



Guidelines for the implementation of article 3(3) of the REDII regarding support schemes for waste incineration

Policy briefing

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Executive Summary

The Renewable Energy Directive sets a framework for the promotion of energy from renewable sources - including biomass, and since its first version this has included the biodegradable fraction of wastes (biowaste, paper, natural textiles, etc.).

*To ensure this is done in line with the objectives of the Waste Framework Directive (WFD), a new sustainability criteria applying to the incineration of waste has been set out under Article 3(3) of the updated Renewable Energy Directive (REDII) which will enter into force in 2021. **The provision requires Member States to terminate subsidies for bioenergy produced from the incineration of waste if the separate collection obligations laid out in Directive 2008/98/EC have not been complied with.***

This document intends to provide a methodology to guide Member States in implementing these requirements.

As follows from Art 3(3) of REDII¹, Member States shall grant no support for bioenergy produced from the incineration of waste if the separate collection obligations laid down in Directive 2008/98/EC² (Waste Framework Directive) have not been complied with. When implementing this provision, Member States will consequently need to establish whether the separate collection obligations outlined in the Waste Framework Directive are being complied with.

Separate collection requirements

Under Art 3(11) of WFD, separate collection of waste is defined as 'collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment'.

Member States are subsequently required to set up separate collection schemes for paper, metal, plastic, glass, biowaste and textiles (at the very least) in line with the timeline provided below.

		Timeline
Paper	WFD Art 11(1)	Mandatory since 2015
Metal	WFD Art 11(1)	Mandatory since 2015
Plastic	WFD Art 11(1)	Mandatory since 2015
Glass	WFD Art 11(1)	Mandatory since 2015
Biowaste	WFD Art 22	By 31 December 2023
Textiles	WFD Art 11(1)	By 1 January 2025

Table 1 – separate collection requirements.

¹ DIRECTIVE (EU) 2018/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2018 on the promotion of the use of energy from renewable sources <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=EN>

² DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on waste and repealing certain Directives <https://eur-lex.europa.eu/eli/dir/2008/98>

The purpose of separate collection is further clarified in the **Recital 41**³. According to the Recital, the purpose of separate collection is to: ‘avoid waste treatment which locks in resources at the lower levels of the waste hierarchy, increase preparing for reuse and recycling rates, enable high-quality recycling and boost the uptake of quality secondary raw materials’.

Preparation for reuse and recycling of Municipal Waste Targets

The separate collection requirements should therefore be understood as a precondition for achieving the *preparation for reuse and recycling of municipal waste targets* as laid out in Art 11(2) (See Table 2), which must also be considered under this legislation.

	2020	2025	2030	2035
Minimum recycling and preparation for reuse of municipal waste	50%	55%	60%	65%

Table 2- Targets for preparing for reuse and recycling municipal waste⁴.

To ensure compliance with Art 3(3) of the REDII, Member States would first need to establish whether the separate collection requirements under Art 11 and 22 have been effectively put in place within national legislation (taking into consideration the possible derogation from this obligation under Art 10 §3), and if so, they should consider whether the *targets for preparation for reuse and recycling of municipal waste* have been achieved. **If it is determined that these requirements are not met it becomes necessary to terminate any support scheme⁵ for the incineration of waste given the REDII requirement.**

Currently no EU Member state meets the 2035 target, and several are lagging behind on the target for 2020⁶ as laid out under Article 11(2). Given that no Member State can prove compliance with Article 11(2) until 2020 where their ability to meet the targets will be examined, - it can therefore be assumed that the above specified requirements are not met. This suggests that **support schemes⁷ for the incineration of waste should be cancelled before January 2021 when REDII enters into force, across all EU member states in order to comply with legislation.**

³ DIRECTIVE (EU) 2018/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 December 2018 on the promotion of the use of energy from renewable sources <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L2001&from=EN>

⁴ Note that “preparation for reuse and recycling” will be calculated net of the process rejects from recycling and composting sites. Hence, to achieve the long-term target of 65%, separate collection will have to be remarkably above 70%.

⁵ According to Art 2 §5 of the REDII ‘support scheme’ means any instrument, scheme or mechanism applied by a Member State, or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased, including but not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and sliding or fixed premium payments.

⁶ Early warning for Member States at risk of missing the 2020 target of 50% preparation for re-use / recycling for municipal waste https://ec.europa.eu/environment/waste/framework/early_warning.htm

⁷ According to Art 2 §5 of the REDII ‘support scheme’ means any instrument, scheme or mechanism applied by a Member State, or a group of Member States, that promotes the use of energy from renewable sources by reducing the cost of that energy, increasing the price at which it can be sold, or increasing, by means of a renewable energy obligation or otherwise, the volume of such energy purchased, including but not restricted to, investment aid, tax exemptions or reductions, tax refunds, renewable energy obligation support schemes including those using green certificates, and direct price support schemes including feed-in tariffs and sliding or fixed premium payments.

Author: Janek Vähk

Editors: Eilidh Robb and Rossella Recupero

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Zero Waste Europe is the European network of communities, local leaders, businesses, experts, and change agents working towards the same vision: phasing out waste from our society. We empower communities to redesign their relationship with resources, to adopt smarter lifestyles and sustainable consumption patterns, and to think circular.



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