

EXPRA Response Paper on the revision of the Waste Framework Directive

This paper is a response to recently published comments on the revision of the Waste Framework Directive (WFD). EXPRA welcomes open discussion on the WFD and looks forward to discussions with all stakeholders on this vital issue.

In relation to the WFD revision EXPRA supports the following statements that have recently been promoted:

1. There should be only 1 calculation method for Member States to measure their recycling performance.
2. The point of measurement for recycling should be input recycling.
3. Legislation and definitions have to be consistent, clear and harmonized across Europe.
4. Separate collection is a vital tool to increase recycling.
5. An integrated approach for all waste streams is necessary to make sorting easy and convenient for inhabitants.

However in relation to certain stakeholder statements EXPRA believes that further examination and clarifications are necessary to improve the understanding of the role of Producer Responsibility Organisations (PRO) and Extended Producer Responsibility (EPR) systems in relation to the role of municipalities in waste management.

1. Although it might be agreeable that municipalities are the ones who decide how to organize the collection and treatment of municipal waste, PROs have the responsibility to organize the collection and recycling of specific product/packaging streams. They try to do this with the lowest possible cost to society. As PROs work together with municipalities to reach their goals, PROs could claim a stake in the design of the municipal waste collection for their specific products. To find the right balance, the roles of producers (or PROs) and municipalities should be institutionalized. If municipalities are the ones who design their collection infrastructure, their decision making process should be transparent and involve the public and it should be guided by economic and environmental criteria. PROs and obliged industry are only required to pay the costs of an optimized system, which should be based on a call for tenders. Both the optimized collection scheme and the tender procedures for collection should be organized in close collaboration with EPR compliance schemes. Moreover, local authorities have an obligation to ensure that their inhabitants and commercial entities follow the local sorting instructions.
2. Calls for a new definition of 'municipal waste' seem unnecessary, a definition for municipal waste already exists (Decision 2011/753(EC Art 1 (1) – (3))).
3. EXPRA believes that responsibility for communication to inhabitants is a common / shared responsibility of local authorities and obliged industry / PRO's. Consequently the decision making process on what to communicate, and in which way, has to be shared. Therefore the costs for such campaigns ought to be shared and not only paid by industry.
4. EXPRA believes that obliged industry and PRO's should only pay for the quantities of waste in the separate collection systems. Paying for the packaging which is wrongly put in the residual waste collection system will not drive the motivation for municipalities to improve their separate collection system.
5. EXPRA does not agree that PROs should pay the costs (albeit average costs) for all waste, as this does not create an incentive to increase the performance of municipalities in this area. There should be financial and quality drivers to increase the performance of municipalities and municipal waste management companies.
6. It has been claimed that household waste collection is only a task for municipalities and that therefore municipalities shall select their contractors. Household waste collection is intertwined with other responsibilities, such as EPR, and has an economic effect on the execution of EPR. PROs are also asked to be increasingly transparent (which EXPRA

members are glad to be), as the processes for the collection of municipal waste should also be.

EXPRA also recognizes through the comments of stakeholders that there are some misconceptions about EPR and PROs and their role in waste management, and therefore sets out the following clarifications in relation to the WFD:

1. EXPRA does not agree with those stakeholders who are not in favor of a clear authentic EPR, coordinated by obliged industry. It suggests that such stakeholders agree with mixed roles where EPR Compliance Schemes can be held by private waste operators and investors and vice versa, and that EPR Compliance Schemes held by obliged industries can also be a physical operator. EXPRA believes that this is sub-optimal both for the environment and in terms of cost.
2. EXPRA has seen no evidence to support an idea that many PROs are counting separately collected waste (e.g. used packaging) as recycled. If this is the case stakeholders active in this area are encouraged to name the PROs and the countries where such activity is taking place.
3. EXPRA opposes the introduction of a so-called 'efficiency category' for the recycling process. This will increase the administrative burden and costs without a real benefit. The recycling yield strongly depends on the input quality, which is constantly changing. Calling for an efficiency category bears a resemblance to the idea of having definitions for so-called 'upcycling' or 'downcycling', an idea that is flawed. Materials going into a recycling process will be recycled into sustainable products, therewith replacing virgin materials.
4. EXPRA does not oppose a definition for "sorting". Nevertheless, this term should not be defined by its own tautology but by using specific legal wording.
5. For many secondary materials the market has already introduced standards for the sorted qualities. Therefore, it should be further analyzed to determine whether there is a need for a legislative approach, which would be very static and reduce the possibilities to react quickly to changing market demands.
6. It is also important that recyclers and sorters are not confused in any definitions put forward for assessing effectiveness of the waste management system.
7. There is confusion around the expression 'real recycling' that has been used by some stakeholders, EXPRA would like to see a definition for this term put forward.
8. Calculating the overall recycling target by dividing the total amount of recycled municipal waste by the total amount of collected municipal waste, would mean that waste that is illegally dumped would not be taken into account when measuring the performance of a Member State. This cannot be the intention, therefore, EXPRA will not support this criteria.
9. In relation to recycling targets for waste streams a definition is needed for the term "put on the market". Internet trade, private imports and purchases in tax free areas are currently not taken into account, but can count for large amounts of exporting and importing in many EU countries.
10. Prevention of waste is an extremely complex topic with many opaque internal effects. Therefore, EXPRA is opposed to inventing a KPI for prevention, which just seems to add another level of complexity while increasing administrative burden and costs without a real environmental benefit.

About EXPRA

Established in 2013, the Extended Producer Responsibility Alliance aisbl (EXPRA) represents packaging and packaging waste recovery and recycling systems which are owned by obliged industry and work on a not-for-profit basis. EXPRA acts as the authoritative voice and common policy platform representing the interests of all its members, which are founded and run by or on behalf of obliged industry. For additional information, please visit www.exptra.eu