



**COUNCIL OF  
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**NOTE**

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from: General Secretariat  
to: Delegations

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Subject: Directive 2008/98/EC on waste  
- Strategic importance of end of waste status for high quality refuse-derived fuel  
in the near future  
= Information from the Portuguese delegation

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Delegations will find attached an information note from the Portuguese delegation on the above topic, to be dealt with under "other business" at the meeting of the Council (Environment) on 20 December 2010.

**Directive 2008/98/EC on waste**  
**Strategic importance of end of waste status for high quality refuse-derived fuel in the**  
**near future**  
**- Information from the Portuguese delegation -**

The revised Portuguese Strategic Plan for Municipal Solid Waste Management (PERSU II), adopted in 2007, represents the policy instrument for the management of this type of waste until 2016. Priority has been given to meeting the targets for diversion of biodegradable waste from landfill and for recovery/recycling of packaging waste, as established in Directives 1999/31/EC (“Landfill Directive”) and 2004/12/EC (“Packaging Directive”), respectively.

In this context, Portugal has been making significant investment in the creation of a network of waste management units in order to meet the European landfill diversion targets. The technology largely adopted is mechanical biological treatment (MBT) which separates incoming waste into recyclable materials for recovery and an organic fraction for biological treatment. Recyclables, compost/energy and refuse-derived fuel (RDF) that represents about 20% of the municipal waste are the main outputs from these units. As a result of this management option, by 2012 Portugal will triple the number of MBT units (from 7 to 21), with the aim of bringing recycling and landfill diversion targets close to the European Union average.

Those MBT plants are equipped with sophisticated front-end sorting equipment, which makes them less affordable than simple landfill.

A specific Strategy for Refuse-Derived Fuel (RDF) was approved in 2009. This Strategy establishes the framework, actions and stakeholders involved in the promotion of the hierarchy of waste management, considering both the recovery of refuse produced in the abovementioned units, and synergies with industrial non-hazardous waste and special waste streams.

Landfill disposal being the last option to be considered in the waste hierarchy for this type of waste, PT is committed to adding value to RDF in order to promote the sustainable use of resources and the replacement of fossil fuels, ensuring environmentally sound management. In this context, the Strategy establishes measures to reinforce research and development regarding potential health and environmental impacts associated with RDF use.

The Strategy tackles the potential use of RDF within the industrial, energy production and waste treatment sectors. It is recognised that legal, technical and economic factors may hinder the demand for RDF in some of the abovementioned sectors. In this context, developments in the direction of applying EoW status to high quality RDF are considered a relevant subject for analysis.

PT thus appreciates the initiatives promoted by the Commission in this regard, namely recent work on scrap EoW regulation, a similar approach to other materials such as glass, paper/ cardboard and compost, and more recently, the initiative to develop a study of RDF, to be undertaken by the Joint Research Centre (JRC) by the end of 2011.

Given that:

- Article 6 of the WFD establishes that, where criteria have not been set at Community level under the procedure set out in this Article, Member States may decide, case by case, whether certain waste has ceased to be waste, taking into account the applicable case law;
- PT regards the application of EoW status to RDF as a priority issue and would be willing to propose measures in this regard;
- The results of the study conducted by the JRC will certainly be relevant in this process, although they will not be available until 2012;
- Pilot and research projects are currently in progress in PT regarding the production and use of RDF.

In this context, PT is considering the preparation of a procedure for the application of EoW status to RDF in the very near future. The scope of the abovementioned procedure is to include high-quality RDF (according to CEN standards), to be used by the industrial and energy sectors. In this context, strict quality control procedures are a fundamental requirement that the national sectors involved must be able to comply with.

In addition, PT also believes that the exchange of views, experience and information in this regard with the Commission and other Member States is most important.

Although PT is committed to the work that is being done at European level concerning this matter, we believe that we must deal with our strategic option to deviate waste from landfill in the near future by giving the right signals to the market and ensuring protection of the environment and human health.

