

RESPONSE TO CONSULTATION ON THE TRANSPOSITION OF THE CIRCULAR ECONOMY WASTE PACKAGE

OVERVIEW

The revised Waste Framework Directive (WFD), adopted on 30 May 2018, sets out a greater ambition for prevention, preparation for reuse and recycling than ever before, acknowledging that a more Circular Economy could significantly reduce greenhouse gas emissions associated with resource extraction and production as well as creating many new jobs.

CRNI has set out a comprehensive framework of recommendations to help deliver on the Waste Framework Directive objectives and move Ireland toward a more circular economy through our response to the consultation on a *Circular Economy Action Plan*.

This response draws from the above submission to highlight key features of the Directive.

KEY MEASURES

STRENGTHENING IMPLEMENTATION OF THE WASTE HIERARCHY

The revised Waste Framework Directive introduces an obligation on Member States to show how suggested economic instruments have been considered in waste prevention programmes.

Article 4.3.3. Member States shall make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy, such as those indicated in Annex IVa or other appropriate instruments and measures.

Article 29.2: When establishing such programmes, Member States shall, where relevant, describe the contribution of instruments and measures listed in Annex IVa to waste prevention and shall evaluate the usefulness of the examples of measures indicated in Annex IV or other appropriate measures. The programmes shall also describe existing waste prevention measures and their contribution to waste prevention.

CRNI recommendations for economic instruments are set out in Sections 3.4.2 and 3.4.3 of our response to the consultation on a *Circular Economy Action Plan* including:

- Economic Instrument #3 of Annex IVa of the revised Waste Framework Directive is *“Fiscal incentives for donation of products, in particular food”*.

POLICY RECOMMENDATION #3.24: Introduce **tax rebates on donated goods** from businesses, similar to “Gift Aid”.

- Economic Instrument #4 of Annex IVa of the revised Waste Framework Directive is *“Extended producer responsibility schemes for various types of waste and measures to increase their effectiveness, cost efficiency and governance”*

POLICY RECOMMENDATION #3.21: Require all EPR schemes **to focus to a much greater extent on prevention and preparation for reuse**, through financial supports as well as effective eco-modulation fee structures and other supports, in line with the waste hierarchy.

POLICY RECOMMENDATION #3.22: Review opportunities to introduce EPR schemes for mattresses, furniture, paint and textiles (amongst other areas), but with a strong focus on prioritising and financially contributing to existing and prevention and preparation for reuse activity.

- Economic Instrument #6 of Annex IVa of the revised Waste Framework Directive is *“Sound planning of investments in waste management infrastructure, including through Union funds”*.

POLICY RECOMMENDATION #3.28: First and foremost support **infrastructure driving prevention** followed by infrastructure for preparation for reuse through low interest loans, grants, or other mechanisms.

- Economic Instrument #8 of Annex IVa of the revised Waste Framework Directive is *“Phasing out of subsidies which are not consistent with the waste hierarchy”*.

POLICY RECOMMENDATION #3.23: Review and moderate all forms of subsidies at national level on activities lower in the waste hierarchy to ensure they are not impacting on prevention and preparation for reuse.

- Example #9 of economic instruments set out in Annex IVa of the revised Waste Framework Directive is *“Use of fiscal measures or other means to promote the uptake of products and materials that are prepared for re-use or recycled”*.

POLICY RECOMMENDATION #3.19: Set a 0% VAT rate for prevention and preparation for reuse, a reduced VAT for recycling activities carried out by **social enterprises** in Ireland and a 0% VAT rate on “small” repairs.

POLICY RECOMMENDATION #5.5: Set up a dedicated fund to test and develop markets for the reuse and recycling of recovered materials.

REUSE TARGETS

The revised Waste Framework Directive introduces for the first time a requirement to measure reuse with a view to considering targets for reuse in the future, as shown below.

Article 9.4: Member States shall monitor and assess the implementation of their measures on re-use by measuring re-use on the basis of the common methodology established by the implementing act referred to in paragraph 7, as from the first full calendar year after the adoption of that implementing act.

Article 9.9: By 31 December 2024, the Commission shall examine data on re-use provided by Member States in accordance with Article 37(3) with a view to considering the feasibility of measures to encourage the re-use of products, including the setting of quantitative targets...

The imperative to introduce a target sooner than the above timeframe is set out in detail in Section 3.2 of our response to the *Circular Economy Action Plan* consultation.

CRNI is calling for the Department to **introduce binding reuse targets in legislation** from 2022 (to align with the development of a methodology per below) with further target objectives set for 2025 and 2030.



POLICY RECOMMENDATION #3.4: Set targets for reuse in order to effectively prioritise prevention in the waste hierarchy as required under the WFD.

The ambition for the target (number of kg/inhabitant) can be specified once an important Q2reuse research project¹ has delivered a first estimate of Ireland's reuse rate and apply this to no later than 2022.

FOOD WASTE PREVENTION TARGETS

The revised WFD includes provisions addressing the level of food waste:

Article 9.5: Member States shall monitor and assess the implementation of their food waste prevention measures by measuring the levels of food waste on the basis of the methodology established by the delegated act referred to in paragraph 8, as from the first full calendar year after the adoption of that delegated act.

Article 9.6: By 31 December 2023, the Commission shall examine the data on food waste provided by Member States in accordance with Article 37(3) with a view to considering the feasibility of establishing a Union-wide food waste reduction target to be met by 2030 on the basis of the data reported by Member States in accordance with the common methodology established pursuant to paragraph 8 of this Article. To that end, the Commission shall submit a report to the European Parliament and to the Council, accompanied, if appropriate, by a legislative proposal.

The imperative to introduce a food waste prevention target is set out in detail in Section 3.3 of our response to the *Circular Economy Action Plan* consultation.

CRNI is calling for the Department to **introduce a mandatory food waste prevention target** of 50% by 2030 along with an interim target for 2025 of 30% food waste prevention.

POLICY RECOMMENDATION #3.9: For Ireland to make progress in food waste reduction and become a "farm to fork" global leader in this area, a **mandatory food waste prevention target** of 50% by 2030 along with an interim target to drive progress must be introduced.

It is proposed that a baseline year could be selected now for an Irish target that is close enough to the proposed EU baseline year while being of sufficient quality. However, it is acknowledged that data collection on food waste prevention must be improved to enable tracking and measuring against a target.

PREPARATION FOR REUSE TARGETS

As highlighted in the consultation paper, the Directive sets new and challenging preparation for reuse and recycling targets.

Article 11.2: In order to comply with the objectives of this Directive, and move to a European circular economy with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

...

¹ Led by the Clean Technology Centre (CTC), in collaboration with the Rediscovery Centre, Community Resources Network and the Eastern Midlands Waste Region, this project will develop methodologies for the qualitative and quantitative assessment of the reuse sector.



(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 55 % by weight;

(d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60 % by weight;

(e) by 2035, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65 % by weight.

These targets are not only more ambitious in the rate that must be achieved, but are also more challenging for Ireland because they now must be measured against the entire MSW stream rather than specific material categories as was previously the case.

While this will make it more difficult to meet the target, it also presents an opportunity to include previously uncounted activities within the target calculation. This includes, for example preparation for reuse of WEEE and mattress recycling.

As highlighted in Section 4.1.2 of our consultation response on the *Circular Economy Action Plan*, CRNI is calling for **targets for the preparation for reuse** of IT and LHA equipment.

POLICY RECOMMENDATION #4.2: Introduce preparation for reuse targets to ensure the greatest value possible is recovered from these extremely material- and energy-intensive products. To align with the required development of preparation for reuse infrastructure, the target should be introduced on a phased basis starting with 1% up to 3% within 3 years.

As WEEE falls within an EPR scheme, these can be introduced through conditions in the Ministerial approval that the compliance schemes operate pursuant to Regulation 33 of S.I. 149/2014.

SEPARATE COLLECTION OF TEXTILES

The revised Waste Framework Directive requires that Member States introduce separate collection of textiles by the end of 2024.

Article 11(1) Member States shall take measures to promote preparing for re-use activities...

Subject to Article 10(2) and (3), Member States shall set up separate collection at least for paper, metal, plastic and glass, and, by 1 January 2025, for textiles.

As highlighted in Section 4.1.2 of our consultation response on the *Circular Economy Action Plan*, CRNI is calling on the Department to ensure local second hand clothing retailers (like charity shops) are central to any future separate collection scheme.

POLICY RECOMMENDATION #3.50: Ensure local second hand clothing retailers (like charity shops) are central to any future separate collection scheme to ensure maximum local reuse. Some options for prioritising local second hand clothing retailers while extending the separate collection network include local second hand retailers partnering with waste collectors for kerbside collections or an increase in textile banks.

This may require a condition to be introduced to waste collector permits to provide for the separate collection of textiles in partnership with local second hand retailers (e.g. charity shops).

NATIONAL REUSE AND REPAIR NETWORKS

The revised Waste Framework Directive recognises the importance of national networks in promoting reuse and preparation for reuse as follows:

Recital 29: Member States should facilitate innovative production, business and consumption models that ... promote reuse including through the establishment & support of reuse and repair networks, such as those run by social enterprises ...

Article 11.1: Member States shall take measures to promote preparing for re-use activities, notably by encouraging the establishment of and support for preparing for re-use and repair networks ...

POLICY RECOMMENDATION #3.60: Through Article 11.1, **formally recognise** the role of the network in the context of institutional arrangements.