

Waste Framework Directive

EPSU position on the amendments of the European Parliament, 13 February 2007

Adopted by the EPSU Standing Committee on Public Utilities, 20 April 2007

1. Introduction

1.1. The European Federation of Public Service Unions (EPSU) **welcomes** the position of the European Parliament on the Waste Framework Directive COM (2005) 667. It is a positive step forward to address the impact of wastes on European citizens and public health as well as on the environment. **EPSU also believes that it is a step in the right direction for the workers in the sector at a time when the negative effects of the generation and the management of waste are being addressed.** EPSU (Congress 2000) supports the reduction in the use of resources, as well as the “polluter pays” principle and the principle of producer responsibility, which are key elements in any strategy to reduce waste and move forward to a European Recycling Society.

EPSU represents workers in the European Waste sector. Our members are responsible for the collection of urban solid waste as well as industrial waste. They deal with hazardous waste, including sharp medical devices. They recycle and sort waste. Our members ensure the disposal of waste in landfills or burn waste in incinerators. EPSU also represents environmental inspectors. Our members have a thorough understanding of the waste sector. EPSU adopted a comprehensive position on the European waste sector and has carried out a number of studies on developments in the European waste market.¹

1.2. The European Parliament (EP) position was adopted in first reading of the co-decision making procedure. This means that the Commission and Council can water-down the EP position. **Watering down this position would be a mistake** and we suggest that the Commission and Council support most of the amendments made by the EP.²

2. Targets – monitoring, investment and the social dimension

2.1 The targets that the EP established are ambitious. Their achievement will require **a concerted effort by public authorities and stakeholders.** It is appropriate to strengthen the **provisions on monitoring** of the National Waste Plans. In order to realise the ambitious goals, this in turn requires strengthening the staff dedicated to following this process, in the Commission as well as at national level.

¹ Available on www.epsu.org/r/37

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2007-0029+0+DOC+XML+V0//EN&language=EN>

EPSU rejects claims that the EP proposals are not flexible enough and that more local level flexibility is needed. The Parliament (and in cooperation with the Council and Commission) sets (binding) targets that are implemented through national waste plans, which will allow for the flexibility required. Demanding flexibility is nothing less than removing binding targets, and therewith **the security and long-term goals the legal framework is to provide for investors, companies and the local communities.**

2.2. We propose that the European Commission establishes a number of **criteria** to compare National Waste Action Plans, a method also known as the Open Method of Coordination. These criteria should include:

- The concrete measures taken to prevent waste
- The investments made in the sector, sub-divided in investment in re-use, repair, recycle, recovery and landfill facilities;
- The employment developments in the sector, and in the different activities;
- The investment in skills and qualifications; what do the companies (and the sector) do to train apprentices and to improve the skills and qualifications, but also to monitor if the skills and qualifications are available in the labour market;
- The respect for collective agreements by companies – this is an important tool to evaluate and address negative tendencies when increases in price and competition sometimes lead to a flight from and violations of agreements. It is a safe assumption, alas borne out of waste workers experience, that companies that do not respect collective agreements will also not respect other laws and regulations for example regarding health and safety, working time, mixing of wastes etc, and thus endanger health and the environment.
- What is done to improve Health and Safety in the sector and contribute to reaching the 25% cut in accidents that the EU set as a target? Health and safety is a prime issue in this sector for back loaders, drivers, sorters and many others who come into contact with hazardous waste, sharp medical devices etc, often hidden in household waste;

EPSU is available to work with the Commission, the industry and the employers to further develop these criteria.

2.3. The waste plans should be the subject of discussion between public authorities, including local and regional governments, as well as the social partners (employers and trade unions) in the sector. The Directive should be more forceful on this. The National Waste Plans should also indicate the **investments** that are required. Some of the targets might not be reachable if the sector does not invest in sufficient and qualified staff.

2.4. EPSU is concerned that implementing the directive will require much investment. Will public authorities at the different levels make these funds available? Repair, re-use and recycle and sorting facilities are expensive. If not, given restraints on public budgets, could this lead to a shift from the public to the private sector and a larger role of multinational companies and private equity investors? This could lead to an unacceptable **loss of control over essential services for public health and the environment.**

2.4.1 Local and regional authorities are responsible for handling waste, including collection and disposal. The requirements of the Waste Strategy and proposed amendments to the Framework Directive demand more investment. This puts financial pressures on the municipalities. Appropriate mechanisms need to be available to assist the municipalities in carrying this burden. We strongly support **that the municipalities and regional authorities are involved in and consulted at all stages** of the waste plans and implementation of directives.

2.4.2 Waste Management will be contracted out to private operators by the municipalities in several countries. This will be done through public contracts. It is therefore a **missed opportunity** that the Commission and Parliament have not required that criteria for high quality services be included in **public waste contracts**. Danish research has demonstrated that the municipalities opt for the lowest price rather than the economically most advantageous offer.³ EPSU demands that the Commission proposes guidelines and publishes examples of how waste objectives can be taken into account in public contracts.

2.4.3 The financial burden will be even more significant for municipalities in several of the **New Member States** that are still bringing their facilities up to EU level. The Commission and Council will need to consider which additional resources need to be made available to assist these Member States. The European Investment Bank and the European Bank for Reconstruction and Development should favour recycling and re-use facilities over incineration, this would also prevent that countries lock into long-term incineration strategies.

2.4.4 The financial burden might turn some municipalities towards public-private partnerships (better called: business ventures!) and PFI type schemes. The UK Audit Commission (2001) has warned, "twenty-five year contracts need critical consideration. For example, technology is constantly developing and it would be counter-productive if authorities were held to a contract for one method of disposal when a more environment-friendly and cost-effective method is subsequently developed."⁴

3. Lack of a social dimension

3.1 EPSU notes that the **social dimension is very much absent** from the proposed Waste Framework Directive. And while we welcome the EP amendments that refer to **training** and **consultation**, overall there is little regard for the fierce competition that takes place and leads to **(fatal) accidents**, illegal dumping of waste, long working hours, and avoidance of collective agreements. It is undeniable that respect for the workers (garbage men and women) and improved working conditions and health and safety in this sector, is synonym to improvements in public health and environmental protection. One cannot expect respect for public health and the environment from companies that squeeze every last penny out of their workers. Such companies also have little interest in contributing to realising other goals such as life-long learning, an appropriate work-life balance or promoting equal opportunities.

3.2 Working in the waste sector is **heavy and dangerous work** for many of our members. The European Parliament refers to the need for **adequate training** for those dealing with hazardous waste (recital). This is true for all who work in the sector and deal with waste from drivers to collectors/back loaders, to sorters and those work in incinerators or on landfill sites. It is a missed opportunity that the Commission and now the Parliament do not make the link with public contracts, demanding that quality norms and respect for health and safety and collective agreements be a selection as well as award criteria. As we have argued above the European Commission should make work of guidelines and best practice examples of how **quality criteria, respect for health and safety and collective agreements can be taken into account in public contracts in the waste sector**.

³ Liberalization of municipal waste handling - compatible with sustainable practices, Ole Busck February 2006, Department of Planning and Development, Aalborg University, Denmark

⁴ Cit on p.49, UK Municipal Waste Management: Form a public service to a Globalised Industry, Steve Davies, Competition and Change, vol 11, no1 March 2007 p.39-57

Another aspect of the Directive that does not receive much attention is the impact it might have on the fees and levies for individual households. EPSU is not opposed to a system of fees and levies and to make households pay for the waste they produce. We are concerned that producers shift burdens to households (who pay for disposal of all the packaging!), as well as the fact that charging households could have a strong impact on vulnerable users. General taxation, which can take account of the situation of low-income households, could be more appropriate. Again, the effects need to be studied to be allowing for the best mix of measures.

4. Prevention, Re-Use, Recycling, Waste to Energy, Carbon-footprint

4.1 It is a step forward that the Parliament has proposed definitions of the concepts of reuse, recycling etc., but prevention needs more attention. We are concerned that companies might give preference to reuse and recycling over prevention, as money can be made from this. In order to attain a shift towards prevention, **public authorities will be have to play a forceful role in setting standards on reduction in the use of resources, as well as in the use of best available techniques.**

4.2 Similarly, it can be foreseen that wastes will become more expensive as our understanding of the costs they impose on public health and the environment increases. New investments will be required to treat wastes. While this can have positive effects on prevention, reuse, recycling of wastes or recovery of energy from wastes, a higher price also has the immediate effect those illegal dumping increases. **Public authorities, including local authorities, should improve monitoring and control and hence employ more environmental/ public health inspectors.** The national waste action programmes should include this. Public authorities should invest in information and education to improve general public awareness. This is proposed by the Parliament but not made very concrete.

4.3 The debate on the role of **incineration** has received a lot of attention and much heated debate. The only way not to have wastes is to prevent them and this will not be possible. Recycling and re-use will also have limits. Some of the remaining wastes still have a high calorific value. To use these wastes to replace other energy sources, such as to produce heat or electricity is valuable, but incineration also has negative effects on public health that need to be addressed. EPSU is therefore in favour of **adopting high standards for the efficiency of new incinerators including on carbon free emissions. Older incinerators will have to be upgraded or closed if this is not possible.**

4.4 The waste directive is silent on the issue of waste emissions. The different processes, including landfill, are **not greenhouse gas neutral.** We propose that the European Commission explore this further with the European Environmental Agency in order to establish more clarity on waste sector emissions so as to assist public authorities, companies and trade unions with plans to reduce these as part of the national waste plans.

5. Proximity Principle

5.1 EPSU has concerns about the proximity principle. It is an abandonment of the principle that wastes should be treated in the country that produces them. While this appears to be a logical step in an internal market, we question if rules and regulations on waste are sufficiently harmonised to allow for cross-border treatment and disposal between the many different European countries. This could result in a mechanism to escape more stringent rules, including those regarding the health and safety of workers. Certain regions could become dumps while other regions might be faced with large volumes of waste for which local installations,

incinerators etc. were not established. The Parliament has given preference to the Internal Market at the expense of a high level of protection.

5.2 EPSU is sceptical that the proposed coordination of waste streams and the cooperation of public authorities to establish an adequate (cross-border) network of disposal facilities will quickly materialise at the level of a (cross-border) region. While there is very valuable experience in the Euro-regions, practice has also demonstrated the inordinate complexities of administrative cooperation and joint planning.

6. Consultation

6.1 EPSU is positive about the importance the European Parliament has attached to public consultation and participation, and recognises the role of workers and trade unions, including in the Consultative Forum. Waste workers know the sector better than anyone. The European Commission and Council should take over the EP amendments and support the diverse consultation processes the Parliament proposes.

7. Impact assessment and concentration

7.1 The impact on workers of the different provisions in the directive and EP proposals is not clear. EPSU suggests that an Impact assessment is undertaken at national and at European level. What can be expected? What qualifications are needed to realise the targets? What investment? Which groups of workers will be negatively affected and what measures are needed to ensure alternative employment such as for workers on landfill sites? The committee steering the assessment should include representatives of the trade unions in the sector, as well as the industrial/ employer organisations.

7.2 Another issue that should be researched is if the proposed measures will lead to concentration (of market power) in certain waste streams and technologies, which can lead to domination by a limited number of powerful transnational companies? And will the powers of local and regional authorities be sufficient to control and monitor such companies?

8. Best available techniques

8.1 EPSU welcomes the references to “best available techniques” that the European Parliament has introduced. Establishing a system of exchange of such techniques is important so that all countries can learn from experience and be aware of what techniques, methods and technologies are available to improve public health and the protection of the environment. Techniques should not be qualified “best available” if they have an impact on health and safety. A reference to the need to respect information and consultation of workers and their unions would have been appropriate in the case of introducing new technologies. EPSU is concerned that “best available” might be abused, thus introducing labour savings, which can have an impact on the quality and level of service.

European Federation of Public Service Unions, EPSU, is a free and democratic Federation of independent trade union organisations for employees in public services in Europe. It is the largest industry Federation within ETUC. The Federation speaks for over 180 public sector unions representing approximately 10 million workers in national and European administrations, local & regional government, health & social services and public utilities (energy, waste, water). The EPSU was founded in 1978.

The EPSU is presided by Anne-Marie Perret , FGF FO France.

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