

8 September 2014

## **EBA's position on the Circular Economy Package**

European Biogas Association (EBA) strongly welcomes the EU's efforts to move towards a circular economy and to boost recycling. We are particularly pleased to see that the Commission has amongst others proposed to set EU-wide targets for separate collection of bio-waste. This will facilitate the recycling of scarce and essential nutrients by means of anaerobic digestion (AD) and / or composting. Anaerobic digestion makes the best use of organic materials by producing an organic fertiliser which includes nearly all nutrients of the used feedstock – thereby closing the nutrients cycle – and biogas for the generation of renewable heat, electricity and fuel. Thus, greenhouse gas emissions are avoided, on the one hand, through avoiding landfilling of bio-waste and, on the other hand, through producing digestate and biogas. However, there are two further issues, we would like to address during the revision process: AD's categorisation under the EU's waste hierarchy and animal manure's treatment as waste when used as AD feedstock.

### **Waste hierarchy**

As regards the waste hierarchy, we call on the European Institutions to clearly and coherently categorise anaerobic digestion of biodegradable waste under 'recycling', in case digestate (similarly as compost) fulfil the legal requirements for fertilising material. The AD technology enables the nutrient cycle through the use of digestate as a bio-fertiliser in the same way as composting which in turn is recognised as a recycling method. It seems to us that some European Commission services are still categorising AD under 'energy recovery'. For example in the Commission's ILUC proposal (2012/0288(COD)), the point (b) in Annex IX reads that *'Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under Article 11(2)(a) of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives'* should be counted four times towards the target. This is unfair towards biogas that recycles the nutrients of source-separated household waste back to our soils and serves therefore as an interface between recycling and energy production.

EBA thus prompts the Commission to make it clear and explicit that anaerobic digestion is also considered as a recycling method.

### **Removal of manure's waste status**

Animal by-products subject to Animal by-product regulation (ABPR) are generally excluded from the scope of the current Waste Framework Directive (WFD), Art. 2, paragraph 2 (b) except those which are destined for incineration, landfilling or use in a biogas or composting plant. Therefore, manure as animal by-product is not subject to WFD as long as it is used directly as fertiliser. On the contrary, once manure is destined for the use in biogas plants, it has to fulfil all legal requirements for waste.

For the purpose of recycling nutrients and producing renewable energy from agricultural by-products, it is vital that there is a clear difference made between landfilling and/or incineration, having the purpose of discarding wastes, and the use of by-products, e.g. manure, in composting or biogas plants with the purpose of creating new products like compost, digestate and biogas which, in turn, are used as organic fertilisers and renewable energy.

Furthermore, in comparison to untreated manure, anaerobic digestion of manure brings along multiple additional benefits like decreasing methane emissions by 90% and odour potential as well as increasing the hygienic status and nutrient availability. The environmentally friendly operation of biogas plants is ensured under the existing European environmental legislation and national laws without manure being categorised as waste.

Classifying farmers as waste producers, once manure will be treated in biogas plants, is not understandable and generates the strange impression that the treatment of manure in biogas plants would lead to unwanted products which are not useful and as a result, this treatment process should fall under the scope of the WFD.

80% of European biogas plants (altogether over 14.000 in 2013) use manure as feedstock in the same way as energy crops, “straw and other natural non-hazardous agricultural or forestry material” (Article 2 paragraph 1 letter f WFD) with the intention to produce energy and fertiliser. The latter product is used as a full compound organic fertiliser for plant nutrition and soil improving.

Manure destined for the use in biogas or composting plants shall not be subject to WFD if the produced digestate and compost are used as fertiliser in the same manner as raw manure. EBA thus asks the Commission to remove this illogical discrimination towards manure’s treatment in biogas plants.

**Thus, EBA’s key messages on Circular Economy Package are:**

- 1. Set (and keep!) ambitious targets for separate collection of bio-waste**
- 2. Provide clarity on AD’s categorisation under the EU’s waste hierarchy: AD shall be categorised coherently under ‘recycling’ in the same way as composting**
- 3. Remove manure, destined for use in AD plants, from the scope of the Waste Framework Directive**