



European Commission guidance on the revised Waste Framework Directive

This briefing provides a summary of guidance provided by the European Commission on interpreting and applying the revised Waste Framework Directive, particularly focusing on the issue of co-mingled recycling.

Key issues

- The European Commission has issued guidance to national authorities to interpret the revised Waste Framework Directive 2008/98/EC
- Clarifies and provides guidance on co-mingled collections
- The guidance also offers some explanation of what 'technically, environmentally and economically practicable' (TEEP) means.

1. Introduction

The revised Waste Framework Directive (WFD) applies from 12 December 2010 and introduces new provisions to boost waste prevention and recycling, as well as clarifying key concepts including definitions of waste, recovery and disposal. Since the date of application of the WFD, many questions regarding its interpretation and application have been raised by national authorities. This includes the contentious issue of how co-mingled recycling is treated under the Directive.

Although the guidance is not legally binding and does not oblige Member States to take these decisions, the guidance is important in paving the way for the governments to publish their amended Waste (England and Wales) Regulations 2011 in the coming weeks alongside UK-specific guidance. APSE has issued previous briefing papers on transposing the legislation into the Waste (England and Wales) Regulations 2011 (available by clicking here: [APSE briefing on the consultation](#) and [APSE's response to Defra on the consultation](#)). The timing of the publication is particularly pertinent as the government's interpretation of the Directive is subject of a Judicial Review to be heard in August 2012.

2. The guidance

Section 4 (pages 53-57) of the guidance refers to the separate collection of waste. The full guidance is available by clicking [here](#); however, key extracts from the guidance are as follows:

4.3.1 – General obligation to encourage separate collection so as to facilitate recovery (page 54)

Article 10(2) WFD encourages Member States to make use of separate collection of waste to facilitate or improve recovery. This provision applies to all waste streams. A precondition is that the separate collection is 'technically, environmentally and economically practicable'. (see Chapter 4.4 below).

Further, by referring to compliance with Member State's obligations under Article 10(1) WFD, Article 10(2) WFD makes it clear that the separate collection has to be a necessary measure to ensure that waste undergoes recovery operations in accordance with the principles set out in Articles 4 (waste hierarchy, see Chapter 3 above) and 13 (Protection of human health and the environment) WFD.

In cases where the abovementioned preconditions are met, Member States are obliged to introduce separate waste collection by 2015 for paper, metal, plastic and glass.

Therefore, Member States are required to have in place separate collections of paper, metal, plastic and glass by 2015 where it is TEEP (technically, environmentally and economically practicable). TEEP is described in the guidance as follows:

4.4 – What does 'technically, environmentally and economically practicable' mean as used in Articles 10 and 11 WFD? (page 57)

Technically practicable	The separate collection may be implemented through a system which has been technically developed and proven to function in practice.
Environmentally practicable	The added value of ecological benefits justify possible negative environmental effects of the separate collection (e. g. additional emissions from transport).
Economically practicable	A separate collection which does not cause excessive costs in comparison with the treatment of a non-separated waste stream, considering the added value of recovery and recycling and the principle of proportionality.

4.3.2 – General obligation to introduce separate collection to facilitate recycling (page 54)

*In accordance with Article 11(1), paragraph 2 WFD, Member States are required to set up separate collection schemes as measures to promote high-quality recycling. Bearing in mind that recycling is a specific case of recovery (see Chapter 1.4.6 above), Article 11 is *lex specialis* in comparison with Article 10, meaning that in cases where separate collection is needed to facilitate waste recycling, Article 11 shall apply.*

Article 11(1), paragraph 2 applies to all waste streams in a similar manner to Article 10(2) WFD and again a precondition is that the separate collection is 'technically, environmentally and economically practicable' (see Chapter 4.4 below). An additional condition is that the

separate collection should be 'appropriate to meet the necessary quality standards for the relevant recycling sectors'. The 'high-quality recycling' as mentioned in Article 11 is orientated to the quality standards of the recycling industries.

Article 11(1), paragraph 2 WFD indicates that Member States 'shall set up' separate collection schemes whereby the preconditions are met.

Therefore, Member States shall set up separate collections where they are TEEP and where it is appropriate to meet the necessary quality standards.

Even though the WFD does not explicitly refer to co-mingled collections, further clarity on this is provided in the guidance in section 4.3.4:

4.3.4 – Possibility of co-mingling (pages 55-56)

As a starting point, it should be borne in mind that in accordance with Article 11(1), paragraph 3 WFD, and subject to the conditions set out in this provision, there is an obligation to have in place by 2015 separate collection for paper, metal, plastic and glass. Separate collection is defined as waste-stream-specific separate collection (see above).

On the other hand, setting up a separate collection is also subject to the principle of proportionality (subject to Article 10(2) WFD: necessity and technical, environmental and economic practicability). Considering that the aim of separate collection is high-quality recycling, the introduction of a separate collection system is not necessary if the aim of high-quality recycling can be achieved just as well with a form of co-mingled collection.

So, co-mingled collection of more than one single waste streams may be accepted as meeting the requirement for separate collection, but the benchmark of 'high-quality recycling' of separately collected single waste streams has to be examined; if subsequent separation can achieve high-quality recycling similar to that achieved with separate collection, then co-mingling would be in line with Article 11 WFD and the principles of the waste hierarchy. Practically, this usually excludes co-mingled collection of bio-waste and other 'wet' waste fractions with dry fractions such as e.g. paper. On the other hand, subject to available separation technology, the co-mingled collection of certain dry recyclables (e.g. metal and plastic) should be possible, if these materials are being separated to high quality standards in a subsequent treatment process.

3. Conclusion

Even though this guidance is not legally binding, it will be welcomed by member authorities in providing common sense clarity on the contentious issue of whether co-mingled collections should be 'allowed' within the WFD. This is based on whether it is practicable to introduce separate collections and whether the recycling is of high quality. It will be particularly welcomed by local authorities who have invested in co-mingled collection systems and materials recycling facilities (MRF's) and whilst being faced with budget cuts. APSE's state of the refuse market research conducted in April and May 2012 and receiving over 100 responses from councils throughout the UK found that 70% of respondents expect the refuse budget to change next year, with the majority (69%) expecting a decrease in revenue and some (34%) expecting a decrease in capital ([click here to view the full briefing](#)).

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