

EBA Position on the revision of the Waste Framework Directive

The European Biogas Association (EBA) strongly welcomes the initiative to revise the Waste Framework Directive (WFD) within the Circular Economy Strategy, as it was published in the European Commission's proposal of December 2015. With this position paper, EBA aims to:

- briefly explain anaerobic digestion's contribution to Europe's Circular Economy (page 1);
- make concrete suggestions in this revision to boost organic waste recycling (pages 2 & 3).

The contribution of anaerobic digestion to Europe's Circular Economy.

Anaerobic digestion is an essential step of sustainable waste management and an efficient recycling method recognised under the current WFD¹. This naturally occurring biological process (commonly known for producing biogas) can treat most organic effluents including: sewage sludge; bio-waste (preferably separately collected); catering waste; organic leftovers from the food and beverage industry; agricultural by-products from farms like manure and straw.

Adding an anaerobic digestion step to organic waste management brings the following 4 benefits:

- **Avoid greenhouse gas emissions (GHG) from decomposing organic matter** – Several municipalities across the EU already separately collect and digest organic municipal waste in biogas plants, what results in threefold GHG emission savings: avoided emissions from landfills; production of renewable energy which replaces fossil fuels; production of organic fertilisers which replace energy intensive mineral fertilisers.
- **Produce renewable energy in the form of biogas and biomethane** – In 2014, 63.6 TWh of electricity were produced in Europe from biogas plants, what is equivalent to the consumption of 14.6 million EU households. In the same year, 30 TWh of heat were cogenerated and biomethane (upgraded biogas) reached a production capacity of 2.8 billion Nm³ (EBA 2015 statistical report and EurObserv'er).
- **Recycle organic material in the form of organic fertiliser.** Similarly to composting, after anaerobic digestion all key nutrients and micro-nutrients can be directly used on soil as a fertiliser, thereby substituting fossil fuel based mineral fertilisers. Compared to spreading raw organic waste (e.g. manure or straw) on soil, it is preferable to digest the material first to prevent carbon leakage into the ground water and to inhibit the potential spread of pathogens as well as invasive seeds ([EBA Digestate Factsheet](#), 2015).
- **Reap social and economic benefits from producing fertilisers and energy from waste** – Farmers, municipalities and the food industry are able to turn their waste into additional revenue by producing renewable energy and fertilisers from their waste. The anaerobic digestion sector accounts for over 70,000 jobs across the EU, many in disadvantaged rural areas. Under the right regulatory conditions there is potential for much more growth.

¹Composting and anaerobic digestion are techniques which are currently recognised as contributing towards the recycling targets of the Waste Framework under Commission decision [2011/753/EU](#).

Revising the Waste Framework Directive to boost organic recycling

An ambitious revision of the WFD can trigger the increase of organic recycling across the EU, particularly in regions and member states which were lagging behind until now. In line with a holistic circular economy approach, this revision should open more opportunities for recyclers to make secondary raw materials and at the same time it should not compromise in any way its initial aim to protect people's health and the environment. EBA suggests amending the following provisions of the proposed WFD text which was proposed in December 2015:

- **Separate waste collection of bio-waste** (Art. 22) – EBA welcomes the new wording requiring member states to carry out separate collection, what is essential to produce high quality organic fertilisers. Nonetheless, the conditions under which authorities or waste managers may justify not to carry out separate collection are too general and open ended. EBA suggests to **remove the words “economically practicable and appropriate” as well as to specify how to overcome potential “technical” difficulties** (e.g. bring sites in inaccessible urban areas or encouraging home composting in sparsely populated rural areas). In the absence of strong measures for separate collection, bio-waste will most likely be incinerated as the landfill ban takes effect in the coming years. This in turn will undermine the recycling target and will lead to a wasted opportunity for Europe's green industry. To avoid this unwanted development, **a progressive incineration ban for organic waste should be included in the amendment of the WFD**, as this is in essence the only way to attain high recycling rates across the EU for bio-waste.
- **Remove manure destined for anaerobic digestion from the scope of the WFD** (Article 2, Paragraph 2 (b)) – Animal by-products are generally excluded from the scope of the WFD, as they are subject to the Animal by-product Regulation (ABP, No 1069/2009). A notable exception to this general rule are animal by-products (and therefore also manure) which are “destined for incineration, landfilling or use in a biogas or composting plant”. The main reasons for treating manure in a biogas plant are to avoid emissions from untreated storage, produce renewable energy and make an organic fertiliser which has better agronomic properties compared to untreated manure. As a result of this article's current wording, in some member states the transport of manure between agricultural husbandries and biogas plants has to fulfil the requirements of waste transport (costly and big administrative burden), while no such obligations apply to manure transport for the direct agricultural storage or for application on the field. Additionally, in some member states this also results in biogas plants having to fulfil the same stringent (and costly) procedures as facilities dealing with waste (i.e. municipal waste or higher risk category 3 animal by-products). This is disproportionate and it is a large obstacle to the circular economy for the following reasons: manure is considered a low risk animal by-product under the ABP Regulation, where already strict rules apply to it (as well as to other ABPs); anaerobic digestion removes virtually all risks from pathogens and the spread of invasive seeds; it avoids large amounts of greenhouse gas emissions from manure open storage. EBA recommends **removing the words “or use in a biogas or composting plant” in Article 2, Paragraph 2 (b) as well as the cross reference of this provision in Article 1 (f)**, so as to support renewable energy production and GHG emission reductions in agriculture.
- **Clarify and strengthen the provisions for by-products in the WFD** (Article 5, Paragraph 1) – This in-between category is a smart way to avoid the waste status and to be able to use low risk left over organic material from industrial processes (e.g. spent grain from breweries). In view of the advantages that it can bring to the circular economy, EBA supports the stronger wording which was proposed by the Commission. We request the co-legislators to **keep the obligation under the new paragraph 1 for by-products clearly**

not classifying them as waste when the 4 by-product criteria² apply, as is the case for numerous organic materials which can be recycled. EBA kindly invites national authorities to integrate the by-product provision into their waste legislation so as to give the right signal to actors willing to invest in recycling.

- **Apply EU-wide End-of-Waste criteria for organics** – EBA encourages the European Commission, with the support of the co-legislators, to set End-of-Waste criteria for compost and digestate based on the Joint Research Centre’s report of 2014. We strongly support the introduction of these criteria under the WFD structure, as is already the case for metals and glass. Note that EBA is also fully in favour of the ongoing revision of the Fertilisers Regulation, which would be strengthened by matching End-of-Waste criteria.

Conclusion

Organic waste recycling has brought gains across the board to innovative municipalities, industries and farmers. However, most actors still have not taken the step, considering that: in most municipalities bio-waste goes into the mixed bag for either landfilling or incineration, in agriculture the level of GHG emissions is becoming a matter of concern. Through the above mentioned measures, EBA is convinced that the organic recycling sector can deliver better products and better jobs in tomorrow’s circular economy.

In short, EBA’s key messages to revise the Waste Framework Directive are:

- **Strengthen bio-waste separate collection by removing exemptions;**
- **Remove manure destined for anaerobic digestion from WFD to avoid overlap with Animal By-Products Regulation;**
- **Keep the newly proposed obligation not to class viable by-products as waste;**
- **Accomplish EU-wide End-of-Waste criteria for treated bio-waste via composting and digesting as soon as possible;**
- **Work towards a phase out of bio-waste incineration.**

Further information:

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European Biogas Association aisbl (EBA) was founded 3 February 2009 as a Belgium non-profit organization aiming at promoting sustainable biogas and biomethane production and use from anaerobic digestion (AD) and biomass gasification in Europe. EBA’s membership comprises currently national biogas and biomethane associations, institutes and companies from 26 countries all across Europe. EBA unites a large number of the most experienced biogas and biomethane experts in Europe and has highly experienced and skilled staff providing policy advice, know-how and information to promote beneficial legislation and framework conditions in the related field.

² Under article 5 paragraph 1 of the WFD (wording kept in Commission’s proposal), by-products have to fulfil four criteria: “(a) further use of the substance or object is certain; (b) the substance or object can be used directly without any further processing other than normal industrial practice; (c) the substance or object is produced as an integral part of a production process; (d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.”