



12 July 2004

Mrs Catherine Day
Director-General
Environment Directorate-General
European Commission
B-1049 Brussels
BELGIUM

By e-mail and post

Dear Mrs Day,

RE DELAYS TO PROPOSALS FOR A BIOWASTE DIRECTIVE

We wish to raise our concerns about delays in the development of a specific proposal for a Directive on Biowaste. There have been many expectations raised across the Union in the previous working documents on biowaste, which have involved several meetings and much input from a wide range of stakeholders.

Decisions on the proper combination of various waste management/treatment options (source separation and composting, mechanical-biological treatment, incineration) need to be made. Of particular importance in this respect, is the need for consistency with the key role organic matter plays in the context of the Strategy for Soil Protection. In order to steer local decisions and investments, a strategic approach on biowaste management is urgently needed at the European level.

Organic matter represents a sizeable fraction of Europe's municipal waste stream. The Article 5 targets set in the Landfill Directive (EC/1999/31) are presenting significant challenges for many Member States, especially those that have historically relied heavily on landfill. Therefore, a strategic approach is required in order to seek compliance with the targets.

We support the recent conclusions by the Environment Council on the 28 June 2004 which:

".....re-affirms the Council conclusions of 25 June 2002 requesting the Commission to bring forward as soon as possible the Thematic Strategy on Soils and legislative proposals on compost and sewage sludge, together with standards as appropriate".

This is in line with a previous commitment made by the Commission in the Animal By-Products Regulations (1774/2002) on the 3 October 2002, that:

"by the end of the year 2004 a Directive on biowaste, including catering waste, will be prepared with the aim of establishing rules on safe use, recovery, recycling and disposal of this waste and of controlling potential contamination."

We have deep misgivings that a decoupling of biowaste management and soil protection instruments with the Landfill Directive will result in:

- The construction of **biowaste treatment plants that will only produce poor quality, contaminated 'composts'**, if source separation is not appropriately encouraged. There is a very real possibility that low grade materials will be applied to land, thereby undermining markets and consumer confidence, as well as contaminating land. These mistakes have been made in the past
- **The development of national soil protection policies that may discourage the sustainable application of quality composts and digestates to land.** There is the possibility that biowastes may not be recycled at all
- **The possibility that there will be a substantial diversion from landfill to incineration,** thus losing valuable organic resources (which conflicts with the Strategy for Soil Protection, the Strategy for the Management of Natural Resources, and the Thematic Strategy on Waste Prevention and Recycling)

Continued /...

Considerable capital investments (multi-million Euros) in biological treatment facilities and waste management practices need to be made now by municipalities and local authorities across the EU in order to comply with the Landfill Directive. Without a biowaste management instrument, the uncertainty regarding collection, waste inputs, processing standards and compost outputs presents unacceptable financial risk for both the private and public sectors.

Once facilities (incinerators or composting plants producing poor quality composts) and strategies are in place, it will be very hard for municipalities and local authorities to implement new practices and change long-term contracts. Clear guidelines are therefore urgently needed to enable strategic, environmentally and economically sustainable investments to be made.

As the proposal and discussions on the biological treatment of biowaste are already well advanced, **we call for the development of clear regulatory guidelines for biowaste recovery under a framework soil directive without any undue delay.** It should be based on the Soil Advisory Forum's Technical Working Group report on organic matter, and aim to:

- Move materials up the waste hierarchy
- Promote 'front of pipe' solutions to minimise contamination
- Establish standards, which can be applied to the output for composting or other biological treatment options. Quality standards would serve to classify these materials as "products" and ensure their further use in appropriate applications for improved environmental protection and improvement of soils

Our vision is to see the sustainable management and application to land of exogenous organic matter across the European Union and we **urge you to reinstate the Commission's previous commitment to develop regulatory guidelines for biowaste recovery during 2004.**

Your Directorate will be instrumental in helping to achieve this in a timely manner, and we look forward to hearing from you.

Yours sincerely

KATARINA MOLIN
Communication and Project
Manager

JOSEF BARTH
Managing Director

JOHN HONTELEZ
Secretary General

ASSURRE
Rue du Luxembourg 19/21
1000 Brussels
BELGIUM

**ECN - EUROPEAN COMPOST
NETWORK**
Postbox 22 29
D-99403 Weimar
GERMANY

**EEB - EUROPEAN
ENVIRONMENTAL BUREAU**
Bvd de Waterloo, 34
1000 Brussels
BELGIUM



**ELISE BOURMEAU
LAETITIA REYNAUD**

HELENA BERGMAN
Administration Manager

DANIELLE VAN KALMTHOUT
Director

**FEAD - EUROPEAN
FEDERATION OF WASTE
MANAGEMENT AND
ENVIRONMENTAL SERVICES**
19, avenue des Gaulois
B-1040
BRUSSELS

**ISWA – INTERNATIONAL
SOLID WASTE ASSOCIATION**
Vesterbrogade 74, 3.floor
DK-1620 Copenhagen V
DENMARK

RREUSE
40, rue Washington
B-1050 Brussels
BELGIUM



The above signed organisations have contributed towards the development of the Commission's Thematic Strategy on Soil as members of both the Advisory Forum and specific Technical Working Groups. We have found this to have been a constructive way of working. Importantly it has brought together experts from a range of disciplines across Europe to pool scientific knowledge and opinion in order to create a mutual understanding of biowaste management and soil protection issues. We support continued work on the draft papers released by the Commission since 2001 in order to refine them and create a common platform for proposals for regulatory guidelines for biowaste recovery.