



European Commission
DG Environment, Waste Management
ENV.C.2

European Biogas Association
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Comment on the transposition of the Directive 2008/98/EC in Member States

Ladies and Gentlemen,

Lately the Member States communicated to the Commission the text of the main provisions of national law adopting the regulations covered by Directive **2008/98/EC (WFD)**. Manure (Animal by-product) which is destined for use in a biogas plant is not excluded from the scope of the WFD.

There has been a discussion in many Member States on whether manure used in biogas plants is waste according to the above mentioned Directive. **The question of classification is important for the development of biogas sector in Europe as it impacts the green energy production from the biogas.**

European Biogas Association brings your attention to the fact that there is a significant potential for a considerable increase of biogas production in Member States, particularly given the potential contributions from livestock manure. **Biogas is today the cleanest available alternative to the traditional energy resources and the use of livestock manure in biogas plants should be considered as an environmental advantage. Anaerobic digestion (AD) considerably reduces or (at thermophilic temperatures) even eliminates most of the pathogenic germs.**

We strongly suggest end of waste status for manure used in biogas plants as it is a highly valuable feedstock for anaerobic digestion process (AD), substituting energy crops in agricultural plants. In comparison to open storage of raw manure, AD-treatment significantly reduces GHG emissions. The fertilising value of manure

increases with the treatment process in AD and pathogenic germs as well as weeds are eliminated or at least strongly reduced. **Approximately 27 million tones of manure are producing biogas in German AD plants. According to estimations there is a potential of 150 million tones of manure available for AD only in Germany. Around 75% of all biogas is produced in Germany, therefore the above figures are relevant for the whole of Europe.** Other countries have a huge potential as well which will be used in the nearest future.

The classification of manure as waste is a serious bottleneck and has a negative impact of its utilization in AD plants, leads to longer procedures during project development and higher cost of operation as well as restricted application of digestate. As a consequence the development of biogas sector will be slower, less sustainable projects will be realized and many projects which are already under development will resign due to considerable additional investments, bureaucracy and requirements for waste management and treatment (e.g. the storage and transport of manure would be storage and transport of waste).

There is no logical reason why digested manure applied on agricultural soils as fertilizer should be considered as waste when raw manure – with a lower fertiliser quality and no energy production – is not. If manure is processed in biogas plants creating numerous environmental benefits and applied in an upgraded status in the same agricultural area it is clear that the holder of the manure does not discard it.¹

Biogas from livestock manure has numerous environmental advantages:

- elimination of GHG gases leakage (especially methane, and nitrous oxides)
- reduction of emissions of particulate matter
- a far less obnoxious odour
- hygienisation of slurry and better fertilising capacity of the nitrogen in the treated manure, which means that less nitrogen is needed to achieve the same fertilising effect

All that contributes to energy diversification, competitiveness and sustainability of energy supply. Moreover it offers farmers new income opportunities and encourages more green sustainable projects.

In Germany animal by - products, and thus manure, are excluded from the scope of national Recycling and Waste Management Act (§ 2, 1a). New draft of Recycling and Waste Management Act foresees animal by products as waste, but excludes manure used in biogas plants from waste definition (§ 3, 1). Waste as defined in this Act means any substance or object which holder discards, intends or is required to discard. Waste for recovery is recycled waste and waste that is not recovered is waste for disposal. Manure, within the meaning of the Law of Fertilizers, used in biogas plants is not waste.

¹ Article 3 para. 1 of WFD

Approximately only 15% of available manure is used for power generation in biogas plants in Germany. 80% energetic use of available manure in biogas plants will lead to almost 10 billion kWh (= 10 TWh) of electricity production and avoided methane emissions will save 6.3 million tones of CO2 equivalent per year.

Transposition of the Directive Article 2 paragraph 2b means that in Germany this valuable feedstock will be no longer used in many biogas plants and the described positive effects will not be achieved. **The decision to classify manure as waste will not encourage a further development of the biogas sector in other countries and will create one more hurdle.**

EBA trusts that the European Commission will take the above considerations into account.

We remain at your disposal for any further questions.

Yours faithfully,

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Vice-president of the European Biogas Association

European biogas associations, members of EBA:

- AAMF - Association des Agriculteurs Méthaniseurs de France (France)
- ADBA - The Anaerobic Digestion and Biogas Association (UK)
- AEBIG - Spanish Biogas Association (AEBIG Asociación Española de Biogás, Spain)
- ATEE Club Biogaz (France)
- Austrian Compost & Biogas Association (AG Kompost & Biogas, Austria)
- Czech Biogas Association (Česká Bioplynová Asociace, Czech Republic)
- Eden - Energie Développement Environnement (France)
- Estonian Biogas Association (Eesti Biogaasi Assotsiatsioon MTÜ)
- Finnish Biogas Association (Suomen Biokaasuyhdistys)
- German Biogas Association (Fachverband Biogas, Germany)
- German Society for sustainable Biogas and Bioenergy Utilisation (FNBB, Germany)
- Hellenic Biogas Association (Greece)
- Hungarian Biogas Association (Magyar Biogáz Egyesület, Hungary)
- Italian Biogas Association (Consorzio Italiano Biogas, Italy)
- Latvian Biogas Association (Latvijas Biogāzes asociācija, Latvia)
- Lithuanian Biogas Association (Lietuvos Biodujų Asociacija, Lithuania)
- Luxembourg Biogas Association (Biogasvereenegung, Luxembourg)
- Méthéor – Association pour la Méthanisation Écologique des déchets (France)
- Polish Biogas Association (Polskie Stowarzyszenie Biogazu, Poland)

- Romanian Biogas Association (Asociatia Romana Pentru Biogaz, Romania)
- Swedish Biogas Association (Svenska Biogasföreningen, Sweden)
- Swiss Biogas Forum (Biogas Forum Schweiz, Switzerland)
- UK Renewable Energy Association – Biogas Group (UK)