



**Requisite Conditionality Measures for the Application of EU Funding
in accordance with the Waste Hierarchy**

Dear Colleagues,

With this open letter, we would like to bring clarity to the conditionality that applies to utilising the regional and cohesion funds in the version of the text following first reading in Parliament with regard to waste management.

During the current funding period, the European Commission noted discrepancies in the use of Regional and Cohesion funding which compounded the difficulties that high landfilling Member States encounter when seeking to invest in better waste management. These discrepancies have had two primary effects. They have resulted in the purchase and installation of treatment facilities which do not follow the waste hierarchy and therefore make it impossible for the Member State to honour separate collection obligations and legal recycling targets because they are built to treat the majority of the waste stream. In other such cases the discrepancies have resulted in majority opposition to such an outcome and in the absence of a balanced approach to investment in line with the waste hierarchy, these Member States have frozen any progress. The treatment method in question is not of primary interest here but the fact that the achievement of a circular economy is impeded.

This awareness led to the proposal currently under debate, regulating both European Regional Development and Cohesion Funds for the new funding period: 2021-2027 in the same regulation. On 27 March 2019 the European Parliament adopted its position on this proposal in first reading. The paragraphs of interest to waste management are the following:

Article 6*

Exclusion from the scope of the European Regional Development Fund and the Cohesion Fund

(f) investment in disposal of waste in landfill, *except in the outermost regions and for support for decommissioning, reconvertng or making safe existing facilities and without prejudice to Article 4(2) of Directive (EU) 2008/98 of the European Parliament and of the Council*

(g) investment in facilities for the treatment of residual waste *with the exception of outermost regions and in case of state-of-the-art recycling solutions in line with the principles of the circular economy and the waste hierarchy fully respecting the targets laid down in Art 11(2) of Directive (EU) 2008/98 and provided that Member States have established their waste management plans according to Art. 29 of Directive (EU) 2018/851. Residual waste should be understood as primarily non separately collected municipal waste and rejects from waste treatment;*

The intention of **6 f & g** above, from the **European Regional Development Fund and Cohesion Fund ***I** regulation currently under co-decision, is not to exclude investments in waste to energy facilities but to apply a conditionality to them which will prioritise investments higher up the waste hierarchy, beginning with prevention. The intention of **6 f & g** is also to ensure that waste to energy treatment facilities are tailored to the waste quantities resulting from separate collection and sorting facilities, to address the actual quantities of waste necessitating treatment via energy from waste techniques and avoid over-investment that can jeopardise the achievement of separate collection obligations, recycling targets and a local circular economy.

In order to avoid confusion and ensure that all Member States are able to advance to less than 10% landfilling within the next funding period, we propose to amend (g) as follows:

* P8_TA(2019)0303

TEXTS ADOPTED

European Regional Development Fund and Cohesion Fund ***I

European Parliament legislative resolution of 27 March 2019 on the proposal for a regulation of the European Parliament and of the Council on the European Regional Development Fund and on the Cohesion Fund (COM(2018)0372 – C8-0227/2018 – 2018/0197(COD))

(Ordinary legislative procedure: *first reading*)

link: http://www.europarl.europa.eu/doceo/document/TA-8-2019-0303_EN.pdf?redirect

Proposed Amendment

(g) investment in facilities for the treatment of residual waste *with the exception of outermost regions and in case of state-of-the-art recycling solutions in line with the principles of the circular economy and the waste hierarchy fully respecting the targets laid down in Art 11(2) of Directive (EU) 2008/98 and provided that Member States have established their waste management plans according to Art. 29 of Directive (EU) 2018/851. Investment in facilities for the treatment of residual waste is conditional to the achievement of the obligations and targets laid down in EU waste legislation. Residual waste should be understood as primarily non separately collected municipal waste and rejects from waste treatment;*

Taking a scientific approach to resource efficiency and the circular economy while keeping them at the core of decision-making, such a conditionality will ensure efficient and effective recovery of materials and energy from the waste stream, with the most economically advantageous application of funds. We suggest that this conditionality is clearly worded within Article 6.g, as presented above.

Municipal Waste Europe fully recognises the importance of waste to energy technology in the reduction of landfill, the avoidance of litter both land-based and marine litter and for the treatment of waste which has no other available treatment method currently. As such Municipal Waste Europe re-iterates previous calls to the European Commission to ensure that National and Local Waste Management Plans are in line with the requirements and goals of EU waste legislation and the circular economy and that utilisation of EU funds is in line with those waste management plans.

This being a complex matter requiring sharing of experience and knowledge to tailor-make local waste management solutions, Municipal Waste Europe members encourage the European institutions to support and extend the TAIEX EIR PEER TO PEER tool which to date has enabled effective knowledge brokerage and should be used as an evaluation tool for further funding through ERDF, Cohesion funds, EIB funding or any other EU funding.

Thanking you for your consideration of our submission,

Vanya Veras
Secretary General