

FEAD's position on the RED II revision – ENVI report and ITRE CA

Definition of waste

FEAD is seriously concerned about the definition of 'waste' in the [ENVI Committee opinion on the Renewable Energy Directive \(RED II\) revision](#) (ENVI Amendment 31), which includes compliance and verification requirements that are out of place in a definition. **To allow for a uniform and correct implementation of EU law, clear, coherent and efficient rules are essential, meaning also a uniform understanding of the concepts included therein.**

The Waste Framework Directive is the piece of legislation that sets the basic concepts and definitions related to waste management in the EU, including the definition of waste, whereas the Renewable Energy Directive is the legal framework for the development of renewable energy across all sectors of the EU economy. The Renewable Energy Directive should thus establish rules that allow for a clear understanding of what the place of energy from waste plays in the promotion of renewable energies, but this cannot change the definition of waste itself, making compliance and verification obligations a requirement to even be considered waste in the first place. In addition to having diverging definitions of waste, such requirements would introduce an extra burden to assess whether something must be regarded as waste or not. Hence, delaying all the processes involved in the circular economy.

Financing and eligibility of installations recovering energy from biodegradable waste

A revision of the Renewable Energy Directive that recognises the energy recovered from biodegradable waste as renewable energy should not include provisions that render its regulation and recognition meaningless in practice, nor subject its financing and possibility to contribute to the renewable energy targets to unnecessarily strict requirements (ENVI Amendments 32, 37 and 92).

Stricter requirements in the Renewable Energy Directive will hardly lead to less waste generated nor to the achievement of the already mandatory recycling targets but will result in missing investments in energy recovery options from waste, and renewable energy generated not being recognised. Therefore, **it is of utmost importance to ensure that 'biomass' under the Renewable Energy Directive continues to cover 'the biodegradable fraction of waste'** (ENVI Amendment 32). Where biomass waste and fossil waste is combusted together, this does not affect the properties of the biodegradable fraction of waste in the mix, whereas the credit for the renewable energy is only given to the energy produced from the biodegradable fraction. Requiring that *only biodegradable waste is used for renewable energy generation* would endanger the achievement of the goals of a circular economy.

Legal security also needs to be guaranteed, meaning that the greenhouse gas emission savings under Art. 29(10)(d) should continue to apply only to installations starting operation from 1 January 2021 or later as applicable.

Energy from waste has a role to play in the decarbonisation of the energy sector, avoiding the combustion of fossil fuels; it has a role to play in the promotion of a circular economy, by safely treating non-recyclable waste and moving up the waste hierarchy; and it has a role to play in the energy independence of the EU, by providing energy from a local, reliable, and safe source. This essential role needs to be consistently recognised across EU legislation and its requirements clearly and realistically established with a holistic approach.

FEAD's recommendations and proposals to the ITRE Committee

- **Maintain the definition of biomass** to ensure that 'biomass' under the Renewable Energy Directive continues to cover 'the biodegradable fraction of waste'
 - ➔ FEAD supports the definition as per ITRE CA 1
- **Respect the waste definition from the WFD**, which cannot require waste to be subject to a prior assessment to be considered as such
 - ➔ FEAD supports the definition as per ITRE CA 1
- **Requirements for the financing and eligibility of biomass from waste in the RED should not endanger the goals of a circular economy** nor render its recognition as renewable energy meaningless in practice by being unnecessarily strict, meaning economically and technically not feasible.
 - ➔ FEAD supports the requirements of Article 3(3) as per ITRE CA 2
- **The sustainability and greenhouse gas emissions saving criteria** for biofuels, bioliquids and biomass fuels **are unclear for waste and not adapted to its particular nature**, meaning that its certification creates enormous bureaucratic hurdles and legal uncertainty. There are different interpretations across the Member States in relation to 'municipal solid waste' and therefore the exemption applicable to it should be extended to other waste.
 - ➔ ITRE Amendment 1145 should be supported
- **Existing installations should be protected by a grandfather clause**
 - ➔ ITRE Amendment 1196 should be supported

FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 19 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion of investments into the economy every year. For more information, please contact:

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