

## **Eurometaux Position on the review of the European waste management legislation**

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### **1. Executive summary**

Since they do not lose their intrinsic properties during recycling, metals can be used and re-used, again and again. In this sense metals are a material with permanent characteristics that can be qualified as a permanently available resource. European policies should therefore primarily aim at ensuring that as much recyclable waste as possible is recycled in efficient conditions to recover as much valuable material as economically and technically possible. Recycling should meet quality standards from collection through preparation for recovery and finally material recovery.

The waste framework directive presents several weaknesses with regard to the promotion of quality recycling, including

- Definition of recycling – the introduction of a definition of “recycling value chain” would help clarifying the concept and defining targets for the three steps of the recycling value chain: (1) collection, (2) preparation for material recovery (= pre-processing), (3) material recovery ;
- Definition of municipal waste needs to be clarified to avoid varying interpretation
- Support to resource efficiency and access to raw materials through recognition of the importance of recycling (material recovery)
- Targets should be defined for each step of the recycling value chain, should be ambitious and should be revised periodically.
- Harmonised and transparent monitoring and reporting is essential to ensure comparability and progressively more ambitious recycling rates.

With regard to landfilling, European policies should aim at ensuring that as much recyclable waste as possible is diverted from landfill and recycled in efficient conditions. In this context, a progressive landfill ban on post-consumer goods can be an aspirational target for Europe, provided it is supported by complementary measures that ensure a quality recycling value chain from collection through preparation for recovery and finally material recovery.

With regard to packaging and packaging waste, Eurometaux supports a level playing field by which all materials should have the same recycling target, including plastics although the latter could be given more time to reach the target. The recycling target could be 60% for all MS by 2020. No maximum target should be set.

## **2. Introduction**

Thanks to their unique properties, metals are essential to building a sustainable future with regard for example to energy, mobility and communications. Unlike other raw materials, such as energy or food, metals are not consumed. Since they do not lose their intrinsic properties during recycling, metals can be used and re-used, again and again. In this sense metals are a material with permanent characteristics that can be qualified as a permanently available resource.

Recycling is a highly efficient way of reintroducing valuable materials into the economy. It delivers real benefits as it:

- Addresses resource efficiency
- Lowers energy consumption and hence CO2 emissions significantly
- Reduces environmental impacts on water and air
- Decreases EU's dependency on raw material imports
- Helps moving from waste management to material management
- Creates and maintains jobs in Europe

Eurometaux therefore believes that European policies should primarily aim at ensuring that as much recyclable waste as possible is recycled in efficient conditions to recover as much valuable material as economically and technically possible. Recycling should meet quality standards from collection through preparation for recovery and finally material recovery.

Support to recycling and resource efficiency should naturally be consistent with other pieces of legislation such as REACH and trust the process defined there so as to avoid unnecessarily burdening companies.

## **3. Waste Framework Directive – the framework**

Eurometaux supports a sound and harmonised implementation of waste legislation whereby all MS reach ambitious targets. Support to the MS lagging behind should be provided urgently with a clear and ambitious timetable for meeting requirements.

As recognised by the waste hierarchy, recycling is the preferred option after prevention and re-use. The waste framework directive however presents several weaknesses with regard to the promotion of quality recycling, including

- Definition of recycling
- Definition of municipal waste
- Support to resource efficiency and access to raw materials
- Targets
- Reporting

### **Definition of recycling**

The WFD definitions are often rather broad leaving room for interpretation and hence non-harmonised implementation across the different MS. The definition of “recycling” is interpreted as “collection” or “preparation for material recovery” but not as “material recovery” which means that recycling rates are in most cases collection rates or pre-processing rates (preparation for material recovery).

The recycling value chain can be broken down into three separate, but highly interdependent, steps: collection, preparation for material recovery and material recovery. Collection and preparation for material recovery are indispensable but they do not guarantee that the material will be recovered in efficient and sound environmental conditions. We believe that the WFD should include the following

definition of “recycling value chain”: “Recycling value chain means *the sequence of operation leading to the recovery of materials from waste. These operations include (1) collection which is the beginning of any waste management process, (2) preparation for material recovery which covers manual and/or mechanical operations & sorting and (3) material recovery which consists in chemical, physical or metallurgical operations, but does not include incineration for energy recovery and the reprocessing into materials that are to be used as fuels.*

*The recycling value chain ends when the waste is reprocessed into products or material which do not require any further processing whether for the original or other purposes.”*

The above definition would clarify the notion of recycling and would allow defining targets for each of the three steps of the recycling value chain and by doing so would ensure that valuable material is duly recovered from the end-of-life products.

### **Definition of municipal waste**

The definition for “municipal waste” is very wide and hence leaves room for different interpretation at MS level. We believe that the WFD should clarify the definition so as to ensure a harmonised implementation and avoid that targets and reporting are not comparable.

### **Support to resource efficiency and access to raw materials**

As highlighted here above, recycling helps moving from a pure waste management approach to a resource management approach. Recycling is a major tool to support resource efficiency and ensure access to secondary raw materials which reduces the dependency of the EU on imports and primary raw materials. The recycling process should therefore be as efficient as possible so as to ensure both optimal recovery of the material and sound environmental treatment. We support the reference to “resource efficiency and access to raw materials” in the WFD, but also in the waste streams specific legislation as is done in the WEEE directive.

Re-use is a sound management option in some cases but Eurometaux believes that a robust life-cycle assessment should be carried out to avoid that the re-use option is promoted while in fact leading to more impact at the use phase and less recycling potential. Furthermore as reuse is just an extension of product life time, it finally needs to lead into quality recycling. In this respect, Eurometaux believes that the effectiveness of “re-use targets” would be hard to assess and rather supports technical guidelines to ensure that the product that is meant to be re-used is effectively working and can deliver the services it is meant to deliver. Furthermore, appropriate documentation, including functionality testing as well as protection through sufficient packaging and appropriate stacking needs to be provided when these products are shipped. The reverse of the burden of proof as already provided for in the WEEE directive and in the recent Commission’s proposal for amendment of the WSR directive are also welcomed. One should avoid creating a loophole through which non-working products disguised as second-hand products are merely shipped away for recycling or treatment outside the EU with no guarantee of quality recovery of the material.

Similarly, Eurometaux believes that prevention is a sound objective but also feels that it should be considered in a broad context to avoid prevention of use of the material as a single objective, whereas in some cases the use of material can bring more resource efficiency benefits than not using it – for example aluminium foils avoiding wastage of food, copper in motors allowing more energy efficiency...

### **Targets**

The WFD needs to establish the framework for defining quality targets and related legal obligations covering all steps of the recycling value chain. Better collection and sorting is critical for recycling! The target for collection shall be expressed by percentage of the weight or per unit and per category as relevant; the target for preparation for recovery should be expressed per weight or through a standard if relevant and the target for material recovery should be expressed in a process quality standard (environment, health and efficiency criteria).

These targets and the bodies responsible for them shall be defined in the waste stream specific pieces of legislation (ELV, batteries, packaging and packaging waste directives, as already done in the WEEE directive).

The targets should be ambitious to ensure more quality recycling in Europe and should be regularly adapted to reflect improvements and technical developments. Calculation and reporting methods should be harmonised.

Eurometaux supports targets on municipal waste (provided the latter term is better defined) but also believes that material specific targets are best defined in waste stream specific pieces of legislation.

### **Reporting**

Harmonised and transparent monitoring and reporting is essential to ensure comparability and progressively more ambitious recycling rates. Reporting obligations as well as enhanced transparency should be ensured throughout the entire recycling chain.

## **4. Landfilling**

European policies should primarily aim at ensuring that as much recyclable waste as possible is diverted from landfill and recycled in efficient conditions to recover as much valuable material as economically and technically possible.

In this context, Eurometaux believes that a progressive landfill ban on post-consumer goods<sup>1</sup> can be an aspirational target for Europe, provided it is supported by complementary measures that ensure a quality recycling value chain from collection through preparation for recovery and finally material recovery. Indeed, as such a ban does not guarantee that the material diverted from landfill will be recycled in efficient conditions. The potential offered by cost effective urban mine is huge especially for technology metals. And more recycling would mean more investments and more jobs!

Such a ban should be progressive to ensure its feasibility and effectiveness, notably in terms of building up capacity to treat the material. It should also take account of the economic and technical feasibility of recycling certain waste.

Some MS have a long way to go to decrease their landfilling rate and they should be supported to do so as quickly as possible. However, policies should always aim at ensuring that the waste diverted from landfill is recycled when economically and technically feasible and not merely incinerated.

Although not directly related to targets Eurometaux proposes to revise the acceptance criteria and limit values for metals like molybdenum and antimony which are far too low.

**Industrial waste is a different type of waste** which is in most cases residual waste that cannot be recycled or not allowed to be put on the market. Non-ferrous companies all strive to reduce as much as possible the amount of process waste landfilled either through improved or increased recycling or through increased use of materials in diverse applications. Under the present economic and technical conditions, industrial landfilling can however not be avoided.

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<sup>1</sup> Post-consumer material.- Material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the goods or service which can no longer be used for its intended purpose. This includes returns of material from the distribution chain (EC Guidelines for Making and Assessing Environmental Claims: [http://ec.europa.eu/consumers/cons\\_safe/news/green/guidelines\\_en.pdf](http://ec.europa.eu/consumers/cons_safe/news/green/guidelines_en.pdf) .

To reduce landfilling, some conditions need to be in place including :

- Harmonisation of regulatory requirements related to transport, use of waste for applications (by-products), end-of-waste and other waste related aspects at EU level.
- Facilitation of the movement of waste for recycling within the EU
- Consistency of legislation to support industrial symbiosis
- Support to product and process innovation to help reduce the amount landfilled
- Economic incentive to recycling waste supported by regulatory incentives.

## 5. Packaging and packaging waste

Eurometaux believes that the packaging and packaging waste directive delivers good results but some of its provisions could be improved. With regard to targets, Eurometaux supports a level playing field by which all materials should have the same target, including plastics although the latter could be given more time to reach the target. The target could be 60% for all MS by 2020. Eurometaux believes that there should be no maximum target.

‘Real’ recycling should be measured, based on harmonized reporting formats to be sent to EUROSTAT. MS should be encouraged to invest in the latest innovative collection and sorting systems, not only focusing on the volume but also on the value of the collected packaging materials. The latter will help to (partially) offset the initial investment costs. The measurement of the targets should be as close as possible to the recycling facility that produces a secondary RM.

National recovery schemes should be obliged to meet the following minimum requirements:

- Full coverage of geography, population and packaging material
- No cherry picking of packaging material (e.g. no sole focus on large volumes)
- Manage a professional waste management operation based on a minimum performance criteria related to high quality recycling
- Provide transparent and accurate data/numbers
- Fair allocation of costs between materials
- Address also “out of home” collection by adding dedicated collection activities

Eurometaux believes that incineration with energy recovery has its value in some cases but also believes that bottom ash recycling is a complementary solution and increased effort should be made to remove metals from the collected waste fraction prior to incineration though more and better sorting of the waste stream.

### **Eurometaux represents the European non-ferrous metals industry**

- **The NF-metals industry is indispensable for modern society.** Thanks to their intrinsic properties – including durability and recyclability - non-ferrous metals are indispensable to meet essential societal needs and to build a low-carbon economy.
- **Non-ferrous metals contribute to the European - and global - creation of wealth and jobs:** they represent 2% of EU GDP and create **450,000 direct jobs and over 1 million indirect** jobs in Europe. Their use in high-tech and high added-value activities makes them very valuable to the EU’s economy and competitiveness.
- **The NF-metals industry contributes to resource efficiency** by enhancing the in-use phase of products and also thanks to high recycling rates ranging between 30% and 95%, depending on the metals and their use. Primary and secondary raw materials are complementary, as secondary raw materials cannot on their own meet the growing needs of a sustainable economy.