



#NoTimeToWaste

EXPLAINED: EUROPE'S NEW LAWS FOR THE SEPARATE COLLECTION OF WASTE

In this brief, the European Environmental Bureau (EEB) provides an overview of the revised laws set out by the EU to improve the way household waste is sorted and collected for recycling. The paper also outlines good practice examples from EU Member States where the laws have already been successfully implemented.

CONTEXT

In 2018, EU Member States and institutions agreed on a comprehensive set of laws aimed at preventing household waste and boosting recycling. The new laws are part of four EU Directives, namely the *Waste Framework Directive (WFD)*, the *Landfill Directive (LD)*, the *Packaging and Packaging Waste Directive (PPWD)* and the *Single-Use Plastics Directive (SUP)*. All Member States are expected to transpose the agreed EU laws into national legislation by **July 2020**.

Among the most transformative changes is an obligation to sort and separately collect different materials, such as textiles, hazardous material and organic waste. This is in addition to the existing laws mandating the separate collection of plastics, glass, paper, metals, waste oils.

The separate collection of waste is a precondition for high-quality recycling and preparation for reuse. It also prevents hazardous substances from contaminating other waste streams as well as communities and the environment.

The smooth and timely transposition of the new measures is essential to ensure Member States and municipalities complete the transition to a Circular Economy, where waste is prevented and materials recycled.

In this brief, the EEB outlines several examples of good legal solutions they can take inspiration from.



THE SEPARATE COLLECTION OF WASTE

From plastic to paper, the separation of different types of waste at source is the first step towards high-quality recycling.



Article 3 (11) [WFD] defines separate collection as the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment.

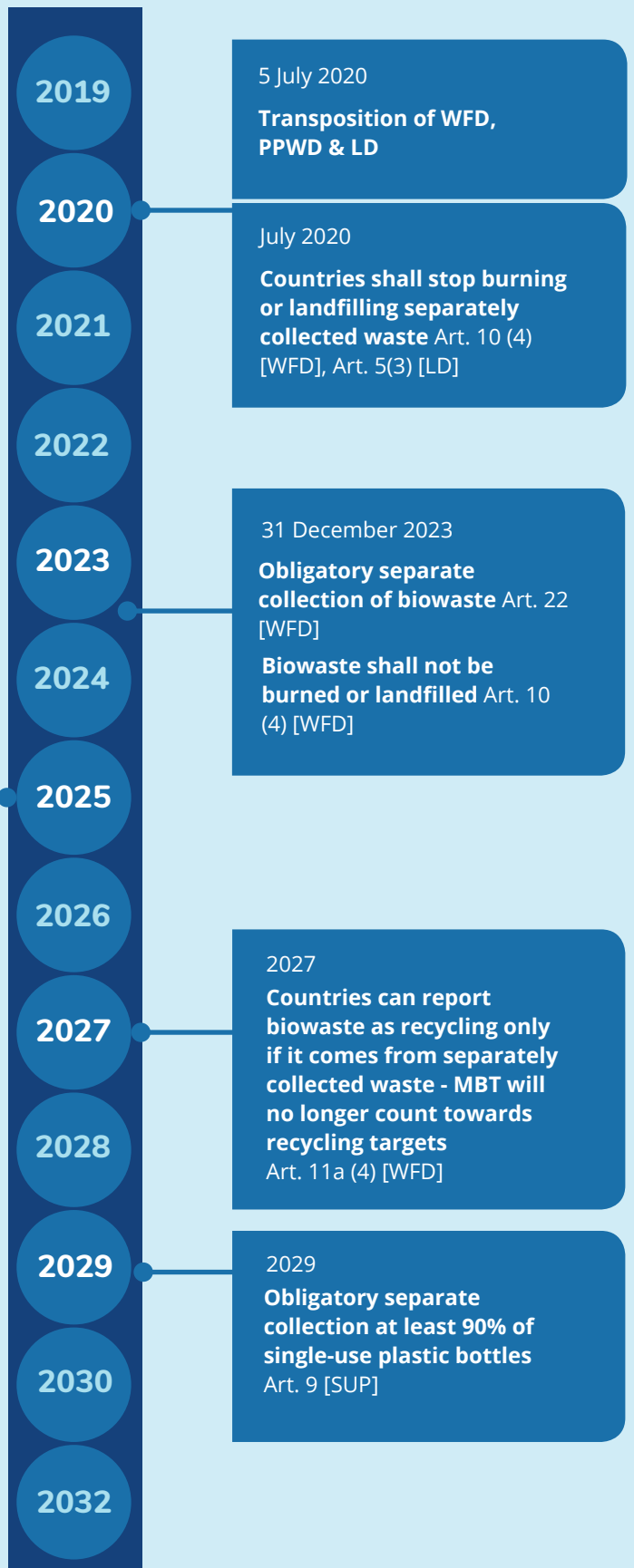
The obligation to separately collect Municipal Solid Waste (MSW) from households as well as public and private establishments is set out under Article 10 (2) [WFD]. The article requires that waste shall not be mixed with other waste or other materials with different properties in order to facilitate preparing for re-use, recycling and other recovery operations in line with the waste hierarchy.

A TIMELINE OF OBLIGATORY SEPARATE COLLECTION IN THE EU

1 January 2025
Obligatory separate collection of textiles
 Art. 11 [WFD]
Obligatory separate collection of hazardous waste
 Art. 20 [WFD]

2025
Obligatory separate collection of at least 77% of plastic bottles
 Art. 9 [SUP]

WFD Waste Framework Directive
PPWD Packaging and Packaging Waste Directive
LD Landfilling Directive



GOOD PRACTICE EXAMPLE OF SEPARATE COLLECTION

Scotland, UK provides a good example of transposing the general separate collection definition from the WFD.

Scotland prescribes that separate collection of waste should be done in a way to ensure that dry recyclables and biowaste are collected and kept separate from other waste in order to facilitate a special treatment.



[Waste Regulations 2012](#) in Section (2) Article 29 (5A):

"Waste is presented for collection, and collected, in a manner that ensures that:

- "(i) dry recyclable waste is kept separate from other waste;
- (ii) waste from one dry waste stream is kept separate from waste in another such stream;
- and
- (iii) food waste is kept separate from other waste."

"it is collected separately from other types of waste so as to facilitate a specific treatment."

Scotland introduced measures to ensure that separately collected waste enables high-quality recycling.



[Waste Regulations 2012](#) in Article 2.3 (2L):

"It shall be the duty of any person who produces or manages controlled waste, or who as a broker or dealer has control of such waste, to take all reasonable steps to

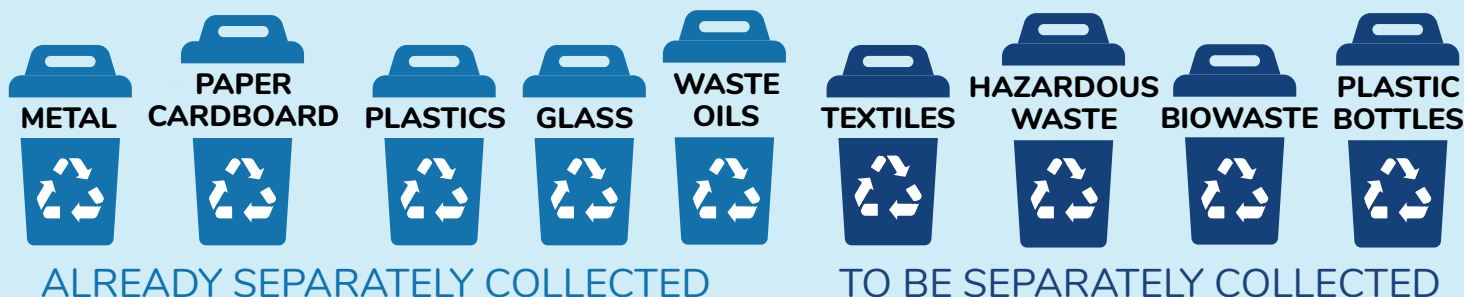
- (a) ensure that the waste meets any quality standard for the management of material included in the waste;
- (b) ensure that the waste is managed in a manner that promotes high quality recycling;
- (c) prevent any contravention by another person of this subsection."



[The Duty of Care: Code of Practice and The Waste Hierarchy Guidance](#) sets requirements and duties for holders of waste, including producers, related to the segregation of key waste streams at source and steps to maintain the quality of separately collected recyclables. The Duty of Care is **admissible as evidence in court** ([section 34 \(10\) of the 1990 Act](#)) and the court shall take it into account in determining if the subjects were complying with the waste regulation and the waste hierarchy.

[Article 11 \(1\) \[WFD\]](#) requires member states (MS) to take measures aimed at promoting high-quality recycling through separate collection of **textiles, hazardous material and biowaste** which shall no longer be mixed with other waste streams and shall be collected for recycling or composting in separate bins. This is in addition to existing laws mandating the separate collection of **paper and cardboard, glass, metals, plastic and waste oils** from household waste or waste which is by its nature or composition similar to household waste, i.e. waste from the manufacture, trade, service or other activity ([Article 3 \(2b\) \[WFD\]](#)).

Another EU directive, the *Single-Use Plastic Directive*, also set new targets for the separate collection of **disposable plastic bottles**. The aim is to reach a 77% rate by 2025, and 90% rate by 2029 across all MS.





HAZARDOUS WASTE

[Article 20 \[WFD\]](#) obliges MS to set up separate collection schemes for hazardous waste produced by households. The law is expected to be implemented at the national level by **1 January 2025**. MS should ensure that hazardous waste:

- Is treated in accordance with the waste hierarchy;
- Does not harm human health or the environment as prescribed in [Article 13 \[WFD\]](#);
- Does not contaminate other municipal waste streams.

GOOD PRACTICE EXAMPLE OF HAZARDOUS WASTE COLLECTION

The Flanders Region of Belgium prescribes conditions for collection of hazardous household waste.



According to the [Material Decision VLAREMA \(2012\)](#), Subsection 5.2.2, household hazardous waste (Klein gevaarlijk afval) municipalities are obliged to collect the hazardous waste of household origin. The hazardous waste collected by or on behalf of the municipality may under no circumstances be processed in a way that it ends in the human or animal food chain. The separate collection should be made at least by one of the following collection methods: recycling parks, collection facilities collection by registered collectors, waste dealers or brokers from neighborhood, street or at home. The hazardous waste must be presented in an appropriate container, separately from other waste.



WASTE OILS

[Article 21 \[WFD\]](#) requires that waste oils are collected separately, unless separate collection is not technically feasible.

GOOD PRACTICE EXAMPLE OF WASTE OILS COLLECTION

Greece has the highest Waste Lubricant Oils (WLO) recycling rate in EU, which has helped regenerate [100% of the collected WLO](#). Greece is also the first MS to set collection and recycling targets for marine WLO.



Framework for alternative waste management (No 2939/2001), Article 1: waste oil separation is obligatory at the source of waste oil generation, in order to achieve its maximum recycling level.



[Waste Lubricant Oils alternative management Decree](#) (No 82/2004) prescribes that at least 70% of all WLO by weight must be collected. Article 5 states that WLO must be stored separately, without being mixed with other wastes, in order to be achieved the maximum WLO regeneration level.



TEXTILES

[Article 11 \[WFD\]](#) requires that MS set up separate collection schemes for textiles by **January 2025**.

GOOD PRACTICE EXAMPLE OF TEXTILES COLLECTION

France has established the Extended Producer Responsibility (EPR) schemes for textiles. The schemes oblige producers to pay for the cost of collection across the country.



[Article L-541-10-3 of the Code de l'Environnement](#) (Environment Code) stipulates that the producers shall:

- a) cover the costs of waste collection and recycling performed by an approved body ([ECO-TLC](#));
- b) establish their own individual system of waste treatment recognized by the French authorities.



BIOWASTE

[Article 22 \[WFD\]](#) requires that MS set up separate collection schemes for organic waste – or biowaste. Biowaste should be either separated and recycled at source, or is collected separately and is not mixed with other types of waste by **December 2023**.

The efficient separate collection of biowaste is the key steps governments can take to improve the overall separation and collection of waste. The separate collection of biowaste can help:

- Avoid cross-contamination with other waste streams;
- Ensure quality compost and recycling;
- Divert waste from dumpsites and reduce methane emissions.

Biowaste should be separated at the source where it is generated. Municipal biowaste separated and recycled at source means municipal bio-waste that is recycled where it is produced (Article 1(g) [EU COM Implementation Decision 2019/1004](#)).

GOOD PRACTICE EXAMPLE OF BIOWASTE COLLECTION

Slovenia's [Decree on the Management of Biodegradable Kitchen Waste and Garden Waste](#) is an example of successful transposition of Article 22 [WFD]. The law mandates the separate collection of biowaste from households as well as public and private establishments and promotes recycling biowaste at source, i.e. home, community composting.



Obligation to establish separate collection of biowaste

Article 17 obliges public authorities to provide separate collection of kitchen waste and green garden waste from households not later than 30 June 2011.

Ban on mixing biowaste with other waste streams

Article 4 prescribes that the mixing of kitchen waste with other waste streams is prohibited if mixing hampers composting or digestion in accordance with the criteria set out in the regulations governing the treatment of biodegradable waste.



- (1) It is prohibited to mix kitchen waste with other waste if it is made impossible to transform it into compost or digestate with unrestricted or restricted use in accordance with the criteria laid down in the regulation governing the treatment of biodegradable waste.
- (2) It is prohibited to cut, crush or grind kitchen waste and to dilute it with the purpose of being discharged into public sewers, septic tanks, non-flowing septic tanks or directly into the water.
- (3) Non-domestic green garden waste shall not be mixed with mixed municipal waste or other separately collected fractions.
- (4) It is prohibited to mix kitchen catering waste with mixed municipal waste and other separately collected fractions, including green garden waste.
- (5) It is prohibited to mix household kitchen waste with mixed municipal waste and separately collected fractions of municipal waste, except for green garden waste.

Household waste producer obligation to compost or separate biowaste

Article 5 states that a producer of household waste must compost their kitchen and green garden waste; should they not wish or be unable to do so, they must leave this waste in a special container, separately from other separately collected municipal waste and mixed municipal waste fractions, to be collected by the public service provider.



- (1) The household waste producer must compost kitchen waste and green garden waste in the home composter at home.
- (2) Notwithstanding the provision of the preceding paragraph, the producer of household waste which does not compost kitchen waste and green garden waste himself shall leave the waste to the public service provider in a special container or container in the manner prescribed by the regulations of the local community.
- (3) The household waste producer must keep its own kitchen waste and green garden waste separately until they are used in home composting or left to the public service provider so that they are not mixed with other waste and can be composted or recovered in accordance with the regulation governing treatment biodegradable waste.

The producer of catering waste must ensure that biowaste is collected separately



Article 7 (1) The producer of catering waste from the catering industry must, regardless of the place of distribution of the meals, ensure that all kitchen waste arising from the preparation of the food and the residues resulting from the ingestion of the meals at the place of their distribution are collected separately from other waste and before delivery the collector is temporarily stored in a container or container designated for that purpose in accordance with the regulations governing food hygiene.

Waste management public service provider must encourage household waste composting and shall not charge the collection of biowaste if the household compost at home



Article 12

- (1) The public service provider must as a matter of priority encourage household waste composters to house composting.
- (2) The public service provider must ensure that household waste generators have the possibility of leaving kitchen waste and green garden waste in a special watertight container or container.
- (3) The public service provider shall not charge the household waste collectors for household waste, which compost kitchen waste and green garden waste at home, for the collection of such waste.

Article 16 prescribes fines from 1200 to 10 000 EUR for breaching the Regulation



HOME COMPOSTING

[Article 22 \(2b\) WFD](#) mandates that, whenever possible, MS will encourage recycling at source, e.g. home composting as an alternative to separate collection of biowaste.

France, the city of Besançon, and the recycling of biowaste at source



The city of Besançon is showing how municipalities can encourage citizens to use [decentralised composting](#), i.e. **home composting or community composting**, and thus recycle biowaste at source. Decentralised composting is financed by a [pay-as-you-throw fee](#). Besançon has so far managed to reduce waste generation by 30%, and to separately collect 58% of its waste. Now, 70% of the population either owns a composter or is using a community composting site. Composting is promoted by Article 2.1.3 of the Besançon City Collection Regulation.

Obligations set out by Article 22 [WFD] mainly address biowaste, but it is worth noting that waste that has similar biodegradability and compostability can be collected together with biowaste, provided that it complies with EU or equivalent national standards for composting and biodegradation (EU standard EN 13432). For example, the [German "DIN CERTCO"](#) is actually a more stringent standard than its EU equivalent.



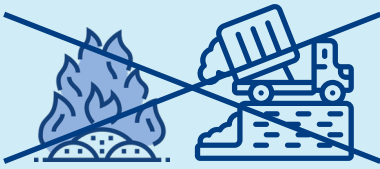
COUNTRIES CAN REPORT BIOWASTE AS RECYCLING ONLY IF IT COMES FROM SEPARATELY COLLECTED WASTE

[Article 11a \(4\) \[WFD\]](#) mandates changes in the way MS calculate and report recycling rates. As of **2027**, MS may count municipal bio-waste entering aerobic or anaerobic treatment as recycled only if it has been separately collected or separated at source accordance with Article 22 WFD, which implies that **processing biowaste at the Mechanical Biological Treatment (MBT) will no longer count towards national recycling targets**.

Spain considers compost only the output from biowaste that is separately collected



[Spanish Waste And Contaminated Soils Act \(22/2011\)](#) Article 3 (4) defines compost as an organic compound obtained from the aerobic and thermophilic biological treatment of biodegradable waste **collected separately**. The organic material obtained from the biological mechanical treatment plants of mixed waste is considered bio-stabilised material and will not be considered compost.



BAN ON LANDFILLING AND INCINERATION OF SEPARATELY COLLECTED WASTE

Starting in **July 2020**, MS will have to ensure that waste that has been separately collected for preparing for re-use and recycling is not incinerated ([Article 10 \(4\) WFD](#)) or landfilled ([Article 5 \(3f\) LD](#)).

Biowaste shall not be burned or landfilled from December 2023 as MS are obliged to separately collect it.

Separately collected waste will have to be either recycled or prepared for reuse, while only mixed waste will be allowed in incinerators and landfills.

Flanders, Belgium banned landfill and incineration of separately collected waste



Section 4.5 of [Flanders Material Decision VLAREMA \(2012\)](#) forbids disposal and incineration of waste that has been collected separately. The same applies to waste materials that, due to their nature, quantity or composition, are eligible for reuse or recycling.



ADDITIONAL MEASURES TO BOOST SEPARATE COLLECTION

The European Commission has recommended [several additional measures](#) aimed at improving and expanding the separate collection of waste across municipalities. These include the adoption of targets, financial incentives and sanctions as well as minimum operational and monitoring standards.

SEPARATE COLLECTION TARGETS AND SANCTIONS IN ITALY

Italy set minimum target of 65% for the separate collection of waste at the municipal level. This target, set in 2010, was to be achieved by December 2012.



The Italian Environment Act (IEA), (No [205/2010](#) (last modified in 2012), amending Legislative Decree [152/2006](#)) prescribes separate collection targets and states the responsibility of municipalities in meeting those targets.

Italy has agreed to implement sanctions for municipalities that fail to achieve the target.

In the event that the minimum objectives laid down in IEA Article 205 (3) are not achieved, municipalities will be charged an additional 20% on the landfill charge.

MONITORING AND REPORTING IN FLANDERS, BELGIUM

The region of Flanders obliged municipalities to monitor and report data on separate collection.



Flanders has set mandatory quality thresholds for separately collected waste with maximum 3% contaminants for Vegetable, Fruit and Garden (VFG), green waste, cardboard and paper, 5% for wood and glass waste, 15% for construction and demolition waste and 5 to 15% for textile waste. The region's "[Plan for the environmentally-responsible management of household waste](#)" aims to track the quantity and quality of separately collected materials in order to improve recycling.

MINIMUM SEPARATE COLLECTION STANDARDS IN SLOVENIA

Slovenia adopted minimum operational standards for the door-to-door collection of biowaste and packaging waste.



Slovenia's [Waste Management Plan](#) sets minimum standards for the separate collection of recyclables and biowaste. These include conditions and minimum frequency of collection.

Article 10 mandates the door-to-door collection of biowaste and the frequency of collection:

- (1) The public service provider collects biowaste through a door-to-door collection system. This is in line with the regulation governing the management of biodegradable kitchen waste and green garden waste.
- (4) The public service provider shall collect biowaste from April to September at least once a week and from October to March at least once every 14 days.
- (5) A public service operator may, from October to March, in an area where the users mostly compost kitchen waste and green garden waste, collect bio-waste at least once every three weeks.

Article 11 mandates the door-to-door collection of packaging waste, including plastics, metals and composite materials.

SEPARATE COLLECTION DURING PUBLIC EVENTS IN SLOVENIA

Slovenia's [Waste Management Plan](#) mandates the separate collection of waste during public events.



Article 17 (1) states that for the duration of an open-air public event, where more than 1000 participants are expected, the municipality must provide containers for at least:

- a. paper and paperboard, including packaging;
- b. packaging made of glass;
- c. packaging made of plastic, metal and composite materials.

Article 17 (2) states that the costs of managing waste incurred at a public event, including the rental, placement and use of containers or bags referred to in the preceding paragraph shall be borne by the organizer.

Article 17 (4) Catering companies must ensure compliance with the regulation regarding the management of biodegradable kitchen waste and green garden waste.

MEASURES TO ENCOURAGE CITIZENS TO SORT WASTE IN SLOVENIA

The City of Ljubljana introduced measures such as door-to-door collection and the Pay As You Throw systems (PAYT), to encourage citizens to sort more waste.

Measures also include higher collection frequency for separated streams as compared to mixed waste. The door-to-door collection, especially of biowaste, has led to a rapid increase in recycling rates. As separate collection increases, the amount of residual waste declines.



Ljubljana's [Ordinance on municipal waste collection and removal](#) enables effective door-to-door separate collection systems in urban areas for paper, packaging, biodegradable waste. This is complemented by the PAYT system which charges waste producers on the basis of the actual amount of waste generated and provide incentives for separation at source of recyclable waste and for reduction of mixed waste.

The ordinance also lowered the collection frequency of residual waste while keeping the collection of recyclables and compostables unchanged. If recyclables and biowaste is collected more often than residual waste, citizens have an incentive to better sort their waste.

Residual waste in areas that are not densely populated (e.g. single-family housing) is collected once every three weeks. In densely populated areas (e.g. multi-apartment buildings), the collection takes place once a week. In contrast, recyclables are collected several times a week depending on the area.



Article 5 of the Ordinance: "The volume of collection and transportation of municipal waste (hereinafter referred to as: the frequency of transport) by the user who regulates the treatment of waste is provided for:

- mixed municipal waste (20 03 01) once every three weeks, allowing the choice of the size of the container from including 80 l upwards and once a week in the block building area exceeding 4000 inhabitants per square kilometer."



With [separate collection and recycling rates](#) nearing 70% and [a Zero Waste strategy in place](#), the Slovenian capital is leading Europe's transition to a circular economy.

EXEMPTIONS AND DEROGATIONS

MS can request exemptions and derogations under certain circumstances (e.g. in sparsely populated areas). By **31 December 2021**, MS shall submit a report to the European Commission on the territorial coverage and derogations, according to [Article 10\(6\) \[WFD\]](#). This article also states that MS must justify derogations and regularly review derogations taking into account good practices in separate collection of waste and developments in waste management. If used, separate collection derogations should be justified, subject to public scrutiny and in line with the WFD waste hierarchy. If there is a departure from the waste hierarchy, it should be justified by life-cycle thinking on the overall impacts of the generation and management of such waste as stated in Article 4 [WFD].



COVERING THE COSTS

An overall approach is that the costs of waste collection should be covered by the producers through extended producer responsibility (EPR) schemes. [Article 8a \(4\) \[WFD\]](#) states that the cost of separate collection and transport for items covered by such schemes are fully covered by the producer that puts products on the market. This will bring additional funding for municipalities to comply with separate collection obligations. The EPR fee should be sufficient to cover all the costs of collection and treatment.



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