



European Union Network for the
Implementation and Enforcement
of Environmental Law

Landfill and Circular Economy



Background

The circular economy package, adopted by the Commission on 2 December 2015, approved by the Environment Commission on 24 January 2017, has created an important momentum to support the transition towards a more circular economy in the EU; the Action Plan on the Circular Economy complements this proposal by setting out measures to "close the loop" of the circular economy. It is part of the strategy of the Commission to:

- clarify rules on **by-products** in the revised proposal on waste in order to facilitate industrial symbiosis and create a level-playing field across the EU;
- enable recycled materials to be reclassified as non-waste whenever they meet a set of general conditions, which are the same across the whole EU (**End of Waste**).

In cases where End of Waste (EoW) criteria have not been set at EU level (Article 6(4) WFD), Member States may decide at national level whether certain waste has ceased to be waste, either relating to classes of materials recovered from waste or to single-case decisions.

The absence of European and/or national regulations has led to strong critical issues in the authorization processes and to a lack of uniformity, making it essential to create a clear permitting process and a solid system of inspections.

EU Commission pointed out the crucial role of the verification/inspection systems that are in place in MS, to check compliance with the criteria of the Directive.

Content in brief

Particular attention will be paid to the production process residues, focusing on the relevant BREFs. The connection between the EoW status and eco-innovations, which involve the production of new secondary materials/products from waste through new treatment/production processes, will be explored as well as the relationship between the application of 'end-of-waste' criteria and REACH and TFS legislations.

TARGET GROUP

Inspection authorities
Permitting authorities
Operators
Managers (coordinators)
Technical support organisations

EU LEGISLATION

Waste Framework Directive
Landfill Directive
REACH Regulation
Industrial Emission Directive

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Looking at the bottom of the “waste hierarchy” pyramid, the requirement to pre-treat waste before landfilling are sometimes disregarded in MS, as pointed out by the results of the Landfill project in 2017. It could be important to define common criteria to evaluate the need of a **pretreatment**, in order to comply with the overall environmental objectives of Landfill Directive-LFD (permitting step). A treatment option for waste destined for landfill, must comply with the definition of treatment. At the inspection step this involves a ‘three-point test’ against which it must be assessed the effectiveness of the proposed treatment option; this is both true for domestic and industrial waste. As far as industrial waste treatment is concerned, it is necessary to pay close attention to the Mixing operation, that is a commonly used treatment, especially in order to respect the “not dilution rule” of article 5 of LFD. Furthermore, sharing experience and knowledge in practical **landfill joint inspections** has been positively greeted by Member States. The need of qualified training is a continuous request, hence a Training Program on a medium term will be developed along the project.

Desired outcome

To sum up, the project intends to develop, along a three years period, the following branches of study:

- End of Waste: examine the application, across MS, of art. 6 of Directive 2008/98 both from a permitting and inspection point of view, above all in the “single case” decisions. Explore the connection with Eco-innovations and REACH and TFS legislations. Identify significant streams of waste mentioned in BREFs of different process production, that can undertake a recovery process according to MS legislations.
- By-products: examine the application, across MS, of art. 5 of Directive 2008/98 both from a permitting and inspection point of view and discuss about MS guidelines or procedures to assess when a by-product comply with Waste Framework Directive definition.
- Development of a Training program on environmental inspections in landfill and waste treatment plants by means of “real joint inspections”, sampling activities and presentation of case studies; use of the checklist and Guidance (produced in previous years) to drive joint inspection.
- Pretreatment of waste (municipal and industrial) before landfilling: refine the Final Report 2017 to include good practices of pre-treatment of the waste before landfilling and crucial points to be considered in permitting and inspection activities. To support the EU Commission to a possible implementation of LFD in order to define criteria and need of a pretreatment.
- Cooperation (and helping each other) between IMPEL Member Countries to work towards a consistent regulatory and enforcement regime.
- Feedback to policy makers on the (effectiveness of) various approaches and practices in the field of permitting and inspection in IMPEL Member countries in the topics tackled by the project.
- Spread the achieved results of inspections and guidelines/checklist in the Member States by the National Coordinators **and ask for feedback.**

LINKS

[IMPEL](#)
[IMPEL Landfill & CE project](#)
[IMPEL Guidance book \(2016\)](#)
[EU Commission: End of Waste](#)
[EU Circular Economy action plan](#)

KEY WORDS

Landfill
 End of Waste
 By-products
 Pre-treatment of waste
 Joint inspections