EUROMETAUX
EUROPEAN ASSOCIATION OF METALS

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Towards a Circular Economy for Europe: a step in the right direction to move from "waste" to "resource" management

Eurometaux welcomes the package on Circular Economy as a true attempt to promote quality recycling and welcomes some of the proposed measures, but finds that the package remains weight-focused and in some cases requires clarification. Metals are essential to move towards a resource- and energy- efficient society. As they can be recycled again and again, the priority should be to ensure that as much recyclable waste and end-of-life products as possible are recycled in efficient conditions to recover as much valuable materials/metals as economically and technically feasible/reasonable. Eurometaux calls for a continued dialogue on ambitious although pragmatic measures to promote material recovery in Europe and for Europe. The proposed separate target for steel and aluminium packaging may in this respect be leading to unnecessary and costly measures without real added value.

Eurometaux welcomes different elements of the Circular Economy Communication and would like to reiterate its position on these positive elements.

Definitions, targets an calculation method

Eurometaux generally welcomes the strive to clarify definitions, more ambitious recycling and landfilling targets and the attempt to clarify the calculation method to avoid a sole focus on collection. However we feel that a clear definition on material recycling along the chain (which is the real objective of the circular economy) and related recycling targets are still missing. Eurometaux welcomes the reference to "quality recycling", but suggests to "qualify" what "quality recycling" practically means. "Recycling" should address the three steps of the recycling value chain (collection, preparation for material recovery and material recovery) and relate to meaningful treatment targets. Some elements of the calculation method require clarification. Eurometaux would like to propose an amendment in this direction (see below).

EPR

Extended producer responsibility schemes are essential to ensure the proper collection of end-of-life products, which consequently allows the recycling of the valuable materials embedded in products are recycled in a proper way. Eurometaux therefore welcomes the proposed minimum operating conditions for EPR, and would like to insist on the importance of shared responsibility. The material targets imply that each material industry recycling waste will be held responsible for meeting the ambitious targets, while end processing industries have no influence or say on the collection schemes. There should be more incentives or even requirements for a dialogue on collection in the spirit of shared responsibility

Critical Raw Materials

The focus on volume and weight implies that some of the valuable materials contained in end-of-life products are fully disregarded in the context of collection and recycling. We welcome the request made to Member States to identify waste containing significant amounts of critical raw materials (in Art. 28 of the WFD new), but would also suggest that Member States need to promote the recycling of CRM.

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Resource Efficiency targets

Eurometaux believes that the resource productivity indicator proposed in the Circular Economy Package (GDP/RMC) is a macro-economic indicator that is suitable for monitoring macro-economic trends at EU level. It is not a suitable indicator to develop policies for given sectors. Other indicators, such as end-of-life recycling that measures the recycling rate, are more effective for specific policy definitions. RMC however presents weaknesses which should be addressed through stakeholders' dialogue. Eurometaux also believes that no resource efficiency target should be adopted before robust indicators and data are available (and they are not yet).

Landfill ban for recyclable material

Eurometaux has long supported the progressive ban on landfilling of post-consumer goods as an aspirational target, provided it is supported by complementary measures that ensure a quality recycling value chain from collection through preparation for recovery and finally material recovery. Such a ban should be progressive to ensure its feasibility and effectiveness, notably in terms of building up capacity to treat the material. It should also take account of the economic and technical feasibility of recycling certain waste. Industrial waste however is a different type of waste which is in most cases residual waste that cannot be recycled or not allowed to be put on the market. Under the present economic and technical conditions, industrial landfilling cannot be avoided. Clarification should be made as to whether the 5 % and 25 % targets apply to municipal wastes only, or to all wastes.

Innovation

Eurometaux calls for a continued presence of raw materials in the innovation work programme so as to further support process and product innovation in the non-ferrous metals value chains. Eurometaux especially welcomes the EIP on Raw Materials and SPIRE.

Product policies and methodologies

Eurometaux supports a coherent policy framework relying on harmonised methodologies based on LCA. It supports eco-design requirements considering recyclability, durability, resource efficiency and access to raw materials, and calls for due involvement of interested stakeholders in defining these criteria so as to ensure practicability and avoid hampering innovation.

Finally, Eurometaux calls for avoidance of overlaps between policies e.g. product policies should avoid stigmatising substances on their sheer intrinsic properties, while what matters is the risk and not the hazard. And risks are managed through REACH that regulates safe use and production.

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Eurometaux would also like to make more specific comments on the amendments proposed to the Waste Framework Directive, and the Packaging Directive.

Waste Framework Directive

Definition – Article 3

Proposal to complement the definition on "recycling" by the following:
"Recycling value chain means *the sequence of operation leading to the recovery of materials from waste. These operations include (1) collection which is the beginning of any waste management process, (2) preparation for material recovery which covers manual and/or mechanical operations & sorting and (3) material recovery which consists in chemical, physical or metallurgical operations, but does not include incineration for energy recovery and the reprocessing into materials that are to be used as fuel.*

New: 15 (b): ''Multiple recycling'' means "the recycling of a material which has the property not to degrade structurally when it is recycled, no matter how many times''.

Rationale
We welcome the attempt to refer to "material recovery", but feel that the concept does not find practical implementation in the requirements. All steps of the recycling value chain are indispensable, but the ultimate objective is to recover material from waste and end-of-life products for their original purpose or for other purposes. Hence we would like to propose the above definition of the "recycling value chain" which allows the setting of targets per step, when and as relevant.

Definition of Backfilling
In order to avoid that valuable waste streams with high metal content are lost in backfilling and to foster quality recycling of these wastes, wastes with metal concentrations above maximum limit values e.g. for metals like zinc, lead, copper, tin, chrome, nickel and iron backfilling should be forbidden and the respective wastes should go to metals recovery/metals recycling operations. In this context we refer to the German legally binding limit values for zinc (10 %), lead (10 %), copper (1 %), tin (1,5 %), chrome (15 %), nickel (2,5 %) and iron (50 %).

End-of-waste - Article 6, par. 3

Proposed amendment (in bold)
Waste which has ceased to be waste in accordance with par 1 & 2 shall be deemed to be recycled for the purpose of the calculation of the targets set out in this Directive, Directives 94/62/EC, 2000/53/EC and 2006/66/EC and Directive 2012/19/EU unless the materials are destined to be used as a fuel.
In case of exports to non-EU countries, waste shall only be deemed to be recycled for the purpose of the calculation of the targets set out in this Directive and *Directives 94/62/EC, 2000/53/EC and 2006/66/EC and Directive 2012/19/EU* ***if***

- ***it can be used without further treatment in new products or is treated against quality criteria/standards equivalent to those applicable in the EU as defined per article 27 or***
- ***the exporter can prove that the recovery, reuse and/or recycling operation took place under conditions that are equivalent to the requirements of these Directives***

Rationale
As long as the output fractions from the recycling process need further reprocessing, whether they have achieved the end-of-waste status or not, quality treatment should be aimed at. Whether these fractions are

further treated in the EU or outside the EU, the same quality requirements should apply. If a waste reaching the end-of-waste status is just exported with no guarantee of quality treatment, the objective of the end-of-waste status to facilitate sound treatment will not be reached. The backfilling of construction and demolition waste should not be regarded as equivalent to recycling.

Article 11, b – Re-use and recycling

Proposed amendment NEW
The Commission shall propose by December 2016 a re-use and recycling target, excluding other material recovery operations, for construction and demolition waste.

Rationale
The 70% target for construction and demolition waste in article 11 (2) (b) presently includes material recovery and backfilling operations. From all targets listed under article 11, the 70% target for construction and demolition waste is the only one to include material recovery, which is not in-line with the title of the article itself (''re-use and recycling''). A separate target dealing exclusively with re-use and recycling of construction and demolition waste should be introduced.

Extended Producer Responsibility (design) - Article 8.2

Proposed amendment (in bold)
MS shall encourage the design of products in order to reduce their environmental impact and the generation of waste in the course of the production and use. Those measures shall include measures to encourage the development, production and marketing of products that are suitable for multiple use, that are technically durable and that are, after having become waste, suitable for re-use and ***multiple*** *recycling, taking account of the full life cycle impacts of products.*

Rationale
It is important to incentivise recycling, but it is even better to recognise the importance of multiple recycling. Metals can be recycled repeatedly without losing their properties. Hence the optimal management of metals is to ensure that at the end of life they are recycled. This explains that there is no need to support the demand for recycled material as they are similar to primary materials.

Targets on municipal waste – Article 11, par. 2

Proposed amendment

(a) *by 1st January 2020 at the latest, recycling and preparing for re-use of municipal waste shall be increased to a minimum of 50% by weight;*

(b) *By 2020, the preparing for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight;*

(c) *by 1/1 2030, recycling and preparing for re-use of municipal waste shall be increased to a minimum of 70% by weight*

(d) ***In case of output fractions from a manual or mechanical recycling process needing final chemical or metallurgical refining or transformation before they are suited for a purpose, the final refining or transformation shall be considered as part of the recycling process and if appropriate be subject to quality criteria or standards. These standards should be set at EU level for specific***

waste streams as per article 27 of this Directive and as relevant as per waste specific pieces of legislation. When such fractions are exported outside the EU, equivalent conditions shall apply. Fractions refined or transformed by operators certified against these criteria/standards shall be accounted as 100% recycled.

Rationale

The metals industry has long supported ambitious targets, but feels they should be pragmatic and feasible. The targets on municipal and construction waste are quantity focused, while for some valuable fractions the objective should be to ensure quality treatment in order to enable recovering these valuable materials as much as technically and economically viable/feasible. This would duly contribute to providing raw materials for Europe!

Calculation of targets – Article 11- par. 4 and 5

Proposed amendment

4. For the purpose of calculating whether the targets laid down in paragraph 2 (a) and (c) have been achieved, the weight of the waste prepared for re-use and recycled shall be understood as the weight of the waste which was put into a final preparing for re-use or recycling process less the weight of any materials which were discarded in the course of that process due to presence of impurities and which need to be disposed of or undergo other recovery operations.
However, where the discarded materials constitute 2% or less of the weight of the waste put into that process, the weight of the waste prepared for re-use and recycled shall be understood as the weight of the waste which was put into a final preparing for re-use or recycling process.

5. For the purpose of calculating whether the target laid down in paragraph 2(b) has been achieved, the weight of the waste prepared for re-use, recycled and materially recovered shall be understood as
the weight of the waste put into a final preparing for re-use, recycling and other material recovery process less the weight of any materials which were discarded in the course of the final preparing for re-use, recycling or material recovery process due to presence of impurities which need to be disposed of
or undergo other recovery operations.

Fractions refined or transformed by operators certified against the criteria/standards referred to in article 11 par 2. (d) shall be accounted as 100% recycled.

Rationale

The combined effect of raising the targets and changing the calculation rules needs to be assessed carefully to ensure that the targets remain pragmatic and reachable. In case of standards or criteria ensuring quality treatment of fractions, the fractions shall be recognised and credited without further calculation.

The following should be clarified:

The terms of the calculation method should be clarified:

- Waste prepared for re-use and recycled – besides clarification of each term, the relationship between reuse and recycled should be clarified - should it be “or”
- Material discarded due to the presence of impurities
- waste undergoing other recovery operations
- waste prepared for re-use, recycled and materially recovered – similar question as above what is the relationship between “re-use, recycled and materially recovered”?

The 2% of impurities is to be explained. The quantity of impurities (term to be clarified) can be higher according to the process without jeopardising the quality of the process and output material. The threshold

should be discussed with stakeholders so as to ensure practicability and proportionality. The overall text is unclear and hence could leave room for interpretation.

Minimum standards – Article 27 (a) par. 1

Proposed amendment:

1. *The Commission shall be empowered to adopt delegated acts in accordance with Article 38a setting out the technical minimum standards for treatment activities which require a permit pursuant to Article 23 where there is evidence that a benefit in terms of the protection of human health and the environment would be gained from such minimum standards.* ***Where meaningful the Commission may give a mandate to the European standardisation organisation to define the quality standards in cooperation with stakeholders.***

Rationale:
CEN or CENELEC can be instrumental in developing the standards for the waste streams where such standards are meaningful as the process involves technical experts from interested stakeholders.

Reporting – article 37 2. And 3.

Proposed amendment

2. *Where waste is sent for preparation for re-use, recycling or other material recovery in another MS, it may only be counted toward the targets of the MS in which it has been collected for the purposes of the reports referred to in paragraph 1.*

3. *Waste exported from the Union for preparing for re-use or recycling shall only count towards the fulfilment of the targets if the exporter can prove in compliance with Regulations (EC) No 1013/2006 that the treatment outside the Union took place under conditions that are equivalent to the EU requirements.* ***Where relevant reference to the quality standard as defined in waste specific legislation or per article 27 shall be done.***

Rationale:
The standard is a useful tool to ensure and control enforcement of the requirement.
Equivalent conditions based on a quality standard is a sound way to ensure that compliance.

Packaging and Packaging Waste Directive 94/62/EC

Eurometaux challenges the value of imposing a separate target for steel and aluminium packaging as it will lead to unnecessary and costly measures without real added value. The change in definition of packaging, in the calculation method, coupled with more ambitious targets may mean that these targets will be very challenging for MS.

Targets – Article 6 (b)

Proposed deletion and amendment

Delete paragraphs (j) and (k) in (3) and replace by
By the end of 2020 and 2025, assess the need for and feasibility of minimum targets for preparing for re-use and recycling of 80% by weight and more by the end of 2030 considering the practical experience

gained in Member States and the findings of scientific research and evaluation techniques such as life-cycle assessments and cost-benefit analysis.

Rationale
The metals industry has always supported ambitious recycling targets, but however feels that these need to be pragmatic and feasible. Extremely ambitious reuse and recycling targets such as 90% might be feasible for specific packaging items in combination with a dedicated recovery system but are virtually impossible for a whole packaging material fraction (e.g. if 90% of all citizens separate 90% of their packaging waste the result would still be 81%!). The extra collection and sorting costs for meeting such high targets in all 28 EU Member States are most likely disproportionate against the environmental gains in terms of resource efficiency and reduced emissions (18 MS do collect together steel and aluminium packaging). It would therefore be meaningful to have an assessment at the end of 2020 and 2025 before any new target is adopted for the year 2030.

Calculation of targets - Article 6 par 3 (d)

Proposed amendment
Delete "if ~~packaging is composed of different materials, each material shall be separately taken into account for the purpose of calculation of the targets laid down in Article 6 (1)(f) to (k).~~
and maintain the present provision in article 3 par. 3 of the Commission Decision 2005/270/EC of 22 March 2005 establishing the formats relating to the database system pursuant to Directive 94/62/EC on Packaging and Packaging Waste directive referring to "composite packaging shall be reported under the predominant material by weight'.

Rationale
It will be extremely difficult to meet the most ambitious specific material targets if each material component has to be separately calculated, in particular for very small parts and parts which cannot be separately collected and sorted. Moreover this will result into unnecessary administrative work for industry and the Member States without any clear environmental benefit.

Article 6 (f)

Proposed amendment
MS shall encourage the design of packaging in order to reduce their environment impact and the generation of waste in the course of the production and use. Those measures shall include measures to encourage the development, production and marketing of packaging that is suitable for multiple use, that is technically durable and that is, after having become waste, suitable for re-use and ***multiple*** *recycling, taking account of the full life cycle impacts of packaging.*

Rationale
It is important to incentivise recycling, but it is even better to recognise the importance of multiple recycling. Metals can be recycled repeatedly without losing their properties. Hence the optimal management of metals is to ensure that at the end of life they are recycled. This explains that there is no need to support the demand for recycled material as they are similar to primary materials.

Annex VIII "Measures to be considered in the plan referred to in Article 11a (Early Warning System)"

Include an indirect reference to metals which can be recovered from incinerator bottom ashes by introducing the words in the 2nd indent on better use of key economic instruments, 2nd sub-indent:

''introduction or increase of incineration taxes or specific bans for incineration of recyclable waste ***that would be lost through incineration''***;

Rationale
If this explicit reference is not made the risk is that this option fades away in the near future, thus making it extremely difficult for Member States to meet the very ambitious recycling targets for ferrous metals and aluminium. There will always be a (small) fraction of the metals ending up in the general household waste stream and Member States should be encouraged to recover this fraction and include it in their annual reports to the European authorities.

Include a direct reference to metals recovered from bottom ashes by introducing the words in the 3rd indent: ''technical and fiscal instruments to support the development of markets for re-used products and recycled (included composted ***and materially recovered from incinerator bottom ashes***) materials as well as to improve the quality of recycled materials''.

Rationale
This option is often overlooked and Member States should be stimulated to invest in this valuable option as it has a high and quick 'return on investment' factor. Obviously we should support separate collection as the preferred waste management option but we cannot exclude that some metals still end up in the household waste fraction for incineration.