

# Summary of Responses to the consultation on the Proposal for a Directive of the European Parliament and the Council on waste

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Waste Framework Directive  
Waste Oils Directive  
Hazardous Waste Directive

12 October 2006 to 5 January 2007

July 2007

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Hazardous Waste Directive

12 October 2006 to 5 January 2007

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On 12th October 2006 the Government, in association with the Devolved Administrations<sup>1</sup>, published a consultation paper on the European Commission's proposals to revise the Waste Framework Directive (WFD) and related EU legislation<sup>2</sup>. The consultation closed for comments on 5th January 2007.

The consultation paper was published on the Department's website and notification of it was sent to the 815 organisations listed in Annex 4 to the paper, as well as to local authorities and other bodies and individuals who had expressed an interest in the subject. Paper copies of the consultation paper were also distributed on request.

134 responses to the consultation were received. The responses and the comments contained in them were wide-ranging and, in many cases, detailed. The consultation paper posed twenty-one questions on eighteen specific Articles of the European Commission's proposed revision of the WFD. The main issues raised on each of these questions are summarised below.

### **Question 1: Subject Matter**

Respondents were broadly in favour of the terms of the waste hierarchy being set out more explicitly, and were by and large keen for the flexibility of the waste hierarchy to be retained. Where respondents expressed a preference for a 3-step or 5-step hierarchy, they were generally in favour of the 5-step hierarchy. Respondents were also broadly in favour of the inclusion of a clear reference to the environmental and human health objectives of the WFD.

### **Question 2: Scope**

Respondents were by and large in favour of the list of excluded wastes being more extensive than the list in the current WFD. They were against the idea of the excluded list being more limited than the current list, and similarly against the *AvestaPolarit* judgment being reversed – so precluded Member States from relying on national legislation to control certain wastes.

### **Question 3: Definitions**

Respondents were generally positive about the new definitions proposed by the Commission and believed they would help provide clarity for businesses and competent authorities. Of the proposed definitions, the one viewed as being most problematic was that of 're-use'. Respondents also appeared to be very keen on two new definitions in particular being inserted – those of 'discard' and 'by-product'.

### **Question 4: Recovery**

Respondents were almost unanimous that it would be neither practicable nor environmentally sound to ensure that all waste undergoes recovery operations. Respondents also thought that the substitution of resources should be the principal aim of an operation as opposed to the sole criterion in its classification as recovery.

### **Question 5: Disposal**

Respondents thought that it is neither practicable nor environmentally sound to define disposal as what happens when recovery is not possible. They were also mainly against the Commission's being allowed to add operations to the list of disposal operations by comitology where there is low potential.

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<sup>1</sup> Department of Environment for Northern Ireland, the Scottish Executive and the Welsh Assembly Government.

<sup>2</sup> The related legislation comprises the proposed repeal of the Waste Oils Directive and the repeal and integration of the Hazardous Waste Directive into the revised WFD.

### **Question 6: Costs**

Respondents were broadly in favour of a reference to the “polluter pays” principle being retained. They also thought the “polluter pays” principle should be extended to recovery, and marginally favoured the “polluter pays” principle’s continuing to apply to the producer of the product from which the waste came.

### **Question 7: Network of Disposal Operations**

Responses to this question were evenly divided between those who were comfortable with a definition of best available techniques (BAT) as defined in the IPPC Directive, and those who favoured retaining the current best available techniques “not entailing excessive costs”.

### **Question 8: End of Waste**

Respondents broadly welcomed the proposals for the introduction of end-of-waste criteria. However, respondents were by and large of the view that adoption of such criteria should not be by means of comitology.

### **Question 9: Hazardous Waste**

Respondents were by and large supportive of the repeal of the Hazardous Waste Directive, but were divided over whether mixing operations should be based on BAT.

### **Question 10: Waste Oils**

Respondents were in favour of the repeal of the requirement to give priority to the processing of mineral waste oils by regeneration. There was also near unanimity that the requirement to ensure the collection and handling of mineral waste oils should be retained.

### **Question 11: Permits**

Respondents were in theory in favour of all permits covering energy recovery including a condition that recovery of energy takes place with a high level of energy efficiency. However, support had a variety of conditions attached.

### **Question 12: EU-Wide Minimum Standards for Disposal and Recovery Operations**

By and large respondents were not in favour of the responsibility for standard setting being transferred to the Commission by means of comitology. They have also taken the view that minimum standards are more likely to have a positive impact on the environment than on UK industry, but that this is all dependent on the level at which the standards are set. Finally, they were by and large of the view that minimum standards could have a positive impact on recovery/recycling targets and landfill diversion rates.

### **Question 13: Exemptions**

Respondents were in favour of Member States’ retaining the flexibility of exempting low risk beneficial activities from the need for a permit if they see fit, and thought that exemptions should not be limited to recovery operations. They were also overwhelmingly against general rules for permit exemptions being based on BAT.

### **Question 14: Registration**

Most respondents were against establishments or undertakings complying with certain minimum standards, and in favour of Member States being required to ensure their system of waste collection ensures delivery to appropriate treatment installations.

### **Question 15: Waste Management Plans**

Opinion was divided equally between those who shared the Government's concerns over there being little net benefit to the change and those that did not have any problem with the Commission's proposals. Respondents did however feel that the proposed revisions would result more in the imposition of administrative burdens than benefit to the environment and human health. They were also unclear as to whether the measures would help fulfil the Directive's objectives or divert resources away.

### **Question 16: Waste Prevention Programmes**

Respondents were generally in favour of assessing opportunities for taking all 16 of the measures set out in Annex IV, and were divided between those that felt the proposals would break the link between economic growth and the environmental impacts associated with the generation of waste, and those that did not. A slight majority of respondents also felt that the proposals were more likely to be burdensome than beneficial.

### **Question 17: Inspections**

Respondents were by and large comfortable with the requirement of the revised WFD for competent authorities' inspections of collection and transport operations to cover the origin and destination of all waste (i.e. hazardous and non-hazardous waste) collected and transported.

### **Question 18: Municipal Solid Waste Incineration**

Respondents mostly felt that the application of an energy efficiency threshold would generate economic and environmental benefits and facilitate achievement of landfill diversion targets. A majority of respondents viewed the proposed efficiency threshold as too high. Respondents were also generally more positive than they were negative when thinking of the practical implications of classifying municipal waste incinerations as recovery operations.

### **Question 19: Subsidiarity and Proportionality**

Opinion was evenly divided between those that felt that the revised WFD complied with the aforementioned principles, and those that did not.

### **Question 20: Objectives of the Revised WFD**

A majority of respondents felt that the revised WFD did not fulfil the objectives set by the Commission.

### **Question 21: Partial RIA**

Respondents were by and large of the view that a fair and accurate assessment had been given and it was helpful in identifying costs.

### Introduction

On 12<sup>th</sup> October 2006 the Government, in association with the Devolved Administrations, published a consultation paper seeking views on a proposal by the European Commission to revise the Waste Framework Directive (WFD) (2006/12/EC) and related EU legislation. The consultation closed on 5<sup>th</sup> January 2007. (Refer to footnote 1 and 2).

The consultation paper was published on the Department's website and notification of it was sent to the 815 organisations listed in Annex 4 to the paper, as well as to local authorities and other bodies and individuals who had expressed an interest in the subject. Paper copies of the consultation paper were also distributed on request.

134 responses to the consultation were received. The responses and the comments contained in them were wide-ranging and, in many cases, detailed. The consultation paper posed twenty-one questions on eighteen specific Articles of the European Commission's proposed revision of the WFD.

This consultation report presents an analysis and discussion of the responses to the consultation. It has been prepared in compliance with the Cabinet Office "Code of Practice on Consultation", which is available from the Cabinet Office's website at <http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>.

### Background

On 21<sup>st</sup> December 2005 the European Commission published a proposal to revise the WFD and related EU legislation. The proposed legislation comprises:-

- (i) a revision of the WFD;
- (ii) the repeal of the Waste Oils Directive (75/439/EEC); and
- (iii) the repeal and integration of the Hazardous Waste Directive (91/689/EEC) into the revised WFD.

The package of proposals is referred to as the revised WFD.

The purpose of the Government's consultation paper was to invite stakeholders' view on the revision of the WFD to ensure that the UK's involvement in the negotiations on the legislation is well informed and has an evidence base which is as sound as possible. The consultation paper also included a Partial Regulatory Impact Assessment on which views were also invited.

The consultation welcomed comments on all aspects of the revised WFD.

## This Report

This report is structured as follows:

- A discussion of the response to each of the questions within the consultation document is presented in Questions 1 to 21.
- Other issues raised, comments and observations which were received but which do not fall within the specific questions asked within the consultation document.
- Appendix A provides a list of all organisations and individuals who responded to the consultation, together with some key points from their comments.

## Overview of Responses

A total of 134 responses were received to the consultation. The types of respondents are summarised in Table 1.1. The majority of respondents responded to specific questions or provided comment on specific issues, typically related to their area of interest.

**Table 1.1 – Summary of Responses Received to Consultation**

<b>Type of respondent</b>	<b>Number received</b>
Trade Associations	64
Local Authorities	21
Private Companies	38
Government Agencies	7
Individuals	4

### Question 1: Subject Matter

1.1 94 of the respondents to the consultation paper provided a specific answer to this question.

#### **(a) Should the terms of the waste hierarchy be set out more explicitly in Article 1 – as in the Environment Council’s Conclusions?**

1.2 Just under two thirds of respondents were in favour of the terms of the waste hierarchy being set out more explicitly. 18 respondents said they were not in favour.

1.3 15 of the respondents to this question stated clearly that the waste hierarchy should be flexible, as there were instances where it should not be followed. One respondent commented that strict implementation of the waste hierarchy could hamper the sustainable management of waste and at the same time add administrative and financial burdens on the waste producer.

1.4 Respondents also suggested that there were other considerations that the waste hierarchy should take into account, in particular environmental and social impacts and economic feasibility. 5 respondents felt it would be beneficial if the hierarchy promoted the ‘prudent and rational utilisation of natural resources’. One other respondent suggested highlighting the close links between the hierarchy and strategies on resource efficiency, sustainable development and integrated producer policy.

1.5 13 respondents said they would welcome life cycle assessment being used in conjunction with the hierarchy either to determine the best option or to decide where departure from the hierarchy would be appropriate.

1.6 Where respondents expressed a preference, they were more in favour of the 5-step waste hierarchy being in place. 20 respondents indicated a preference for a 5-step hierarchy, as opposed to 7 respondents that favoured a 3-step hierarchy.

1.7 Where respondents were against the hierarchy terms being made more explicit, a variety of reasons were given:

- It should be applied as a guide to be reviewed on a case by case basis;
- The distinctions between different forms of recycling and recovery are not universally valid; and
- Application of the hierarchy should be left to Member States.

#### **(b) Should Article 1 contain clear references to the environmental and human health objectives of Article 7 of the revised WFD which re-enacts Article 4 of the existing WFD?**

1.8 38 of the respondents to this part of the question were in favour of the inclusion of a clear reference to the environmental and human health objectives of Article 7 of the revised WFD. It was felt that such an inclusion would give greater focus and clarity to the Directive and help ensure that its objectives were emphasised. Where respondents were not in favour, it was generally because they felt that the existing reference in Article 7 would make such a reference in Article 1 unnecessary.

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## Question 2: Scope

2.1 92 of the respondents to the consultation paper provided a specific answer to this question.

### **(a) Should the list of excluded wastes be more extensive and, if so, which wastes should be excluded and on what grounds?**

2.2 38 of the respondents to this question were in favour of the list of excluded wastes being more extensive, as opposed to 22 who were not.

2.3 Respondents suggested the following wastes for exclusion (grounds for doing so have been added where they were given):

- Excavated uncontaminated materials – this would be an improvement to the current system whereby if such materials were moved to another site for the same use as on its site of origin it would become a waste;
- Unexcavated contaminated soils, provided that they can be reused through appropriate legislative control and can be demonstrated to pass the criteria in Article 7;
- Products, materials, and substances whilst they remain on a site of production which is subject to IPPC apart from those sites permitted for waste recovery, treatment or disposal operations;
- Waste waters;
- Treated sewage sludge used in agriculture – it is already covered under the Sludge Directive;
- In situ contaminated groundwater;
- Natural uncontaminated materials;
- Non-hazardous dredged material (as opposed to hazardous dredged material, which should remain in scope);
- Feedingstuffs intended to be placed on the market and used in accordance with Regulation (EC) No 178/2002, Regulation (EC) No 183/2005 and Directive 96/25EC;
- Production residues used in process related operations at same site;
- Natural substances from agricultural production used for the production of energy from biomass;
- Animal by-products and products produced from them & used in accordance with the Animal By-Products Regulations (ABPR) – with Article 2(2) being removed and it being made clear that they are controlled under ABPR instead; and
- Animal cadavers, provided that vet practices have facilities for their safe handling and disposal.

2.4 In addition, some respondents were keen for the following to be excluded from the WFD altogether:

- By-products, as they are not and have never been wastes;
- Articles, products and materials that can be used or reused;
- Unexcavated contaminated soil; and
- Excavated uncontaminated materials.

2.5 Some respondents were also keen for the following clarifications to be made in the Article:

- That the Directive does not apply to any item which is not a waste;
- That tallow is defined as an animal by-product rather than a waste – it would be difficult to argue this under the current drafting;
- That it should include a list of wastes which are excluded by virtue of being covered by other legislation;
- That if waste is incinerated it must comply with provisions of WFD and WID;
- Where the overlap lies between the ‘waste in liquid form’ exception from 2(1)(d) and the ABPR; and
- Whether the amended exclusion for radioactive substances continues to cover the storage and disposal of all radioactive substances.

2.6 Finally, SEPA indicated that they would prefer to retain waste controls, e.g. section 59 powers under the EPA 1990, to help address the pollution of soils from current day activities that do not fall within the terms of environmental permits.

**(b) Should the list of excluded wastes be more limited and, if so, which wastes should remain within the scope of the WFD and what on grounds?**

2.7 None of the respondents to this part of the question were in favour of the list of excluded wastes being more limited.

**(c) Do you agree with the Commission’s proposal to reverse the AvestaPolarit judgment and so to preclude Member States from relying on national legislation to control certain wastes (e.g. decommissioned explosives)?**

2.8 31 of the respondents to this part of the question were against the reversal of the AvestaPolarit judgment, with only 3 respondents supporting the Commission proposal.

2.9 Those against reversal of the judgment commented that the justification given by the Commission for the reversal was weak. It was also felt that where national legislation met the standards of the WFD requirements then it could be notified to the Commission as being the UK’s enactment of the WFD requirements in that respect.

### Question 3: Definitions

3.1 99 of the respondents to the consultation paper provided a specific answer to this question.

#### **(a) Are the revised definitions practicable and will they provide the greater certainty and clarity essential for both competent authorities and industry/businesses?**

3.2 21 respondents said that they welcomed the new definitions and believed they would help provide clarity for businesses and competent authorities.

3.3 Respondents had the following observations and comments on the definitions as currently worded:

#### *Waste*

- “Movable” should be inserted after “any”;
- It should contain a reference to the economic burden on the holder;
- Donations to charity shops should not form part of the definition;
- Animal by-products should not be classified as waste; and
- It should make clear that discarding doesn’t take place if there is defined planned use and intent to put it to that use.

#### *Re-use*

- It does not state whether or not it can involve reprocessing;
- It should clarify the difference between the reuse of waste and the reuse of substances that have not become waste;
- It should be extended to waste and products that require prior “reconditioning” before they can be used again for the same purpose;
- It should imply not only that the product is used again for the same or another purpose but also that it is essentially the same product and that it is not broken down, though it may be repaired or undergo some minor changes to enhance it;
- It is impractical – as currently drafted it could result in the reuse of product or component for its original purpose being classed as a waste recovery operation;
- There is concern that it could be different from the definition of re-use in the Packaging Waste Directive – which could mean that reusable packaging systems are classified as waste recovery systems from the outset & therefore subject to waste controls;
- It is not an improvement on the Packaging Waste Directive definition i.e. reuse for the same purpose for which it was conceived regardless of whether materials have been designated as waste in the meantime; and
- It could be redefined as meaning “any operation by which a product or its components, having reached the end of their first use, are used for the same purpose for which they were conceived, including the continued use of a product which is returned to a collection point, distributor, recycler or manufacturer, as well as reuse of a product following reconditioning.”

### *Recycling*

- It should be broad enough to encompass chemical feedstock as well as material recycling;
- "Or manufacturing" should be inserted after "manufacture";
- It should imply that waste undergoes more extensive processing, usually being broken down and re-formed, to make a new product, which may have a similar purpose to the original or may be a completely different product;
- Recycling and reuse (where environmental benefits outweigh environmental costs) must be the presumed recourse for any material to be discarded by the current owner, rather than disposal; and
- Energy recovery from organics should be included in the definition of "recycling".

### *Mineral waste oils*

- It should clarify that mineral waste oils have been discarded as they have become unfit for purpose for which they were intended.

### *Treatment*

- Its definition as a generic term for recovery and disposal is ambiguous, confusing and misleading.

### *General*

- There should be consistency of terminology across all Directives;
- It should be specified at what point waste is defined as recovered or recycled; and
- There needs to be clarity on who determines when a waste ceases to be a waste.

### **(b) Should any of the other definitions in the existing WFD be revised or new definitions introduced for other terms used in the revised WFD?**

**3.4** 37 respondents were in favour of new definitions being added, as opposed to 4 who felt the list to be sufficient currently.

**3.5** A list of the terms that were suggested is below, together with the number of respondents that put it forward in brackets:

- By-product (20)
- Discard (10)
- Prevention (5)
- Reclamation (3)
- Municipal waste (2)
- Municipal solid waste (2)
- Biowaste (if it appears in a revised version) (1)
- Cleaning (1)
- Best Available Techniques (1)
- Polluter (1)
- Recycling rates (1)
- Waste treatment operations (1)

## Question 4: Recovery

4.1 94 of the respondents to the consultation paper provided a specific answer to this question.

**(a) Do you consider it practicable and/or environmentally sound to require Member States to take the necessary measures to ensure that “all waste undergoes” waste recovery operations. For example, do you think that there is currently sufficient capacity in the UK to ensure that all waste undergoes recovery and, if not, what level of investment would be required to provide sufficient capacity?**

4.2 Respondents were almost unanimous that it would be neither practicable nor environmentally sound to ensure that all waste undergoes recovery operations. The following reasons were given:

- 21 respondents commented that in certain circumstances and for some wastes e.g. asbestos, disposal would in fact be the most environmentally benign option;
- 14 respondents stated that waste recovery must be shown to be both economically viable and the best environmental option, and 5 of these said technical limitations and practicalities should also be a factor;
- 7 respondents said they thought decisions as to whether recovery or disposal is the better option could be determined via life-cycle assessments;
- 6 respondents said the words “wherever practicable” would need to be added before “all waste”;
- 4 respondents felt that the costs involved in achieving this objective would be excessive;
- 2 respondents commented that such a decision could slow the process of building waste management facilities; and
- 2 respondents felt that the definition of “recovery” could be more precise.

4.3 There were some respondents who felt that the aim of ensuring all waste undergoes recovery was a laudable aspiration and that the UK should put plans in place to develop sufficient capacity. Others felt the goal could be achieved if all waste were to undergo MBT and the irrecoverable end residue were to be disposed of.

4.4 In terms of capacity in the UK, 20 respondents stated that it was currently insufficient for the purposes of ensuring all waste undergoes recovery. Only one respondent felt that the technology was available to ensure that all waste could undergo recovery operations.

**(b) Do you consider that the substitution of resources should be the sole criterion in the classification of an operation as a recovery operation – rather than being the principal aim of an operation?**

4.5 The majority of those who provided specific comments on this question thought that the substitution of resources should be the principal aim of an operation as opposed to the sole criterion in its classification as recovery. The following reasons were given for this view:

- 11 respondents commented that other factors may also need to be considered to ensure that the operation has the overall least environmental impact;
- 3 respondents stated that innovative thinking is required in all areas of waste management, and this could be undermined by excessive reliance on aims and criteria;
- 2 respondents commented that there may be health or economic reasons for preferring one solution over another and an unduly narrow definition would be an unnecessary constraint;
- 2 respondents added that intermediate processes that lead to full recovery of the waste should also be regarded as recovery operations;
- 1 respondent queried how it would be possible to define energy from waste facilities as recovery operations if substitution of resources were to be the sole criterion;
- 1 respondent commented that while for example it may be easy to compare the environmental impact of obtaining energy from waste derived fuels in comparison with energy from a fossil fuel, the impact of this on investment in renewable energies should be addressed.

4.6 2 respondents also called for Defra to state explicitly how substitution of resources fits within the climate change architecture.

4.7 Those in favour of substitution of resources being the sole criterion said that without a degree of substitution of resources it would be difficult to see how a process could then be regarded as a recovery operation. They also expressed concerns that if it were not then this could lead to companies setting up processes that they would claim to be making a product suitable for substitution only then to landfill that material.

**(c) Do you consider that the definition of recovery should be based on the concept of substitution of resources in the economy as opposed to in a specific plant?**

4.8 The majority of respondents were of the view that the definition of recovery should be based on the substitution of resources in the wider economy as opposed to in a specific plant. The main reason given for this view was that looking at substitution in a specific plant was too restrictive and would limit the potential to realise environmental benefits.

**(d) Do you consider that the Commission should be enabled to adopt efficiency criteria by means of comitology – which would have the practical effect of classifying operations as disposal operations where the efficiency criteria are not met?**

4.9 Respondents to this question provided views both on whether the Commission should be allowed to adopt efficiency criteria via the comitology process and on whether the adoption of efficiency criteria to classify operations as disposal operations would be sensible.

**4.10** As regards comitology, a majority of respondents felt that the Commission should not be allowed to adopt efficiency criteria in this manner. Several commented that the process was not sufficiently transparent to provide the necessary clarity and certainty, and that such decisions would be best left to individual Member States. Others felt that it would risk breaking the subsidiarity principle, and that the process might end up producing lower environmental standards than solutions based on national or local processes. One respondent also felt that the Commission should not be involved in such a decision at all. Those that were in favour of the use of comitology in this instance said that common standards would have to be applied across the EU in order to achieve the goal of an EU standard market in waste and recycling.

**4.11** Opinion was divided over whether the adoption of efficiency criteria would be sensible. Some respondents felt that it would deter sham recovery from low efficiency operations and would drive higher environmental standards in new facilities. However, others felt that there were other key factors to be taken into account, and that BREF notes would offer a more appropriate basis for a transparent decision process. It was also felt that adoption of efficiency criteria might lead to a situation where recovered materials would be discarded because available plants would not be able to meet either the efficiency criteria or the conditions attached to classification as a disposal operation.

## Question 5: Disposal

5.1 81 of the respondents to the consultation paper provided a specific answer to this question.

### **(a) Do you consider it practicable and/or environmentally sound to define disposal as something that happens only where recovery is not possible?**

5.2 By and large, respondents shared the view that it is neither practicable nor environmentally sound to define disposal as what happens when recovery is not possible. Points made by organisations against such a definition included the following:

- It does not take into account whether recovery is economically viable or environmentally sound;
- There is a contradiction between Article 5, which states that Member States must take appropriate measures to ensure that all waste undergoes recovery operations, and Article 6, which implies that recovery is not always possible; and
- There is a rather perverse logic in defining something by what it is not.

5.3 Amendments proposed included the following:

- That the definition of “not possible” be altered to reflect economic and environmental considerations; and
- That disposal be defined as an operation where waste does not result in serving a useful purpose in replacing other resources that would have been used to fulfil that function, and should include at least the operations mentioned in Annex I.

5.4 Finally, some respondents also suggested that life cycle assessments would be useful to help determine the most appropriate environmental option.

### **(b) Do you consider that the Commission should be enabled by means of comitology to add specific operations to the list of disposal operations set out in Annex I where, despite substitution taking place (i.e. a purported waste recovery operation), the results indicate that the operation has only a low potential?**

5.5 Respondents were mainly against the Commission’s being allowed to add operations to the list of disposal operations by comitology where there is low potential. There were a variety of reasons for this, which included:

- The perception that comitology is not a transparent process;
- The fear that it could put up barriers to certain types of recovery operation and make recycling/recovery targets less achievable;
- The feeling that comitology should only be used for strictly technical decisions; and
- Lack of clarity over what “low potential” actually means.

5.6 Those in favour of comitology in this instance were mainly in favour only if certain conditions were in place, such as if a full evaluation were undertaken and if it were the Best Practicable Environmental Option (BEPO).

## Question 6: Costs

6.1 75 of the respondents to the consultation paper provided a specific answer to this question.

### **(a) Do you consider that an explicit reference to the “polluter pays” principle should be retained in the revised provision or is this unnecessary?**

6.2 Respondents were broadly in favour of a reference to the “polluter pays” principle being retained. Reasons given for this included:

- That Article 9 as currently drafted does not express what is ‘appropriate’ in terms of allocation of cost;
- That doing so would help to maintain consistency with other European Directives and Treaties where the principle is mentioned;
- That it would clarify the purpose of the Article;
- That some NGOs might perceive the Directive as being watered down if it were left out; and
- That the “polluter pays” principle is more appropriate for certain wastes, such as lubricants.

6.3 Those not in favour of its being retained mainly felt that as the principle was already well established there was no need to mention it again.

### **(b) Do you consider that the application of the “polluter pays” principle should remain limited to waste disposal or should it be extended to waste recovery?**

6.4 Respondents were broadly in favour of the “polluter pays” principle being extended to recovery. Reasons given for this included:

- Waste recovery operations cause pollution in the same way as disposal operations and pose a similar threat to the environment and human health; and
- It would give incentives to waste minimisation.

6.5 Those in favour of limiting the principle to waste disposal expressed concerns that:

- To do so would discourage recovery; and
- The focus on disposal as the principle polluting activity would be lost.

### **(c) Do you consider that application of the “polluter pays” principle should continue to apply to “the producer of the product from which the waste came” or should it be limited to “anyone whose activities produce waste”?**

**6.6** Respondents marginally favoured the “polluter pays” principle continuing to apply to the producer of the product from which the waste came. Those in favour gave the following reasons:

- Any organisation that gets economic benefit from an activity should bear their share of the environmental costs;
- Involving producers in this way would help ensure appropriate design of products for reuse, recycling and recovery;
- Not applying the “polluter pays” principles to the producer or the product would contradict other producer responsibility legislation, both existing and planned;
- Different approaches may be necessary for different waste streams.

**6.7** Those keen to ensure the principle was limited to anyone whose activities produced waste expressed concerns that:

- No account would be taken of the actions of subsequent holders of the product if the principle were extended; and
- Extension would make interpretation of the regulations more complex for no real environmental benefit.

## Question 7: Network of Disposal Operations

7.1 78 of the respondents to the consultation paper provided a specific answer to this question.

7.2 Responses to this question were evenly divided between those who were comfortable with a definition of best available techniques (BAT) as defined in the IPPC Directive, and those who favoured retaining the current wording of “best available techniques ‘not entailing excessive cost’” (BATNEEC).

7.3 Those comfortable with the removal of ‘not entailing excessive cost’ often pointed to the reference to ‘economically and technically viable conditions’ in the definition of BAT in the IPPC Directive, and commented that there was no fundamental difference between this and BATNEEC. It was also felt that BATNEEC could in some instances be a brake on the implementation of improved processes and new technology for waste processing and resource recovery.

7.4 Others gave support to a reference to BAT on condition that:

- ‘available’ should include economic activity;
- BAT is effective (the IPPC process has often turned out vague, non-binding, standards);
- The limiting tonnages requirement should remain; and
- A phased approach is adopted to its implementation.

7.5 Those in favour of retaining the reference to costs felt that an implementation of BAT without this reference would:

- frustrate development by slowing down planning procedures;
- increase pre-development costs significantly and unnecessarily; and
- provide a significant barrier to future investment in recovery operations.

## Question 8: End of Waste

**8.1** 98 of the respondents to the consultation paper provided a specific answer to this question.

**8.2** 37% of respondents to the question said they welcomed the provisions of Article 11. Several added that it would help by removing the stigma attached to the use of waste, and that secondary products that go through the process should no longer be viewed as wastes. 6 respondents also stated that they felt the current provisions fulfil the Commission's aims.

**8.3** Where respondents had a view as to whether comitology would be appropriate as a means of adopting the criteria, they were mainly against its use. It was not viewed as being sufficiently transparent for use in this instance, and several respondents felt it would lead to greater uncertainty regarding the justification for products being selected, and the criteria which are applied. Other respondents suggested that existing engineering standard processes and bodies could determine the quality criteria required instead.

**8.4** Respondents raised the following concerns about the provisions:

- It needs to be ensured that decisions apply equally through all Member States;
- Strong controls should be in place as part of the process;
- The main driver should be the optimisation of resource use; and
- It should be emphasised that the requirement to have to 'complete a recycling operation', or to have 'undergone a complete non-interim recovery operation' is not appropriate.

**8.5** 5 respondents suggested that national industry standards could be used where already adopted by industry. They also suggested that the following waste streams should be considered via the Article 11 procedures in due course:

- Dredging material;
- Waste soils; and
- Second hand clothing.

## Question 9: Hazardous Waste

**9.1** 66 of the respondents to the consultation paper provided a specific answer to this question.

**9.2** Roughly 70% of respondents stated that they support the repeal and integration of the Hazardous Waste Directive (HWD) into the WFD. Only one respondent was opposed, suggesting it may lead to a lowering of standards. One respondent also welcomed removal of the 3-month notification period, saying it would help reduce delays and administrative costs.

**9.3** Respondents were not as unequivocal in their support for mixing based on BAT. 11 said that they supported mixing based on BAT, often citing the potential for harm from hazardous wastes as a reason for a more stringent standard to be applied. A further 2 respondents said the removal of the requirement to separate hazardous from non-hazardous waste would benefit the community pharmacy sector. However, 8 respondents were in favour of mixing based on BATNEEC and a further 4 said that BAT should either not be based on BAT at all or simply wasn't necessary.

**9.4** A few respondents also sought clarity on:

- When household waste has the potential to become hazardous;
- Whether mixed municipal waste will be classified as hazardous at any stage before treatment or disposal; and
- Whether the mixing ban and thus any form of separate collection is intended to apply to Hazardous Household Waste.

## Question 10: Waste Oils

10.1 62 of the respondents to the consultation paper provided a specific answer to this question.

### **(a) Do you consider that the requirement to give priority to the processing of mineral waste oils by regeneration should be repealed?**

10.2 In general, respondents were in favour of the repeal of the requirement to give priority to the processing of mineral waste oils by regeneration. Of those in favour of repeal:

- 5 commented that regeneration may not now be the most environmentally beneficial option;
- 5 suggested that a flexible waste hierarchy could be used to determine the most environmentally beneficial options;
- 3 suggested that life cycle analysis could be used to determine the best environmental option;
- 3 stated that the current situation has substantially increased the cost of oil recovery through a reduction of the available markets, but had not brought about a significant improvement in overall environmental outcomes; and
- 3 welcomed the simplification of legislation.

10.3 Some respondents did express concerns, however, that repeal would be premature at this stage, and that the progress of the market in waste oils would be jeopardised. Others commented that regeneration sits well with the drive towards the recovery of wastes, and that repeal would lead to a lowering of environmental standards.

### **(b) Do you consider that the requirement to ensure the collection and handling of mineral waste oils should be retained?**

10.4 There was virtual unanimity that the requirement to ensure the collection and handling of mineral waste oils should be retained. Reasons that respondents gave for retention of the requirement included the following:

- 2 suggested that an obligation to ensure the collection and handling of waste mineral oils would be needed if the requirement to give priority to regeneration were to be repealed;
- 2 stated that it was required because of the hazardous properties of waste oils; and
- 2 stated that effective collection would ensure that the maximum amount of waste oils are recovered.

10.5 Only one respondent was against retention of the provision, on the grounds that the burning of waste engine oils etc. was in their view the most environmentally sound solution.

## Question 11: Permits

**11.1** 73 of the respondents to the consultation paper provided a specific answer to this question.

**11.2** 30 respondents said they were in theory in favour of all permits covering energy recovery including a condition that recovery of energy takes place with a high level of energy efficiency. It is broadly viewed as being sensible in a wider context of climate change. However, support had a variety of conditions attached:

- Standards should be defined, and not be set too high;
- A process of review must be in place, so that the availability of improved technologies may be taken into account;
- It should be phased in gradually as a requirement;
- It should not prevent progress in the development of energy from waste technology;
- It should not be to the detriment of diversion targets; and
- It should be balanced with life-cycle thinking and economic considerations.

**11.3** 15 respondents said they were against the inclusion of such a condition in permits. It was viewed as self-limiting, unnecessary and excessive regulation, and inappropriate for low risk operations.

## Question 12: EU-Wide Minimum Standards for Disposal and Recovery Operations

12.1 80 of the respondents to the consultation paper provided a specific answer to this question.

**(a) Do you consider that the responsibility for standard setting in permits for waste disposal and recovery operations should be transferred to the Commission or should remain with Member States' competent authorities to determine on the basis of the risk posed by each operation?**

12.2 43 respondents stated clearly that they were against the responsibility for standard setting being transferred to the Commission by means of comitology. They felt that the Commission had not given sufficient justification for such a transfer of responsibility, and that it would be more appropriate if Member States' competent authorities determined this on a site-specific basis. It was also noted that not all Member States are at the same point in terms of standards of their disposal/recovery operations, and therefore that one size does not fit all. It was however felt that the provisions might be useful for setting standards for Member States who need to raise their standards.

12.3 12 respondents were in favour of the use of comitology in this instance, and commented that if this were not done the outcome would be a Europe-wide imbalance of standards. One respondent also commented that the British Government view on this matter would potentially undermine the chances of getting successful agreement on second hand clothes as ceasing to be waste under Article 11.

**(b) Do you consider that the adoption of EU-wide minimum standards for waste disposal and recovery operations would have (i) a positive or negative environmental impact in the UK and (ii) a positive or negative economic impact on UK industry/business?**

12.4 Respondents mainly took the view that minimum standards were more likely to have a positive impact on the environment than on UK industry. This however would be dependent on the level at which the standards are set.

**(c) Do you consider that the adoption of EU-wide minimum standards for waste disposal and recovery operations would have a positive or negative impact on recovery/recycling targets and landfill diversion rates in the UK?**

12.5 15 respondents felt that minimum standards could have a positive impact on recovery/recycling targets and landfill diversion rates, suggesting that it might help the development of a market for the efficient use of wastes as a secondary product. 10 felt however that higher costs on recovery/recycling rates would be the most likely impact, and would lead to an increase in the cost of recycled products.

## Question 13: Exemptions

**13.1** 67 of the respondents to the consultation paper provided a specific answer to this question.

**13.2** Respondents raised two main general points on the permit exemption proposals. One was that Member States should retain the flexibility of exempting low risk beneficial activities from the need for a permit if they see it as beneficial to do so, and the other was that exemptions should not be limited to recovery operations. Other points raised were that:

- The existing exemptions for community pharmacies should be retained;
- Registration for exemptions should be as simple as possible; and
- Article 3(4) of the HWD should be incorporated in order to ensure due diligence towards the environment and human health.

**13.3** In addition, two respondents stated they were against exemptions unless it was clear that the activity is not a waste treatment, and one respondent was against any exemptions for waste disposal operations.

**13.4** Respondents were overwhelmingly against general rules for permit exemptions being based on BAT. They expressed concerns that:

- It could add to the bureaucratic burden and expense of community and voluntary sector operations and other small enterprises; and
- It would not guarantee that the activities will be carried out in the most environmental or sustainable way.

**13.5** It was also felt that if the operation concerned were low risk there would be no need for such a requirement.

**13.6** The 9 respondents that were in favour of BAT being applied in this instance felt such a move would bring greater clarity and certainty to what is already currently required.

## Question 14: Registration

14.1 68 of the respondents to the consultation paper provided a specific answer to this question.

**(a) Do you consider that registered establishments or undertakings should be required to “comply with certain minimum standards” set by the Commission by means of comitology?**

14.2 28 of the respondents to this part of the question were against establishments or undertakings complying with certain minimum standards. 10 said that they were not convinced of the need for minimum standards anyway; others felt that standard setting in this instance was the domain of the Member State. 11 respondents were in favour of minimum standards.

**(b) Do you consider that Member States should be required to ensure that their national systems of waste collection and transport ensures that waste collected and transported is delivered to appropriate treatment installations?**

14.3 Most of the respondents to this part of the question were in favour of Member States being required to ensure their system of waste collection ensures delivery to appropriate treatment installations. Several respondents however pointed out that the UK’s duty of care already provides adequate safeguards in this regard.

## Question 15: Waste Management Plans

15.1 66 of the respondents to the consultation paper provided a specific answer to this question.

### **(a) What are your views on the need for waste management plans to contain the information set out in Article 26(3)(a)-(h) of the revised WFD?**

15.2 Opinion here was divided equally between those who shared the Government's concerns over there being little net benefit to this change and those that did not see any problem with the Commission proposals.

15.3 Those that were in favour of the Commission proposal argued that Article 26 would encourage a consistent UK wide approach and ensure sustainable development, investment and continuing prosperity in the future. They also suggested that the information requested in Article 26 was basic data required for any such application anyway, and as such would not be too onerous. This claim was disputed by those against the proposal, who felt it was overly prescriptive, overly complicated and inconsistent with subsidiarity. 26(3)(g) and (h) were in particular viewed as problematic, and it was also pointed out that there was a potential duplication of effort with the Soil Framework Directive in relation to 26(3)(d).

### **(b) Do you consider that the revisions proposed would benefit the environment and human health or result in the imposition of administrative burdens and costs without a commensurate benefit to the environment and human health?**

15.4 27 of the respondents to this part of the question were of the opinion that the proposed revisions would result in the imposition of administrative burdens, as opposed to 13 who felt it would represent a benefit to the environment and human health.

15.5 Those who took the view that the proposals represent an administrative burden argued that they would increase operating cost and divert resources from more worthwhile activities aimed at fulfilling the objectives of the Directive. The monitoring and planning requirements attached to investing in wastes management (most notably through PFI) were viewed in particular as being excessively onerous. The Government were also asked to argue against proposals that don't have such a benefit.

15.6 Those who felt it would represent a benefit argued that more comprehensive data and assessments should lead to better waste management planning. Others argued that the associated burdens and costs should achieve a defined measurable benefit to the environment and human health, before they are enacted.

### **(c) Do you consider that the revisions proposed would help to fulfil the revised WFD's objectives or divert resources from the fulfilment of those objectives?**

15.7 Respondents to this part of the question had three different viewpoints. 4 respondents felt it would help achieve objectives and argued that it would introduce a requirement to ensure that all waste is clearly accounted for and management techniques are of the highest standard. 5 however felt it would divert resources away, and a further 5 were unclear as to what effect they would have.

## Question 16: Waste Prevention Programmes

16.1 79 of the respondents to the consultation provided a specific answer to this question.

### **(a) Do you consider that Member States should be required to assess the opportunities for taking all 16 of the measures set out in Annex IV to the revised WFD?**

16.2 Respondents were generally in favour of assessing opportunities for taking all 16 of the measures set out in Annex IV. 36 respondents answered yes to this question, as opposed to 13 who said no.

16.3 Several respondents who were in favour of assessing all of the measures in Annex IV made very clear, however, that 'to assess' does not mean 'to implement'. It was commented that not all measures should be implemented by all Member States, and that a degree of flexibility was needed in implementation. Nevertheless, respondents were clearly of the view that such measures would have a beneficial impact on the promotion of reuse of non-waste. Some were also in favour of setting targets, such as implementing at least 10 of the measures within 3 years.

16.4 Those that were not in favour argued that to do so would be too prescriptive, and that other approaches, such as a multiple interventionist approach throughout the process chain, would be likely to be more effective.

### **(b) Do you consider that the Commission's proposals will fulfil their aim of breaking the link between economic growth and the environmental impacts associated with the generation of waste?**

16.5 Responses to this part of the question were divided almost equally between those that felt the proposals would break the link between economic growth and the environmental impacts associated with the generation of waste, and those that did not. 9 respondents said they felt it would and 8 said they felt it would not.

16.6 Those that felt it would argued that the proposals would be most effective if they were introduced as part of a wider process aimed at changing society's attitude to waste hoped that this will make waste production socially unacceptable. Others argued that it would work best if Member States were to take on board a commitment to waste minimisation.

16.7 Those that argued that it would not felt that without effective waste minimisation strategies pursuing challenging targets the proposals would not work. Others argued that no measures concentrating solely on waste management would do so and holistic measures were much more likely to be successful.

### **(c) Do you consider that the Commission's proposals will prove beneficial in terms of waste prevention and the meaningful measurement of progress in waste prevention or result in the imposition of administrative burdens and costs without such commensurate benefits?**

**16.8** A slight majority of respondents to this part of the question felt that the proposals were more likely to be burdensome than beneficial. 12 respondents argued they would be burdensome, whereas 10 argued they would be beneficial.

**16.9** Those who felt the proposals would be burdensome argued that some measures may not be applicable to the UK, and that this represented an exercise in micro-management by the Commission. Others argued that it might be more productive to share best practice between Member States, and sponsoring meetings at which case studies and other examples of successful waste prevention programmes can be discussed.

**16.10** Those who felt the proposals would be beneficial mainly argued that they would give strong support to waste prevention in the revised Directive. They did however also make clear that they would only really be effective if used proportionately.

## Question 17: Inspections

**17.1** 64 of the respondents to the consultation provided a specific answer to this question.

**17.2** 23 of the respondents stated they were comfortable with the Commission proposal for competent authorities' inspections of collection and transport operations to cover the origin and destination of all waste (i.e. hazardous and non-hazardous) collected and transported. Only 15 respondents said they found it excessive. 2 respondents also argued that flexibility would be best from a regulatory point of view.

**17.3** Those that were comfortable with the proposal said they thought it would both prevent false declarations of hazardous waste and improve the quality of information about waste flows. It was also argued that it would ensure that all such processes meet relevant standards for the protection of the environment and human health, as well as help reduce the number of 'cowboy' operators.

**17.4** Those that argued it was excessive said it was unnecessary and unworkable. The Environment Agency also argued that it would be best to seek flexibility in programming both the frequency and the nature of inspections in order to extract most value from regulation. Finally, a number of respondents said they were in favour of the requirement being in place for hazardous waste, but not non-hazardous waste.

## Question 18: Municipal Solid Waste Incineration

18.1 77 of the respondents to the consultation provided a specific answer to this question.

**(a) Do you consider that the application of an energy efficiency threshold for municipal incinerators could generate both economic and environmental benefits and facilitate achievement of the targets for diversion from landfill?**

18.2 Where respondents replied on the issue of whether the application of an energy efficiency threshold would generate economic and environmental benefits and facilitate achievement of landfill diversion targets, they mostly felt there would be benefits.

18.3 However, respondents also answered the wider question of whether they viewed incineration as recovery. The opinion of stakeholders was divided on this issue. 9 respondents said they felt it was beneficial to view incineration as recovery, that it would be a positive step towards wastes being regarded as resources, and that criteria should be developed for all operations covered by WID. A similar number also argued that incineration should not be recovery, and that energy from waste criteria should be opposed. 6 said they felt the application of energy efficiency criteria should only be applied to new incinerators.

**(b) What are your views on the efficiency threshold and the formula proposed by the Commission – is the proposal practicable and is the proposed threshold set at the right level or too high or too low?**

18.4 A majority of respondents to this part of the question (13) said they viewed the proposed threshold as too high, and that it would exclude nearly all the EfW plants currently operating in the UK. 3 felt that it was at the right level, and none thought it was too low. 1 respondent also argued that the formula was not appropriate for incinerators of municipal solid waste.

**(c) What do you consider will be the practical implications for the UK of classifying as recovery operations municipal waste incinerations which meet the proposed energy efficiency threshold?**

18.5 Respondents to this specific part of the question came up with a range of both positive and negative practical implications. Respondents were generally more positive than they were negative.

**18.6** Among the positive impacts respondents came up with were the following:

- An increased rate of development of municipal waste incineration, especially for CHP;
- A potentially increased generation of renewable energy;
- An increased impetus given to the development of efficient municipal waste incinerators;
- A reduction in the overall cost of achieving the targets for reducing landfill, and an extension in the life of existing landfills;
- A reduction in the reliance on fuels as a source of energy; and
- An establishment of the position of municipal waste incineration, and waste management as a whole, as being about resource management as opposed to waste management.

**18.7** The range of negative impacts respondents came up with included the following:

- A decrease in the public acceptability of such schemes;
- A further undermining of the confidence of local people in the government and the regulatory system;
- Potentially major cost implications to modify the facilities in order to meet energy standards;
- Manufacturers developing products and packaging would feel less pressure to aim for fully recyclable outputs;
- An undermining of the case for recycling and quality in material recovery; and
- A potential increase in waste imported to the UK for incineration, which would not be in the UK's environmental interests.

## Question 19: Subsidiarity and Proportionality

**19.1** 52 of the respondents to the consultation provided a specific answer to this question.

**19.2** Opinion was evenly divided between those that felt that the revised WFD complied with the aforementioned principles, and those that did not.

**19.3** Where respondents felt they did not, they cited the following most often as examples of where they did not:

- The requirement for permits covering energy recovery to reach a high level of energy efficiency;
- Minimum standards;
- The requirement for general rules for exemptions to be based on BAT;
- The registration provisions for professional collectors;
- The waste management plan requirements;
- The waste prevention programme requirements; and
- The requirement for competent authority inspections to cover the origin and destination of all waste.

## Question 20: Objectives of the Revised WFD

**20.1** 56 of the respondents to the consultation provided a specific answer to this question. A majority of respondents (30) felt that the revised WFD did not fulfil the objectives set by the Commission, against 25 who felt it did.

**20.2** Those who felt it did not fulfil the objectives set gave the following reasons amongst others:

- The definition of waste undermines waste prevention activities;
- Far too much control is retained by Commission;
- Unsatisfactory justification has been given for some of the measures;
- The distinction between waste and by-products is still unresolved;
- The timescales are too ambitious;
- There is a lack of focus on climate change mitigation;
- It ignores costs;
- Comitology as a decision-making process creates uncertainty and concern;
- The aim of reducing and preventing waste production is not recognised clearly; and
- It contains almost nothing that will promote recycling.

## Question 21: Partial RIA

21.1 52 of the respondents to the consultation provided a specific answer to this question.

### **(a) Do you consider that the costs and benefits of the proposals have been accurately assessed?**

21.2 Those that provided a response to this part of the question were by and large of the view that a fair and accurate assessment had been given and it was helpful in identifying costs. However, a few respondents commented that the assessment was too complex to easily understand.

### **(b) If not, what evidence are you able to provide in support of your view that the costs and benefits have not been accurately assessed?**

21.3 Respondents felt that the following had not been factored into the assessment:

- The benefits obtained from Commission proposals being improved in scope and ambition;
- The economical and environmental consequences of such changes and the impact any such changes might have on existing Directive;
- The costs for transporting of waste;
- The environmental and social benefits and business opportunities;
- The provenance of the basis for the figures;
- An assessment of how the revised Directive will impact on dredging operations;
- An assessment of the impact of waste management controls on unexcavated contaminated soil; and
- A specific consideration of construction and the problems caused by the definition of waste in a construction context at a European level.

21.4 It was also pointed out that the RIA has been constructed using significant extrapolation of current costs, and that this could lead to substantial inaccuracies in cost savings or administrative savings which may be unachievable.

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## Other Issues

22.1 The following among others were suggested as further points to consider:

- A welcoming and support the undertaking of more research on life cycle analysis and a suggestion it could be introduced gradually according to progress on research;
- A proposed new Recital 23 as follows: “in the light of the acknowledged significant European market for by-products and their recognised environmental benefits deriving from increased resource efficiency, the scope of the waste definition should be clarified to exclude by-products”;
- The existing article on the proximity principle should be maintained to make sure that the proximity principle is applied whenever there is a minimum level of disposal involved in the operation chain to reduce all the external costs (energy consumption, noise, landscape deterioration) of waste transports;
- In order to encourage the development and support of small to medium enterprises the Commission should take every opportunity to promote and support local small scale waste management solutions;
- The Commission should ensure any transference of materials to different legislative permitting systems, such as IPPC, does not have a negative impact on small scale facilities; and
- The use of language within the WFD and its lack of congruency with other immediately relevant Directives causes problems.

# Appendix A

No	Organisation/ Respondent	Consultation Questions																				Key Issues	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/1	Confederation of British Industry	✓	✓	✓	✓		✓																<ul style="list-style-type: none"> <li>There should be a clear definition of what is waste and what it is not, and when wastes have been recovered and cease to be waste.</li> <li>The term “discard” should be clarified and added to the definitions.</li> <li>By-products should not be classified as waste.</li> </ul>
89/2	Environmental Industries Commission	✓	✓	✓	✓	✓	✓				✓	✓	✓	✓		✓							<ul style="list-style-type: none"> <li>The definition of “re-use” does not state whether or not it can involve reprocessing, or whether that is the difference between “re-use” and “recycling”. This needs to be clarified.</li> <li>A definition of “reclamation” is needed in the Directive.</li> </ul>
89/3	Furniture Re-use Network	✓		✓	✓		✓				✓					✓		✓					<ul style="list-style-type: none"> <li>Definition of re-use needs to be clarified and should cover both reuse of waste and reuse of non-waste.</li> <li>Article 11 requires a more transparent procedure than the proposed comitology procedure.</li> </ul>
89/4	Newport Council						✓																<ul style="list-style-type: none"> <li>Products should be made in such a way that waste is not created or can be dealt with sensibly. This would facilitate re-use.</li> <li>Standards should determine when a waste ceases to be a waste for reprocessing.</li> </ul>
89/5	Northern Ireland Judicial Appointments Commission																						<ul style="list-style-type: none"> <li>No comments made.</li> </ul>
89/6	Paul Phillips																✓						<ul style="list-style-type: none"> <li>Article 29-31 – We need to research the 16 measures and come to a priority list that suits the UK for a given time horizon.</li> </ul>

No	Organisation/ Respondent	Consultation Questions																				Key Issues	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/7	Oil and Chemical Recycling Association	✓	✓	✓	✓			✓	✓	✓		✓											<ul style="list-style-type: none"> <li>Article 11, if Europe wants to become a recycling society it needs clearer and consistent end-of-waste guidelines and harmonised standards for most major sectors of materials, not just the few already identified.</li> <li>If the Waste Oils Directive is retained, it would need a significant rewrite to correct and expand on its poor definitions and to clarify the end of waste guidance.</li> </ul>
89/8	Chartered Institution of Wastes Management (CIWM)							✓			✓							✓					<ul style="list-style-type: none"> <li>UK's capacity to recover valuable energy from waste is under-developed. Rapid planning and commissioning of appropriate plants and technologies is needed to support three vital policy areas: meeting tough landfill diversion targets; combating climate change; meeting carbon management needs and help satisfy future sustainable energy demand.</li> </ul>
89/9	UK Petroleum Industry Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>It would improve the Directive if a definition of "discard" was included. Similarly it would be helpful to define "by-product" and to clearly state that this is not waste.</li> <li>This proposal is far too timid and will fail to meet the objectives. Far too much control is retained in the Commission, and the effect on waste recovery will be too small.</li> <li>No comments made.</li> </ul>
89/10	Meat Promotion Wales – Hybu Cig Cymru																						<ul style="list-style-type: none"> <li>No comments made.</li> </ul>

Summary of Responses to the consultation on the Proposal for a Directive of the European Parliament and the Council on waste

No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89/11	Environmental Industries Commission		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Definition for “reclamation” and “by-product” should be included in the Directive.</li> <li>The definition of “re-use” needs clarification.</li> <li>Article 10, should be rephrased to require an integrated and adequate network of recycling/treatment/ recovery facilities. This will also help to achieve the aim of only disposing of irrecoverable waste, in accordance with Articles 5 and 6.</li> </ul>
89/12	Glasgow City Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Clarification is required for recovery and disposal definitions and should be described separately in Article 3. The definition for treatment is ambiguous and requires clarification.</li> <li>Articles 22-24, potentially misses an opportunity to encourage recycling.</li> </ul>
89/13	RWE Npower	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The WFD should not apply to products, materials and substances, whilst they remain on a site of production which is subject to IPPC, with the exception of those sites permitted for waste recovery, treatment or disposal operations. The determination of whether a product, material or substance is a waste or a by-product should be made at the point the item crosses the site boundary.</li> <li>A definition of by-product should be included in the Directive.</li> <li>The term “treatment” as a generic term for both recovery and disposal, is confusing and misleading.</li> </ul>

No	Organisation/ Respondent	Consultation Questions																				Key Issues	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/14	East Ayrshire Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 6, the concept of Member States being required to regard something that happens as disposal operations even where the operation has a secondary consequence cannot be supported. The definition of "disposal" must prescribe exactly that the waste undergoes no further treatment.</li> <li>Article 11, there are some concerns about the continued emphasis on markets having to exist for secondary products, materials or substances made from waste. This takes no account of future potential markets which may arise as a consequence of developing technologies.</li> </ul>
89/15	Arch Timber Protection	✓			✓		✓									✓							<ul style="list-style-type: none"> <li>The effective substitution of BATNEEC by BAT should be resisted. If cost is no longer considered and the costs of waste disposal rises sharply this could drive undesirable behaviour in dealing with waste.</li> <li>The environmental criteria in Article 11 set for secondary products should be set by scientific assessment of risk levels rather than by absolute bans of certain materials in the waste stream.</li> </ul>
89/16	Food and Drink Federation			✓																			<ul style="list-style-type: none"> <li>Would like a definition of by-products.</li> <li>Distinction between by-products and waste in the text of the revised WFD should be based on recent European Court of Justice (ECJ) jurisprudence. The key ECJ criteria on by-products should be clearly reflected in the text of the revised Directive in order to provide long-term legal certainty for industry and authorities.</li> <li>Clarification of the term "without further processing" is required.</li> </ul>

Summary of Responses to the consultation on the Proposal for a Directive of the European Parliament and the Council on waste

No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89/17	Chemical Industries Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>We suggest revising the definition of waste to restrict it to movable substances and objects.</li> <li>The following definitions should be included in the Directive "discard", "cleaning", "by-products" and "best available technique (BAT)".</li> <li>There should be a clear distinction between "recovery" and "disposal".</li> <li>The definition of "mineral waste oils" should be deleted.</li> </ul>
89/18	Western Riverside Waste Authority	✓		✓	✓	✓	✓				✓					✓		✓					<ul style="list-style-type: none"> <li>New and more robust definitions should be developed to avoid uncertainty and to prevent waste policy being set through the ECJ.</li> <li>Definitions that are required include a differentiation between treatment and disposal. A notable omission is a definition for waste prevention.</li> <li>Article 9, Waste prevention and re-use should be given greater focus. If it is proposed to extend the principle to waste recovery it should equally be extended to waste recycling.</li> </ul>
89/19	East Renfrewshire Council				✓																		<ul style="list-style-type: none"> <li>The disposal arrangements may not be practicable if all waste in Scotland was to undergo treatment. This will lead to huge cost implications and there would be difficulties in achieving the capacity of waste treatment that would be required to deal with all of Scotland's waste.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/20	Association of Electricity Producers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The scope of the Directive should clearly state that the Directive does not apply to any item which is not a waste. The scope should also clarify that by-products are not and never have been wastes.</li> <li>A definition of “by-products” is needed in Article 3.</li> <li>We object to the continued association of secondary products as wastes. The aim of Article 11 should be to remove the stigma of waste from the use of secondary products.</li> </ul>
89/21	Phil Butler	✓							✓								✓		✓				<ul style="list-style-type: none"> <li>I do not support the proposal to define end-of-waste through the undemocratic comitology procedure. End-of-waste should be dealt with through daughter directives.</li> <li>The revised WFD is supposed to be part of a new strategy on waste prevention and recycling, yet it contains almost nothing that will promote recycling. I suggest that the UK Government proposes a package of measures to promote recycling, which can then be incorporated into this Directive.</li> </ul>
89/22	Local Authority Recycling Advisory Committee (LARAC)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of “re-use” is, indeed, problematical and the proposed changed definition is not an improvement on the definition given in the Packaging and Packaging Waste Directive.</li> <li>The definition of “treatment” should include for the separation of wastes for recovery or disposal.</li> <li>The Commission should not be allowed to add specific operations to the list of disposal operations set out in Annex I. Technical experts should provide advice about whether additional operations should be added to the list during the consultation stages of the revision of the WFD.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89/23	British Plastics Federation	✓		✓	✓	✓	✓				✓					✓			✓		✓		<ul style="list-style-type: none"> <li>The term "recycling" should be broad enough to encompass chemical feedstock as well as material recycling.</li> <li>Article 19, an efficiency criteria should not be applied to recovery processes so long as there is an environmental benefit to be gained.</li> <li>Article 29-31, there is a commercial incentive to minimise waste and the material content of artefacts. There is danger that Waste Prevention Programmes could be used to damage the capacity and scope for manufacture. Excessive reduction of materials may prevent or reduce the opportunities for viable reuse and recycling.</li> </ul>
89/24	Non-Ferrous Alliance Ltd	✓	✓	✓	✓	✓	✓				✓					✓							<ul style="list-style-type: none"> <li>Definition of the terms "by-products", "discard" and "recycling" are required in the Directive.</li> <li>Waste prevention measures should focus on waste for disposal and not on waste for recovery.</li> </ul>
89/25	European Petroleum Industry Association	✓	✓	✓						✓													<ul style="list-style-type: none"> <li>The Directive should include a definition of "by-products".</li> <li>Article 18, there is no clear environmental advantage of re-refining versus other responsible treatment routes. Maintaining the priority for re-refining will therefore lead to additional costs without incremental environmental benefits.</li> </ul>
89/26	Highways Agency						✓				✓												<ul style="list-style-type: none"> <li>The proposal makes inadequate reference to the method of waste transportation and does not consider the possible impacts of transporting waste locally and nationally. We believe this is an issue that should be considered for inclusion.</li> <li>Article 21, We would request that this specifically includes the transportation of waste.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/27	Coca-Cola Enterprises	✓	✓	✓	✓	✓	✓	✓			✓					✓							<ul style="list-style-type: none"> <li>The definition of “re-use” needs clarification.</li> <li>Articles 29-31, an obligatory requirement to develop national prevention programmes combined with the wide freedom left to Member States in developing individual indicators, targets and instruments, trigger the risk of industry having to deal with 27 inconsistent prevention programmes supported by uncoordinated economic instruments.</li> </ul>
89/28	Sustainable Organic Resources Partnership	✓	✓					✓								✓							<ul style="list-style-type: none"> <li>Sewage sludge should be excluded from the WFD.</li> <li>The Commission should seek to gain consensus on the concept of syntax which translate well and which help in promoting the use of treated sewage sludge across Europe.</li> </ul>
89/29	Cancer Prevention and Education Society	✓																✓	✓			✓	<ul style="list-style-type: none"> <li>The proposal fails to set long term goals ensuring that waste production is prevented as far as possible, and that which remains is re-used, recycled or composted. Instead, the proposal would undermine the current and environmentally sound waste hierarchy and promote waste incineration, representing serious deregulation and the loss of the most tangible opportunity to progress with resource efficiency.</li> </ul>
89/30	Confederation of Paper Industries	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of “re-use” needs clarification.</li> <li>Waste prevention will always be a difficult area to measure and will require a degree of experimentation to define appropriate tools.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/31	Society of Motor Manufacturers & Traders Ltd	✓	✓	✓	✓	✓	✓				✓						✓						<ul style="list-style-type: none"> <li>The following definitions need clarification “holder”, “collection”, “producer” and “recycling”.</li> <li>Articles 29-31, a life-cycle approach must be adopted when considering extending the life of an energy consuming product when the ‘in use’ stage has the biggest environmental impact. The benefit of newer more environmental friendly products coming to market would outweigh the disadvantage of waste generation especially when recovery rates are high.</li> </ul>
89/32	Association of Charity Shops	✓		✓	✓												✓						<ul style="list-style-type: none"> <li>The definitions in Article 3(a) and (f) do not clarify the differences between waste and non-waste and the definitions in (b) and (c) will create a confusing and potentially damaging artificial chain of responsibility for those donating and handling donated goods.</li> <li>The Directive is fundamentally flawed – the overarching definition of “waste” and the over-reliance on recovery and recycling both risk undermining waste prevention activities, such as reuse of products through charity shops.</li> </ul>
89/33	Steve Collier														✓			✓					<ul style="list-style-type: none"> <li>Annex II (R1), organising the zoning of companies, whereby the potential emission of air pollutants from one company could be “captured” to be used as a raw material by another company. This way overall emissions would be reduced. We need 21st Century thinking to create a cleaner environment.</li> </ul>

No	Organisation/ Respondent	Consultation Questions																				Key Issues	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/34	Uniqema (Unichema Chemicals Ltd)	✓	✓	✓	✓		✓												✓				<ul style="list-style-type: none"> <li>The wording in Article 2(2) should make it clear that if material is burnt, incinerated, or combusted in any way it must comply with the provisions of the WFD and WID.</li> <li>Article 11(1)(b) needs to be amended to make clear that when a material has a "market", this means either for reused or recycled material. It should specifically exclude markets for use directly in energy recovery, or in the production of fuels.</li> </ul>
89/35	Cementitious Slag Makers Association			✓																			<ul style="list-style-type: none"> <li>A definition for the term "by-products" should be included in the WFD.</li> </ul>
89/36	UK Lubricants Association Ltd	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				<ul style="list-style-type: none"> <li>Separate definitions for "recovery" and "disposal" are required.</li> <li>Article 19, these proposed rules are idealistic, but the regulators must understand that capital investment decisions need stable conditions and the market has been disturbed by too much legislation over too short a time period.</li> <li>Article 32, extending the competent authorities' overview to include all waste will be very costly.</li> </ul>
89/37	Scottish Power plc	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>We do not consider that the principle of comitology is acceptable for determining key legal classifications. We do not believe that the procedure is sufficiently transparent to provide the clarity and certainty which is required.</li> <li>Article 6, should also include a reference to when disposal would be preferred above recovery.</li> <li>Clarifying the point at which waste ceases to be a waste and becomes a secondary product, will help to remove the negative image associated in the public mind with the use of wastes.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89/38	EDF Energy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>A definition of “by-product” is needed in the Directive.</li> <li>The WFD should not apply to products, materials and substances while they remain on a site of production which is subject to IPPC, with the exception of those sites permitted for waste recovery, treatment or disposal operations.</li> <li>The definitions of “treatment” and “mineral waste oils” need more clarity.</li> </ul>
89/39	Composting Association				✓		✓																<ul style="list-style-type: none"> <li>In order to support Article 11, we would wish to see a list of specified materials that has been agreed through co-decision.</li> <li>Article 5, clarification is needed with the Commission whether AD will be regarded as either an R1 or R3 process as listed in Annex II.</li> </ul>
89/40	UK Cleaning Products Industry Association																						<ul style="list-style-type: none"> <li>No comments made.</li> </ul>
89/41	British Glass Manufacturer's Confederation	✓		✓																		✓	<ul style="list-style-type: none"> <li>The definition of “re-use” needs to be amended to seek a real and practical synergy with the Packaging and Packaging Waste Directive definitions, it is concerning that the Commission is failing in its comprehension of the existing waste regulations.</li> <li>“Joined-up thinking”, it is necessary to create a synergy between the WFD and the EU Energy Strategy as well as the overarching Climate Change/Carbon Emission strategies.</li> </ul>

No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89/42	Friends of the Earth	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of recycling should be modified, there needs to be a clear definition of "recycling rate" and the definition of prevention should be added to the Directive.</li> <li>Article 11, we do not support the proposal to define end-of-waste through the comitology procedure. End of waste should be dealt with through daughter directives.</li> <li>Annex II (R1), incineration is primarily a disposal technique, generating energy very inefficiently. The WFD should be encouraging materials to move further up the waste hierarchy, not just a shift from landfill to incineration.</li> </ul>
89/43	Highland Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Clarification on what constitutes a "market" for materials would be helpful.</li> <li>Article 2(3) needs to be made clearer specifically "natural non hazardous substances" and processes "which do not harm".</li> </ul>
89/44	Chartered Institution of Water and Environmental Management (CIWEM)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The WFD should not apply to products, materials and substances while they remain on a site of production which is subject to IPPC, with the exception of those sites permitted for waste recovery, treatment or disposal operations.</li> <li>A definition of "by-products" should be included in the Directive.</li> </ul>
89/45	UK Major Ports Group																						<ul style="list-style-type: none"> <li>Would like to exclude the material produced by navigational dredging (provided it is uncontaminated) from the definition of waste.</li> </ul>
89/46	Scottish Association of Meat Wholesalers			✓																			<ul style="list-style-type: none"> <li>The definition of waste is the crux of our concerns. We ask for maximum clarity with no potential left for ambiguity in this area such as occurred in ABP and WID legislation.</li> </ul>

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89/47	North Wales Regional Waste Group	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 3 should include definitions for all aspects of the waste hierarchy including “reduce”, “recovery” and “disposal”.</li> <li>“Composting” and “Municipal waste” should also be defined clearly by the Directive.</li> <li>Article 32, a requirement to inspect all origins of waste production is likely to fall on Local Authorities who, in Wales, do not have the resources to carry this out. This may result in a focus on inspections to the detriment of other aspects of waste management.</li> </ul>
89/48	The Packaging Federation	✓		✓						✓									✓				<ul style="list-style-type: none"> <li>It is not clear if the three main objectives are being addressed in the spirit of better regulations as some areas appear to call for over-regulation by the European Commission.</li> <li>The definition of “re-use” should be amended to seek a real and practical synergy with the Packaging and Packaging Waste Directive definitions, it is concerning that the Commission is failing in its comprehension of the existing waste regulations.</li> </ul>
89/49	Cambridgeshire County Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 21, once all Member States have achieved the minimum standards, they must be reviewed and a planned process to raise the standards put in place, so that all Member States work towards continuously improving their environmental performance.</li> <li>Article 19, we would not wish to see this requirement prevent progress in the development of energy from waste technology and so Member States may need to provide some assistance in this area to contractors.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/50	Home Builders Federation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>There should be a requirement to exclude in situ contaminated groundwater from the WFD. The additional exclusion is needed otherwise contaminated groundwater could be considered as liquid waste.</li> <li>Articles 5 and 6, a more balanced approach is needed taking into account both economic and environmental factors, and technical limitations and practicalities.</li> </ul>
89/51	National Association of Waste Disposal Officers (NAWDO)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of “re-use” is, indeed, problematical and the proposed change is not an improvement on the definition given in the Packaging and Packaging Waste Directive.</li> <li>The definition of “treatment” should include for the separation of wastes for recovery and disposal.</li> <li>The definition of “disposal” is too broad and the definition of “recovery” too narrow.</li> <li>BATNEEC not BAT, should be the guiding principle for developing an adequate network of recovery and disposal operations.</li> </ul>
89/52	Textile Recycling Association				✓		✓					✓					✓						<ul style="list-style-type: none"> <li>The “polluter pays” principle should be extended to waste recovery in relation to clothing/textiles.</li> <li>Any measures that are taken to ensure that all textile waste is recovered, should endeavour to tackle the declining quality issue that is likely to ensue.</li> </ul>

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89/53	Construction Confederation	✓	✓	✓	✓	✓		✓																<ul style="list-style-type: none"> <li>The definition of “recovery” should be set out in Article 3. For reasons of coherence “waste treatment operations” should be defined rather than simply the word “treatment” since this is the way the term is used in the Directive.</li> <li>With regard to a distinction between waste and non-waste materials, it is necessary to lay down adequate criteria within the Directive itself so as to provide the legal clarity and certainty.</li> <li>Without an amendment of the legal definition of the term ‘waste’, the term ‘to discard’ should be clarified.</li> </ul>
89/54	E.ON UK plc	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>We do not consider that the principle of comitology is acceptable for determining key legal classifications. We do not believe that the procedure is sufficiently transparent to provide the clarity and certainty which is required. Some aspects of comitology risk breaking the subsidiarity principle.</li> <li>We object to the continued association of secondary products as wastes. The aim of Article 11 should be to remove the stigma of waste from the use of secondary products.</li> <li>The definition of “treatment” and “mineral waste oils” need to be clarified. The term “by-product” should be added to the list of definitions.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89/55	DSM Nutritional Products (UK) Ltd	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>We feel strongly that the hierarchy should be seen simply as a guide that needs to be reviewed on a case by case basis, appropriate to the life-cycle of the situation under review, rather than a rigid system to be applied mechanically.</li> <li>The definition of waste disposal is overly-simplistic and too narrow in its scope.</li> <li>The scope of Article 2 should be extended to allow Member States to adopt specific exclusions that are commensurate with their needs. This is predicted to assist in the overall aim of encouraging recycling or re-use of waste streams.</li> </ul>
89/56	City of Edinburgh Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of “collection” as “gathering of waste for the purposes of transport to a waste treatment facility” could be strengthened to clarify that treatment could mean recycling of source segregated waste, residual waste treatment or in some cases disposal.</li> <li>Article 19(4), it would be worth considering carefully what would be considered a high level of energy efficiency – it might be appropriate to have a set level, to allow the accommodation if a wide range of circumstances.</li> </ul>
89/57	Norfolk County Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>“Treatment” should include for the separation of wastes for recovery or disposal.</li> <li>Article 10, BAT, rigidly applied, would add cost to wastes management without significant benefit at a time when waste management costs in the UK are already rising steeply.</li> </ul>

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89/58	Associated British Ports	✓	✓					✓																<ul style="list-style-type: none"> <li>Sediment and silt (dredged material) should be excluded from the scope of the Directive.</li> <li>The proposed review of the Directive still does not clarify when a material or product becomes waste.</li> </ul>
89A/1	Buckinghamshire County Council			✓											✓				✓					<ul style="list-style-type: none"> <li>Definition of "re-use" appears to be very narrow. There is no distinction between reuse and recycling.</li> <li>Reference should be made in Article 3 to the definitions of "disposal" and "recovery".</li> <li>The requirement for all waste to undergo recovery operations is too restrictive and may well conflict with the Commission's aim of the taking into account the whole life-cycle of resources.</li> </ul>
89A/2	Devon County Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of "re-use" needs clarification.</li> <li>The UK makes significant use of exemptions. If this route (exemptions based on BAT) was adopted low risk activities such as community composting would suffer as would other small scale local sustainable enterprises.</li> </ul>
89A/3	National Industrial Symbiosis Programme (NISP)	✓	✓	✓	✓	✓					✓				✓									<ul style="list-style-type: none"> <li>Clear definitions of "disposal" and "recovery" and a clearer definition of "treatment" is needed in the Directive.</li> <li>SME's engaged in the disposal or recovery of waste may need to undertake a significant and disproportionate level of investment in order that they can comply with these standards.</li> </ul>

No	Organisation/ Respondent	Consultation Questions																				Key Issues	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89A/4	Cheshire County Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>• More clarification and guidance on the application of “life-cycle thinking” is required.</li> <li>• It is recognised that application of an energy efficiency threshold could generate environmental and economic benefits however, these need to be seen in the context of achievability within individual Member States.</li> </ul>
89A/5	Local Government Association	✓		✓	✓			✓								✓							<ul style="list-style-type: none"> <li>• A definition of waste prevention in order to help the entire EU move towards a common direction.</li> <li>• The grounds for defining the end-of-waste, and the treatment processes such as recovery or recycling, should be based not solely on efficiency, but also on environmental criteria.</li> <li>• The Commission’s document relies too much on using comitology to make major changes in areas that have a clear political dimension. This effectively excludes local government and other key stakeholders from the decision making process.</li> </ul>
89A/6	Nuclear Decommissioning Authority		✓																				<ul style="list-style-type: none"> <li>• The adoption of the revised WFD as drafted could result in the imposition of additional unintended European legislative controls over radioactive waste that would neither enhance nor improve the protection of people of the environment provided by existing radioactive substances and nuclear safety regulation regimes within the UK.</li> </ul>
89A/7	Environmental Association for Universities and Colleges	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>• Article 2, should include a form of words to allow articles, products and materials that can be used or re-used to be excluded from the definition of waste.</li> <li>• Article 3, should include a definition of “discard” and “secondary product”, and clearer definitions for “disposal” and “recovery”.</li> </ul>

Summary of Responses to the consultation on the Proposal for a Directive of the European Parliament and the Council on waste

No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89A/8	Veolia Environmental Services Plc (UK)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>A definition of Municipal Solid Waste should be included in the Directive.</li> <li>There is a risk of misalignment with the EU framework if the UK rushes to include too many waste streams, in the “end-of-waste” project, than those that may ultimately be adopted in the EU process.</li> </ul>
89A/9	County Surveyor's Society	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>To avoid confusion a definite statement of the Commission's intention with regard to animal by-products that are disposed of as waste within the terms of the ABPR is required.</li> <li>Definition of disposal should take account of life-cycle analysis to determine the most environmentally sound method of dealing with particular waste streams.</li> <li>A definition of Municipal waste should be included in the Directive as it varies from Member State to Member State.</li> </ul>
89A/10	Novera Energy Limited																	✓					<ul style="list-style-type: none"> <li>Annex II (R1), we do not want to see the imposition of an arbitrary efficiency calculation methodology which may be primarily aimed at encouraging the use of heat in district heating type schemes.</li> </ul>
89A/11	Sterecycle	✓	✓	✓	✓		✓											✓					<ul style="list-style-type: none"> <li>Article 10, the BAT consideration could extend from the installation to a wider consideration of waste treatment options in the network and that this will frustrate development by slowing down planning procedures and unnecessarily increasing pre-development costs.</li> <li>Article 3, it is inconsistent to exclude high quality energy recovery from the definition of recycling when end-of-waste considerations are also being proposed in Article 11.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21	
89A/12	Agricultural Industries Confederation (AIC)	✓																						<ul style="list-style-type: none"> <li>There should be an exclusion from the Directive for by-products intended for use as feeding stuffs.</li> </ul>
89A/13	UK Renderer's Association	✓																						<ul style="list-style-type: none"> <li>The updated Directive needs to reflect the fact that animal by-products are not wastes but products, with their own governing legislation. For the sake of clarity we feel that the revised WFD should include a clear unambiguous statement to this effect.</li> </ul>
89A/14	CIWM	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>A definition of municipal waste is needed in the Directive as this term is often used to compare Member States performances against each others and can be misleading as different waste streams are included in Member States definitions. A definition of By-products would also be useful.</li> <li>Articles 29-31, more emphasis should be placed upon targeting waste producers and on their products to drive waste prevention throughout the chain.</li> </ul>
89A/15	United Kingdom Nirex Limited	✓																						<ul style="list-style-type: none"> <li>The adoption of the revised WFD as drafted could result in the imposition of additional unintended and more prescriptive European legislative controls over radioactive waste that would neither enhance or improve the existing regimes within the UK.</li> </ul>

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No	Organisation/ Respondent	Consultation Questions																					Key Issues
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89A/16	National Pharmacy Association Ltd							✓			✓	✓	✓		✓			✓					<ul style="list-style-type: none"> <li>• EU-wide minimum standards for waste disposal and recovery operations should be carefully considered with the needs of small businesses such as community pharmacies in mind.</li> <li>• The proposal that collectors of waste must comply with “certain minimum standards” may place excessive obligations on community pharmacists and their staff when transporting small quantities of unwanted medicines.</li> </ul>
89A/17	Engineering Employers Federation (EEF) The Manufacturers’ Organisation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>• Article 26, these provisions seem to add burden without commensurate benefit in terms of business or environmental improvement.</li> <li>• EU-wide standards would in our view have a negative environmental and economic impact. We believe that such standardisation would result in little overall change.</li> </ul>
89A/18	British Waterways	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>• The list of excluded wastes should include naturally occurring materials such as dredgings. Sediment is produced as a result of a natural processes and it is difficult, if not impossible, to prevent it occurring.</li> <li>• The costs of BAT can be prohibitive and we consider that for many operations, BATNEEC would be more appropriate.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89A/19	Merseyside Waste Disposal Authority	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Reference should be made in Article 3 on the definitions of “recovery” and “disposal”. Also required are definitions on waste prevention, waste minimisation and reduction, and their relationship to waste prevention.</li> <li>A definition of “municipal waste” would also be useful.</li> <li>We are keen to ensure that low risk recycling operations are not disadvantaged or regulated out of waste management delivery in the UK.</li> </ul>
89A/20	Shropshire Waste Partnership	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>All waste is unlikely to undergo a waste recovery operation because of the high costs involved in achieving this objective.</li> <li>Transferring standard setting to the Commission would cut across subsidiarity, so unless the operation poses EU-wide or cross-border threats, Member States should retain the right to set standards.</li> </ul>
89A/21	British Cement Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>It is not necessary to give priority to the regeneration of waste oils.</li> <li>The proposal, that a common energy criterion is applied to both incineration and co-incineration is illogical and scientifically unsound.</li> </ul>
89A/22	Capita Symonds Ltd	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 1, if the title was changed to ‘environmental objective’ then the inclusion of references to the waste hierarchy and to the protection of human health and the environment would be justified.</li> <li>The definition of “waste” should be clarified, as should the definitions of “re-use” and “recycling”. The definitions of “disposal” and “recovery” should also be included in Article 3.</li> </ul>

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No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89A/23	Dorset County Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				<ul style="list-style-type: none"> <li>Article 19(4), there may be circumstances where facilities cannot achieve high levels of energy recovery or where high levels of energy recovery may be instigated at a later date.</li> <li>If the Commission's proposals that household hazardous waste will become hazardous once collected are implemented, it could have serious implications for local authorities. Further clarification is needed as to when collected material becomes hazardous.</li> </ul>
89A/24	British Tyre Manufacturers' Association	✓		✓	✓		✓				✓	✓	✓		✓								<ul style="list-style-type: none"> <li>Setting minimum standards in permits for waste disposal and recovery operations should remain with Member States' competent authorities and not transferred to the Commission under a comitology procedure.</li> <li>We do not believe that general rules adopted by Member States governing permit exemptions should be based on BAT. This would deprive Member States of the scope to permit exemptions in the case of low risk activities.</li> </ul>
89A/25	Essex County Council																						<ul style="list-style-type: none"> <li>Supports the response submitted by the NAWDO (89/51).</li> </ul>
89A/26	Community Recycling Network UK	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>We cannot see any point in limiting the scope of the Directive. If this is a waste framework directive then it should encompass any material which is, or may become, waste.</li> <li>Comitology processes are un-transparent and their use seems a lazy and undemocratic way of dealing with a complex issue. Informed debate is what is needed. It would be much better dealt with under individual directives.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89A/27	British Soft Drinks Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				<ul style="list-style-type: none"> <li>Whether a three or five step in the waste hierarchy, it should be used as a guide not a strict rule. Justifiable deviations in Member States must be possible without requiring controversial and expensive studies such as lifecycle analyses.</li> <li>The definition of “re-use” is too narrow, and the Directive would benefit from a definition of by-products.</li> </ul>
89A/28	North Lanarkshire Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>More detailed information is required on the nature and extent of the minimum standards before an opinion can be formulated.</li> <li>Article 21, the core standards should be set at an appropriately high level to ensure sustainable development, economic efficiency and legislative control.</li> </ul>
89A/29	Independent Waste Paper Processors Association	✓		✓	✓	✓	✓				✓	✓	✓		✓								<ul style="list-style-type: none"> <li>Definitions for “discard”, “reclamation” and “polluter” should be included in the Directive.</li> <li>The reference to “not involving excessive costs” should be retained. The UK waste processors should not be disadvantaged against our European and international competitors by principles of proximity and self-sufficiency.</li> </ul>
89A/30	Consumer Council for Water	✓	✓		✓		✓																<ul style="list-style-type: none"> <li>Treated sewage sludge used in agriculture (bio-solids) and Uncontaminated excavated soil should be excluded from the scope of the WFD.</li> <li>Article 9 of the revised Directive should be consistent with Article 15 of the existing Directive.</li> </ul>
89A/31	Milton Keynes Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>“Green taxes” on non-recyclable or non-reusable products have a greater role to play in Waste Prevention Programmes.</li> <li>Standards should be high and should be consistent across the community.</li> </ul>

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No	Organisation/ Respondent	Consultation Questions																				Key Issues		
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21	
89A/32	Goldman Sachs International			✓					✓															<ul style="list-style-type: none"> <li>Energy recovery from organics should be included in the definition of "recycling".</li> <li>The reclassification of recovered biomass (as fuel or compost) should be given particular priority in the end-of-waste provisions.</li> </ul>
89A/33	Greater Manchester Geological Unit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					<ul style="list-style-type: none"> <li>It is not considered a necessity to repeal the requirement to give priority of the processing of mineral waste oils by regeneration.</li> <li>This proposal would seem to present an opportunity to ensure energy efficiency is a high priority for operations aiming to recover energy from waste streams.</li> </ul>
89A/34	Covanta Energy	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					<ul style="list-style-type: none"> <li>The requirements of Article 26(3) are far too prescriptive. Member States should be given the discretion to determine the content of relevant plans.</li> <li>Article 5, while substitution of resources is a valuable characteristic of genuine recovery, it should not be the sole determinant. There may be health or economic reasons for preferring one solution over another and such options should not be unnecessarily constrained by an unduly narrow definition of recovery.</li> </ul>
89A/35	Greater Manchester Waste Ltd	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Natural substances from agricultural production used for the production of energy from biomass should be included in the Directive and should not be treated any differently to any other waste used to produce energy.</li> <li>Article 11, for environmental protection and to safeguard human health, the procedure to clarify the end-of-waste status must be strictly controlled. The list of eligible waste streams must be determined by co-decision.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89A/36	British Chambers of Commerce	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>There is no need for Article 26(3)(a)-(h), which in any case encroaches on the principle of subsidiarity for Member States.</li> <li>Standard setting for permits should remain with Member States.</li> </ul>
89A/37	Water UK	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Sewage sludge used in agriculture should be excluded from the scope of the Directive.</li> <li>The Directive would benefit if the terms "recovery" and "disposal" were also defined here rather than in Articles 5 &amp; 6.</li> </ul>
89A/38	Quarry Products Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The definition of "discard" must be made more certain.</li> <li>The definition of disposal must be revised. The current wording should be changed to reflect the revised wording of 'where practicable'.</li> </ul>
89A/39	British Meat Processors Association	✓																					<ul style="list-style-type: none"> <li>Animal by-products are not a waste.</li> <li>The two proposals (the WFD and the Animal By-Products Regulations) should be drafted in a way which ensures that animal by-products remain outside the scope of the WFD.</li> </ul>
89A/40	The National Non-Food Crops Centre	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The concept of efficiency criteria is sound and it is impractical for these to be set in the framework legislation. The choice is therefore between delegation to Member States and delegation to the Commission under comitology procedures.</li> <li>There is no need for Article 1 to spell out the waste hierarchy. That is already well known and understood as a helpful tool to thinking about minimising the impacts of waste.</li> </ul>

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No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89A/41	Drax Power Limited	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The scope should also clarify that by-products are not and never have been wastes.</li> <li>Some aspects of comitology risk breaking the subsidiarity principle, key definitions must be determined with reference to their overall impact.</li> </ul>
89A/42	Hampshire County Council			✓	✓	✓					✓					✓							<ul style="list-style-type: none"> <li>The redefinition or recovery is an improvement, however, as the definition applies to all wastes then a consequence of this will be a significant increase in infrastructure capacity in the UK to manage the additional material collected.</li> <li>In order to influence all parts of the process to prevent or reduce waste we would advocate a multiple interventionist approach throughout the process chain from design to disposal.</li> </ul>
89A/43	Waste and Resources Action Programme (WRAP)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>If incinerators are classified as recovery operations, they could crowd out more expensive, but environmentally preferable, waste minimisation and recycling options.</li> <li>Articles 29-31, while we recognise the difficulty of legislating for proactive policy making, there is a real risk that this element of the Directive will simply reward a tick-box mentality, whilst providing no real reward for Member States who seek innovative methods of promoting waste prevention.</li> </ul>
89A/44	Federation of Small Businesses	✓		✓																			<ul style="list-style-type: none"> <li>We would welcome more detail on the criteria that will be used to decide whether a 'viable market' for certain secondary products exist. Clarification on this is essential from the standpoint of small businesses in terms of becoming more resource efficient.</li> </ul>

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89A/45	Corus UK Limited	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 2 should explicitly state that all non-wastes are excluded from the scope.</li> <li>A definition of by-products should be included in the Directive and the definition of re-use is too narrow.</li> </ul>
89A/46	Southern Waste Management Partnership, Northern Ireland (SWaMP)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 11, a homogenous approach is required in identifying when a waste ceases to be a waste across all Member States, as currently this varies hugely from Member State to Member State and region to region. This could improve the environmental performance of recycled products and reduce unnecessary burdens for low-risk recycling activities.</li> <li>Article 18, the regeneration of mineral waste oils no longer reflects a clear environmental benefit. The revised WFD must reflect this shift in priorities.</li> </ul>
89A/47	Pharmaceutical Services Negotiating Committee							✓			✓		✓					✓					<ul style="list-style-type: none"> <li>Simplification of the waste regime, particularly related to unwanted medicines schemes conducted by community pharmacies would maximise the use of pharmacies and so increase protection of the environment.</li> </ul>
89A/48	Society for the Environment																						<ul style="list-style-type: none"> <li>Supports responses made by CIWEM (89/44) &amp; CIWM (89/8 and 89A/14).</li> </ul>
89A/49	Retail Motor Industry Federation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓							✓	✓			<ul style="list-style-type: none"> <li>The outstanding issue for any revision of the WFD to address is the definition of waste and all other aspects of the proposed new Directive pale into insignificance against this.</li> <li>We despair at the thought of the Commission getting involved in the level of detail where incineration plant efficiency criteria are determined by the committee at an EU level.</li> </ul>

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89A/50	Capel Action Group	✓	✓					✓									✓		✓		✓	✓	<ul style="list-style-type: none"> <li>• Incineration is primarily a disposal technique, generating energy very inefficiently. The WFD should be encouraging materials to move further up the waste hierarchy, not just a shift from landfill to incineration.</li> <li>• End of waste should be dealt with through daughter directives, and not through the undemocratic comitology procedure.</li> </ul>
89B/1	AIC	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				<ul style="list-style-type: none"> <li>• Article 19 is a too prescriptive a direction especially as there are no agreed procedures or standards to describe what constitutes a “high level” of energy efficiency.</li> <li>• Retain an explicit reference to the “polluter pays” principle but that its application should remain limited to waste disposal and should not be extended to waste recovery.</li> </ul>
89B/2	British Metals Recycling Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				<ul style="list-style-type: none"> <li>• “Disposal” should remain an option where recovery is either environmentally or economically non-viable.</li> <li>• A definition of “discard” should be included in the proposal.</li> </ul>
89B/3	National Grid			✓	✓			✓		✓							✓						<ul style="list-style-type: none"> <li>• Waste policies should be consistent and Member States should not have the choice as to whether they integrate waste prevention programmes within their waste management plans, it should be mandatory.</li> <li>• Undeniably waste can be a resource, we deem that these proposals will create environmental benefit, a greater certainty and predictability for purchasers of recycled products or materials and also provide regulatory simplification for low-risk wastes used as secondary materials reducing unnecessary burdens.</li> </ul>

No	Organisation/ Respondent	Consultation Questions																				Key Issues	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89B/4	Novelis Recycling/ Novelis UK Limited	✓	✓	✓					✓														<ul style="list-style-type: none"> <li>“re-use” should be defined in the Waste Framework Directive as it is in the Packaging and Packaging Waste Directive.</li> <li>A five step hierarchy is not workable in practice and will therefore not bring the additional environmental benefits envisaged.</li> </ul>
89B/5	National Grid Property Limited	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>“Substitution of resources” is restrictive and should be the principle aim rather than the sole aim.</li> <li>A reference to the “polluter pays” principle is unnecessary as it is enshrined in existing case law.</li> </ul>
89B/6	Valpak	✓	✓	✓	✓	✓	✓	✓	✓		✓				✓								<ul style="list-style-type: none"> <li>Would urge against using comitology procedure to reclassify waste as secondary products, materials or substances, since it prevents valuable input from relevant stakeholders.</li> <li>Any organisation that derives economic benefit from an activity should bear their share of its environmental costs.</li> </ul>
89B/7	South West Water	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>It is not practicable to ensure all waste undergoes recovery as there are wastes with very limited recovery potential.</li> <li>Recovery by incineration meeting an energy efficiency threshold should apply to all wastes not just municipal solid waste.</li> <li>The priority of processing mineral oils by regeneration should not be repealed.</li> </ul>
89B/8	East Dunbartonshire Council	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The disposal arrangements may not be practicable if all waste in Scotland was to undergo treatment.</li> <li>Article 32 is extremely onerous and will have considerable resource and financial implications for competent authorities who will be obliged to carry out inspections.</li> </ul>

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No	Organisation/ Respondent	Consultation Questions																					Key Issues
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
89B/9	National Farmers' Union	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>The setting of standards should be left to individual Member States' competent authorities.</li> <li>It is not practicable or environmentally sound to require Member States to take the necessary measures to ensure that all waste undergoes waste recovery operations.</li> </ul>
89B/10	Greater London Authority	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 1, more emphasis should be placed on the resource opportunity in the management of waste. There is an opportunity for waste management to contribute towards climate change mitigation and the potential carbon offsetting of a waste management activity should be the prime consideration rather than minimizing the environmental impact.</li> <li>Article 11 would be more effective in achieving the aims of the Commission by placing greater focus on the climate change mitigation opportunities of waste as a secondary product, particularly in energy from waste schemes.</li> </ul>
89B/11	David Hobson			✓	✓																		<ul style="list-style-type: none"> <li>The Directive does not provide a clear definition for "recovery", but it is required so that it must serve a useful purpose in replacing other resources.</li> </ul>
89B/12	Aluminium Packaging Recycling Organisation Ltd (Alupro)	✓																					<ul style="list-style-type: none"> <li>It is clear that flexibility will be required across the EU to take account of different local conditions, and the "best practicable environmental option" is a concept which should not be lost as standards are driven up. Life-cycle thinking is crucial to the development of the planning process in each Member State, taking account of local geography as well as economic and social priorities, and the profile of each material.</li> </ul>

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		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		21
89B/13	Thames Water Utilities Ltd	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓				✓				<ul style="list-style-type: none"> <li>The waste hierarchy does not need to be explicitly described in Article 1.</li> <li>Sewage sludge should be excluded from the Directive.</li> <li>Recovery should be defined as an operation that treats waste in order to produce a useful product.</li> </ul>
89B/14	Severn Trent Water Limited	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓				<ul style="list-style-type: none"> <li>Articles 22-24, permits for exempt activities should not be based on BAT. We believe that the UK's trend towards recovery/recycling of waste would be stified by BAT requirements on these activities.</li> <li>Article 11, the primary goal on energy recovery should be the potential to replace other natural resources by waste. If efficiency criteria are used, they may have to be different in cases of greater rarity of certain natural resources.</li> </ul>
89B/15	Food and Drink Federation	✓	✓	✓	✓	✓	✓				✓					✓			✓				<ul style="list-style-type: none"> <li>The use of comitology is a remote and un-transparent process and would urge Defra to challenge this process, replacing it with the more usual route of co-decision.</li> <li>A definition of 'by-products' should be inserted into the Directive.</li> </ul>

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89B/16	Environment Agency	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 32, we would seek flexibility in programming both the frequency and the nature of inspections, to extract most value from regulation. The requirement for “appropriate periodic inspections” provides flexibility. However, the requirement to cover “origin and destination” should only be applied “when appropriate”, to ensure regulatory effort is not needlessly expended.</li> <li>Annex II (R1), we do not support inclusion of the formula to determine an ‘R1’ recovery classification, as drafted by the Commission. While implications the implications for Municipal Waste Incinerators in England and Wales appear to be very limited, the Commission proposal is unlikely to generate economic benefits.</li> </ul>
89B/17	Scottish and Southern Energy plc	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Clear definition of by-products and their exclusion from the scope of the Directive.</li> <li>Member States should continue to be able to use national legislation to control certain wastes.</li> </ul>
89B/18	Scottish Environment Protection Agency (SEPA)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Waste Prevention Programmes to be one of the most significant developments in the amended Directive.</li> <li>Article 22-24, there is little to be gained in applying BAT to exemptions, as exemptions are, by definition, low risk activities.</li> </ul>
89B/19	Arc21	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Support life-cycle approach to EU waste policies.</li> <li>Adoption of minimum standards for permits requires careful consideration and the full impact, including economic and social, should be properly detailed.</li> </ul>

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89B/20	British Meat Processors Association	✓																					<ul style="list-style-type: none"> <li>If animal by-products are considered waste it would be difficult to argue that tallow is a product, rather than a waste.</li> </ul>
89B/21	SAGTA																						<ul style="list-style-type: none"> <li>No comments made.</li> </ul>
89B/22	British Veterinary Association	✓																					<ul style="list-style-type: none"> <li>Would like to exclude animal cadavers from the Directive.</li> <li>A new European Waste Catalogue code for animal parts.</li> </ul>
89B/23	Construction Products Association	✓		✓			✓																<ul style="list-style-type: none"> <li>Concerns as to the use of Comitology.</li> <li>Would like to see a definition for 'by product'.</li> </ul>
89B/24	Environmental Services Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>It would be tidier if all the definitions were consolidated into Article 3.</li> <li>The term "treatment" needs to be clarified as it is not the same as "treatment in the Hazardous Waste Directive.</li> <li>Article 5, the Commission has not made the case for the extension of efficiency criteria to forms of recovery other than R1 at this stage in the evolution of EU policy.</li> <li>If the scope of BAT is to be changed, this should be achieved by modifying the PPC Directive/Regulations and not through the mechanism of the WFD.</li> </ul>
89B/25	Technical Advisors Group (NI) (TAG(NI)) and Northern Ireland Local Government Association	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<ul style="list-style-type: none"> <li>Article 1 is not at all clear and fails to fulfil the Commission's intentions.</li> <li>As a generic term for disposal and recovery the term "treatment" needs to be redefined as it is confusing and misleading.</li> <li>Comitology is not acceptable for determining key legal classifications. We do not believe that the procedure can take full account of all the relevant criteria.</li> </ul>

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89B/26	The Grain and Feed Trade Association		✓																				<ul style="list-style-type: none"> <li>The implications of by-products being defined as waste are very serious for the livestock feed sector, which already has in place comprehensive legislation to ensure feed materials are safe and not harmful to human or animal health, or the environment.</li> <li>We would press for the exclusion of "by-products" from the WFD.</li> </ul>

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