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Directorate B – Green Economy
ENV.B.3 – Waste Management & Secondary materials

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**DRAFT SUMMARY RECORD OF THE MEETING OF THE EXPERT GROUP ON WASTE
(Waste Framework Directive)**

**Monday 05 July 2021
Online meeting**

(09.30 – 13.00)

1. Adoption of the agenda

The Chair welcomed the participants, presented the agenda and opened the meeting. The agenda was adopted without modifications.

2. Commission Delegated Decision laying down rules for the calculation, verification of average loss rates (ALR) for sorted waste - *for discussion*

The Commission presented the revised draft delegated act laying down rules for the calculation, verification of average loss rates taking into account previous Member State comments and also comments from the Commission's internal inter-service consultation. The Commission informed that it intends to adopt the act in a written procedure at the end of August 2021 followed by a 2 months scrutiny period of the European Parliament and Council.

One Member State expert asked about the obligation to calculate ALR for imported waste from other Member States, in the case that the receiving Member State is not planning to use ALR for its own waste. The Commission replied that if a Member State is in a position to obtain reliable data on the weight of the waste entering a recycling operation, it is not necessary to calculate these rates. However, if the necessary information is not available, this would be the case. The exporting Member State may apply ALR based on a compositional analysis of the exported sorted waste. However, losses during subsequent sorting or other preliminary treatment operations need to be taken into account.

Another Member State expert suggested editorial changes to recital 3 on the "amount of waste". In addition, the expert expressed concerns regarding the publication of ALR for individual facilities envisaged in Article 4. The concerns were supported by 4 experts. The Commission replied that making ALR of facilities publicly available would facilitate waste shipments to more performant plants.

One Member State expert argued that samples are not needed because there already is data for the full amounts. The Commission replied that this approach would be equivalent to sampling.

Another Member State expert asked the Commission to clarify Article 2(3). The Commission informed that it refers to the 5% rule and to products consisting of different material fractions, which is an attempt to reduce administrative burden.

One Member State expert asked for clarification if the average loss means the arithmetic average. The Commission agreed to look further into the question.

One Member State expert asked for clarification whether the terms ‘preliminary treatment’ and ‘sorted waste’ refer to the waste in the first sorting facility (measurement point) or to the waste at the final sorting step (calculation point). The Commission replied that it refers to the average loss rate applied to sorted waste, which undergoes further sorting or other preliminary treatment.

One Member State expert asked if it is possible to send comments after the meeting by e-mail. The Commission replied that the participants are welcomed to send written comments by 09 July 2021.

Another Member State expert asked how to handle sorted waste which also differs in the amount of non-targeted material and depends on the origin. The Commission answered that different batches might arrive in different qualities, so at that point characterisation would be necessary.

Some Member States experts called for more harmonized standards for the type of information to be made according to Article 4.

One Member State expert asked if there will be any transition periods for provisions, e.g. when ALRs will be available. The Commission replied that once the rules are in place in the delegated act, it is the Member States’ responsibility to implement these rules.

One Member State expert raised the question if it is possible to have one ALR applicable to all incoming waste, despite the fact that the quality of the sorted wastes can vary between sources. The Commission replied that the draft act calls for one average loss rate per facility. However, in case a facility has sorting and preliminary treatment lines with different performance levels, it might be necessary to further differentiate the ALRs. The act establishes minimum requirements, and Member States are encouraged to apply the most suitable approach.

3. Separate collection: reporting under Article 10(6) of the Waste Framework Directive – *Commission presentation*

The Commission gave a detailed presentation about the on-going Separate Waste Collection study carried out by DG ENV and JRC.

The Commission recalled that Member States are required under Article 10(6) WFD to provide a report to Commission on the application of Article 10, in particular on separate collection. The deadline for providing this one-off report expires on 31.12.2021. In order to assist the Member States to draw up the report and facilitate the exchange of good practices among the Member States, the Commission invited Member States to use a template it has prepared. The Commission shortly presented the template.

One Member State raised the question if also the impact on the health and safety of workers engaged in separate collection (especially in door-to-door collection) will be considered in the scope of the study. The Commission replied that this aspect will not be addressed in the on-going work.

One Member State asked what measures Member States will be asked to take in waste collection. The Commission replied that it is too early to tell the specific outcome of this exercise, but that the specific local circumstances will be taken into account.

Another Member State asked for a deadline for the proposals of subgroups. The Commission answered that the work of subgroups will start in September, and that the Commission is open for suggestion for the ones who can join working groups.

The Commission invited the participants to send comments concerning the template for reporting to the functional mailbox.

4. Scoping the development of further EU-wide end-of-waste criteria under Article 6 of the Waste Framework Directive, Circular Economy Action Plan - Commission presentation

The Commission presented the study on “Scoping and developing further end-of-waste (EoW) and by-product (BP) criteria”, within the context of the Circular Economy Action Plan 2.0.

One Member State asked for the deadline for submitting proposals for candidates for the subgroups of the JRC study. The Commission replied that an invitation would soon be issued for a stakeholder workshop which would include an invitation to comment on the different waste streams or propose new ones. The invitation will be sent by JRC still this week or the next.

The Commission further mentioned that the slides of this meeting will be shared and explained that the resources in the Commission are limited and consequently the current plan is that three EoW (or by product) criteria will be developed.

One Member State questioned why work on EoW criteria has been taken up again as it was stopped a few years ago. The Commission replied that the added value of creating such criteria has been questioned in the past, associated to low uptake of some of the first EU criteria developed and the failure in developing criteria for paper and plastic. Following the adoption of the new CEAP, the Commission has committed to scope streams for possible EoW or by-product criteria and thereby restart work on this matter. There is a need for more harmonized measures to promote the uptake of recycled materials and minimize obstacles to the recycling industry, including those found in shipments of waste and secondary raw material. We aim to learn from past experience.

One Member State asked how REACH registrations can be considered as criteria for ranking priority waste streams. The Commission explained that the issue has been discussed often in relation to EoW, however as such, REACH registration does not grant EoW, as established by case law. By registering a substance the registrant provides abundant information on the properties of the substance and its identified uses. It also provides a clear signal that in its view the material is not longer waste, but a product destined to the market. These elements contribute to providing information about whether some of the conditions for EoW in Article 6 of the Directive can be met, for instance as regards the certainty of a market, compliance with technical standards for products or the absence of an overall adverse effect on human health and the environment.

One Member State raised the concern that there had been an overwhelming demand from the industry for the development of EU-wide EoW criteria and therefore welcomes this initiative by the Commission.

5. Update on the SCIP database of articles containing Candidate List substances - ECHA presentation

ECHA presented and update on the state-of-play on the SCIP database, including an introduction to its objectives, main statistics associated to notifications, its functionalities and the development of dissemination tools, with a first release of the latter planned in September.

One Member State expressed its concern about if waste operators will be able to find the correct entry in the SCIP database for waste that they receive. ECHA explained that the database will be public and that all information will be available to everybody.

Another Member State mentioned that in the last CARACAL meeting the Commission has indicated that a proposal for a revised restriction for lead in PVC, under REACH, would be brought soon to that Committee. Given that this restriction has relevance to the recycling of PVC, the member asked if there is a possibility to also present and discuss such restriction proposals, relevant to waste, also in this waste expert group. The Commission replied positively and indicated it took note of this request given the interface between chemicals and waste legislation is important. The Commission also recalled that last year and in the past joint meetings of CARACAL and the waste expert group have been held, to discuss matters of common interest.

6. State-of-play of waste management plans under Article 28 of the Waste Framework Directive – Commission presentation

The Commission presented the state-of-play of waste management plans under Article 8 of the Waste Framework Directive.

Two Member States expressed their concern about a lack of legal basis for the waste management plans, as the content of the waste management plans changed with the last amendment of the WFD but not the deadlines for the update of the Waste management plans. The Commission replied that the new requirements from the 2018 “waste package” are quite significant and the role of waste management plan is to meet the obligations and to provide clear framework in which different economic operators should act. The Commission’s view is that these changes require a revision of the existing Waste management Plans. Therefore, the Commission recalled that an invitation was sent to all Member States in 2020 to communicate the new plans and prevention programmes to the Commission. The Commission also recalled that according to the Cohesion Policy Framework for the period 2021-2027, Member States have to put in place waste management plan(s) in accordance with Article 28 of the Waste Framework Directive, as a condition (‘enabling condition’) for investments supported by the European Regional Development Fund and the Cohesion Fund in promoting the transition to a circular economy. This condition ensures that operations co-financed by the EU are the result of strategic and well-designed planning with a view to meeting waste management related objectives and targets. Where that condition is not met, a Member State cannot be reimbursed from the funds. Any delay in the adoption of the waste management plans may affect the implementation of operations supporting the circular economy. One country contested the need to revise the plans before the 6-year period expires as required in Article 30 WFD. It was supported by experts from four other countries.

7. AOB

The Chair stated that the Commission wants to remind Member States to provide their waste data for reporting year 2018 and for the year 2019 for which the deadline for the reports expired in June.

The Chair thanked the national experts for the participation and suggestion and closed the meeting.

Participant list

Chair: DG ENV (Unit B3)

JRC (Unit B5)

EEA

EU Member State	Department
AT	Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology
BE	Interregional Packaging Commission (IRPC); Flemish Public Waste Agency (OVAM); Walloon Public Service
CY	Ministry of Environment
CZ	Ministry of Environment
DE	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety; Umweltbundesamt
DK	Danish Environmental Protection Agency; Ministry of Environment of Denmark
EE	Ministry of the Environment
EL	Hellenic Recycling Agency; Hellenic Ministry of Environment and Energy
ES	Ministry for Ecological Transition and Demographic Challenge
FI	Ministry of the Environment
FR	Ministère de la transition écologique
HR	Ministry of Economy and Sustainable Development; Ministry of Environment and Energy
HU	Ministry for Innovation and Technology
IE	EPA; DECC
IT	Ministry of ecological transition
LT	Ministry of Environment
LU	Administration de l'environnement
LV	Ministry of Environmental Protection and Regional Development
MT	Environment and Resources Authority

NL	Ministry of Infrastructure and Water management
PL	Ministry of Climate and Environment
PT	Portuguese Environment Agency
RO	Ministry of Environment, Waters and Forests
SE	Swedish EPA
SI	Slovenian Environment Agency
SK	Ministry of Environment
EEA country	Department
NO	Norwegian Environment Agency