



REPORT REFERENCE: **3.1**
23 FEBRUARY 2012

LINCOLNSHIRE WASTE PARTNERSHIP

SUBJECT:	REVISED WASTE FRAMEWORK DIRECTIVE
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BACKGROUND INFORMATION

The EU has released the revised Waste Framework Directive (rWFD) which is a classification system for waste and the background to EU waste law, and Defra is required to transpose this into UK law.

The rWFD includes the following on recycling:

Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors.

Subject to Article 10(2), by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass.

The interpretation placed by Defra on the current practice of the co-mingled collection of recyclable materials where paper, tins, card, plastic etc is all collected in one bin and then subsequently sorted at a Material reclamation Facility in England was stated as follows:

The revised WFD requires Member States to promote high quality recycling and to this end they must set up “separate collections” of waste where technically, environmentally and economically practicable, and do so for at least paper, metal, plastic and glass by 2015. This applies to waste from businesses as well as from households and public bodies.

Defra has clarified with the European Commission that both kerbside sorted collection and co-mingled collection with subsequent separation at material recycling facilities

(MRFs) can qualify as “separate collection” under the revised WFD, provided they result in materials of sufficiently high quality to be recycled. The draft Regulations in the consultation paper therefore make clear that co-mingled collections are a form of separate collection. In England, local authorities will be able to offer the collection services they judge best suited to local circumstances

This position has been challenged through a judicial review granted to the Campaign for Real Recycling (CFRR) against the proposed Defra transposition of this element of the revised EC Waste Framework Directive (rWFD) into UK law. CFRR argue that co-mingled collections should not be allowed under the WFD and that only source separation into single material streams meets the legal requirement of the rWFD.

If this position is allowed then it would effectively stop the co-mingled collection of recyclables. The impact for Lincolnshire where all the WCA's operate some form or other of co-mingled collection would be very significant, and additional investment would be required in vehicles and crews, and boxes, bags or bins to keep materials separate if the current range of recycling and level of performance is to be maintained.

The Household Waste Recycling Act 2003 requires WCA's to organise the separate collection of at least two materials from all households, and currently all Lincolnshire WCA's meet this requirement. If the CFRR challenge is upheld then this Act would probably fall due to the need to collect at least the four specified recyclable materials (excluding garden waste) separately by 2015.

The abandoning of various recyclable materials would seriously impact on the recycling performance of the county which stands at over 52%. The rWFD includes the target of 50% recycling of household waste by 2020.

If these abandoned materials found their way into the residual waste streams this would increase pressure on Waste Collection Authority collection rounds by more waste being in the black bins.

It would also put pressure and cost on the Disposal Authority as the extra material would exceed the total capacity of the EfW at a time when most of the landfill sites that might be used as an alternative (albeit a very expensive one) were closing down.

This is not some minor campaign group having a go at Defra and the waste recycling practices and industry as it has emerged in this country but a proper legal challenge that is being taken very seriously indeed.

Almost as soon as leave to challenge was granted the judicial review was suspended to allow Defra and the Welsh Assembly to re-consider their position, (including yet more consultation) and then to re-write their interpretation of the WFD for transposition into UK law.

The review has been suspended until June 2012 but the CFRR may seek an earlier hearing if they consider the progress being made by Defra and the Welsh assembly is too slow.

At a recent conference organised by the Local Government Association a number of speakers including the Defra Minister for waste made repeated references to the need

for quality recyclate to be delivered by local authority collection schemes. It was also announced that there will be a meeting later in the year between Defra and operators of Material Reclamation Facilities to develop a Code of Practice for MRF's.

The clear aim of this code of practice would be to produce a step-change in the quality of recyclate being placed on the recycling market by MRF's.

It is possible that this in turn will lead to a Public Acceptance Standard (PAS) framework related to the quality of output from MRF's grading materials by quality and level of contamination.

The clear concentration on taking action to raise quality indicated the way in which Defra will be looking to meet the quality requirements outlined in the rWFD.

RECOMMENDATIONS

The Lincolnshire Waste Partnership is recommended to note the contents of this report and the potential impact on operations and recycling performance in Lincolnshire.