

Letter to the European Commission and decision makers

**SUBJECT: Requirement for consistent application of pollution prevention by ensuring that Waste Derived Fuels (SRF and RDF) comply with strict waste rules and are NOT a candidate for End-of-Waste (EoW)**

Over the last three decades, the European Union has created and adopted environmental legislation on waste handling and treatment, with the specific purpose of protecting health and the environment. National decisions by Member States which allow the circumvention of this legislation could grow uncontrollably, with the potential for negative environmental impacts if this important topic is not comprehensively addressed.

Signatories to this letter raise the issue that an increasing number of Member States are developing their own national criteria for the End-of-Waste (EoW) status of Solid Recovered Fuels (SRF) and Refuse Derived Fuels (RDF). We are keen to ensure that these national initiatives comply with the conditions that are set out in Article 6(1) of the Waste Framework Directive (WFD) as well as the emission limit values encompassed in the Waste Incineration Directive 2000/76/EC (now part of the Industrial Emissions Directive 2010/75/EU) and the techniques described in the respective Best Available Technique Reference documents as well as the Waste Shipment Regulation EC (No) 1013/2006.

Our particular concerns regarding this issue are set out below.

Incineration and co-incineration of SRF and RDF help to replace fossil fuels and divert waste from landfills. The Industrial Emissions Directive (chapter IV in connection with Annex VI) sets strict environmental requirements, that have to be applied by dedicated Waste-to-Energy incineration plants and industrial plants (e.g. cement kilns) that co-incinerate waste.

The Waste Shipment Regulation makes sure that transboundary shipments of waste are notified and controlled by the competent authorities. We are concerned about the impact that national initiatives, classifying SRF or RDF as EoW (therefore a “product”) can have on the traceability and control of transboundary waste shipments set in the Waste Shipment Regulation. Dilution of the classification of SRF/RDF to become “Green List” waste, not requiring prior notification, would also make tracking and control of this material more difficult and could potentially be exploited by unscrupulous operators.

In addition, incineration and co-incineration of SRF/RDF as EoW (i.e. as a “product”), would NOT fall under the scope of the Industrial Emissions Directive’s provisions for waste incineration and waste co-incineration plants. Therefore operators of other facilities would not have to meet the same strict emission limit values and monitoring requirements set in this Directive.

*Waste* incineration and *waste* co-incineration need to comply with emission control and abatement techniques according to European air pollution legislation and Best Available Techniques.

No-longer-waste SRF/RDF however can be burnt in facilities that do not need to comply with the specific, strict requirements for installations using waste. They could be used as fuel in any facility, or even in homes, which could thereby generate the high levels of harmful emissions that the Industrial Emissions Directive seeks to prevent through its strict controls and emission limits.

We cannot underline enough the enormous importance that waste status is not lifted for SRF/RDF. Although modern pre-treatment techniques in combination with reliable quality surveillance systems can change the characteristics (e.g. the calorific value) of RDF and especially SRF, these materials should nevertheless remain in the waste regime. Only a treatment conforming to Best Available Techniques set for waste incineration and waste co-incineration, ensuring pollutant emissions can be controlled and minimised, can safeguard an environmentally safe recovery process.

Laboratory analyses by the Austrian Environmental Protection Agency indicated *“that sufficiently good qualities [of waste derived fuels] cannot be produced from mixed non-haz[ardous] waste that is able to fulfil standards and specifications for EoW. If incinerated as non-waste [i.e. EoW] in plants outside the Waste Incineration Directive scope, higher air emissions have to be expected”*<sup>1</sup>.

It is essential therefore, that SRF/RDF continues to be burnt in facilities that comply with the requirements of the Industrial Emission Directive for waste incineration and waste co-incineration, providing a **high level of environmental protection** as required by the Waste Framework Directive for End-of-Waste criteria (Recital 22 WFD), ensuring that this would **not lead to overall adverse environmental or human health impacts** (Article 6(1)(d) WFD).

## Conclusion

The application of waste legislation will prevent damage to health and the environment from the burning of heterogeneous material in poorly designed boilers and unregulated facilities lacking proper flue gas treatment or in non-Best Available Techniques (for waste incineration and waste co-incineration) plants which are unable to control and minimise pollutant emissions.

Any classification of SRF/RDF should include necessary controls over its destination and where it might end up as a feedstock. This is ensured by the application of the Waste Shipment Regulation and its provision for notification of transboundary waste shipments.

Therefore, we urge the European decision makers to ensure that SRF and RDF meet the requirements in relation to traceability, control of transboundary waste shipments and comply with air pollution control legislation and Best Available Techniques as set for waste incineration and co-incineration. This would avoid an overall adverse human health or environmental impact which Article 6(1)(d) of the WFD has been constructed to protect.

We urge the European Commission to ensure that SRF/RDF always<sup>2</sup> remains under the control of waste legislation.

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<sup>1</sup> Umweltbundesamt Austria on behalf of the JRC: *“The suitability of different waste-derived fuels for end-of-waste status”, draft study 2011*

<sup>2</sup> There might be an exemption only for specific homogenous waste flows.



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### **CEMBUREAU - The European Cement Association**



CEMBUREAU - the European Cement Association based in Brussels is the representative organisation of the cement industry in Europe. Currently, its Full Members are the national cement industry associations and cement companies of the European Union (with the exception of Cyprus, Malta and Slovakia) plus Norway, Switzerland and Turkey. Croatia and Serbia are Associate Members of CEMBUREAU.

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### **CEWEP – Confederation of European Waste-to-Energy Plants**



CEWEP is the umbrella association of the owners and operators of Waste-to-Energy plants across Europe. Membership of CEWEP underlines a Waste-to-Energy Plant's commitment to ensuring high environmental standards and maintaining state of the art energy production from not otherwise reusable or recyclable materials. Waste-to-Energy – creating reliable, cost-effective, local energy from citizens' waste

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### **ESWET – European Suppliers of Waste-to-Energy Technology**



ESWET represents companies that have built over 95% of WtE plants in Europe. Their technology enables maximum energy recovery from waste that is unsuitable for recycling while complying with the strictest air emission limit values.

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### **MWE - Municipal Waste Europe**



Municipal Waste Europe AISBL is a non-profit association which represents European municipalities and their waste management companies, in their responsibility to manage municipal waste. The members of Municipal Waste Europe represent 14 Member States of the European Union and the European Economic Area, through national public waste associations, which serve over 60% and up to 100% of their national population.

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