

Meeting the challenge of proper management of Hazardous Waste

New Circular Economy Action Plan: consultation Eurits' position paper, January 2020

Eurits welcomes the development of a new Circular Economy Action Plan (CEAP). The first Circular Economy Action Plan has created widespread acceptance of the need to move from a linear to a circular economic model and focused on some specific recycling targets and in particular municipal waste. For the new CEAP to take the next steps the focus needs to change from municipal waste [which is only 10-15% of total waste arisings] and recycling rates to other types of waste and how we can improve the quality of recycling.

The European Green Deal acknowledges that there is:

- a need for a **clean** circular economy and a stronger market for secondary raw materials.
- A toxic free environment requires more action to prevent pollution from being generated **as well as measures to clean and remedy it.**
- Step up the EU's efforts to ensure that **current legislation and policies relevant to the Green Deal are enforced and effectively implemented.**

Eurits is an association of hazardous waste management companies all of whom operate dedicated high-temperature incinerators for the treatment of hazardous waste as well as a wide variety of recycling and recovery facilities for both hazardous and non-hazardous wastes.

Eurits is committed to supporting the European Commission's actions to make the European Union the global front-runner in waste management by enabling safe and efficient markets for secondary raw materials and in reducing carbon emissions. For this we need to ensure safe and high-quality recycling to protect human health and the environment from hazardous substances or pollutants present in waste.

Eurits' priorities for the new Circular Economy Action Plan

The Commission has already identified many of the problems to advance down the circular economy route for example in the Communication on the interface between chemical, product and waste legislation.

It is critically important that producers and consumers can trust the materials and products coming from recycled materials. If there is no certainty that recycled materials do not contain any hazardous substances, the demand for recycled materials will never grow.

To achieve the outcomes which the EU wishes to realise the following steps are essential:

1. Ensure full and harmonised **implementation / compliance with existing waste legislation** – at both national and regional levels and perhaps most importantly at facility level. It is no good having the best legislation if it is not correctly applied at the facility level. This includes making sure that low cost and low-quality treatment options are being properly operated, controlled and regulated.

We observe regular failures to correctly implement and regulate the Landfill Directive eg general exemptions from waste acceptance criteria are incorrectly granted and waste is then diluted to meet the the Landfill Directive Waste Acceptance Criteria (WAC). The Landfill Directive was designed to effectively create a ban on the landfilling of organic hazardous wastes however this is poorly enforced and as a consequence organic hazardous waste is still being landfilled which should be sent to more appropriate treatment facilities.

A lack of harmonisation and uniform implementation of EU waste legislation, alongside divergence between Member States’ requirements on waste management, leads to distortions of waste markets.

➔ **Without fully harmonised implementation and compliance, businesses cannot compete with low-cost waste treatment routes. This results in low-quality recycled material and ultimately down-cycles the Circular Economy.**

2. **Decontamination** – to remove/dispose of hazardous components or contaminants from material cycles. We should not accept recirculation of any unwanted hazardous substances lowering the quality of the recycled materials/products. Decontamination is part of the solution to achieve non-toxic material cycles and should be at the heart of the discussions on the new Circular Economy Action Plan and the move towards a zero-pollution ambition for a toxic-free environment.

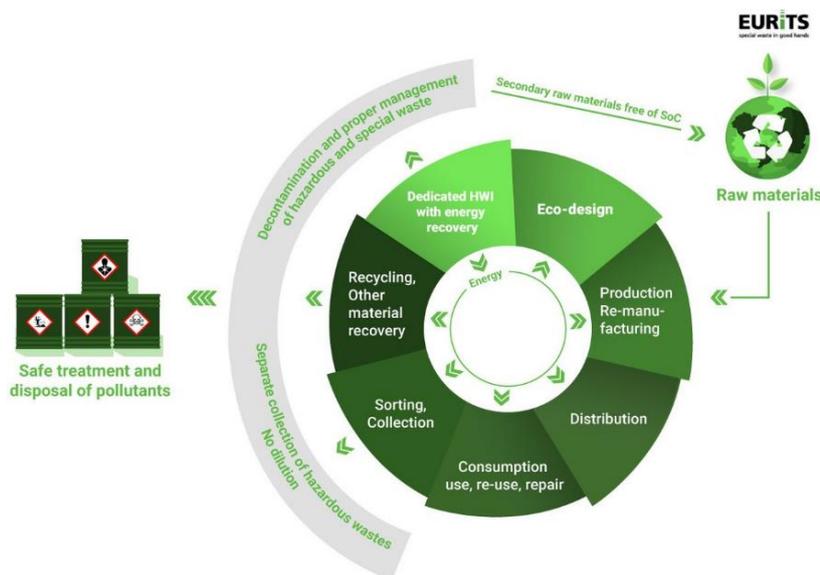
High-quality recycling = trust in recycled materials

- Non-toxic material cycles require that substances of concern are identified and managed in compliance with the relevant legislation.
- Hazardous substances or pollutants present in waste should be extracted prior to or during recycling or recovery operations and correctly disposed of to avoid continuous contamination of the recycling loop.
- The waste hierarchy must not only focus on a quantitative approach to recycled/recovered materials but must also include a decontamination step to ensure better quality of the recycled/recovered output.
- If low quality contaminated recyclates are exported out of the EU, then there is a substantial risk that products made from those materials and imported back to the EU will be contaminated.

Trust in recycled materials = Boost for demand/increased market for recycled materials

- The principle of decontamination has been recognised in the revised Waste Framework Directive and should now be implemented to enhance high-quality recycling and enable manufacturers and consumers to have confidence that the recycling/recovery cycles are clean.

➔ **If there is confidence that hazardous substances have been removed from the valuable material, downstream industrial businesses/consumers will buy these materials, which will then see their price increase and allow them to compete with virgin materials.**



3. Prevent dilution of waste to ensure that waste is treated properly and stop Substances of Concern being circulated in recycled materials – diluting hazardous substances in recycled materials reduces the trust and value of the recycled material. **Non-dilution should be a key principle to avoid dispersion of pollutants.**

- Dilution aims at mixing the waste with other categories of hazardous waste or with other types of waste to lower the initial concentrations of hazardous substances and is usually done to meet either the Landfill Directive Waste Acceptance Criteria or the acceptance restrictions of a facility.
- Dilution does not reduce the toxicity of hazardous waste and means the waste will not receive the correct treatment in an appropriate facility experienced in managing the risks associated with those specific substances. The hazardous substances will continue to be dispersed into the environment or within the recycled materials and endanger both health and the environment.
- A ban on mixing and dilution of hazardous waste is included in article 18 of the Waste Framework Directive but this ban is not properly enforced. The Commission published [guidance](#) on this ban and other issues in June 2012 but this guidance is only advisory. The failure to enforce the existing legislation suggests that new, clearer legislation is necessary that is easier for Member States to enforce.

➔ **Without a clear definition, the dilution of hazardous waste will continue to result in the non-treatment or less-effective treatment of hazardous waste and will prolong the existence of hazardous substances in the environment and in recycled products.**

4. Correct classification of hazardous waste – there is a need for clearer legislation to avoid misclassification of hazardous waste as non-hazardous. Product classification should not be the same as waste classification as the intentions and outcomes are different – for products a risk based approach is appropriate as the classification can also include restrictions on how the product is used, for waste the classification must take into account intrinsic properties of the waste and the fact that final destination of the waste is not certain so therefore a hazard based approach is appropriate.

Conclusions:

If the EU wishes to move away from a linear economy to a circular economy it is an ongoing challenge but also a welcome opportunity for investment in jobs and innovation in the EU, but this will only happen if there are consistent rules to allow private sector investment and to prevent poor quality, low cost waste treatment dominating the market.

By the Commission's own figures recycled materials only meet 12% of EU's demand for materials and if we want this to increase then the prices must be more competitive and quality must be at least equal to virgin material. To achieve this, we need sufficient information regarding the presence or not of substances of concern in products and wastes. Information must be coupled with strong rules to: stop the dilution of the substances of concern into recycled materials; and ensure that substances of concern are decontaminated to remove them from recycled materials.

We must prevent dilution and ensure decontamination to keep the material cycles clean and free from substances of concern. Hazardous waste must be classified correctly according to a hazard-based approach. Waste legislation must be fully implemented and enforced in a harmonized manner across the EU.

Who is EURITS?

- The European Union for the Responsible Incineration & Treatment of Special waste
- An association of hazardous waste management companies across the EU
- Eurits' members have a total capacity of high temperature incineration of around 3Mt/y; this represents 90-95% of the total capacity in Europe

Main activities

- Make sure hazardous waste is handled, managed and treated very specifically and in a correct manner:
 - To avoid any dispersion of hazards or contaminants into the environment
 - To ensure that the environment and public health are protected
 - To ensure that recovered materials are reliable

Key role

- The EU's leading voice on hazardous waste
- Over 25 years of experience in hazardous waste treatment
- Consistent promotion of best sustainable environmental practice
- Representing the special waste treatment industry in the EU Parliament and Commission, in order to create adequate support and policy frameworks in Europe.



“The hazardous waste management sector has an important role to play in striking the right balance between recovery and final disposal of materials that become waste. This is because they have the right tools and technologies to remove substances of concern from waste and, if this is not possible, to destroy these materials, obtaining energy during the process”

2018 - European Commission Vice-President, Jyrki Katainen

Contact info

For more information on any of the points in this paper please contact the Eurits Secretariat:

T +44 20 72 22 12 65 | admin@eurits.org | www.eurits.org

Transparency Register identification number: 46904231219-48

Registered address: Eurits IVZW c/o Indaver, Dijle 17a, Mechelen 2800, Belgium

IVZW registration number: 0880.269.357

EURITS
special waste in good hands