

# End of Waste



October 2013



## At a Glance.

End of Waste (EoW) should not be an easy way of producing poorer quality material with unacceptable damage to the planet.

The definition of Waste has created disagreement and confusion for environmental lawyers and waste management practitioners since the origins of the Waste Framework Directive in the 1970s. In fact, the definition of Waste has been modified on several occasions to overcome issues that have been raised in court. The current definition of waste is defined in the revised Framework Directive as:

'any substance or object which the holder discards or intends to discard or is required to discard.'

## Where we Stand.

Veolia firmly believes that EoW is a very positive step forward because it enables regulators and the industry to fulfil the requirements of the Waste Framework Directive.

It is an effective way of reducing the environmental impact of the waste and minimising waste production. Moreover, it supports the recycling society that the UK Government wants the country to embrace.

However, we must exercise caution. The quality of a product can only be guaranteed by combining a tight control of the inputs (with a list of substances that must not enter the process) with a rigorous sampling regime of the outputs.

Veolia will always consider health and environmental effects in conjunction with the impacts of recycling or recovering. Our priority is the protection of the environment, therefore we always take into consideration the fate of the contaminants in any process and the full life cycle of what happens to the contaminants as they become products and later on as they re-enter the waste stream again.

# The Situation.

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*'any substance or object which the holder discards or intends to discard or is required to discard'*

## The Legal Requirements

The last revamp to the Waste Framework Directive (2008/98/EC) includes the definition of End of Waste in Article 6. This new definition is a direct reflection of the aims of the Directive, which is not only to protect the environment from waste management activities but also to minimise the production of waste whenever possible.

It states that certain specified waste shall cease to be waste when it has undergone a recovery operation and complies with specific criteria developed in accordance with a number of conditions.

These conditions are:

- 1 **The substance or object is commonly used for specific purposes;**
- 2 **A market or demand exists for such a substance or object;**
- 3 **The substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and**
- 4 **The use of the substance or object will not lead to overall adverse environmental or human health impacts.**

Limit values for pollutants are included where necessary and take into account any possible adverse environmental effects of the substance or object.

As a general principle, EoW criteria should reflect that a waste material has reached a stage of processing whereby it has an intrinsic value, therefore it is unlikely to be discarded as waste. The material should also have been processed to such a degree that it does not represent a risk to the environment, which would otherwise merit it being regulated as a waste.

The first two conditions above ensure that the material is more likely to be put to a useful purpose and is less likely to be discarded. The third condition requires that a material can only cease to be waste once it has become fit for use without any further waste-related processing or handling. The fourth condition basically requires that the material in question does not merit waste legislation in order to protect human health or the environment.

# The Situation.



## The intended outcomes

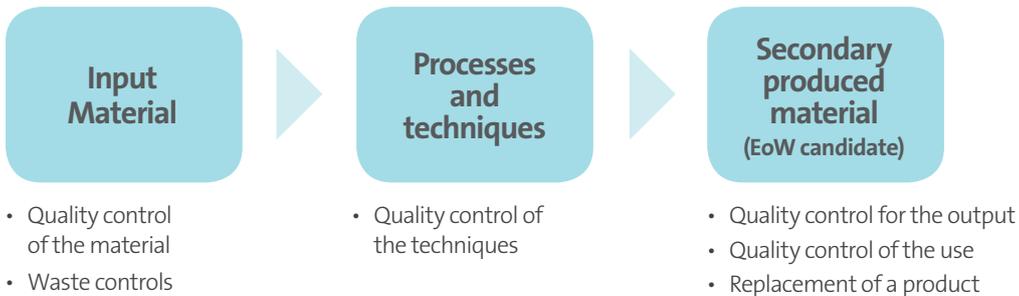
EoW status is only given to waste that has been processed to meet specific quality criteria and can be classed as a marketable product. This can be achieved in a number of ways: By complying with EU regulations that have already been published for several materials including metals and glass (forthcoming regulations relate to paper and copper, plastics and biodegradable waste). By meeting UK Quality Protocols (such as aggregates, anaerobic digestion, compost,

poultry litter ash, cooking oil and animal fat). Or by applying on a case-by-case basis to an Environment Agency panel.

As the nature of EoW candidates is extremely varied, the EoW criteria for each different material will be specific to each case. The EoW criteria focus on the product, however the control of the output is not the only measure that is available. For instance EoW criteria can also include controls on

the source waste, on the processing and on the use.

This example that has already been achieved by a compost product which has reached a quality standard of PAS 100 that is recognised externally. The EoW criteria were met by controlling the inputs, measuring the process control systems and by sampling the quality of the output.



Where we  
**Stand.**



Veolia firmly believes that EoW is a very positive step forward because it enables regulators and the industry to fulfil the requirements of the Waste Framework Directive. It is an effective way of reducing the environmental impact of the waste and minimising waste production. Moreover, it supports the recycling society that the UK Government wants the country to embrace.

However, we must exercise caution. The quality of a product can only be guaranteed by combining a tight control of the inputs (with a list of substances that must not enter the process) with a rigorous sampling regime of the outputs. We believe this is the only way to guarantee that the process has worked in accordance with the prescribed and approved standards. If contaminants are accepted

because they can be diluted, this is counter to the fundamental principles of hazardous waste treatment and good product control, and will only serve to reduce environmental standards.

The EoW status has already been successfully achieved with the compost product. However Veolia does not support all EoW proposals without careful consideration of the outcomes. For example, the priority with Air Pollution Control Residue (APCr) is to remove it from the biosphere or to remove the hazards it may present. However, where contaminants are simply encapsulated prior to use in everyday products, there is a risk of them being released into the environment in the future. The EoW regulations are there to remove unnecessary regulatory burdens

for safe and quality approved products, not to deregulate environmental controls. Whilst Veolia recognises the importance of achieving EoW status for priority products, we would also emphasise that this path should not be considered an easy way to produce inferior quality material with unacceptable damage to the planet.



Where do you stand?

Join the debate at: [www.veolia.co.uk](http://www.veolia.co.uk)