



13 March 2009

Fédération Européenne des Activités de la Dépollution et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

FEAD position paper on the general methodology for end-of-waste

FEAD, the European Association of Waste Management and Environmental Services, has been actively following the legislative process that led to the adoption of the new Waste Framework Directive. In that regard, our members consider the provisions on end-of-waste as one of the key new provisions in the revised Waste Framework Directive.

FEAD members welcome the European Commission's efforts, notably of DG Environment, to make quick progress on the elaboration of end-of-waste criteria for priority waste streams. In the absence of harmonized criteria at EU-level, Member States will continue to decide on a case-by-case basis thereby notifying the Commission and taking into account the applicable case law. It is the opinion of FEAD, that decisions related to end-of-waste at Member States level will not lead to the desired level playing field and will have an impact on the internal market. Moreover, in some cases, these decisions could be detrimental for health and environment.

FEAD members support the provisions in the Waste Framework Directive (Directive 2008/98/EC) that waste can cease to be a waste when it has undergone a recovery process, including recycling and complies with specific criteria to be developed in accordance with the following conditions:

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

In terms of general conditions, we consider the categories *input material, processing and techniques; product requirements, quality control procedures and product application* as suggested in the JRC report on end-of-waste criteria as appropriate parameters to determine the end-of-waste status.

As stated in the JRC report, “the focus of the criteria is the quality of the material candidate for EoW”; it is the **final quality** that should be the priority, rather than the means involved. At the same time, health and security risks have to be taken into account as well as the interface between REACH and recovered materials.

FEAD considers that the end-of-waste status should be reached under the following conditions:

1. Technical criteria

We consider that the end-of-waste status should be, generally, reached at the end of the recycling or sorting plant at the moment the waste stream fulfills all criteria for ceasing to be waste without any further treatment. In cases where doubts about the fulfillment of all criteria persist, the material shall continue to be considered as waste.

With the view to comply with the intended use, the **quality of the secondary raw material** should be controlled by its producer upon existing criteria (technical, health and environmental standards, etc.). The producer of the secondary raw material should be the one to grant/label the end of waste status (treatment residues shall remain waste).

End-of-waste streams must also fulfill **European and/or international** technical specifications **for products** (i.e. CEN or ISO). In order to determine the end-of-waste status, eligible waste streams

AEPSA, Portugal
APOH, Slovakia
ARS, Romania
ASEGRE, Spain
AVFALL NORGE, Norway
AVFALL SVERIGE, Sweden

BDE, Germany
CAOH, Czech Republic
DWMA, Netherlands
ESA, UK
EWMA, Estonia

FEBEM-FEGE, Belgium
FISE, Italy
FLEA, Luxembourg
FNADE, France
IWMA, Ireland

KSZGYSZ, Hungary
LASUA, Latvia
PASEPPE, Greece
PIGO, Poland
VÖEB, Austria
YYL, Finland

must be assessed at each step of the recovery process in order to check their compliance with the end-of-waste criteria with the aim to guarantee highest quality - the main aim being to optimise quality and reduce costs.

2. Environmental criteria

End-of-waste streams must fulfill high environmental and health criteria in order to be able to compete with primary raw materials. In that regard, it is necessary to upgrade the specifications for each product and to determine minimum standards, which should be defined by the European Commission and be applied in all Member States. Furthermore, risks for the health and the environment must be ruled out when material that has reached the end-of-waste status is produced or used.

Therefore, FEAD considers it as imperative that the eligible streams for the end-of-waste status are treated in installations holding a permit for the treatment of waste **and fulfilling all regulatory environmental and health obligations**. In addition, a **framework for storage conditions** (technical specifications, storage period, etc.) should be designed in order to avoid unfair practices, stockpiles without legal owner, illegal dumping, and more broadly non-environmentally sound management.

Furthermore, from the moment on the provisions of the waste legislation will no longer apply and control and traceability mechanisms (e.g. on the real and environmental sound use) will not be as stringent, the recovered material should comply with all relevant product legislation, in particular REACH.

3. Economic criteria

FEAD members consider that once the strict end-of-waste specifications are determined and agreed at the European level (environmental and technical criteria), it should no longer be required to clearly define the specific purpose of application/use of each of those streams after having reached an end-of-waste status. The identification of a market is subject to market demand changes and fluctuations. FEAD would, therefore, like to call upon the European Commission to take into consideration potential market developments in the future when determining the certainty of use. Without any potential market or demand, the recycled material will not serve a useful purpose and will therefore remain a waste material.

To establish technical, environmental and other necessary criteria for determining the end-of-waste status, the participation of industrial – and non-governmental stakeholders is essential.

FEAD is the European Federation representing the European waste management industry. Its members are national waste management associations, with an approximate 70% share in the household waste market and handling more than 75% of industrial and commercial waste in Europe (with a collective annual turnover of approximately € 50 billion). FEAD has 22 members from 21 EU Member States and Norway. FEAD represents companies with activities in all forms of waste management. These companies employ over 350 000 people who operate around 2 000 recycling and sorting centres, 1 700 composting sites, 400 waste-to-energy plants and 2 200 controlled landfills and play an important role in the determination of the best environmental option for waste management problems.