

**PU Europe Comments**  
**on**  
**the Commission proposal for a Directive**  
**amending Directives 2008/98/EC on waste, 94/62/EC on**  
**packaging and packaging waste, 1999/31/EC on the landfill of**  
**waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on**  
**batteries and accumulators and waste batteries and accumulators,**  
**and 2012/19/EU on waste electrical and electronic equipment**

## Introduction:

- PU Europe supports the goals of the directive.
  - The harmonisation of definitions and reporting requirements will lead to better and more comparable statistics.
  - The stimulation of recycling, including that of construction and demolition waste (CDW), will reduce landfill of valuable waste streams.
- On the other hand, the Directive should take account of the peculiarities of CDW, in particular the very long life cycle of most construction products (50-150 years):
  - Instead of proposing new waste targets, authorities in all EU Member States should ensure that existing waste legislation goals are complied with.
  - PU is highly resource efficient and contributes to energy savings and climate protection especially during its useful life; life cycle thinking therefore needs to be addressed.
  - The Directive should require waste segregation on demolition sites to avoid landfill of mixed waste streams;
  - Clear guidelines for the recycling of waste qualifying as hazardous but not representing risks to the health or environment are needed.
  - Incineration with energy recovery should remain a sound end-of-life solution for CDW. It reduces landfill of difficult-to-treat waste streams and replaces imported fossil fuels and, thus, increases Europe's energy supply security.
  - An LCA-based definition of "recyclable waste" is needed to avoid legal uncertainty and diverging national interpretations.
  - PU waste may be reused when panels or boards have not been glued to other materials such as gypsum, concrete or bitumen. In reality, CDW is often a mixture of very different materials. Hence mechanical recycling is limited due to extremely high costs. A full toolbox of recovery options, from mechanical and feedstock recycling to energy recovery, is therefore needed to ensure eco-efficient recovery. Unrealistically high recycling targets, which ignore the complexity and the current efficiency of waste management processes will put pressure on quantity and negatively affect the quality of the recycled material.

# Specific comments:

## Directive 2008/98/EC

Commission proposal	PU Europe proposal
<p style="text-align: center;"><b>Art. 1 (7a) new</b></p> <p>Article 10 is amended as follows: Recovery</p> <p>1. Member States shall take the necessary measures to ensure that waste undergoes recovery operations, in accordance with Articles 4 and 13.</p> <p>2. Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties.</p>	<p style="text-align: center;"><b>Art. 1 (8) (b)</b></p> <p>Article 10 is amended as follows: Recovery</p> <p>1. Member States shall take the necessary measures to ensure that waste undergoes recovery operations, in accordance with Articles 4 and 13.</p> <p>2. Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties.</p> <p><b>3. Member States shall take the necessary actions to ensure that sufficient high efficiency waste-to-energy capacities are available to avoid landfill of waste streams for which other end-of-life options are technically, environmentally and economically not practicable.</b></p>

Justification:

*The principle goal must be to avoid landfill. For some small, unstable waste streams, or waste products which are contaminated by others, energy recovery might be the environmentally and economically most favourable solution. In addition, it reduces the EU's import dependency of fossil fuels.*

\*\*\*\*\*

Commission proposal	PU Europe proposal
<p style="text-align: center;"><b>Art. 1 (8) (a)</b></p> <p>Paragraph 2 is amended as follows: (i) point (a) is replaced by the following: '(a) by 1st January 2020 at the latest, recycling and preparing for re-use of municipal waste shall be increased to a minimum of 50% by weight;'</p>	<p style="text-align: center;"><b>Art. 1 (8) (a)</b></p> <p>Paragraph 2 is amended as follows: (i) point (a) is replaced by the following: '(a) by 1st January 2020 at the latest, recycling and preparing for re-use of municipal waste shall be increased to a minimum of 50% by weight;'</p> <p><b>(ia) the following point (ba) is added: By 1<sup>st</sup> January 2020 at the latest, non-hazardous construction and demolition waste shall be segregated at least in its mineral and organic fractions.</b></p>

Justification:

*The segregation of different waste fractions is the starting point for avoiding landfill. Whilst this is common practice in a number of Member States, others do not have such a requirement. Although desirable, it may not be economically viable to segregate the organic fraction in smaller fractions (i.e. wood, plastics etc.).*

\*\*\*\*\*

Commission proposal	PU Europe proposal
<p style="text-align: center;"><b>Art. 1 (8) (b)</b></p> <p>Paragraphs 3, 4 and 5 are replaced by the following: 3. The Commission may adopt implementing acts necessary to ensure a uniform implementation of the target laid down in</p>	<p style="text-align: center;"><b>Art. 1 (8) (b)</b></p> <p>Paragraphs 3, 4 and 5 are replaced by the following: 3. The Commission may adopt implementing acts necessary to ensure a uniform implementation of the target laid down in</p>

<p>paragraph 2(b) as regards backfilling. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).</p>	<p>paragraph 2(b) as regards backfilling. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).  <b>By December 2016, the Commission shall provide guidelines regarding the recycling of hazardous waste for cases where the use of this hazardous waste in recycled products does not lead to increased adverse impacts on human health and the environment.</b></p>
---	---

Justification:

*Waste products may be qualified as hazardous waste due to the content of substances which are not released, or do not pose health or environmental risks in the application of the original product and the recycled product. Furthermore, products placed on the market today may not meet the criteria for hazardous waste today. However, many construction products have life cycles of 50 years and more. There is hence a tangible risk that the regulatory environment changes in the meantime. Clear guidelines would reduce the uncertainty levels for producers and stimulate recycling activities.*

\*\*\*\*\*

<b>Commission proposal</b>	<b>PU Europe proposal</b>
<p><b>Art. 1 (24)</b>  Annexes VI, VII and VIII are added in accordance with the Annex to this Directive.  ANNEX VIII  Measures to be considered in the plan referred to in Article 11a (Early Warning System)  The following measures shall be considered in the compliance plan to be proposed by the Member States at risk of not meeting the targets:</p> <ul style="list-style-type: none"> <li>• measures to improve the quality of statistics and to generate clear forecasts of waste management capacities and of distance to the targets specified in Articles 11(2) of this Directive, Article 6(1) of Directive 94/62/EC and Article 5(2a), (2b) and (2c) of Directive 1999/31/EC;</li> <li>• better use of key economic instruments, including: <ul style="list-style-type: none"> <li>- progressive increase of landfill taxes for all categories of waste (municipal, inert, others);</li> <li>- <i>introduction or increase of incineration taxes or specific bans for incineration of recyclable waste;</i></li> <li>- ...</li> </ul> </li> </ul>	<p><b>Art. 1 (24)</b>  Annexes VI, VII and VIII are added in accordance with the Annex to this Directive.  ANNEX VIII  Measures to be considered in the plan referred to in Article 11a (Early Warning System)  The following measures shall be considered in the compliance plan to be proposed by the Member States at risk of not meeting the targets:</p> <ul style="list-style-type: none"> <li>• measures to improve the quality of statistics and to generate clear forecasts of waste management capacities and of distance to the targets specified in Articles 11(2) of this Directive, Article 6(1) of Directive 94/62/EC and Article 5(2a), (2b) and (2c) of Directive 1999/31/EC;</li> <li>• better use of key economic instruments, including: <ul style="list-style-type: none"> <li>- progressive increase of landfill taxes for all categories of waste (municipal, inert, others);</li> <li>- <i>introduction or increase of <b>taxes on incineration</b> <del>taxes without energy recovery</del> or specific bans for incineration of recyclable waste <b>without energy recovery;</b></i></li> <li>- ...</li> </ul> </li> </ul>

Justification:

*Waste-to-energy is an economically and environmentally sound solution for waste streams that cannot easily be re-used, recycled or recovered. It replaces fossil fuels imports and thus reduces the energy import dependency of the EU. In particular, in the current discussion on supply security on the one hand, and energy prices on the other, obliging Member States to introduce / increase such taxes would make neither environmental nor economic sense.*

**Directive 1999/31/EC**

<b>Commission proposal</b>	<b>PU Europe proposal</b>
<p style="text-align: center;"><b>Art. 3 (1) (b)</b></p> <p>The following point (aa) is inserted;                      (aa) "residual waste" means waste resulting from a recovery, including recycling, operation which cannot be further recovered and as a result has to be disposed of;</p>	<p style="text-align: center;"><b>Art. 3 (1) (b)</b></p> <p>The following points (aa) <b>and (ab) is are</b> inserted;                      (aa) "residual waste" means waste resulting from a recovery, including recycling, operation which cannot be further recovered and as a result has to be disposed of;  <b>(ab) "recyclable waste" means non-hazardous and non-contaminated waste with a known composition for which environmentally sound and economically viable re-use and recycling solutions exist.</b></p>

Justification:

*The Commission proposal will trigger diverging national definitions as to what is considered "recyclable waste". A European definition is desirable to reduce legal uncertainties. Due to their very long life cycle, construction products may be contaminated by other substances following installation, maintenance and refurbishment activities. For many of them, it will be impossible to identify the producer and hence the exact product composition. This may make recycling impossible or very expensive.*

\*\*\*\*\*

<b>Commission proposal</b>	<b>PU Europe proposal</b>
<p style="text-align: center;"><b>Art. 3 (2)</b></p> <p>(a) the following paragraphs 2a, 2b and 2c are inserted:                      2a. Member States shall not accept the following waste in landfills for non-hazardous waste by 1 January 2025, recyclable waste including plastics, metals, glass, paper and cardboard, and other biodegradable waste.                      ...</p>	<p style="text-align: center;"><b>Art. 3 (2)</b></p> <p>(a) the following paragraphs 2a, 2b and 2c are inserted:                      2a. Member States shall not accept the following waste in landfills for non-hazardous waste by 1 January 2025, recyclable waste including plastics, metals, glass, paper and cardboard, and other biodegradable waste, <b>if technically, environmentally and economically practicable.</b>                      ...</p>

Justification:

*The principle goal must remain a phase-out of landfill. However, for some small, unstable waste streams, or waste products which are contaminated by others, a complete ban might not be feasible and encourage illegal landfill.*

Brussels, 23<sup>rd</sup> September 2014