

CEWEP Ireland response to the European Commission Roadmap on the EU Methane Strategy

From a climate perspective, reducing and ultimately eliminating the landfilling of waste is particularly urgent in order to reduce methane emissions as indicated by the Intergovernmental Panel on Climate Change.

Methane emissions from all sources are currently being reported under the Climate Monitoring Mechanism Regulation on the UN Framework Convention on Climate Change and are taken into account under the emission reduction obligations for non-ETS sectors by 2020 and by 2030. The primary identified sources of methane originating from the European waste management sector are the uncontrolled emissions of landfill gas in landfill sites and the treatment of sewage sludge.

Enduring Use of Landfill in the EU

The Landfill Directive (1999/31/EC as amended by Directive 2018/850 (EU) as a constituent part of the Circular Economy Package) seeks to ensure that Member States move towards a more circular economy and is intended to prevent or reduce the adverse effects of the landfill of waste on the environment, soil, air, surface and groundwater.

Presently, it is envisaged that recent amendments to EU waste legislation will limit the disposal of biodegradable waste to landfill. A number of factors must be borne in mind in this regard. Whilst the amended Landfill Directive sets binding municipal waste landfill reduction targets (by 2035, municipal waste that is landfilled must only account for 10% that is generated by weight) derogations from this reduction target may be availed of by a Member State to postpone this target by up to five years¹.

The landfilling of waste is thus far from being phased out and eliminated in Europe. Moreover, approximately 56 million tonnes of municipal waste is currently being landfilled in Europe² and approximately 175 million tonnes considering all the waste streams (excluding mineral waste).

¹ A derogation by a Member State to postpone the above targets by up to 5 years may only be granted if landfilled more than 60% of its municipal waste generated in 2013 as reported to the OECD and Eurostat

² Eurostat 2020, data of 2018.

Related to this continuing use of landfill throughout Europe, is the fact that large quantities of commercial and industrial waste (C&I) are also still being diverted to landfill. In this regard, no landfill reduction targets for this waste stream have been enacted to date.

Landfill within the Waste Hierarchy

This situation is clearly at odds with the proper application of the waste hierarchy, within which landfill is regarded as the lowest and least desirable and most environmentally detrimental tier. If applied correctly, the hierarchy discourages the use of landfill except where no alternative recovery option is available.

Given that this hierarchy must be treated “as a priority order” in waste prevention and management policy and legislation rather than as a “guiding principle, it is imperative that the new Methane Strategy take proper account of the above factors as the failure to do so will seriously limit the effectiveness of policy initiatives contained therein.

Policy Cohesion with the overarching EU Waste Legislative Framework

The importance of developing synergies and cohesion between sectoral policies which aim to reduce methane emissions and broader EU waste policy cannot be underestimated. For example, any new policy measures introduced and relating to the recent consultation on the EU’s climate ambition for 2030 and forthcoming proposals relating to the Emissions Trading System (ETS) and other related public consultations and policies, must be compatible with the overarching EU waste policy framework as underpinned by the waste hierarchy.

In addition, the recent Consultation on the Waste Shipment Regulation (WSR) Impact Assessment must also be referred to as the inclusion of questions in the consultation questionnaire appear to suggest that the movement of waste when destined for energy recovery should be made more difficult. This proposition is clearly at odds with and violates the proper application of the waste hierarchy as this would in fact result in a greater level of non-recyclable waste being diverted to landfill thus undermining the provisions of the Landfill Directive.

The Waste to Energy (WtE) process which falls within the recovery tier of the waste hierarchy, actively supports circular economy objectives including the Circular Economy Package (CEP) and recycling targets contained therein by diverting non-recyclable residual waste from landfill, recovering valuable energy from the same and by treating residual waste that remains from the separation of material for recycling.

Consequently, the enactment of legislative amendments which may in fact give rise to greater levels of landfilling is irreconcilable with the envisaged transition to a circular economy given the significant volumes of waste currently being landfilled in Europe and would undermine the overarching waste management framework as laid down in the amended Directives on Waste and Landfill. This would in fact have the perverse and unintended effect of moving waste down the waste hierarchy and in turn would undermine the transition to a more circular European economy.

Conclusion

In summary, if the new Methane Strategy is to effectively tackle emissions of methane and lay down workable sector-specific policy actions in the area of landfill use, the above factors

must be considered and taken into account in order that Member States' and EU's GHG reduction obligations can be achieved.

Additionally, any new policy measures must also ensure and bring about effectual policy coordination and coherence in line with the overarching EU waste legislative framework pursuant to which the use of landfill should be minimised to the greatest degree possible.