EuRIC Comments on the draft Delegated Acts on Climate Mitigation and Climate Adaptation with a focus on waste management and recycling

15 December 2020

1. **Generic comments**

First of all, EuRIC strongly welcomes the recognition that the waste management and recycling sector “*has a great potential to reduce greenhouse gas emissions in other sectors, particularly through the provision of secondary raw materials to replace virgin raw materials, through replacing fossil-based products, fertiliser and energy, (…)”* and the adequate reflection of that fact, reflected in numerous LCA’s[[1]](#footnote-1), in the “technical screening criteria for waste activities (…) [which] *therefore recognise those activities as substantially contributing to climate change mitigation, provided that those activities implement certain best practices for that sector*” (recital 20 of *Commission delegated regulation supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives*, hereinafter referred to as the Delegated Act).

Regarding the Technical Screening Criteria for *Material recovery from non-hazardous waste*, EuRIC does not want to comment on the threshold (50%) retained for the criteria for substantial contribution to climate change mitigation set at 50% in terms of weight, of the processed separately collected non-hazardous waste into secondary raw materials that are suitable for the substitution of virgin materials in production processes”. Understandably, such a threshold is a statistical average since for some material streams it is already exceeded while for others, vastly because of the failure of the market to reward the environmental benefits of using secondary raw materials, it is not.

Yet, there is a caveat related to the fact that the construction and operation of facilities for the sorting and processing of waste would only contribute to climate mitigation if it processes separately collected non-hazardous waste streams. EuRIC fully supports separate collection of waste since it prevents cross-contamination and directly contributes to high quality recycling. Yet, sorting and treatment facilities under construction or operation have no influence on the collection system in place in the Member State at stake. Making of separate collection a condition to meet the criteria to make a substantial contribution to climate change mitigation equals imposing a condition upon which sorting and treatment facilities have absolutely no control, since it is for each Member States to comply with separate collection obligations set by EU legislation.

Thus, EuRIC suggests two options **(please choose one option):**

* In the technical screening criteria (TSC) for substantial contribution to climate mitigation that if a facility treats both separately and non-separately collected non-hazardous waste, only the share (expressed in percentage) of the activity devoted to the treatment of separately collected non-hazardous waste shall meet the TSC for substantial contribution to climate mitigation.
* In the description of the activity to delete the condition pertaining to separate collection, while leaving unchanged the technical substantial criteria (TSC) for substantial contribution to climate mitigation.

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| Construction and operation of facilities for the sorting and processing of ~~separately collected~~ non-hazardous waste streams into secondary raw materials involving a mechanical transformation process. |

1. **Specific comments**

Requirement in the TSC for the Manufacture of iron and steel

EuRIC entirely supports the threshold of *at least 90% of the iron content*

*in the final products is sourced from scrap steel* set in the TSC for the substantial contribution to climate mitigation related to the manufacture of steel in electric arc furnaces (EAFs). An EAF can source up to 100% of scrap to manufacture steel. Hence, 90% is entirely achievable.

Certification of waste management operator - DNSH

For some economic activities[[2]](#footnote-2) be it in Annex I or II, the DNSH related to the Transition to a circular economy requires the waste management operator in charge of the collection of the waste at stake to be certified. Given the variety of certification schemes or their absence, it is more opportune to replace that standard expression by a “permitted ~~certified~~ waste management operator compliant with applicable legislation”.

See for example:

EuRIC is the Confederation representing the interests of the European recycling industries at EU level. EuRIC, through its various Branches covering the vast majority of waste streams, brings together National Recycling / Resource Management Federations and Companies in lieu from more than 23 European countries active locally and globally.

EuRIC represents across Europe over:

§ 5,500+ companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;

§ 300,000 local jobs which cannot be outsourced to non-EU countries;

§ Million tons of waste recycled per year (metals, paper, glass, plastics, WEEE, ELVs, tyres, textiles, batteries and beyond).

By turning wastes into resources, recycling is the link which reintroduces recycled materials into the value chains again and again. Recyclers play a key role in bridging resource efficiency, climate change policy and industrial transition.

For more information: www.euric-aisbl.eu



1. See for instance:

   - ADEME / FEDEREC (2017). Environmental Assessment of Recycling in France according to Life Cycle Analysis Methodology. Press Conference. Retrieved from <http://avnir.org/documentation/congres_avnir/2017/PPT/Recyclage_Federec_Congres_avniR_2017.pdf>

   - BDSV (2019). Scrap Bonus. External Costs and Fair Competition in the Global Value Chains of Steelmaking – Fraunhofer IMWS: <https://www.bdsv.org/fileadmin/user_upload/Study_Scrap_Bonus.pdf>

   - BDSV (2019). The future of the steel scrap. Technical, economic, ecological and social characteristics of steel recycling. Results of the Fraunhofer Institute’s Umsicht study on the future of steel scrap - An investigation for the BSDV. Retrieved from <https://www.bdsv.org/fileadmin/user_upload/030-Bro-ZuSt-Eng_WEB.pdf>

   - Force Technology with contribution by Ifeu – Institut für Energie- und Umweltforschung Heidelberg GmbH (2020) for GENAN Holding A/S. Life cycle assessment of waste tyre treatments: Material recycling vs. coincineration in cement kilns. Retrieved from: <https://www.euric-aisbl.eu/images/PDF/LCA_tyre_recycling.pdf> [↑](#footnote-ref-1)
2. 1.1. Growing of non-perennial crops (Annex 1 and 2) / 1.2. Growing of perennial crops (Annex 1 and 2). [↑](#footnote-ref-2)