing of Category 3 material of the same nature.

The Directive on the promotion of cogeneration: one of the best ways to use energy in an efficient way is by making use of cogeneration of electricity and heat (also known as combined heat and power or CHP), thus limiting waste heat. This is the objective of Directive 2004/8/EC, and it also applies to waste incineration.

The proposed RES Directive, repealing Directives 2001/77/EC and 2003/30/EC: this proposal considers the use of biomass, i.e. the biodegradable fraction of products, wastes and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste, to count towards the renewable energy targets, but leaves it up to Member States to decide how certain renewable energy resources are to be supported. In the Commission's estimation, around half of the EU's overall 20% renewable energy target will be met from bio-energy. Furthermore the RES Directive sets sustainability criteria for the use of biofuels and bioliquids, while encouraging the use of bio-wastes, e.g. cooking oil or bio-methane, for developing so-called second-generation biofuels. The RES Directive also foresees reporting on a need for sustainability criteria for all other uses of biomass for energy purposes.