



## THEMATIC PAPER: WASTE MANAGEMENT<sup>1</sup>

### 1 QUESTIONS FOR NGOS

In order to facilitate constructive and focused discussions in the Thematic Session on this topic at the Annual Meeting, it would be useful if you could prepare a short response for each of the questions below in relation to the situation in your country:

- Do you see EU policies/legislation in this area as beneficial for your country?
- Are there problems with the way how is the environmental *acquis* implemented in your country?
- Are there cases of newly built installations/facilities, mismanagement, or wrong implementation of the EU *acquis* you want to bring into attention during the meeting with the EU?
- Where you see problems, what should be done to improve the situation and what is the potential role of different actors (e.g. EU, Government, Environmental Forum, NGOs)?

The rest of this Thematic Paper is intended to help you formulate your responses/ suggestions. It sets out a brief background on EU waste policy and anticipated developments and then makes some comments on the state of play and key challenges on waste policy in candidate and potential candidate countries.

### 2 INTRODUCTION

Waste is one of the most longstanding and persistent environmental problems facing Europe today. It is estimated that the EU throws away 1.3 billion tonnes of waste a year which is equivalent to 3.5 tonnes of solid waste per person. Disposing of this waste safely is an ongoing challenge. Nearly half of EU municipal waste is disposed of through landfill, 18% is incinerated and 33% is recycled or composted. Landfill not only takes up valuable land space, it also causes air, water and soil pollution, releasing carbon dioxide and methane into the atmosphere and chemicals and pesticides into the earth and groundwater. Further more, some substances in the waste are particularly dangerous and polluting and pose serious risks to the environment and health.

Despite over three decades of policy to address this problem, waste is still a serious challenge in the EU and since the mid 1990's waste generation in Europe has increased significantly, mainly linked to economic activity and rising income levels. The OECD estimate that by 2020 the EU could be producing 45% more waste than in 1995 unless we take a radical approach to waste policy. Therefore, to better address its waste problem, the EU has recently put in place a new policy framework which takes a life-cycle approach to promote waste prevention and recycling. This approach attempts not only to produce a sizable cut in the amount of rubbish generated but also to increase resource efficiency. The most significant test now ahead, not only for current Member States but also for candidate and potential candidate countries, is how to effectively implement this legislation. Indeed, waste management remains one of the biggest problem areas in candidate and potential candidate countries.

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<sup>1</sup> Paper Prepared for the Environmental Forum Annual Meeting, 19-20 November 2009, Brussels.



### 3 EU WASTE POLICY

#### 3.1 Background

Europe's waste policy is one of the most extensive and long established in the environmental sphere. The first Waste Framework Directive was adopted in 1975 and was followed in the 1970s by other more specific items of legislation such as Directives on toxic waste, PCB disposal and waste oils. However, waste legislation has been notoriously fraught with inconsistencies and a lack of clarity and two recent developments mark a significant shift in approach to EU waste policy: the Thematic Strategy on waste prevention and recycling and the adoption of a new framework Directive.

#### 3.2 Current Waste Policy

##### *The Waste Thematic Strategy*

The Thematic Strategy on the prevention and recycling of waste ([COM \(2005\) 666](#)), was published in December 2005. It attempted to set out a new and improved approach to EU waste policy which was heralded as a mechanism for making the EU 'a recycling society'. The principle of taking a life-cycle approach to waste management ie considering how to minimize waste throughout a products life-cycle and considering all the impacts of a treatment option over time, is central to the strategy. Alongside this approach other key principles include a shift towards a materials based approach, a new focus on waste prevention and a shift towards more flexible mechanisms of policy making/standards setting at the EU level through a comitology committee and the European Committee for Standardization. A proposal to revise the Waste Framework Directive accompanied the strategy and was used to implement many of its aims and objectives.

##### *Waste Framework Directive*

The revised Directive on waste ([2008/98/EC](#)) was adopted in October 2008 and fundamentally reforms EU waste policy: resetting the baselines for much of waste management; redefining key terms and concepts such as when waste ceases to be waste; reclassifying efficient waste-to-energy incinerators as recovery; clarifying and reinforcing the waste hierarchy (which gives preference to different waste operations from prevention, including reuse through recycling, other recovery operations, and as a last resort the safe and environmentally sound disposal) as a 'priority order'. The Directive also sets the EU's first ever sector wide targets for re-use and recycling complementing existing product based action.

In one year's time (December 2010) this Directive must be transposed to replace the existing waste framework, hazardous waste and waste oils Directives in national laws. Subsequently, over the next decade or so, a whole suite of specific targets set out in the Directive will have to be met. For example: by 2020 Member States must 'take the necessary measures' to re-use and recycle 50% of waste materials such as paper, metal and glass from households and similar waste streams and 70% of construction waste; separate collection for paper, metal, plastic and glass must be set up by 2015; national waste prevention programmes are to be put in place by December 2013.

##### *General EU Waste Management Principles*

Through the Thematic Strategy and the new Waste Framework Directive<sup>2</sup> the EU's approach to waste management is now based on a number of principles:

- Waste management hierarchy - Preference must be given first to waste prevention. Where this is impossible, waste materials should be reused, recycled, recovered or used as a source of energy. As a last resort, waste should be disposed of safely.
- Proximity -Wastes should be disposed of as close to their source as possible.

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<sup>2</sup> The EU's legislation relevant to waste is much broader than the Waste Framework Directive. It includes, amongst other things: Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators; Waste Incineration Directive (2000/76/EC); Landfill Directive (99/31/EC); Waste Electrical and Electrical Equipment (WEEE) Directive (2002/96/EC); Directive 96/59/EC on the disposal of PCBs.

- Producer responsibility - Economic operators and manufacturers of products must be involved in the process of closing the life cycle of substances, components, and products in order to minimize the generation of waste.
- Self-sufficiency - Member States (to the extent possible) need to establish an integrated and adequate network of waste disposal facilities.
- Polluter pays - The cost of waste disposal must be borne by the waste holder, the previous holder, or the producer of the product from which the waste came.

### 3.3 Further Developments

A number of reviews and reports are due from the Commission in the short to medium term:

- A review of the waste Thematic Strategy is due in 2010. It is anticipated that further efforts will be made to promote recycling in Europe as well as strengthening product standards to promote waste prevention rather than purely its management.
- An interim report on waste prevention and generation is to be prepared by 2011 and a final report by the end of 2014. This will include, if appropriate, proposals for waste prevention targets and decoupling objectives for 2020.

There are also a number of legislative proposals under development:

- A proposal for a revision of the Waste Electrical and Electrical Equipment (WEEE) Directive ([2002/96/EC](#)) made by the Commission in December 2008 ([COM \(2008\) 810](#)) is currently making its way through the codecision procedure in the European Parliament and the Council. This includes a new binding target for the collection of electrical and electronic equipment from the current collection target of 4kg per person per year to a differentiated target equal to 65% of the average weight of electrical and electronic equipment placed on the market over the two previous years in each Member State. This new collection target would apply from 2016.
- A proposal for legislation on the management of biowaste is expected to be published by the Commission. Biowaste accounts for 30% to 45% of municipal solid waste across Europe and was identified as an issue which needed to be addressed in the Thematic Strategy on waste and the new Waste Framework Directive. In December 2008 the Commission invited comments on a Green Paper on the issue ([COM \(2008\) 811](#)) and held a stakeholder conference on potential legislative proposals in June 2009. Measures suggested in the legislative proposals are likely to involve setting compost standards for bio-waste (common to all Member States or for individual Member States).

## 4 IMPLEMENTATION ISSUES IN CANDIDATE COUNTRIES

### 4.1 The State of Play in Candidate and Potential Candidate Countries

A general problem is that legislation in candidate and potential candidate countries cover the different aspects of waste management in a fragmentary way. Though many laws have been adopted in recent years, the quality of laws varies and some laws do not contribute much to the legal harmonization process. In some cases, new legislation merely creates the false impression that the matter has already been adequately addressed and now just needs to be fleshed out with additional technical specifications to be implemented. In a few instances, the quality of the law is so low, it is impossible to implement even with subsidiary legislation. In addition, compliance, monitoring and enforcement of environmental law (and waste management law where exists) remain extremely limited, mainly because of the lack of human capacity and the above mentioned low quality of legislation or its incompleteness, as well as technical standards implemented.

Progress on different environmental issues and the levels of prioritization given to these issues vary considerably around the region:

- In **Albania** hazardous waste and air quality are priorities. The 2009 European Commission Progress Report ([COM\(2009\) 533](#))<sup>3</sup> noted that there have been some improvements on waste management. However, policy-making capacities and implementation and enforcement require further strengthening.
- In **Bosnia and Herzegovina** the eight priorities set in the NEAP include waste and waste management. The 2009 Progress Report noted that no significant progress has been made during the reporting period.
- In **Croatia**, waste and wastewater are also claimed to be priority areas. The 2009 Progress Report noted that good progress has been made.
- In **the former Yugoslav Republic of Macedonia**, the NEAP sets priorities which do not include waste. The 2009 Progress Report noted that progress has been made towards further transposing the EU *acquis* in the field of waste management.
- In **Serbia** priorities include action plans on various environmental areas, including waste management. The 2009 Progress Report noted that Serbia has made good progress, notably with the adoption of a relevant legislation.
- In **Kosovo** Under UN Security Resolution 1244/99, Environmental Protection and Sustainable Development Strategy lists nine legal priorities, including waste management. The 2009 Report noted that progress on approximation is at an early stage.
- In **Montenegro**, in 2003 the government adopted an Agenda of Economic Reform. The agenda defines 10 priority areas but waste is not specifically listed. However, more recently a Waste Management Strategy become one of the priorities. The EC 2009 Progress Report noted that progress remains uneven.
- In **Turkey**, according 2007 screening report, good steps were made in regards of transposition of parts of the EU *acquis* in this waste sector. Turkey now needs to prepare the national and regional waste management plans to make progress on implementation, which requires the mobilization of considerable financial resources. The 2009 Progress Report noted that some progress on waste has been reported.

#### 4.2 The Role of the Instrument for Pre-Accession Assistance (IPA)

The IPA is a potential to use available IPA funds for improving waste management, especially for candidate countries (see Thematic Paper on IPPC).

#### 4.3 Key Challenges

In the latest 'Enlargement Strategy and Main Challenges 2008-2009' ([COM\(2008\)674](#)) the Commission underline that the year ahead will be a crucial one in addressing challenges in the Western Balkans. The progress of countries towards EU membership can be accelerated, provided they meet the necessary conditions. The main challenge in waste management issue for candidate and potential candidate countries, in this period of policy review and change at the EU level, is to forge a strategy which could potentially chose between at least two options:

- to follow the EU's historical steps in waste policy and adopt the new EU philosophy in waste management later on; or
- from lessons learned, try to make some "short cuts" with smart solutions for waste management options.

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<sup>3</sup> As well as accompanying country reports on: Croatia ([SEC\(2009\) 1333](#)); Turkey ([SEC\(2009\) 1334](#)); the former Yugoslav Republic of Macedonia ([SEC\(2009\) 1335](#)); Montenegro ([SEC\(2009\) 1336](#)); Albania ([SEC\(2009\) 1337](#)); Bosnia and Herzegovina ([SEC\(2009\) 1338](#)); Serbia ([SEC\(2009\) 1339](#)); Kosovo Under UN Security Resolution 1244/99([SEC\(2009\) 1340](#)).