

EURELECTRIC's comments

on definitions in the Waste Framework Directive

In the light of the forthcoming revision of the Waste Framework Directive 75/442/EEC, EURELECTRIC, representing the European Electricity Industry, would like to inform the European Commission on its views regarding the definitions in the Directive. Pages 1-2 give specific proposals for amendments, while the suggested criteria for waste- and product-related definitions are, as background information, proposed on p. 3-4.

EURELECTRIC PROPOSAL FOR AMENDING THE WASTE FRAMEWORK DIRECTIVE

Key problem: current classification of coal and lignite combustion by-products as waste results in negative environmental impacts

Each year, more than 90 million tonnes¹ of ashes and desulphurisation residues are produced by the electricity generating sector throughout the European Union (EU-25). These residues, or co-products/by-products, need not be discarded as they are suitable in their existing form, without undergoing any significant transformation process, for use in a number of economic applications (cement, concrete, aggregates in building and road construction, mining operations, minerals fillers etc.). In many of these applications, coal and lignite ashes are used as a replacement for naturally occurring materials and therefore offer environmental benefits by avoiding the need to quarry or mine primary resources. The use of by-products from combustion is thus an excellent example of sustainability, results in the saving of natural resources and material and, in many cases, helps reduce energy demand and emissions to the atmosphere (for example CO₂) which result from the extraction or manufacture of the substituted product. The use of by-products as secondary raw materials is consistent with the aims of the existing Waste Framework Directive and with waste hierarchies, which put waste prevention and avoidance before options such as recovery, recycling and re-use.

Numerous studies (toxicity, lab and on-site evaluations etc.) have shown that coal and lignite ashes have no negative impact on the environment or on human health when put to beneficial use. Also, to be effectively used in a number of applications, they have to satisfy relevant national and European building materials standards and regulations or user-imposed technical requirements.

Furthermore, we would also like to point out that an effective education process is also needed since end-users and the general public are very reluctant to use a material which has, at any stage, been labelled a waste. This is currently hampering numerous activities associated with the recovery, recycling and re-use of wastes.

Solution: to clarify definitions in EU waste legislation to avoid the unnecessary use of primary raw material

Coal and lignite combustion by-products, as well as FGD gypsum, are widely accepted for their use in many applications and their utilisation rate could increase even more in the future with suitable European policies. Therefore, by-products resulting from coal and lignite combustion should not be defined as waste. To ensure that usable materials like ash are understood as being excluded from the scope of waste regulation, it is of great importance to clarify the following terms in any revision to the Waste Framework Directive; “*residues*” (which means a material produced simultaneously to a product in an industrial process), “*by-products*” (many of the electricity industries’ processes produce, by default, several co-products simultaneously, e.g. electricity and coal fly ashes) and “*secondary raw material*” (in particular, the need to avoid that a material must have been defined as waste before it can be defined as secondary raw material).

Suggested amendments of Waste Framework Directive

In EURELECTRIC’s view a new definition of waste is not necessary, but if one is proposed it should contain the following statement: “*if the use of a material is not a mere possibility but a certainty, it should not be regarded as waste*”. Furthermore, as explained above, clearer definitions are needed for the following terms; “*residues*”, “*by-products*” and “*secondary raw material*” (depending on how these are defined, consequent changes in the terms “*recovery*” and “*reuse*” might be necessary). EURELECTRIC’s comments on the possible clarification of the definition of “*secondary raw material*”, in particular, are included at the end of this document.

EURELECTRIC suggests that the following amendments are made to other definitions within a revised Waste Framework Directive:

(1) Article 1 of the Waste Framework Directive should be amended in the following way:

New subparagraph b) “The holder’s intention not to discard has to be declared with respect to those by-products resulting from a manufacturing process, if the way and extent of their future usage is determined and certain.

Such certain usage has to be assumed if the by-products fulfil existent specifications of usage and if contracts ensure a future usage or if the material has an established history of utilisation without environmental risk.”

(2) Article 1 f) should be amended in the following way:

“Recovery shall mean any of the operations provided for in Annex II, B and include activities which convert waste into secondary raw material.

(3) Within article 1 there should be a statement with respect to the end of waste’s regime.

“In the case of recovery, waste ceases to be waste

BACKGROUND INFORMATION

Criteria for secondary raw material

EURELECTRIC is of the opinion that the applicability of the definition of waste recovery (or “when waste ceases to be waste”) could be based on the following criterion:

- Waste is recovered when material meets the same technical and environmental criteria as secondary raw material and, like secondary raw materials, its use is certain.

EURELECTRIC is of the opinion that a revised Waste Framework Directive would benefit from a clarification of the definition “secondary raw material” and that this could be based on an evaluation of criteria² such as the following:

The process

- Material which is intentionally produced as a prod

Fig. 1: EURELECTRIC flow chart describing definitions

