

5 July 2024, Brussels

FEAD Feedback on the 2025 Environmental Implementation Review

FEAD, the European Federation for Waste Management and Environmental Services, representing the private waste and resource management industry across Europe **endorses the Environmental Implementation Review foreseen in 2025**. FEAD recognises that a proper and effective implementation of EU environmental legislation is the cornerstone for reaching the objectives of the EU Green Deal. A lack of or incorrect implementation of EU environmental legislation has been and still is a major problem that jeopardises the EU's climate and environmental goals. Therefore, hereafter, we identify some areas in which a proper implementation and enforcement is particularly lacking.

I. EU-wide enforcement of separate collection

Waste collection is the fundamental step for successful waste management, and for which we need the support and collaboration of our citizens and industries. **The implementation of large scale and effective separate collection is key to improve and increase recycling**, but it is currently lacking.

For example, Art. 22(1) of the Waste Framework Directive (WFD) required Member States, to either separate and recycle bio-waste at source, or to collect it separately by 31 December 2023. Today, the lack of enforcement of the separate collection of bio-waste throughout the EU leads to significant environmental problems, with biowaste primarily being discarded as mixed municipal waste, such as in Germany, where roughly 40% of biowaste was discarded as residual waste in 2017¹, despite national mandatory obligations for separate collection since 2014. Moreover, in 62 out of 400 German districts and independent cities (16 %), there is no comprehensive supply of organic waste bins. In a further 54 regional authorities (14 %), only a voluntary organic waste bin is offered². This also means that the potential benefits that could be extracted from the biowaste for the eco-system, such as composting or the production of renewable energy from biomass, are often lost. Hence, the effective, coherent, and uniform implementation of the separate collection of biowaste is one of the most important obligations under current EU law, the implementation of which is totally insufficient.

While there are no separate collection targets at EU level today, this could be a tool to ensure the EU-wide enforcement of separate collection and enables its monitoring. For example, Italy established in 2006 a separate collection target of 65% by 2012. Although this target was not

¹ https://www.umweltbundesamt.de/sites/default/files/medien/479/publikationen/texte_113-2020_analyse_von_siedlungsrestabfaellen_abschlussbericht.pdf

² https://www.nabu.de/imperia/md/content/nabude/abfallpolitik/230807_nabu_bioabfallsammlung.pdf

reached until 2022, it meant that Italy was ready in 2023 for the implementation of the mandatory separate collection of bio-waste.

Waste from Electrical and Electronic Equipment (WEEE) could be another example, as an effective separate collection is also not implemented throughout the whole territory of Germany. In Italy, during the last 5 years, the collection rate of WEEE decreased by 12,6%³. The significant importance of the separate collection of this waste stream regarding critical raw materials should also be considered in the Implementation Review.

II. Enforcement of waste management targets

The Early Warning Report (EWR) published on 8 June 2023 highlights the pressing need for stronger efforts to meet the recycling objectives and underscores the crucial role of the waste management industry in achieving a sustainable circular economy. **Achieving the targets of the EU waste legislation requires the deployment of all available waste treatment technologies with the needed capacities.** European institutions and Member State authorities, which must give priority to sorting, recycling and energy recovery plants.

For example, the Landfill Directive sets an objective of maximum 10% landfilling of municipal waste by 2035 at national level. Today, 9 Member States have already achieved less than 10%, but 9 other Member States still landfill 50% or more of their municipal waste. Therefore, FEAD urges the effective implementation of this landfilling target for municipal waste in the EU27. To reach it, the route of landfilling reduction must start now. Member States at risk of not meeting the target should be encouraged to develop action plans with intermediate objectives and to report regularly on their progress. These action plans must include an overview and commitment to deploy the alternative treatment options.

III. Doubling the circular material use rate

The circular material use rate (CMUR) measures the extent to which materials in the economy are recycled and represents the proportion of total material used that comes from recycled waste. In the last Circular Economy Action Plan, the EU outlined the goal of doubling its circular material use rate over the next decade (by 2030). However, despite a slight increase over the last decade, rising from 10.7% in 2010 to 11.5% in 2022, the CMUR remains very stable and overall low. **Doubling the CMUR by 2030 must be a priority as it will mean boosting the uptake of secondary raw materials in our economy.**

By broadening the range of materials containing recycled content, Europe can reduce its reliance on extracted raw materials, many of which are imported from non-EU countries. This, in turn, enhances Europe's resource security and reduces its vulnerability to supply chain disruptions. Additionally, bolstering industrial investments in Europe's recycling infrastructure and capacity contributes to economic growth and job creation within the region. Moreover, this expansion facilitates the development of high-quality recycled materials tailored for specific applications, meeting the increasing demand for sustainable and environmentally friendly products across various industries.

IV. Effective implementation of Extended Producer Responsibility systems within the EU

³ <https://www.raeeitalia.it/la-raccolta-negli-anni/>

In line with the polluter pays principle, FEAD strongly supports that producer's responsibility must reach the end-of-life stage of their products. This ensures human health and environmental protection, both through improved product design and through sustainable waste management. However, due to its relevance, FEAD stresses that a case-by-case analysis is needed to determine the best policy instrument to implement the polluter pays principle and the extended producer responsibility. For example, extended producer responsibility (EPR) schemes with producer responsibility organisations (PROs) should only be considered where there is a market failure. This means, where open markets and waste contracts are not sufficient to develop an entire waste management chain, covering collection, treatment, recycling, recovery or final disposal, as necessary in each case. Where an EPR scheme is deemed necessary, the most appropriate form of EPR (financial EPR or organisational EPR) must be carefully decided, bearing in mind that operational EPR close the market to alternative operators.

It is crucial to ensure a clear role distribution of all actors involved when establishing an EPR scheme. This is essential to ensure competition in a free market and market access to all actors. The contrary can lead to situations, such as currently faced, for example, in Portugal. Here, the EPR scheme in charge of WEEE, batteries and packaging, started using its reserves to finance, buy and operate waste management services by themselves, closing the market to external operators. Therefore, **FEAD highlights that where waste management operators are operating in the market, the role of the EPR scheme must be limited to the facilitation and financing of efficient waste management treatment, ensuring a fair competition in the market, without operating in it and without retaining the ownership of the materials.**

Recently, a new EPR scheme has been established in wastewater treatment through the revised Urban Wastewater Treatment Directive (UWWTD) and another one is being negotiated for textiles under the Waste Framework Directive. FEAD welcomes these new EPR schemes and hopes they will provide the needed incentives to improve product design and their waste management. Nevertheless, FEAD highlights that the implementation of these EPR schemes must also ensure that producers (e.g., via PROs) do not become prescribers of technologies and objectives (sometimes in a monopoly situation), imposing waste operators 'low-cost environmental practices' in order to minimise costs in detriment of an environmentally sound management of the waste. In addition, the EPR schemes must not jeopardise the functioning of free markets, for example by keeping the ownership of the waste in addition to prescribing a specific treatment. The functioning of free markets for waste and recyclates is key for a circular economy, as it ensures competition on a level playing field and allows for further investments and innovation both, in the production processes, and in the subsequent management of the waste.

To ensure an adequate implementation of the polluter pays principle in EPR schemes, FEAD suggests that the role and performance of EPR schemes and the achievement of their objectives should be better framed and controlled, considering both recyclability of the goods and recycling of the waste, while at the same time sanctions are enforced to tackle non-compliances. This can be done through an independent monitoring and advisory body that must involve waste management operators.

Finally, there should always be incentives to improve product design through the eco-modulation of fees according to the environmental performance of the product. This can be done in the form of lower fees for less polluting materials (e.g., homogeneous and easily recyclable materials). This eco-modulation of fees needs to be accompanied by appropriate information for the consumer to identify the most sustainable choice.

V. Enforcement of the notification procedures under the Waste Shipment Regulation

Waste shipments and a single market for waste are essential for the circular economy. The newly revised Waste Shipment Regulation (WSR) brings important changes and modernises waste shipments, including the digitalisation of procedures, which should increase the speed, efficiency, transparency, and traceability of waste shipments. An important achievement in the revised regulation is the clarification that a shipment should not be considered illegal if only minor clerical errors in the documents occur. Now, after the revision process, efficient procedures must be ensured by competent authorities with sufficient technical, personal, and material means to observe the deadlines and process the notifications adequately. Unfortunately, the newly revised WSR limits the possibility of tacit consents to transit authorities, which can lead to prolonged administrative procedures. Therefore, **FEAD calls all EU Member States to ensure that their administrative bodies can process waste shipment notifications in due time so that that it becomes easier to overcome the long and persistent delays the waste management sector currently faces.**

VI. Accelerated permitting procedures

Together with the Waste Shipment Regulation, other pieces of EU legislation need **accelerated permitting procedures, less bureaucracy and digitalised processes need to be established.** Regarding the revised Industrial Emissions Directive (IED), for example, it is necessary that the new rules on Environmental Management Systems do not lead to double reporting obligations and that proof of environmentally sound management submitted according to the obligations under ISO 14001 are also recognised under the same EMS. Permitting procedures under the Critical Raw Materials Act (CRMA) and the Net Zero Industry Act (NZIA) also need to be accelerated to ensure fast and uncomplicated processes, as well as planning security for the industry.

VII. Eco-friendly product design

An eco-friendly product design, not only within the Ecodesign Regulation for Sustainable Products (ESPR), but also within the Batteries Regulation and in the proposal for an ELV-Regulation must be promoted and fostered in order to emphasize the urgency of achieving the transition to a circular economy in the fastest possible way. It is imperative to emphasise that **the transition to a circular economy, as stipulated in the EU Green Deal, can only be achieved through a close cooperation between the manufacturing and the waste management sectors.** Therefore, to conserve our primary natural resources, manufacturers need to use, to the largest possible extent, secondary raw materials.

VIII. Green Public Procurement

The Commission very rightly emphasises in its Communication from 15 May 2023 on a revised monitoring framework for circular economy (COM (2023) 306 final) that the EU spends around 14% of its GDP (around EUR 2 trillion per year) on the purchase of services and goods through public procurement. This shows that **green public procurement can play a decisive role in fostering circular economy and green innovation.** To foster the use of GPP, harmonised

criteria are needed, which will also ensure accountability and comparability of data across the EU. In addition, reporting on the use of GPP would ensure a better understanding of the situation in the EU.

FEAD therefore welcomes that the CRMA foresees concrete rules on the use of secondary raw materials via green public procurement. Also, the Ecodesign Regulation (ESPR) empowers the Commission to adopt Implementing Acts to develop technical specifications, award criteria, contract performance conditions or targets to incentivise the public procurement for environmentally sustainable products for products for which ecodesign requirements have been developed. Now, it will be decisive to implement these new rules as effectively as possible.

To go further, **FEAD calls for a revision of the EU Directives on public procurement to enshrine mandatory GPP.** For this, the EU shall take inspiration by what is already regulated in some Member States. As a minimum criterion, Member States shall assess in the planning, selection and implementation of investments and in procurement procedures how those projects can contribute to achieving the EU's circular economy and climate objectives. In consideration of other relevant criteria related to the project, preference shall be given to those that offer the best environmental characteristics at the lowest cost over their entire life cycle.

IX. EU climate targets

Implementation of environmental legislation is essential to achieve the EU's climate targets. In particular, the Commission highlighted in February the increasing importance that the circular economy will have to achieve both climate ambition and a new prosperity model for Europe. For example, mechanical recycling of plastic waste saves on average 20 to 70% or more of CO₂ equivalent compared to the corresponding production of virgin plastics from fossil sources.

FEAD calls upon the EU to harness the potential of waste management and the circular economy towards climate change mitigation measures by introducing a mechanism that recognises avoided CO₂ emissions of the waste management industry and of recycled materials. This should serve not only to illustrate and account the role of the sector in achieving climate targets, but also to provide economic incentives to waste management operators that are saving CO₂ emissions through their operations. In addition, Member States should integrate existing circular economy actions and the quantified resulting emission reduction targets in national climate change mitigation reporting. This would also stimulate Member States to accelerate the implementation of environmental legislation.

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, fueling €5 billion of investments into the economy every year.

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