



**CONSULTATION BRIEF ON THE GREEN PAPER ON  
THE MANAGEMENT OF BIODEGRADBLE WASTE IN  
THE EUROPEAN UNION COM 2008 (811)**

## 1. BACKGROUND

- 1.1. Growth in the EU is still accompanied by increasing amounts of waste, causing unnecessary losses of materials and energy, environmental damage and negative effects on health and quality of life. It is a strategic goal of the EU to reduce these negative impacts, turning the EU into a resource efficient "Recycling Society".
- 1.2. Bio-waste management in the Community has already been discussed in two working papers issued by the Commission between 1999 and 2001. The situation has since changed substantially: 12 new Member States with specific waste management practices have joined the EU, technological progress and new research results need to be considered, new orientations (e.g. in soil and energy policy) need to be factored in.
- 1.3. Bio-waste is defined as biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, and comparable waste from food processing plants. It does not include forestry or agricultural residues, manure, sewage sludge, or other biodegradable waste such as natural textiles, paper or processed wood. It also excludes those by-products of food production that never become waste.
- 1.4. The main environmental threat from bio-waste is the production of methane in landfills. The landfill Directive obliges Member States to reduce the amount of biodegradable waste that they landfill to 35% of 1995 levels by 2016, which will significantly reduce the problem.
- 1.5. Following the Thematic Strategy on Prevention and Recycling of Waste (COM 2005 (666) final) concerning the need to address compost standards at EU level and responding to the call made in article 22 of the Waste Framework Directive (2008/98/EC) requesting the Commission to carry out an assessment on the management of bio-waste with a view to submitting a proposal if appropriate, the Commission started preparatory work on potential legislative proposal on bio-waste
- 1.6. The first step in that process was the publication of the Green Paper on the Management of bio-waste in the EU (COM/2008/0811) on 3 December 2008. The aim of this Green Paper was to explore options for the further development of the management of bio-waste. It was also aimed at preparing a debate on the possible need for future policy action, seeking views on how to improve bio-waste management in line with the waste hierarchy, possible economic, social and environmental gains, as well as the most efficient policy instruments to reach this objective.
- 1.7. The Green Paper outlines the waste management options for bio-waste, namely prevention at source, collection (separately or with mixed waste), anaerobic digestion and composting, incineration, and landfilling. The paper also outlines that environmental and economic benefits of different treatment methods depend significantly on local conditions such as population density, infrastructure and climate as well as on markets for associated products (energy and composts). These choices must be taken in a transparent manner, and to this end the Commission proposed in the draft Waste Framework Directive to require Member States to include these choices in their national waste management plans. To

support the Member States in this future legal obligation, the Commission will provide criteria, in the form of a guidance document, to help with identifying the environmentally best option for the management of bio-waste in the various countries and regions.

1.8. Discussions on the Green Paper were held during the Environment Council and Council Conclusions were adopted in June 2009, whereby the Council welcomed the publication of the Green Paper and encouraged the Commission to continue its impact assessment with a view to preparing, if appropriate, an EU legislative proposal on bio-waste by 2010. In particular, the Council invited the Commission to consider the need to stipulate, if appropriate and while respecting the subsidiarity principle and taking into account local conditions:

- measures for the prevention of such waste;
- measures for introducing separate collection of biodegradable waste where necessary to guarantee a high quality for subsequent recycling;
- a quality assurance system, based on the principle of integrated chain management and traceability throughout the process up to the final receptor, without entailing disproportionate costs or administrative burdens;
- the establishment of requirements on the labelling and on quality criteria for compost and digestate as well as on quality criteria for recycled biodegradable waste that is intended for use on land to facilitate the management of this material and assist in stimulating the market by increasing consumer confidence

1.6 Bio-waste is one of the stated priorities of the current Spanish EU Presidency, whereby it was indicated that a specific proposed directive might be adopted under this Presidency. However the preliminary results of a related Commission Impact Assessment indicates that significant progress could be made by simply implementing fully existing EU laws on landfill and the waste hierarchy. The Commission's legal services are currently conducting a quality check of the impact assessment and, when approved, it will be decided whether to present legislative or non-legislative proposals.

## **2. IMPLICATIONS**

2.1 Measures on bio-waste are important and the production of high-quality compost constitutes an important step towards increasing environmental and human health protection.

2.2 However, Malta foresees difficulties should a common approach towards the management of bio-waste be adopted; as the management of this waste stream is subject to various criteria which tend to vary from one Member State to another mainly due to their geographical location, climate, population lifestyle, population density, land space, hygiene and odour issues, compost market and social and economic issues.

- 2.3 In this context, there is no one technology for the treatment of bio-waste that could be applied European wide and it would therefore be inappropriate to set a “one-size-fits-all” target.
- 2.4 Furthermore, the Commission’s Green Paper on the management of bio-waste in the European Union identifies that the need to re-design waste collection schemes as would be the case in Malta would imply additional costs and administrative burdens for enterprises and public administrations; as this would require organising local separate collection of bio-waste possibly accompanied by targets for measuring progress requiring new reporting and enforcement obligations for waste managers and authorities.

### 3. COMMENTS

In view of the fact, that there might be a possibility that the Commission issues a draft proposed directive on bio-waste or issues proposals to amend existing waste legislation to tackle issues related to bio-waste, MEPA would like to consult stakeholders to seek their views on any potential implications.

The full Green Paper and corresponding Council Conclusions may be viewed on [http://www.mepa.org.mt/draft\\_eu\\_prop\\_leg](http://www.mepa.org.mt/draft_eu_prop_leg)

Further information may be obtained by calling the Waste, Air, Radiation and Noise Unit on 2290 7206, or by email to [contact.waste@mepa.org.mt](mailto:contact.waste@mepa.org.mt).

Comments will be received by email on [contact.waste@mepa.org.mt](mailto:contact.waste@mepa.org.mt), or by fax on 2290 2281 or by post to: MEPA, UNIT D, St. Francis Ravelin, Floriana, P.O. Box 200, Marsa, MRS 1000 by no later than the 2<sup>nd</sup> June 2010.

Comments received will be taken into consideration in the preparation of Malta’s position on a potential proposed directive on bio-waste or any amendments to existing waste legislation.