



**BERICHT ÜBER DIE KONSULTATION  
DES NETZES FÜR  
SUBSIDIARITÄTSKONTROLLE ZUM  
GRÜNBUCH  
ÜBER DIE BEWIRTSCHAFTUNG VON  
BIOABFALL IN DER EUROPÄISCHEN UNION**

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Mitglied des Provinzialverbandsrats von Jämtland



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**Ausschlusserklärung:**

*In dem vorliegenden Bericht sollen nicht alle beim Netz für Subsidiaritätskontrolle eingegangenen Beiträge wiedergegeben, sondern einige besonders relevante Aspekte zusammengefasst werden. Die darin enthaltenen Informationen haben ausschließlich Beispielcharakter. Die Verwaltung des AdR geht mit dem Bericht keinerlei Verpflichtungen ein und greift dem Inhalt der endgültigen Fassung der AdR-Stellungnahme zu diesem Thema in keiner Weise vor.*

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## Analyse der eingegangenen Beiträge

Mit dem Grünbuch über die Bewirtschaftung von Bioabfall will die Europäische Kommission eine Debatte über etwa erforderliche künftige politische Maßnahmen vorbereiten, indem herausgearbeitet wird, wie die Bioabfallbewirtschaftung im Sinne der Abfallhierarchie<sup>1</sup> verbessert werden kann, welche potenziellen wirtschaftlichen, sozialen und ökologischen Vorteile bestehen und welches die wirksamsten politischen Instrumente sind, um dieses Ziel zu erreichen. Das hauptsächliche Ziel dieses Grünbuchs besteht darin, Möglichkeiten für die Weiterentwicklung der Bioabfallbewirtschaftung zu prüfen. Die Konsultation des Netzes für Subsidiaritätskontrolle des AdR zu diesem Grünbuch fand vom 11. Februar bis 20. März 2009 statt und hatte das Ziel, einige der von der Europäischen Kommission vorgeschlagenen Optionen im Hinblick auf die Subsidiarität und Verhältnismäßigkeit zu prüfen. Insgesamt nahmen elf Partner des Netzes aus acht EU-Mitgliedstaaten an der Konsultation teil und reichten auf elektronischem Wege ihre Fragebögen ein<sup>2</sup>.

### 1. Verbesserung der Abfallvermeidung

Die Partner des Netzes wurden um ihre Meinung über die Verbesserung der Abfallvermeidungsstrategien gebeten und gefragt, welche Rolle die EU in diesem Bereich spielen sollte. Die Befragten schienen Lösungen vorzuziehen, die das Problem von Grund auf angehen. Dies zeigt, dass es nötig ist, die Bürger zu sensibilisieren, um ihre Gewohnheiten zu ändern und die Abfallbehandlung vor Ort zu fördern. Die meisten Befragten wiesen darauf hin, dass die Förderung der Heimkompostierung eine gute Strategie zur Lösung dieses Problems sein könnte.

Des Weiteren wurde mehrheitlich vorgeschlagen, dass die EU die Abfallvermeidung unterstützend fördern und den nationalen, regionalen und lokalen Gebietskörperschaften genug Spielraum für die Festlegung spezifischer Ziele und entsprechender Umsetzungsmaßnahmen lassen sollte. Angesichts der von den Partnern bevorzugten Lösungen, die in den meisten Fällen darin bestehen, das Problem von Grund auf anzugehen, sollten lokale und regionale Faktoren bei der Gestaltung von Abfallvermeidungsmaßnahmen besonders berücksichtigt werden. Nach Ansicht der meisten Befragten scheinen die lokalen und regionalen Gebietskörperschaften am besten in der Lage zu sein, Ziele festzulegen und Maßnahmen umzusetzen. Die Maßnahmen der EU hingegen sollten sich darauf konzentrieren, Informations-, Bildungs- und Sensibilisierungskampagnen einzuleiten, Daten zu sammeln und bewährte Verfahrensweisen zu fördern und auszutauschen.

Einige Partner sind darüber hinaus der Ansicht, dass die EU beim Thema Abfallvermeidung weitere Politikbereiche (z.B. die Landwirtschafts- und Sozialpolitik) mit einbeziehen und sich für bereichsübergreifende Maßnahmen entscheiden sollte.

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1 Überarbeitete Abfallrahmenrichtlinie

2 Die Liste der Partner und ihre Beiträge finden sich im Anhang (in englischer Sprache).

Darüber hinaus wurden von mehreren Partnern konkrete Maßnahmen zur besseren Vermeidung von Bioabfall vorgeschlagen, wie z.B. die Einrichtung von Nahrungsmittelbanken und "*Last-Minute-Märkten*"; die Einführung von steuerlichen Vorteilen und Entlastungen zur Förderung der Zusammenarbeit; Informationskampagnen zur Förderung des nachhaltigen Verbrauchs sowie die Unterstützung lokaler Gebietskörperschaften bei der Bereitstellung von Dienstleistungen zur Heimkompostierung in Häusern und Gärten.

## **2. Begrenzung der Ablagerung auf Deponien**

Die Partner des Netzes wurden darum gebeten, die Vor- und Nachteile einer über die Ziele der Deponie-Richtlinie<sup>3</sup> hinausgehenden weiteren Beschränkung der Menge an biologisch abbaubaren Abfällen, die auf Deponien gelagert werden dürfen, zu bewerten. Darüber hinaus wurden sie gefragt, welche Regierungsebene ihrer Ansicht nach am besten geeignet sei, um über derartige weitere Beschränkungen zu entscheiden.

Zu diesem Thema scheiden sich die Meinungen der Partner: eine Gruppe der Befragten sprach sich gegen eine Verschärfung der Deponie-Richtlinie aus und wies auf die umfassenden Nachteile hin, die diese Option mit sich bringen würde. Ihrer Meinung nach könnte eine mögliche Verschärfung der Richtlinie zu einem Kostenanstieg führen, den in einigen Gemeinden und Regionen bereits verfolgten langfristigen Ansatz untergraben oder dazu führen, dass andere, allerdings unerwünschte alternative Optionen zur Abfallbehandlung (wie z.B. die Abfallverbrennung) gewählt werden. Einige Partner schlugen weitere Alternativen vor, die in Betracht gezogen werden sollten, um die Ablagerung auf Deponien weiter zu begrenzen, wie z.B. negative finanzielle Anreize und die Verpflichtung zur Getrenntsammlung.

Eine zweite Gruppe von Befragten schien die Verschärfung der Deponie-Richtlinie unter bestimmten Bedingungen zu befürworten. Die meisten Partner dieser Gruppe waren der Ansicht, dass bei allen künftigen Beschränkungen der Menge an biologisch abbaubaren Abfällen, die auf Deponien abgelagert werden dürfen, die unterschiedlichen lokalen und regionalen Gegebenheiten berücksichtigt werden sollten. Sie vertreten daher die Meinung, dass die EU ausschließlich dafür zuständig sein sollte, einen allgemeinen Rahmen für derartige Beschränkungen festzulegen, während auf nationaler, regionaler oder lokaler Ebene weiterhin über die konkreten Mengen entschieden werden sollte. Nach Ansicht einiger Befragter sind aufgrund der potenziellen Folgen solcher restriktiver Maßnahmen spezielle Studien erforderlich. Zwei Partner wiesen auch auf die Vorteile hin, die diese Option mit sich bringen würde, wie z.B. die verstärkte Nutzung von Biogas als Brennstoff und die Verringerung der Abfallmenge, und merkten an, dass diese Option zum allgemeinen Ziel der Bekämpfung des Klimawandels beitragen könnte. Allerdings sehen sie offenbar auch den Nachteil dieser Lösung, nämlich die strukturellen Schwierigkeiten, die bestimmte Mitgliedstaaten bei korrekter Umsetzung einer verschärften Richtlinie bewältigen müssten.

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Richtlinie 1999/31/EG, ABl. L 182 vom 16.7.1999.

### 3. Verstärktes Recycling: Recyclingziele & getrennte Sammlung von Bioabfällen

Die Partner des Netzes wurden darum gebeten, die Notwendigkeit des Recyclings und der getrennten Sammlung von Bioabfällen zu bewerten und sich darüber zu äußern, welche Rolle die EU in diesem Bereich spielen sollte.

Im Hinblick auf die Notwendigkeit, das Recycling von Bioabfall zu fördern, scheinen die Meinungen der Befragten in zwei verschiedene Richtungen zu gehen: Einige sehen keine Notwendigkeit für spezielle Förderstrategien auf EU-Ebene. Zu den Argumenten, die zur Unterstützung dieser Meinung vorgebracht wurden, gehören die potenziellen negativen Auswirkungen auf die Abfallvermeidung und die Entwicklung der Heimkompostierung sowie der damit verbundene Kostenanstieg für die lokalen und regionalen Gebietskörperschaften. Andererseits betonten die Befragten, die die Förderung des Bioabfall-Recyclings befürworten (sofern diese Förderung mit anderen wichtigen Maßnahmen einhergeht), dass die Verwendung von Kompost und der diesbezügliche Handel durch die Förderung der Nachfrage nach Kompost auf dem entsprechenden Markt unterstützt werden müssten.

In Bezug auf die getrennte Sammlung von Biomüll ist bei den Antworten eine ähnliche Zweiteilung zu beobachten: Die Mehrheit der Befragten hält die Förderung der Getrenntsammlung für notwendig, wobei einige der Ansicht sind, dass diese Methode zunächst bewertet werden und sich als beste Option behaupten sollte. Andere Partner wiederum sprechen sich direkt dagegen aus, insbesondere mit der Begründung, dass jede Region ihre Besonderheiten aufweist und diese Methode negative wirtschaftliche Folgen auf laufende Investitionen haben könnte. Ein Partner schlägt vor, dass jede von der EU veranlasste Initiative zunächst in den Regionen mit der größten diesbezüglichen Erfahrung angewendet werden sollte, um ihre Eignung zu testen.

Vor dem Hintergrund des Subsidiaritätsprinzips benannten die Befragten eine Reihe von Aufgaben, die auf Gemeinschaftsebene durchgeführt werden könnten, wie z.B. die Durchführung von Informationskampagnen, die Verbreitung von Informationen, die Festlegung vergleichbarer Indikatoren, der Austausch bewährter Verfahrensweisen und die Setzung gemeinsamer Mindestziele allgemeiner Art. Die Mehrheit der Befragten ist der Ansicht, dass die EU allgemeine Mindestziele festlegen sollte, während die Mitgliedstaaten und lokalen und regionalen Gebietskörperschaften am besten in der Lage sind, spezifische Ziele festzusetzen. Aufgrund der Bedeutung lokaler und regionaler Faktoren in diesem Bereich sollten die lokalen und regionalen Gebietskörperschaften weiterhin frei über die in jedem Einzelfall am besten geeigneten Bewirtschaftungsoptionen entscheiden können. Daher scheint von den meisten Befragten aufgrund der Besonderheiten jeder einzelnen Region ein integrativer und regionaler Ansatz bevorzugt zu werden.

Letztendlich sind sich die meisten Befragten darüber einig, dass die Vorgabe von Recyclingzielen zu einem höheren finanziellen und verwaltungstechnischen Aufwand für die lokalen und regionalen Gebietskörperschaften führen könnte. Jedoch räumen sie ein, dass die Kosten potenziell vom langfristigen Nutzen wettgemacht werden könnten, den die Entwicklung eines Markts für verwertbare Stoffe und qualitativ hochwertigen Kompost bringen könnte. Insbesondere im Hinblick auf die Getrenntsammlung führte ein Partner eine Studie an, aus der hervorgeht, dass eine solche Verpflichtung keinerlei Auswirkungen auf die Kosten habe oder sogar zu einer Kostensenkung führen könnte.

#### **4. Beitrag zur Bodenverbesserung durch verstärkte Verwendung von Kompost/Gärrückständen**

Die Partner des Netzes wurden des Weiteren um ihre Meinung darüber gebeten, ob die EU Qualitätsnormen für Kompost festlegen sollte oder ob solche Normen eher auf nationaler, regionaler oder lokaler Ebene erlassen werden sollten. Die meisten Befragten sind der Ansicht, dass die Qualitätsnormen für Kompost als Produkt auf EU-Ebene festgelegt werden sollten. Einige Partner halten einen solchen Produktansatz für unbedingt notwendig. Produktnormen, die auf für die menschliche Gesundheit und die Umwelt schädlichen Schadstoffwerten basieren, wäre nach Ansicht einiger Befragter am besten geeignet. Diese Partner brachten Argumente in Bezug auf den Binnenmarkt vor, um die Notwendigkeit von EU-Vorschriften über Qualitätsnormen für Kompost zu rechtfertigen.

Obwohl weitgehendes Einvernehmen darüber herrscht, dass auf EU-Ebene Normen für Kompost als Produkt festgelegt werden sollten, teilen sich die Meinungen der Partner darüber, auf welcher Regierungsebene Normen für die Nutzung von Abfall als Kompost erlassen werden sollten: einige der Befragten sind der Ansicht, dass die Mitgliedstaaten für die Regulierung der Kompostverwendung verantwortlich sein sollten, wenn dieser nicht als Produkt betrachtet wird. Andere wiederum denken, dass ein integrierter Ansatz in Bezug auf Normen und Nutzungsregeln für gemischten als auch vorsortierten Abfall zur Steigerung des Vertrauens der Verbraucher dienen könnte.

Abschließend weisen einige Partner auf die Notwendigkeit hin, das Potenzial des Komposts für die Bodenverbesserung anzuerkennen und betonen, dass qualitativ hochwertiger Kompost nur durch die getrennte Sammlung von Bioabfall erreicht werden kann.

## ANHANG MIT DEN BEITRÄGEN DER PARTNER

Folgende elf Partner aus acht EU-Mitgliedstaaten reichten Beiträge ein:

Bayerische Staatskanzlei (DE)  
Griechische Nationalversammlung (EL)  
Verband der griechischen Provinzen – ENAE (EL)  
Regionalregierung des Baskenlandes (ES)  
Parlament von Katalonien (ES)  
Regionalregierung von Valencia (ES)  
Gesetzgebende Versammlung der Region Marken (IT)  
Österreichische Landeshauptleutekonferenz (AT)  
Stadt Łódź (PL)  
Regionalregierung der Azoren (PT)  
Verband der lokalen Gebietskörperschaften (UK)

Die Beiträge der Partner sind diesem Dokument in englischer Sprache beigefügt. Über das Internetportal des Netzes für Subsidiaritätskontrolle<sup>4</sup> kann auf die Beiträge in Originalsprache zugegriffen werden.

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<http://subsidiarity.cor.europa.eu/ListDocument/tabid/183/ctl/ViewDocument/mid/417/UserId/262/DocId/4818/Default.aspx>.



**QUESTIONNAIRE ON BIO-WASTE MANAGEMENT**  
**Refers to the Green Paper on the Management of bio-waste in the European Union**  
**COM(2008) 811 final**

**Submitted for consultation of the Subsidiarity Monitoring Network**  
**by Ms Mona-Lisa NORRMAN (SE/PES)**

Please complete and submit by **Friday 20 March 2009**. You can upload the completed questionnaires directly on the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to be logged in). Alternatively, you can send them by email to [subsidiarity@cor.europa.eu](mailto:subsidiarity@cor.europa.eu).

<b>Name of the Authority:</b>	Bavarian state chancellery
<b>Contact person:</b>	
<b>Contact details (phone, email)</b>	

**1. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

The possibilities of preventing bio-waste are limited. It is most likely that some bio-waste could be prevented in the private domain. One way of achieving this is to make compost using household and garden bio-waste/green-waste from the garden. Furthermore, chipping tree cuttings and clippings in one's own garden helps to prevent bio-waste. In both cases, the compost or chipped material produced should be used on one's own land. Yet the difficult thing to achieve would be appear to be changing consumer behaviour to reduce the amount of food thrown away.

Possible measures to support bio-waste prevention could be as follows:

- Promoting the advantages of making one's own compost; where appropriate promoting the use of compost containers.
- Supporting local and regional authorities to provide a chipping service for wood material obtained in the garden.

Potential problems and disadvantages of making one's own compost will be examined in the answer to question 3a.



## **2. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

Since the waste storage regulation came into force in Germany on 20 February 2001, it has no longer been possible to store unprocessed non-industrial waste. During the transition period, it was possible, by means of an exemption, to store unprocessed waste until 31 May 2005.

EU rules refer to biodegradable waste. Under German landfill law, the main criteria are the organic component in the original substance (loss on ignition and TOC) and the organic component in the eluate (DOC). Degradability and gas generation rates are included only as secondary criteria (e.g. in connection with waste from mechanical and biological waste treatment plants and exceeding the limits of the organic component).

A further reduction in the amount of biodegradable waste in landfills beyond the current targets of the EU Landfill Directive would have a positive impact by reducing landfill gases (greenhouse effect), foul smells and organic leachate constituents as well by allowing the waste body to build up without easily sinking into the ground. Furthermore, it would prevent pests in and around landfills as well as fires.

A further reduction in the organic component of landfills can thus only be advantageous. Furthermore, landfill space could be saved and some processing residues could be put to use. In addition, the heat value of waste could be fully exploited in thermal treatment. Only a partial breakdown of the organic component occurs in landfills and landfill gas capture (and use) will always remain incomplete.

Disadvantages to further reducing the organic component in landfills, especially biodegradable waste, are not foreseen.

In order to ensure uniform implementation throughout Europe, a further EU regulation would be useful. Problems might include insufficient treatment capacity in individual Member States.

## **3. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

Yes.

The possible options for processing or disposing of bio-waste in principle have the following advantages and disadvantages.

### Joint incineration of household bio-waste together with residual waste in waste-fuelled power stations

- Advantages: no separate collection containers and no separate collection necessary, effective sanitisation through mineralisation, energy generation from bio-waste (renewable energy), simplifies/improves recognition and promotion of waste-fuelled

power stations as a limited source of renewable energy, some positive effects in tackling corrosion.

- Disadvantages: limited heat value of waste (high water content of bio-waste), as a rule higher processing costs than in bio-waste treatment plants, no recycling of nutrients and the organic substance (e.g. humus reproduction and bark humus/peat replacement), in part low energy efficiency of waste-fuelled power stations

#### Making compost from household bio-waste

- Advantages: low-cost procedure for processing or disposing of bio-waste, waste prevention, no transport of bio-waste and compost, as a rule no energy costs, recycling of nutrients and the organic substance (e.g. bark humus/peat replacement).
- Disadvantages: often inadequate sanitisation, underground sealing and ventilation and thus emissions of methane, ammonia and odours (problems with neighbours), attracts small rodents, appropriate for certain housing structures only (individual buildings with sufficiently big gardens), possible surplus nutrients in gardens, not suitable for cooked leftovers and bio-waste of animal origin.

#### Making compost from green waste

- Advantages: comparatively low-polluting compost, also suitable for moist and structurally weak green waste, recycling of nutrients and the organic substance (e.g. humus reproduction and bark humus/peat replacement).
- Disadvantages: ammonia and methane emissions, no energy gain (energy supply necessary).

#### Making compost from household bio-waste (usually together with green waste)

- Advantages: increase in heat value of residual waste, as a rule more cost-efficient treatment than incineration, recycling of nutrients and the organic substance (e.g. humus reproduction and bark humus/peat replacement).
- Disadvantages: separate bio-waste collection necessary, ammonia and methane emissions, no energy gain (energy supply required).

#### Fermenting household and industrial bio-waste

- Advantages: increase in heat value of residual waste, as a rule more cost-efficient treatment than incineration, positive energy balance (renewable energy), recycling of nutrients and the organic substance (e.g. humus reproduction and bark humus/peat replacement), best processing procedure for structurally weak bio-waste or certain animal by-products with high water content (e.g. removed fat, industrial kitchens and canteen waste).
- Disadvantages: separate bio-waste collection necessary, trend towards somewhat higher processing costs than for compost-making, methane and ammonia emissions, only partially suitable for green waste or not at all (wet fermentation), in part poor use of waste heat (as sites away from the building are necessary).

<p style="text-align: center;"><u>Incineration of high heat value wood-based green-waste in biomass power stations</u></p> <ul style="list-style-type: none"><li>• Advantages: production of renewable energy, in part recycling of nutrients (use of ashes),</li><li>• Disadvantages: only useful for the high heat value part of the household green waste or bio-waste that has been removed, recycling of nutrients possible only to a limited extent (as only limited use of ash), in part poor heat use.</li></ul> <p>Which procedure is the most beneficial from an environmental and economic point of view depends on a number of factors and the specific conditions of the region.</p>
<p><i>If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?</i></p>
<p>The decision as to which bio-waste management procedure is the most beneficial should be left to individual Member States or regional and local authorities.</p> <p>However, disposing and open composting of bio-waste on large sites should not continue.</p>
<p><i>Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i></p>

<p><b>3. (b) Increasing recycling – Separate collection obligation:</b></p>
<p><i>Do you see a need for the promotion of separate collection of bio-waste?</i></p>
<p>Which bio-waste management procedure is the most favourable from an environmental, economic and social point of view depends on a number of factors and the specific conditions in the region. In principle, procedures with the best possible energy balance should be advantageous. However, from an environmental protection point of view further aspects should also be taken into account here, such as fertilizer substitution, bark/peat substitution and humus reproduction.</p> <p>Further insights on this matter will be provided by a project commissioned by the Bavarian state ministry for environment and health, on environmentally efficient use of bio-waste and green-waste in Bavaria.</p>
<p><i>Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?</i></p>
<p>The Bavarian state ministry for the environment and health has yet to decide on this matter.</p>
<p><i>Should derogations from a separate collection obligation be provided for?</i></p>
<p>See above</p>
<p><i>Would the setting of a separate collection obligation result in increased financial and/ or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i></p>
<p>According to studies carried out by GALLENKEMPER (2004: "cost considerations for separate bio-waste collection and treatment"), organic waste bins should be introduced in many areas on a cost-neutral basis; as a rule, (should there be sufficient absorption of material capable of being composted),</p>

the introduction of the organic waste bins should reduce costs (inclusion and treatment). In addition to logistical requirements, the degree of cost change depends in particular on the cost difference between household/residual waste treatment and bio-waste treatment. However, in the study "costs and charges for waste management in Bavaria" (Bavarian state ministry for the environment and health, 2008), it is not clear that local and regional authorities with organic waste bins would have lower waste charges.

**4. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

If the compost/fermentation residue is to be used as a fertiliser and means of improving soil quality over the long term, there needs to be uniform EU-wide criteria for the distributed substrate. In order to limit the ubiquitous distribution of polluting substances and prevent polluting substances from being accumulated in the soil, quality standards are needed for compost as a product and for lower-quality compost. Quality standards should therefore be introduced for all compost applications along the lines of the German bio-waste regulation (BioAbV). Depending on the intended use, graded standards would be appropriate.

For higher quality composts, the product status can be worth considering when

- They have a positive market value
- They adhere to very strict quality standards
- They are produced only from certain source materials
- They are subject to quality assurance

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

For the treatment and use of bio-waste, in principle rules should be applied throughout Europe along the lines of the German bio-waste regulation (BioAbV). For example, only biodegradable waste of animal or plant origin (see Art. 2 BioAbV) and harmless mineral additives should be used as source materials for compost/fermenting. The permissible source materials should be defined in the form of a positive list (see Appendix 1 of BioAbV). As sludge-based source materials are more likely to pollute, they should only be used with the agreement of the relevant authorities (see Art. 9a in connection with Appendix 1, no. 1b of the draft amendment to BioAbV of 19 November 2007).

Furthermore, the research obligations and boundary values for polluting substances (and germs) in composts/fermentation residues and in the soil should be established in accordance with the type of soil.

Where appropriate, soil studies are not required when using compost made from green-waste (see BioAbV) and very high quality composts (products).

Furthermore, the provisions of BioAbV for mixtures (see Art. 5) and the restrictions under Art. 6 BioAbV (including restrictions on the amounts produced) should be applied.

COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
DEVE Commission and "Networks & Subsidiarity" Unit



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**4. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

There is a direct link between preventing the creation of bio-waste and human factors, behavioural patterns and habits. Consequently, prevention measures must focus on changing behaviour and consumption models, primarily by means of information and education. There is also a link with the capacity of governments and local authorities to frame and implement a system of incentives and deterrents for the general public and households in order to curb the production of this household waste.

It goes without saying that the EU can contribute here by adopting guidelines and through the exchange of best practice between Member States.

**5. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

Strict limits on the quantities of biodegradable waste allowed on landfill sites can provide for a very reliable process (including sorting at source, creating incentives for use of household waste,

subsidised household composting systems, etc.) and address the problem of solid waste, given that landfill remains environmentally problematic, not to mention meeting the requirements of the Community landfill directive. This approach is more costly, rigorous and consistent. It should be applied at Community level and not by individual Member States, as some of them are clearly behind in transposing the relevant Community directives. The Member States decide whether to apply stricter limits than those set out in Directive 99/31 on landfill, depending both on the level of organisation and the administrative costs that they are prepared to bear.

<b>6. (a) Increasing recycling – Promotion of bio-waste recycling:</b>
<i>Do you see a need for the promotion of bio-waste recycling?</i>
Recycling of bio-waste is the most reliable solution from the point of view of public health, as all other waste management methods can be harmful to the environment.
<i>If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?</i>
A minimum common target should be set at EU level. From then on, each Member State or region may choose to raise the bar, depending on the infrastructure available to them.
<i>Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i>
Local communities could potentially benefit from the availability or exploitation of products from recycling, or cover some of the increased costs by means of public-private partnerships.

<b>5. (b) Increasing recycling – Separate collection obligation:</b>
<i>Do you see a need for the promotion of separate collection of bio-waste?</i>
As mentioned earlier, separate collection and of course sorting at source are necessary conditions for a credible bio-waste recycling process.
<i>Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?</i>
The initiative should be based on national legislation setting out the conditions for and means of collection.
<i>Should derogations from a separate collection obligation be provided for?</i>
Derogations should possibly be provided for in the case of small provincial municipalities that do not have such waste-recycling facilities.
<i>Would the setting of a separate collection obligation result in increased financial and/ or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i>
While the relevant investment does not create a recurring cost, it goes without saying that the added value produced by a reliable recycling process would have significant, sustainable and positive environmental, social and economic effects.

<b>6. Contributing to soil improvement, in order to strengthen the use of compost/digestate:</b>
<i>(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?</i>
Community standards should be set for the quality of compost only as a product, provided the conditions for product quality and stability in accordance with the prescribed limits are ensured at every stage of recycling and processing. Quality standards should be linked to the quality of the input waste, and the intended purpose and properties of the soil where the product is to be used.
<i>(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?</i>
Rules (and consequently checks) should be set in order to guarantee soil quality. Community rules for the use of compost/digestate products should be included in quality standards, setting out the soil category for which compost produced by the various entities is intended.

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COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
DEVE Commission and "Networks & Subsidiarity" Unit



**QUESTIONNAIRE ON BIO-WASTE MANAGEMENT**  
**Refers to the Green Paper on the Management of bio-waste in the European Union**  
**COM (2008) 811 final**

**Submitted for consultation of the Subsidiarity Monitoring Network**  
**by Ms Mona-Lisa NORRMAN (SE/PSE)**

Please complete and submit by **Friday 20 March 2009**. You can upload the completed questionnaires directly on the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to be logged in). Alternatively, you can send them by email to [subsidiarity@cor.europa.eu](mailto:subsidiarity@cor.europa.eu).

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**7. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

The reduction of the bio-waste amounts requires – primarily - major changes in the social habits of citizens. This is not an easy task. People will still prepare meals in their houses and will still go to restaurants. Trees will still grow and falling leaves will require collection by efficiently operating municipalities. A potential significant change in the production of (solid) biowaste would be the adoption of garbage disposals (food grinders that are installed in the kitchen sinks). For example, the USA has a much smaller percentage of food waste in the MSW(Municipal Solid Waste) composition compared to South European countries. This is due to social habits (meal preparation in a household is not common in the US) as well as to the use of garbage disposals. The use of garbage disposals – although would significantly affect the produced amounts of biowaste - would, however, require major changes in the design of wastewater treatment plants.

LRA are well placed to lead awareness raising campaigns and maximize the results and impact of national policies and community initiatives.

**8. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

The current reduction goals are quite optimistic. Landfilling, still remains – a rather cheap waste disposal technique. On the other hand, the waste treatment techniques that can normally lead to a reduction of the biodegradable amounts of wastes prior to landfilling (namely incineration, composting, MBT(Mechanical and Biological Treatment), recycling) are usually more expensive than landfilling. A further reduction of biodegradable MSW prior to final disposal can be viewed negatively by citizens that are the ones that will be inevitably billed for these alternative waste treatment techniques. Therefore, although the reduction of the biodegradable MSW fraction will reduce methane emissions, public opposition from the financial burdens of the adoption of the alternative waste management strategies will be likely increased. Given that landfilling is site specific, restrictions must be set at national level within a broad European framework while we must secure that particular regional or local realities are fully taken into account.

**9. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

The most common bio-waste recycling technology is biological digestion (aerobic or anaerobic). The former can lead to the production of a potential soil amendment, whilst the latter can lead to energy recovery. Both can be environmentally desirable and financially beneficial; therefore, as a principle, promotion of bio-waste recycling is desirable. On the other hand, we have to note that the benefits of energy recovery could have been obtained by maximizing the amounts of biodegradable waste that are directed to a landfill. This, naturally, opposes the current EU legislation and goals; however, it is noted that the use of a landfill bioreactor had been the goal of various research efforts worldwide during the past decades. This is not anymore feasible by the current EU legislation. We propose thereby that the operation of bioreactors on a pilot basis is authorized in order to further research in this field.

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

It is highly believed that due to the significant social and cultural differences among EU Member states, each state should set its own goals on a regional level. A generic framework can be, however, proposed by the EU, which will impose the setting of targets and promote comparison of the performances and exchanges of best practices.

*Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

Definitely. Recycling is a promotion to a higher management scheme compared to waste management that includes merely sanitary landfilling. Recycling requires separation collection and various separation technologies, which are both translated to higher overall costs for the local authorities. For example, landfilling is usually at around €50/ton, whilst recycling can reach up to €80-€100/ton of recycled material or even more. On the other hand, it appears that virgin materials (such as oil, wood) are still financially competitive to recycled materials, which makes recycling, still, financially unattractive to local authorities. . Nevertheless, the long-term benefits (saving resources) will reward the current recycling efforts.

**7. (b) Increasing recycling – Separate collection obligation:**

*Do you see a need for the promotion of separate collection of bio-waste?*

The separate collection of bio-waste has been usually included in MSW studies. However, one has to account for the fact that such an option is difficult to adopt on a practical level. Bio-waste, particularly household kitchen waste, are malodorous, difficult to handle, can attract insects and rodents and require frequent collection due to their putrescible nature. Separate bio-waste recycling would, however, be required in the case of MSW composting plants. Still, citizen participation is the key element in the case of separate bio-waste collection, and it follows that LRA in collaboration with NGO and national authorities can play a leading role in mobilizing them.

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

Due to the significant social and cultural differences among EU Member states, each state should set its own goals on a regional level. A generic framework can be, however, proposed by the EU/

*Should derogations from a separate collection obligation be provided for?*

Yes, since separate collection is highly costly and requires preparation.

*Would the setting of a separate collection obligation result in increased financial and/ or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

Collection has high expenditures. It usually comprises 70% to 80% of the typical MSW management systems that include only landfilling. As a result, separation collection schemes are expected to highly affect local authorities expenses that are related to waste management. The short or long term benefits of separate collection will highly depend on site specific traits, such as closeness to markets of recyclables. Obviously, a recycling program will (financially) fail if markets for recyclables are not available.

**8. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

The issue of standards for organic waste derived compost is a major research issue. Still, after several years of compost research, there is no widely accepted stability or maturity indicator for composts. This is primarily attributed to the fact that composts can be produced by various sources that have a variable initial composition. Initial composition of a waste will highly affect the composition of the corresponding waste derived compost. Still, there is a need for a commonly accepted compost quality standard. This has to be set by the EU (for example, as already included and described in the CEN/TS standard 15590:2007) but the initial composition of the material should be accounted for. There is no need to set such a standard at a local level.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

The use of a product implicates financial, social and environmental issues that are site specific. Rules set for a region in Belgium may not be applicable or implementable to a region in Greece, due to different social and cultural habits. As a result, it is proposed that rules for the use of compost / digestate should be set at a regional level, although a generic framework should be proposed by the EU.

COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
DEVE Commission and "Networks & Subsidiarity" Unit



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Submitted for consultation by the Subsidiarity Monitoring Network  
by Ms Mona-Lisa Norrman (SE/PES)

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**10. Better waste prevention:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

A great deal of food goes unsold and ends up as waste, unless other uses are found for it. One means of properly managing such products whilst they can still be used is through food banks. This proposal has already been adopted in the *Document on the uses and applications of organic matter in urban waste in the Autonomous Community of the Basque Country*.

Gipuzkoa has been working on two initiatives in this area, involving shopping centres (Eroski and various food outlets in Garbera and Eroski in Urbil):

- A food bank primarily for non-perishable products.
- A Last-Minute Market, collecting and distributing perishable products such as milk, yoghurts, etc.

These products are distributed amongst groups of underprivileged people, both to prevent waste and at the same time to help those in greatest need.

...

One proposal, which would need to be agreed on by all the parties concerned, might be to donate to food banks any products which are in good condition but approaching their expiry date. Thought could perhaps also be given to offering tax breaks to companies that donate such products, to encourage them to get involved.

In addition, on-site composting could be promoted in low-density residential areas, as a means of avoiding certain products entering the waste cycle. This type of measure would help to reduce bio-waste production, although the possibility of on-site composting would depend greatly on the urban models used in each area. These models vary considerably from one EU Member State to another, which makes it difficult to set common objectives for all countries.

Lastly, it is worth mentioning the idea of encouraging sustainable consumption, which would require, amongst other things, awareness-raising campaigns.

**11. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established at EU level or left to be decided by Member States?*

The aims already set out in the landfill directive have been an extremely important vehicle for reducing biodegradable waste in landfills.

Nevertheless, continuing to restrict organic matter destined for landfills could result in Member States pursuing other waste management options, in which economic factors would take precedence over the best option from the environmental point of view. In other words, it is important to avoid restricting organic matter allowed in landfills resulting in more bio-waste being sent for incineration, which uses up energy.

With regard to the above, it might be preferable to set results-based targets, setting minimum separate collection or recycling rates for organic matter. These minimum targets should, however, be reachable in all different local and regional situations, which have a key influence on the choice of the most advantageous bio-waste option.

**12. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

One of the keys to bio-waste recycling is the demand for compost which in turn depends on factors such as product quality, which is determined by the waste produced by this type of process.

In the Basque Country, it would require a great deal of work to boost these waste management approaches due a number of problems (little densely-populated land, the predominance of urban centres, high rainfall, little or no demand for compost, the existing mixed domestic waste collection systems, etc.).

Nevertheless, demand could be created in the wider market. In some cases, this would need a boost from the authorities. This might apply to compost. Initially, a loop effect is created, meaning that, since the compost currently produced does not offer sufficient quality guarantees, there is no demand for it. The lack of demand results in the measures needed to improve compost quality not being taken, and so demand remains static.

A stimulus therefore needs to be found to adopt decisions aimed at improving the quality of the composted product, which would increase market demand for it.

A good example of this is Gipuzkoa, which in the past was committed to incineration combined with energy recovery, precisely because of the lack of demand for compost. Due to a variety of factors, waste policy shifted towards the composting of separately collected bio-waste (first solely for raw vegetable waste, later extended to meat and fish, including cooked products). The quality obtained is very high and as a consequence, even businesses not involved in gardening are now asking for the product.

Where the question refers to improved energy use, with a view to using biogas from biomethanisation, in terms of possible synergies with recycling and recovering energy from bio-waste, two aspects can be seen:

- Anaerobic digestion of this bio-waste helps to produce biogas, which can then be used in the following ways:
  - It is burned in power plants to produce energy;
  - It is channelled into the gas network (once it has been processed);
  - It is used as fuel for specially adapted vehicles.

If separately collected (high quality) organic matter is biologically treated, the digestate would be used as a soil improver, once it has been aerobically stabilised. Where, on the other hand, mixed municipal waste is concerned, the digestate should be eliminated or perhaps used in another type of activity, such as redeveloping derelict sites, provided that this does not cause any major contamination.

In our view, however, there are two ways of considering this point.

Some consider that the term 'compost' should only refer to the fermented product of the aerobic digestion of separately collected organic matter.

Digestate is the product obtained from the anaerobic digestion of separately collected organic matter. Once aerobically stabilised, it becomes compost, because it is now a product obtained from separately collected organic matter.

What is left, in other words, the product resulting from the aerobic or anaerobic digestion of mixed waste, would be stabilised bio-waste, but never compost. This would avoid confusion on the market and boost confidence in compost.

Another point of view, however, would be to consider the fertilising quality of the final product obtained – compost – as the sole criterion for its use, whilst complying with the legislation on fertilisers, irrespective of the origin of the organic waste matter used in manufacturing the compost.

The same would apply to anaerobic digestion, since the waste mixture would produce biogas and the solid digestate could eventually be used in soil or as substrate. For example, to redevelop derelict sites as landfills, whilst taking care not to add significant levels of additional contaminants.

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

Yes. In our view, results-based targets do need to be set, with minimum recycling rates for bio-waste, provided that these are properly defined. These minimum targets should be set in such a way that they can be achieved under different local and regional conditions, in line with the principles of subsidiarity and proportionality. We are therefore in favour of minimum common bio-waste recycling standards being set.

**9. (b) Increasing recycling – Separate collection obligation:**

*Do you see a need for the separate promotion of bio-waste recycling?*

Yes. See the answer given in paragraphs 2 and 3(a)

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

The targets for separate collection should be minimal, in line with the principles of subsidiarity and proportionality, to ensure they can be adapted to the conditions and needs for action (or for no action) at the local and regional levels. See the answer given in paragraphs 2 and 3(a)

*Should derogations from a separate collection obligation be provided for?*

Yes, because the requirement to meet a minimal target should adhere to the principles of subsidiarity and proportionality, taking account of the different conditions and needs at the local and regional levels.

*Would the setting of a separate collection obligation result in increased financial and/or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimate. Would such an increase be proportionate to the perceived long-term benefits?*

**10. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

All compost should be governed by product standards. These standards should take account of different uses and therefore different qualities and requirements concerning the concentration of contaminants. High-quality compost would thus be required for certain uses, whereas for other, less challenging applications, less strict standards would be set.

The only compost that should be covered by waste legislation is compost failing to meet the criteria for the least restrictive uses and compost which, whilst meeting the requirements, is not yet available on the market. According to the Framework Waste Directive, inappropriate compost is deemed to be waste if the compost owner intends (because he or she is unable to sell it) or is obliged (because it does not meet quality standards) to get rid of the compost. At that point, the compost becomes waste.

There is, therefore, a need to establish quality standards for compost that cover not only agronomic parameters and the low concentration of the most common contaminants such as heavy metals, but also other parameters such as persistent organic compounds. Meeting these requirements would make it easier to promote the use of compost, boosting market confidence and thus making separate collection viable and achieving the concomitant environmental benefits.

It is more difficult for compost from mixed waste to meet the requirements for high-quality compost. Furthermore, for use in challenging applications, such as soil improvement for food production, more frequent and comprehensive samples would need to be taken to test the compost's quality than are required for separately collected waste compost, since there is much greater variation in the quality of mixed-collection waste. There are less challenging applications, however, such as the redevelopment of derelict sites or certain non-food applications that do not require such high-quality compost and which could use an improving product based on mixed waste, if the appropriate processes are used and the result obtained meets certain standards. In any event, the use of compost in soil should always be considered, provided that this does not bring significant levels of contaminants into the ecosystem.

*Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

Given that what is at stake is a product, it should provide the guarantees that any product brought onto the market is obliged to observe, such as the EC mark, labelling, the origin of the matter used, etc.

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**13. Better prevention of waste**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

As a first step, the EU should simply encourage the competent authorities in the Member States to implement bio-waste prevention plans. As a second step, the European Union could set targets for prevention, but it would have to be the competent authorities in the Member States which are responsible for planning and implementing measures to prevent bio-waste.

In line with the principle of institutional and procedural autonomy that operates in Europe, the European Union should not make a prior decision on which authorities should plan and implement the measures. The European Union could set a prevention target for each Member State, but the EU should ensure there is no implication that there can only be a single prevention plan per Member State, or that different prevention measures cannot be adopted in different parts of a single State. Otherwise, the EU would be interfering with the constitutional distribution of power within the Member States.

*.../...*

Specific prevention measures (such as responsible consumption, food banks, composting and minimising garden waste for example) should be adopted by the bodies which are closest to the European people, in line with the principle of subsidiarity.

#### 14. Limiting landfilling

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive?*

When looked at in isolation, it appears at first sight that restricting the amount of waste could be a benefit. But we should be aware of the fact that for biodegradable waste, the restrictions could lose their meaning if it ends up being difficult to calculate how much waste is expected, the amount by which this needs to be reduced, and the amount of waste which is actually produced. Given the problems with measuring biodegradable waste, bringing in additional restrictions could actually be a disadvantage.

Alternative measures could be introduced, such as bringing in financial penalties on waste, which would have an equivalent effect to restricting the quantity of waste. Another approach could be restricting the amount of organic waste which decomposes quickly and ensuring this material is stabilised.

*Should such a restriction be established on EU level or left to be decided by Member States?*

The European Union should simply set the target for restricting waste, or for measures which have an equivalent effect. It should be made quite clear which waste should be classified as biodegradable waste. Yet no restrictions can be put on the variety of solutions which could potentially be adopted in different territories to meet targets set at European level. Deciding on and implementing specific measures for restricting waste should be left to the competent authorities (which could be central government or lower-level authorities) in the Member States.

#### 15. (a) Increasing recycling – Promotion of bio-waste recycling:

*Do you see a need for the promotion of bio-waste recycling?*

There is certainly a need to promote bio-waste recycling and we fully agree with the points made on the subject in the Commission's Green Paper on the management of bio-waste in the European Union.

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

The European Union should set common targets for the European Union and for each country, but should always leave scope for Member States to have their own specific objectives, as long as they meet the common targets.

There are a variety of measures which can be adopted to promote bio-waste recycling (separate collections and subsequent treatment, financial penalties, etc.). Selecting the appropriate measures will depend on factors such as the population density or distribution of recycling facilities. And scientifically and technically speaking there is no single accepted method for recycling. All of which means that it would make sense for the European Union not to restrict the options open to the competent authorities in each Member State.

*Would the setting of recycling targets result in increased financial and/or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

If the decision is made to impose a charge on the quantity of waste thrown away, the additional costs would be partially or completely covered by the people who are producing the costs. In any case however, recycling has environmental benefits that do not need to be quantified in financial terms. The environmental benefits would compensate for the potential financial and administrative costs of recycling.

#### **11. (b) Increasing recycling – Separate collection obligation**

*Do you see a need for the promotion of separate collection of bio-waste?*

There is certainly a need to promote the separate collection of bio-waste and we fully agree with the points made on the subject in the Commission's Green Paper on the management of bio-waste in the European Union.

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

Catalonia has a long tradition of separate collections for general waste and bio-waste. This is a result of the options taken when it was decided how to implement European legislation on the separate collection of waste. While the obligation for separate collection in general terms can be established at European level, where bio-waste is concerned and separate collection is one of the alternatives, any separate collection obligation at European level must be carefully regulated to establish the necessary classifications and assumptions.

European legislation should ensure that the most advanced countries opt for more separate collections, and that the models established are gradually taken on by the rest of the Member States.

*Should derogations from a separate collection obligation be provided for?*

For bio-waste for example, which covers a variety of different types of waste which nonetheless have common characteristics, there is a need to establish the types of waste for which a separate collection could be used. A timetable for fulfilling the obligations would also be useful.

*Would the setting of recycling targets result in increased financial and/or administrative costs for local and regional authorities whilst balancing probable short term investments with long-term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

See answer to the last question in section 3 a).

**12. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

Quality standards for compost as a product should be set at European level as it is the European Union that should set quality parameters (on the level of contaminants for example) so that the product can then be sold in the single market. For compost that is considered to be waste as opposed to a product, European legislation should not be so stringent and should leave more scope for the legislation of the competent authorities of the Member States to apply.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

Regarding the use of compost/digestate, it is important to stress the difference between compost/digestate as a product (in this case European rules must have a greater effect) and compost to be recycled. For compost to be recycled, the authorities closest to the European people should be able to choose from a wide range of uses set at European level and decide on how the compost should be used and where it should end up.

COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
DEVE Commission and "Networks & Subsidiarity" Unit



**QUESTIONNAIRE ON BIO-WASTE MANAGEMENT**  
**Refers to the Green Paper on the Management of bio-waste in the European Union**  
**COM (2008) 811 final**

**Submitted for consultation of the Subsidiarity Monitoring Network**  
**by Ms Mona-Lisa Norrman (SE/PES)**

Please complete and submit by **Friday 20 March 2009**. You can upload the completed questionnaires directly on the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to be logged in). Alternatively, you can send them by email to [subsidiarity@cor.europa.eu](mailto:subsidiarity@cor.europa.eu).

<b>Name of the Authority:</b>	Valencia Region - Valencia metropolitan waste treatment body (EMTRE)
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**16. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

1) The EU should create sufficiently open legal frameworks enabling the various sub-levels (countries, regions, local authorities, etc.) to legislate and plan in order to meet the prevention objectives set, without creating difficulties between the various regions on account of their different situations in respect of this matter.

**17. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

2) Setting restrictions on the biodegradable material allowed in landfills has a direct impact on the planning of waste management. Generally speaking, the capacity to respond to these policies is very slow and expensive. For this reason, any adjustment, particularly downwards, should be accompanied by appropriate studies, with each situation having been properly assessed in advance. Although it is reasonable that the EU establishes these criteria to ensure compliance, it would be more appropriate if Member States were ultimately responsible for planning these objectives.

<b>18. (a) Increasing recycling – Promotion of bio-waste recycling:</b>
<i>Do you see a need for the promotion of bio-waste recycling?</i>
Yes, insofar as it complies with the waste management hierarchy.
<i>If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?</i>
At national level or better still at regional level, with the waste lifecycle being assessed in detail on a case by case basis so that the most appropriate treatment can be proposed.
<i>Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i>
Initially, yes this would probably involve an increase in costs, until the treatments are adapted to the new proposals. These increases will be proportionate provided that they are attainable in accordance with the way in which the waste is managed in each place and the timing of the introduction of these new objectives.

<b>13. (b) Increasing recycling – Separate collection obligation:</b>
<i>Do you see a need for the promotion of separate collection of bio-waste?</i>
3.b) Yes, as long as it has been decided that the best approach for a specific area should involve this separate collection.
<i>Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?</i>
At regional or local level, in accordance with the previous answer.
<i>Should derogations from a separate collection obligation be provided for?</i>
Yes.
<i>Would the setting of a separate collection obligation result in increased financial and/or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i>
The obligation to introduce separate collection would involve a very significant increase in costs unless this is carried out when services are being reviewed or equipment updated. At any rate, improved separation at source will involve significant costs. However, it is likely that the long-term benefits will partially offset these investments thanks to improved capacity to recover these products in processing plants and, above all, to improved sales of compost resulting from this separate collection. In economic terms, the costs will probably never be compensated in full.

<b>14. Contributing to soil improvement, in order to strengthen the use of compost/digestate:</b>
<i>(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?</i>
4. a) If the standards are not specific or they do not provide enough detail, the EU should establish a common framework for all Member States, which (at their various levels) should have the responsibility of fleshing them out in greater detail.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

4. b) As already recognised by the Green Paper on bio-waste management, EU directives on setting common objectives and standards for all Member States have so far proven to be far more straightforward for some countries than for others given their development in this area. However, setting comprehensive parameters is a good idea if there is a desire for convergence. In this connection, it would be better if Member States were to set these standards within a common framework.

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COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
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<b>Name of the Authority:</b>	Legislative Assembly of the Marche Region
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**19. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

First of all, the Community, the Member States, and local and regional authorities should encourage policies to prevent biodegradable waste by supporting domestic or local (small farm) composting of wet waste, thus preventing this from entering the refuse cycle proper.

Aside from this, it is of the utmost importance to promote policies that support the separation of biodegradable waste if the objectives set by the Community in Directive 1999/31/EC aimed at limiting the amount of such waste that goes into landfill. Specifically, the aim should be to collect at least 50% of total biodegradable waste; of this, at least 30% should be kitchen waste. In addition, the Community should promote cross-cutting policies involving sectors other than environmental services (such as farming and the social economy) in order, for example, to support the marketing and use of the compost produced. These policies should be aimed at the Member States and regional and local authorities.

It would also be helpful to carry out Community initiatives to raise public awareness of responsible consumption and of the possibility of using food that is just past its sell-by date for social purposes, thus averting their entry into the refuse stream.



**20. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

Rather than increasing [sic] the limit on the quantity of biodegradable waste that is allowed on landfills, it would be helpful to support policies that encourage the upstream separation of waste. Waste put in landfill should be treated such that it does not ferment. This aim should be pursued by means of action at Community level for the purpose, for example, of establishing a "refuse respiration index" [sic] common to all Member States.

**21. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

Yes, not least by supporting the marketing and use of the output from composting, for which quality standards need to be set at Community level so as to put it on an equal footing with other equivalent products for agricultural use.

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

If effective policies are to be put in place, it would be helpful for the targets to be set at EU level.

*Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

We consider that setting and meeting common recycling targets would not result in increased financial and/ or administrative costs. In any case, any costs connected with the start-up of the process would be offset by lower costs resulting from the reduction of waste going into landfill. See also the answer under point 3 (b).

**15. (b) Increasing recycling – Separate collection obligation:**

*Do you see a need for the promotion of separate collection of bio-waste?*

Yes, for the reasons explained above.

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

We believe that the best results would be achieved by setting it at EU level.

*Should derogations from a separate collection obligation be provided for?*

In principle, there should be no specific derogations.

*Would the setting of a separate collection obligation result in increased financial and/or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

The experience of doorstep refuse collection in the Marche region has shown that the initial increase in costs was rapidly offset by the sale of marketable waste with a high level of purity obtained through selective waste collections. This leads to an increase in the contribution from the national waste consortium, the organisation that buys the various marketable components of refuse collected through selective collections, and also allows the production of a greater quantity of high-quality compost, which is easier to sell than that of low quality. It should also be emphasised that an increase in

selective collection leads to a gradual reduction in the disposal of waste in landfill in line with the quantity of waste sent for recycling, which results in a significant reduction in disposal costs, in terms of both disposal charges and tax. We think we should point out that the reduction in disposal of biodegradable waste significantly reduces the amount of fermentation, with an attendant reduction in the production of greenhouse gases (CO<sub>2</sub>), which contribute to climate change. In addition, policies to support the use of high-quality compost in agriculture, achievable through careful management and treatment of the biodegradable component of waste, leads to an increase in the organic component of soil (humus), which results in an increased capacity to absorb and fix CO<sub>2</sub> and greater water retention capacity. These improvements to soil structure give rise to the following benefits:

- greater structural stability of soil
- reduced risk of erosion
- combating desertification
- combating the greenhouse effect
- greater ease of working the soil, thus reducing the agricultural consumption of fossil fuels
- greater agronomic soil fertility, thus reducing the use of chemical fertilisers.

**16. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

We believe that quality standards for compost, both so-called quality compost and lower quality compost that is covered by the waste regime and can be used for non-agricultural purposes, should be set at Community level, not least to make compost a technical material that can be sold throughout the single market. For this to be achieved, technical specifications common to all Member States are needed for the processes and quality of the product sold as quality compost.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

The issue of the use of compost/digestate resulting from the treatment of the biodegradable organic component of waste should also be regulated at Community level, with provision being made for different rules depending on its possible uses.

COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
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**Submitted for consultation of the Subsidiarity Monitoring Network**  
**by Ms Mona-Lisa Norrman (SE/PES)**

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**22. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

The green paper uses the term "bio-waste" in a relatively non-specific way, not least given the existence of so many different kinds of biogenic waste. That said, a detailed European Waste Catalogue is already in place. Different kinds of treatment may be beneficial depending on the type of waste involved and prevailing regional conditions.

There is virtually no scope for avoiding bio-waste *per se* (at most, individual waste categories might be deemed not to be waste after all). One approach might be to further encourage home composting and the use of the compost in house and garden. The same also goes for (primary) food production. In this way, the relevant material can be "intercepted" and recycled directly at source, obviating the need for any elaborate collection and treatment. In this case, however, no European-level rules are needed since regional conditions vary so widely that it would be difficult to represent them all in uniform provisions.

Much food is, as we know, disposed of as waste. European-level media and awareness-raising campaigns to help people recognise the value of food could also help in waste avoidance.



**23. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

Basically, the provisions of the current EU Landfill Directive are deemed sufficient. That said, provision might be made to tighten the rules at European level in line with the tough restrictions in place in Austria, going as far as to ban the landfill of biogenic waste – a sensible move given the need to protect the climate (keyword: landfill gas). Appropriate stability criteria (e.g. AT<sub>4</sub>) would have to be met before the landfilling of any residual waste.

**24. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

Bio-waste recycling should, in principle, be promoted. Due attention must thereby be paid to the fact that different recycling methods must be selected depending on the type, origin and properties of the waste concerned.

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

EU-wide recycling targets could possibly be set, always bearing in mind, however, the widely divergent points of departure in the different regions. An integrated approach in the individual regions is thus deemed a more sensible approach than blanket rules at EU level. Optimum bio-waste management is only possible where each region adopts an approach that best meets its own needs, i.e. where it applies a combination of the various available measures tailored to suit specific regional requirements.

*Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

Experience to date has shown the EU rules first and foremost involve more administrative work without actually improving the matter in hand. Moreover, if fixed recycling targets are set, there is a risk that, in a bid to reach those targets, elements might also be included that are not suitable for recycling, thereby undermining the environmental cause in the long term.

**17. (b) Increasing recycling – Separate collection obligation:**

*Do you see a need for the promotion of separate collection of bio-waste?*

Separate collection of bio-waste is already widely practiced in Austria and is prescribed by law. The system is efficient and effectual. One possibility – at the very most – would be for similar rules to be introduced at European level.

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

In the interests of conserving resources, the aim should be to secure Europe-wide provision for the separate collection and subsequent biological treatment of biogenic waste (as already practiced throughout Austria). This makes both environmental and economic sense.

Clearly, the implementation of a strategy of this kind in the Member States requires an adequate degree of flexibility in both space and time.

That said, recycling targets (provided they are not pitched too low) would be a realistic scenario that could then be applied with due flexibility in the individual Member States.

It makes sense to lay down mandatory collection targets for biogenic waste from private households and the commercial sector. One possible approach during the initial stage would be to set targets that are spread out over a specific timeframe – similar to those prescribed under the Landfill Directive for reducing biodegradable waste.

Public funding should not favour one treatment option to the detriment of others. In many cases, the real difficulties arise because support policy has distorted competition, thereby also precluding any reflection of the true cost of certain treatment processes.

*Should derogations from a separate collection obligation be provided for?*

Derogations should be possible where the properties of the biogenic waste subject to separate collection are such that it is unlikely to yield high-quality compost.

*Would the setting of a separate collection obligation result in increased financial and/ or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

In Austria, the introduction of a separate collection scheme has resulted in additional costs, but these are offset by the long-term benefits involved. Synthetically produced mineral fertilizers are being replaced through the use of compost and the fertilising agents contained alongside the organic substance in biogenic waste. As well as cutting greenhouse gas emissions, this also improves humus formation in the soil, thereby increasing its water absorption capacity and reducing any disposition towards erosion and aridity. In other Member States and regions that are just starting out on the road towards separate collection systems, the long-term benefits would also be expected to outweigh the costs involved.

**18. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

In principle, a uniform set of quality standards for compost as a product would above all be a worthwhile objective (along the lines of an "end-of-waste" provision). In respect of composting in particular, it does seem useful to have uniform EU-wide quality standards in place for compost both as waste and as a product. High quality standards are virtually impossible to attain without separate collection. However, experience shows that ideas of what constitutes high quality vary very widely in the EU Member States. The requisite quality should always be linked to the use to which the compost is to be put and this is, quite sensibly, a matter for the regional level to decide. The overriding objective must be to produce high-quality, product-standard compost from appropriate feedstock.

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COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
DEVE Commission and "Networks & Subsidiarity" Unit



**QUESTIONNAIRE ON BIO-WASTE MANAGEMENT**  
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**25. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

Wide information campaign. Politics of compliance with EU directives on the local level – exchange of experience.

**26. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

Restrictions accepted by the EU with the particular emphasis to high-developed States. The weaker ones are included in the relief programmes.

**27. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

Yes – the promotion campaign with the reaching effect indication (promoting of the home composting).

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

EU Framework Program. The Member States should have their own programmes based on the EU directive.

*Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

The initial increase of the costs. (The first phase = promotion). In the future tasks will be performed at the decrease of the costs for the local authority.

**19. (b) Increasing recycling – Separate collection obligation:**

*Do you see a need for the promotion of separate collection of bio-waste?*

Yes – the permanent promotion and education took better and better effects.

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

The obligation for bio-waste should be set by the EU directive and it should be in the local programmes for the waste management.

*Should derogations from a separate collection obligation be provided for?*

Yes, it should be provided for, but the delay in implementation of the programme couldn't be more than 25 % of the plan.

*Would the setting of a separate collection obligation result in increased financial and/or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

The local authorities are bearing the costs at the formation of the installation. Benefits are exceeding the costs and the ecological effects are high.

**20. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

EU standard is recommended, but at the same time it should be keep the local autonomy.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

Yes, EU framework principles – and the suitable rules at the national, regional and/or local level with possible regions' cooperation.

COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
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**28. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

The Member States and respective autonomous regions must be a driving force behind debates, cooperation and the definition, implementation and assessment of plans, programmes, measures and associated sources of funding for bio-waste prevention.

**29. Limiting landfilling:**

*Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?*

Every Member State and autonomous region must be able to decide on targets for restricting the quantity of bio-degradable waste allowed in landfills, over and above those targets already stipulated in the Landfill Directive.

**30. (a) Increasing recycling – Promotion of bio-waste recycling:**

*Do you see a need for the promotion of bio-waste recycling?*

Yes.

*If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?*

It must be up to the Member States and autonomous regions themselves to define their recycling targets.

*Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

Setting targets does not entail a significantly greater financial and/or administrative burden; the benefits would greatly outweigh any increased burden.

**21. (b) Increasing recycling – Separate collection obligation:**

*Do you see a need for the promotion of separate collection of bio-waste?*

Yes.

*Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?*

It must be up to the Member States and autonomous regions to set targets and objectives for the separate collection of bio-waste.

*Should derogations from a separate collection obligation be provided for?*

Yes.

*Would the setting of a separate collection obligation result in increased financial and/ or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

The obligation to collect such waste separately would entail financial and/or administrative costs, but the benefits would outweigh any such costs.

**22. Contributing to soil improvement, in order to strengthen the use of compost/digestate:**

*(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?*

It must be up to the Member States and autonomous regions to set quality standards for compost.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

It must be up to the Member States and autonomous regions to set the rules for the use of compost/digestate.

COMMITTEE OF THE REGIONS – DIRECTORATE FOR CONSULTATIVE WORK  
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**31. Better prevention of waste:**

*Waste prevention is at the top of the EU's waste treatment hierarchy. Taking into account the subsidiarity principle, what role do you see for the EU, Member States, regional or local authorities in taking action for the prevention of bio-waste?*

The LGA supports initiatives to address bio-waste prevention, in accordance with the waste hierarchy, however considers that such programmes should be driven by local and national considerations. Campaigns have already been developed at this level, for example the Love Food Hate Waste campaign<sup>5</sup> which aims to change consumer behaviour. The EU could play a helpful role in sharing information on waste reduction programmes across Member States.

Bio-waste is generated at the production and transportation stage within the commercial sector. Therefore, all parties involved in the food chain from producer to consumer would need to be involved in any concerted effort to prevent bio-waste. The House of Lords Science and Technology Committee, in its 2008 report on Waste Reduction<sup>6</sup> acknowledged that there is a lack of data from commercial and industrial sectors. The EU could facilitate the collation of accurate data from within these sectors in order to inform future policy decisions on the reduction of commercial bio-waste streams.

<sup>5</sup> [www.lovefoodhatewaste.com](http://www.lovefoodhatewaste.com).

<sup>6</sup> [http://www.parliament.uk/parliamentary\\_committees/lords\\_s\\_t\\_select/waste\\_reduction.cfm](http://www.parliament.uk/parliamentary_committees/lords_s_t_select/waste_reduction.cfm).

<b>32. Limiting landfilling:</b>
<i>Do you see benefits or disadvantages in further restricting the amount of biodegradable waste that is allowed on landfills beyond the targets already set in the EU Landfill Directive? Should such a restriction be established on EU level or left to be decided by Member States?</i>
Existing waste prevention, landfill diversion and climate change legislation and policy are driving the improved management of bio-waste. Local authorities have developed long-term strategies and partnerships as well as making significant financial investments to meet the requirements of the Landfill Directive (1999/31/EC). The LGA does not support the strengthening of the Directive, which would undermine this long-term approach and could have costly and unnecessary impacts on existing investments and contractual arrangements.
Any targets for biodegradable waste beyond existing Directive requirements for 2020 as a result of the review anticipated in 2014 should have a holistic approach and not be restricted to municipal waste.

<b>33. (a) Increasing recycling – Promotion of bio-waste recycling:</b>
<i>Do you see a need for the promotion of bio-waste recycling?</i>
The existing legislative and policy framework including the recently agreed Waste Framework Directive, in combination with the proposed quality standards is sufficient to promote biowaste recycling. Specific biowaste recycling targets risk undermining waste prevention and home composting
<i>If so, should common recycling targets be set at EU level or should Member States be allowed to set their own recycling targets at national, regional or local level?</i>
See above

*Would the setting of recycling targets result in increased financial and/ or administrative costs for local and regional authorities? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?*

<b>23. (b) Increasing recycling – Separate collection obligation:</b>
<i>Do you see a need for the promotion of separate collection of bio-waste?</i>
We strongly oppose mandatory separate collection, as local authorities should retain the flexibility to decide which collection method is most appropriate based on local conditions and needs. Some local authorities have invested significantly in technologies that treat mixed waste and imposing a change to separate collection would be prohibitively expensive and potentially environmentally damaging. For example, it may require increased vehicle, equipment and facility costs, and increased emissions for collections in large rural areas.
<i>Do you believe that a separate collection obligation for bio-waste should be set at EU, national, regional or local level?</i>
Local level – see above
<i>Should derogations from a separate collection obligation be provided for?</i>
There should be no separate collection obligation
<i>Would the setting of a separate collection obligation result in increased financial and/or administrative costs for local and regional authorities whilst balancing probable short term investments with long term benefits? If possible, provide an estimation. Would such an increase be proportionate to the perceived long-term benefits?</i>
See above

<b>24. Contributing to soil improvement, in order to strengthen the use of compost/digestate:</b>
<i>(a) Should the EU set quality standards for compost (either only as a product or also for a compost of lower quality still covered by the waste regime) or should such standards be set at the national, regional or local levels?</i>
There is a need to develop and encourage end market uses in order to increase diversion from landfill for both compost from source-separated waste and compost-like output from mixed waste. We support an integrated approach which addresses standards and usage rules for output from both mixed and source-separated waste as a means of increasing consumer confidence. Standards would also help provide much needed clarity for local authorities when making procurement decisions.
Statements made in the Green Paper about contamination of output from Mechanical Biological Treatment are highly generalised and do not take into account the significant impact of the management of the system from collection to treatment. Output from mixed waste facilities will vary significantly and should be judged on an individual basis and not simply on the process used. Setting standards would have the advantage of recognising and driving forward good management of mixed waste schemes, and increasing higher quality outputs as a result.

There is a need to recognise that compost-like materials are a resource that can play a valuable role in improving soil structure and reducing reliance on finite resources such as peat. For example, Organic Growth Medium can improve soil structure by providing increased water retention, nutrient availability, prevention of erosion and an increase in biological activity.

Product standards based on pollutant parameters injurious to human health and the environment would be most appropriate. The PAS100 system could provide a starting point for this. It is essential that a product and not process approach is taken, to ensure that existing capacity can continue to function. Consideration must also be given to the intended end use, for example use on agricultural land or as restoration cover on brownfield land.

*(b) Should the EU set rules for the use of compost/digestate or should such rules be set at the national, regional or local levels?*

EU (see above)

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