



F. I. R.

**Fédération Internationale du Recyclage International
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In Europe

New European Waste Agency

The waste legislation of the EU consists of some 60 regulations, directives and decisions. However, in many member states implementation and enforcement is lacking behind. Of all environmental infringement cases, infringement cases related to waste make up some 19%. The European Commission acknowledges that it does not have enough resources to enforce implementation of EU legislation. It has carried out a study into the feasibility of creating a special agency to enforce EU waste legislation

According to the study, main tasks of a new Waste Agency would be to carry out reviews of member states' enforcement systems, conduct coordinated checks and inspections, and train national officials.

Slight increase of recycling in 2008

According to recent EU data, the amount of municipal waste increased compared to 2007

by 2 kg. per person in the EU. In the Czech Republic 306 kg. of municipal waste was produced per person, in Denmark 802 kg. EU citizens generated 524 kg. on average.

As for the amount of waste recycled or converted into compost, the overall EU figure went up by 1% in 2008 and landfill decreased by 2%. The average volume of waste incinerated remained the same. There are still huge differences between Member States. Whereas Austria increased its recycling and composting rate from 59% to 69%, Bulgaria still relies on its landfills, which received 100% of the municipal waste.

FIR visit to European Commission

In January FIR, together with representatives of the Dutch member BRBS Recycling, met with Mr. Versmann and Mr. Wolff of the European Commission. Mr. Wolff is responsible within the Commission for Construction & Demolition Waste. Mr. Versmann is responsible for the implementation of the revised Waste Framework Directive.

The Commission is carrying out a study into the implementation of the Waste Framework Directive. Amongst others, this study must make clear how the 70% recycling target must become operational. FIR brought forward its concern about "backfilling" (see also below). The Commission will further elaborate on this and FIR will continue to bring in its input.

As for end-of-waste criteria, the Commission confirms that recycled aggregates are on the agenda end of 2010/beginning of 2011. The Commission stresses that it is still possible for Member States to define an own approach for recycled aggregates. The example of the United Kingdom was given, where recycled aggregates meeting requirements of protocols can be considered as product and not as waste.

Final steps for REACH?

As time for REACH pre-registration of substances became shorter and shorter in 2008, more and more uncertainties arose. The REACH regulation is not very clear about the need for recycled materials to be registered. Even a guidance document on waste and recovered substances did not shed any light. Recycling companies did not know whether their recycled aggregates needed to be pre-registered or not. FIR and EPRA (the European Platform for Recycled Aggregates) have made very clear to their members and to the European institutes that recycled aggregates constitute an article in the sense of REACH. Articles are exempted from the obligation of registration. This was finally acknowledged in 2008 by the European Commission.

Recently, ECHA (European Chemical Agency) has drafted new versions of the REACH "guidance on waste and recovered substances". In some earlier versions ECHA explains that recycled aggregates can be considered to constitute articles "if for this function the shape, surface or design is more important than the chemical composition". EPRA was of the opinion that the guidance paper should be even clearer than that. It should explicitly state that recycled aggregates are articles. Representatives of EPRA have been closely involved in drafting new texts. Newer versions of the guidance document provide for more clarity that recycled aggregates are indeed articles. The final guidance document will be issued within short.

New European Environmental Commissioner confirms need for resource efficiency

In a speech for the Lisbon Council on 23 March, the new Slovenian European Commissioner for Environment Janez Potočnik considers resource efficiency a driver for growth and jobs. Referring to the new European Strategy, EU2020, Mr. Potočnik is very clear that resource efficiency must be a central priority. It is one of the seven flagship initiatives in the strategy. The right incentives for resource efficiency must be provided for he confirms.

Management of C&DW in Sweden

FIR was invited to speak on a workshop in Stockholm on the management of Construction & Demolition Waste. The workshop was held within the framework the programme "Construction and Demolition Material Recycling". The aim of this programme is to

improve the steering and recycling of Construction & Demolition Waste in the Stockholm region. The management of C&DW in Sweden is not yet very much developed. Whereas concrete is for a part finding its way to recycling, much C&DW still ends up at landfills. As it is accepted at landfills as "construction materials", taxes are avoided.

Within the programme stakeholders such as construction and demolition companies, recyclers and authorities are now developing plans to improve the situation of C&DW management and to increase the levels of recycling.

Backfilling of C&DW – a threat?

The revised Waste Framework Directive has set a goal for Construction & Demolition Waste (C&DW). In 2020 all Member States must have reached 70% recycling and recovery of C&DW. Recovery may also include "backfilling". The target is a measure that must contribute to the ultimate goal of the European Commission: Europe as a Recycling Society.

In an internal document, the Commission further elaborates on the issue of "backfilling". According to the document, the following may be understood as "backfilling":

- refilling of excavated areas (such as underground mines and gravel pits) for the purpose of slope reclamation or safety
- filling of new constructions, in landscaping or on landfills

In these cases C&DW must replace other non-waste materials which would have been used otherwise.

Current management of C&DW in Europe shows that in many cases it is disposed of as "backfilling material" in cases where backfilling was not even necessary. The question remains if the new recycling/recovery target of the Waste Framework Directive may change this situation.

FIR is discussing with the European Commission the issue of backfilling. The aim is to achieve proper management of C&DW in Europe and to increase the level of recycling.