

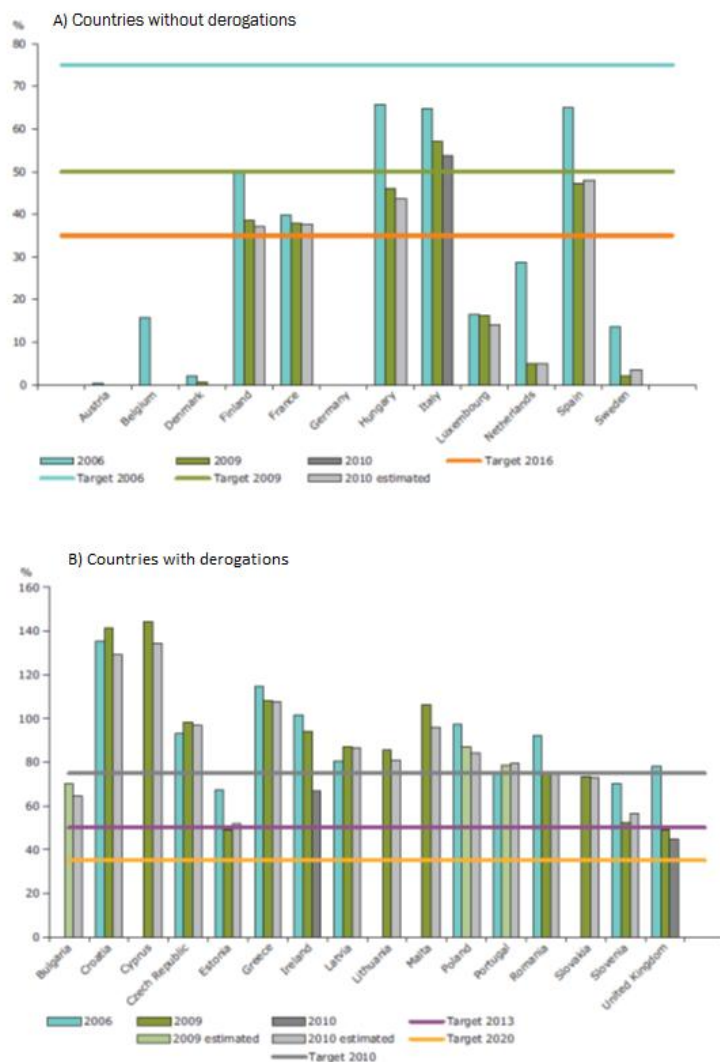
Landfill Directive

The relevant targets under Article 5.2 of the Landfill Directive are:

- a) by 16 July 2006, biodegradable municipal waste going to landfills must be reduced to 75 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available;
- b) by 16 July 2009, biodegradable municipal waste going to landfills must be reduced to 50 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available; and
- c) by 16 July 2016, biodegradable waste going to landfills must be reduced to 35% of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data are available.

Note that some Member States have been allowed an additional four years to comply in cases where they were landfilling more than 85% of their waste in 1995. Performance against the targets is shown in Figure 1 for countries without such derogations, and those eligible for derogations, respectively. The Figure shows that of those countries without derogations, only Italy appears to have failed to meet the 2009 target. Of those countries with derogations, Cyprus, Czech Republic, Greece, Latvia, Lithuania, Malta, Poland and Portugal are shown to be landfilling more than the Directive allows (Croatia has a derogation from the first target to 2013). It should be noted, however, that for the last five of these countries the performance against the target has been based on an estimate.

Figure 1: Percentage of biodegradable municipal waste landfilled in 2006, 2009 and 2010 compared with the amount generated in 1995: A) countries without derogations; and B) countries with derogations



Notes: Graph A) 2010 data estimated for all countries by Italy. Graph B) 2009 data are estimated for Bulgaria, Poland and Portugal. The 2010 data are estimated for all countries but Ireland and the United Kingdom. Diverting derogations: Ireland: derogation only for the 2006 and 2009 targets, to be met by 2010 and 2013. Portugal: derogation only for the 2009 and 2016 targets, to be met in 2013 and 2020. Slovenia: derogation only for the 2016 target, to be met by 2020. Croatia must meet the targets by 2013, 2016, and 2020.

Source: European Environment Agency (2013) Managing Municipal Waste – A Review of Achievements in 32 European Countries, EEA Report No 2 / 2013, Luxembourg: Publications Office of the European Union, 2013.

Do you want to respond to the questions on the Landfill Directive? If you select "No" you can move on to the next section of the consultation which deals with the Packaging and Packaging Waste Directive. If you select "Yes" the questions relating to the Landfill Directive will open up below.

☐ Yes ☐ No

1.1 Key Issues

A number of key issues have been identified in relation to the above targets. These issues are presented, in no particular order, below:

1. The targets set out in Article 5(2) of the Landfill Directive are more difficult to meet for countries where consumer consumption was low in 1995, but has subsequently grown rapidly (resulting in increasing waste arisings). Countries which already had high levels of consumption in 1995 and whose economic growth has been slower are likely to find it much easier to meet the targets.
2. Targets do not have the same effect across all countries since the term 'municipal waste' is applied differently across Member States.
3. The landfill diversion targets may lead countries simply to switch from landfilling large proportions of waste to treating large amounts of waste through incineration or mechanical biological treatment (MBT), so there is no guarantee of a significant move up the waste hierarchy.
4. Reporting against the Article 5(2) targets is not very accurate. This is because the target relates to a group of wastes (that is, biodegradable wastes) which, in order to be measured, requires reliable figures on the composition of municipal waste, or of landfilled municipal waste. This information is often not available within many Member States, and where it is, it is often out of date.
5. The Directive does not define how waste categories such as 'bio-plastics', 'textiles', or 'fines', which are frequently found in composition analyses, should be defined in terms of biodegradability.
6. The reference date of 1995 effectively sets a reference point for which data are not well known in many instances, as many countries had no reliable data on waste composition available at that time. This is a greater problem for new Member States.
7. Countries have adopted different approaches to the assessment of when waste is deemed to be 'no longer biodegradable' (for example, using fermentability measurements, or thresholds, and using different test methods or hurdle values). This leads to different costs for pre-treating biodegradable wastes in different countries (it is important to note that this is not the acceptance criteria).
8. Too much waste is still landfilled and more needs to be done to limit the disposal of material which could otherwise be put to a useful purpose.

Are there any issues related to the targets in the Landfill Directive which you feel are important and should be added to those listed above? If so, please describe up to three additional issues in the text boxes below (please ensure that you only enter one clearly defined issue per box). Please note that these issues should be associated with the existing targets, not with other issues related to the general state of waste management.

1. Additional issue

Article 6 (a) of the Landfill Directive already states that Member States shall take measures to ensure that only waste that has been subject to treatment is landfilled. Despite this provision, a huge amount of untreated waste is landfilled within the European Union.

FEAD members believe that a harmonised definition of 'biodegradable waste' is needed given the fact that Member States today do not apply the same definition. Concerning this question, we support an approach based on waste stream characterisation in line with the

List of Waste and not by analytical characterisation. The latter is not feasible since Member States use different analytical approaches.

In order to define what biodegradable waste is, the definition of bio-waste in Art. 3.4 of the Waste Framework Directive (WFD) can serve as a starting point, complemented by other streams, e.g. sewage sludge.

2. Additional issue

Landfill bans at EU level are a very inflexible approach and would pose considerable practical problems for implementation and enforcement, particularly for dispersed rural populations. Instead, FEAD believes that Member States should apply their own instruments to achieve the goal of maximum landfill diversion.

3. Additional issue

The methodology to report statistics regarding the Landfill Directive is different in each Member State. The EUROSTAT guidance on municipal waste data collection is not binding and Member States choose what they want to report. As such, there is a need for a common mandatory methodology for Member States to report in a harmonised way according to the objectives of this directive.

1.2 Suggestions for Revision

A number of suggested options for change to the Landfill Directive targets are listed below, in no particular order. If you feel that there are possible solutions which are missing from the list, and which you feel should be given careful consideration, you may identify up to three additional solutions which you feel are important in the free text boxes below.

For each solution that has been identified please give a score, on a scale of 1 to 5, to clearly demonstrate your preference for the solution proposed. For example, give a score of 1 to any options you feel are not worth further consideration and a score of 5 to options you believe are extremely good ideas and should be given serious consideration (this is not a ranking exercise so you may give the same scores to more than one option).

A = poor idea, not worth consideration

C = moderately good idea, may be worth further consideration

E = very good idea, definitely deserves further consideration

1. Revise the targets so that they are set in such a way that they do not penalise countries whose economies are growing faster after starting from a lower base. **A**
2. Establish a legal obligation for reporting on 'municipal waste' and enforcing the use of a single definition of the term by all Member States. **E**
3. Standardise the approach to performance measurement and progress reporting. **C**
4. In Member States where no data exists for 1995, a more recent baseline year should be set with targets adjusted accordingly. **C**
5. Clarify when treated waste should be considered 'no longer biodegradable' from the perspective of the Landfill Directive. **D**
6. Further tighten existing targets (e.g. move progressively towards zero biodegradable municipal waste sent to landfill). **C**

7. Progressively include all biodegradable wastes (not just biodegradable wastes of municipal origin) within targets similar to the existing ones. **D**
8. Introduce targets for the progressive reduction in the quantity of residual waste irrespective of how it is subsequently managed (whether it is sent to incineration, MBT or landfill, or any other residual waste management method). **B**
9. Define 'pre-treatment' in an unambiguous manner so that the ban on landfilling waste that is not pre-treated is applied equally across all countries. **C**

Are there any other proposals in addition to the above that you feel deserve serious consideration? If so, please describe up to three additional solutions in the text boxes below (as in the list above, please ensure that you only enter one clearly defined solution per box). Please only include options which you strongly favour.

1. Additional solution

FEAD supports a further and progressive reduction of the landfilling of biodegradable waste and in general of waste which can be efficiently recovered by other means.

Landfill reduction will only be effective if accompanied by appropriate measures supporting the recycling and recovery of the diverted waste, e.g. use of economic instruments such as Pay-as-you-throw and Extended Producer Responsibility (EPR) schemes, landfill bans and taxes at national level. Any instruments should ensure the possibility to plan adequately new investments in alternative waste treatment installations. Additionally, through the sharing of best-practices and lessons-learned at the European level, the way of how to further reduce landfilling should be explored.

We think that based on a general landfill diversion target, Member States can apply the most appropriate instruments for their specific situation in order to reduce the landfilling of biodegradable waste.

In this regard, FEAD members call on the EC to further encourage the separate collection of bio-waste in line with article 22 of the WFD to divert biodegradable waste from landfills. In recent years, measures have been taken in this regard in a number of Member States (e.g. separate collection of bio-waste from big producers in France, country-wide separate collection of bio-waste in Germany from 2015 on) etc. It is important that bio-waste collection not only focuses on municipal waste but also on waste from big producers. It is up to the EC to study the benefits and drawbacks of the different national approaches. In general, bio-waste collection and recycling needs to be further incentivised at the EU level (e.g. through the development of end-of-waste criteria, the revision of the EU Fertiliser Regulation, EC initiatives on the sustainable use of phosphorous etc.) as well as in Member States.

The overall goal of the different measures must be to improve framework conditions for private investments.

2. Additional solution

It seems almost inevitable to use the actual waste generation data for defining landfill diversion targets. Historic waste generation data can hardly be corrected or improved. Harmonised and standardised reporting procedures applied on actual waste generation will result in data comparable between Member States.

3. Additional solution

Concerning performance measurement and progress reporting, FEAD members support progress reporting but it should be up to the EC and EUROSTAT to analyse the data. The choice of measurement methodology is to be kept at national level bearing in mind the need to achieve comparability at the EU-level.