



Paper recycling: Discrepancies in Legislation

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INTRODUCTION



Introduction

- **The legal framework covering paper recycling:**
 - Presents important discrepancies and contradictions resulting in an additional burden on the paper recycling without providing anything additional to the environment;
 - For example “waste” is sometimes recognised by standards and professionals as a valuable input or raw material, but it is not as such recognised by law;
 - Recycling for the society is part of a “**waste problematic**”, while for the industry it is today a part of its **raw material procurement**;
 - It builds constraints that the industry needs to handle in its every-day business; and at the same, not resulting in the most sustainable position;





Introduction

- However, the industry has adopted in 2000 a self-commitment towards an objective by 2005 of a 56% recycling rate, and it's well on its way to achieving it (**European Declaration on Paper Recovery**). New ambitious targets are forthcoming.

- **Contents of the presentation:**
 - Paper as material before processing;
 - Recovered paper use in production;
 - Recovered fibres on the market.





Material Before Process



Material Before Processing

- Once discarded, the Community supports incentives for **alternative uses of paper**. This is particularly the case with energy policy and promotion of Renewable Energy Sources.
- Energy policy establishes objectives of diversification and sustainability of energy sources by reinforcement of the use of RES and quantitative targets for “green electricity”:
 - **Directive 2001/77 promotes the electricity from RES** (biomass, including materials from “forestry and related industries”) in order to achieve 12% of “green electricity” by 2010;
 - The “Intelligent Energy Europe” program allows **concrete subsidies** for the promotion of “new and renewable energy sources” (ALTENER).





Material Before Processing

- It clearly **distorts the supply conditions** of the raw material market.
 - Subsidies are leading to an increase in prices (primarily and secondary raw materials) and by the same cutting down the competitiveness of paper recycling;
 - Situation gets worse as we are approaching **the top level of collection**, leading to a greater pressure on the availability of 2ry raw materials.
- Instead, a clear emphasis should be put on promotion of paper recycling and recognition of **material recycling priority towards energy recovery**.
 - It will not only **extend the “life cycle”** of products but also bring better environmental, economic and social efficiency. Recycling has no influence on energy, or on carbon content, and once recycled 5 or 6 times, it can be transformed into energy.





Recovered Paper Processing



Recovered Paper Processing – Waste definition

- Legislation sets an unnecessary burden on the activity, despite that RP is not a hazardous material and is already covered by high environmental requirements.
 - **The European List of Standard Grades of Recovered Paper and Board (EN 643)** establishes a standard recognition for “recovered paper and board” as a raw material as well as its different grades and contents.
 - We should keep in mind that the **PPW Directive 94/62** establishes high quantitative targets for recycling (no latter than 31/12/08, 60% by weight of paper and board contained in packaging).
 - But according to **the Waste Framework Directive 75/442**, as amended:
 - The 2ry raw material is still actually, considered as waste during collection, sorting, transport and processing until the end of the paper making process.
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Recovered Paper Processing – Waste definition

- Beyond the negative image (“**waste operator**”), this definition leads also to higher costs, mainly due to compulsory preliminary authorisations and registrations. According to one case study, the legislative requirements on collection, sorting, transport and storage result in an additional cost of 1.5 Mio €/yr, or 12.1 €/ton.
 - **Solution: recognition of 2ry raw materials** (“win-win strategy”);
 - Clarification would not induce any negative effects on the environment;
 - Paper recycling is already covered by **the IPPC directive (96/61/EC)**, stressing maximum environmental protection requirements. Currently, there is no supplementary environmental value added but only overlaps of the legislation.
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Recovered Paper Processing – Food Contact Legislation

- Requirements of new **Regulation 1935/2004**, related to materials and articles intended to come into contact with food, put a pressure on the use of food contact materials containing RP.
 - It foresees the writing of “**specific measures**” for paper and board. They will include authorisations, standards and controls on the use of RP;
 - Particularly, it may use **arbitrary limits on manufacturing methods** that will certainly be translated into more severe legislative rules;
 - As a result, the opportunity for the use of food contact materials containing recovered fibres will be further reduced.
- The industry strongly believes that the way forward is **to ensure the final products meet all safety standards** by the use of end-product testing and refuses the use of arbitrary limits on manufacturing methods.





Recovered Paper Processing – Residues

- An increasingly higher recycling rate is also an indicator that more complex waste streams are challenging the industry in practice.
 - An increase in recycling leads more than proportionally to higher quantities of non-paper material from collection and residues from production.
- The **WID 2000/76/EC** aiming at prevention and reduction of all pollution caused by waste incineration has set up an exclusion only for fibrous vegetable waste **from "virgin" pulp production**, if it is co-incinerated at the place of production and if heat is recovered.
 - So residues from recycling do not benefit from the exclusion, even if in that case they will still be covered by the Directive on Large Combustion Plants 2001/80/EC;





Recovered Paper Processing – Residues

- The **RES-E** identifies pulp and paper residues as renewable energy sources. However, in several cases MS do not give them the same recognition, particularly if the electricity is produced for the mills' non-use.
- Moreover, implementing the **Directive on the Landfill of Waste** 1999/31/EC some MS have transposed it in such a way that no biodegradable waste (also from the industry) is permitted to landfills at all.
- When it comes to other management options (composting, landspreading on agricultural land, land construction, etc.) there is no EU legislation and the Member States have adopted very different legislation.





Recovered Paper Processing – Residues

- Criteria used in order to **distinguish disposal from energy recovery**.
 - The ECJ ruled out, in order to be considered as an energy recovery, that it's necessary the combustion meets three conditions, among which “consumption of the greater part of waste”;
 - But, deinking sludge, although providing interesting calorific value, cannot be consumed in “greater part” - as required – as in some cases the mineral content is above 50%;
- This legislative inconsistency is further strengthened by the lack of legal definition for “by-products”.





Recovered Paper Processing – Residues

- The ECJ had partially clarified the border between “waste” and “by-products”:
 - The good/material results from an extraction or manufacturing process, the primary aim of which is not the production of that item (by-product);
 - The undertaking does not seek to discard the material (...) but intends to exploit or market it in a subsequent process: the good/material has an economic value as a product without any further processing prior to reuse as part of the continuing process of production.

- But valuable residues from recycling are still covered by the “waste” definition (higher administrative burden, legislative complexity) even if they are correctly recovered.





Recovered Fibres on Market



Recovered Fibres on Market

- The legislative framework allows requirements to be set on the specific content of products bought by public authorities.

- Directives 2004/18/EC and 2004/17/EC, covering public purchasing specifically mention the possibilities for adopting **environmental considerations in technical specifications.**
 - More specifically "***unless justified*** by the subject-matter of the contract technical specifications shall not refer to a ***specific make or source***, or a particular process, [...] types or a ***specific origin*** or production".





Recovered Fibres on Market

- Consequences of a high minimum recycling content request: the natural cycle of the paper loop would be jeopardized as well as flexibility to use more virgin fibres in products where technical quality would justify it (+ diversion of private demand, transports emissions).
- When weighted against **the reality of the paper recycling sector**, where demand for recovered paper is already well established, minimum content requirements are entirely the wrong tool.
- If the objective is to increase the net benefits of paper recycling then it should be sought through other means, facing the main **bottlenecks** of the activity (separate collection, residues issues).



CONCLUSION



Conclusion

- Due to discrepancies within the legal framework, paper recycling is more difficult to drive and so **the sustainability objective** is more difficult to achieve in practice, although room for improvement exists.
- If the legal framework becomes more appropriate, less complex and inconsistent, the paper industry will certainly further increase recycling and achieve the sustainability objective more easily.





CHANGES TO BE EXPECTED

The Dual Dimension of Recycling

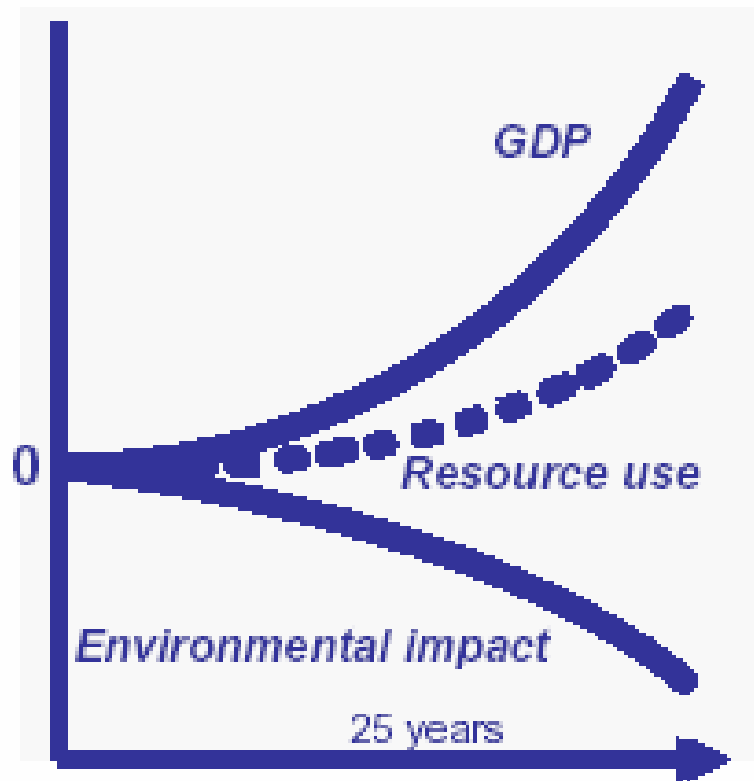


Basis of an industrial process,
i.e. paper manufacturing

A recovery alternative and
thus part of the waste
management problematic



New Vision for EU



The Vision

Reducing impacts in a growing economy

From protection to more improvement

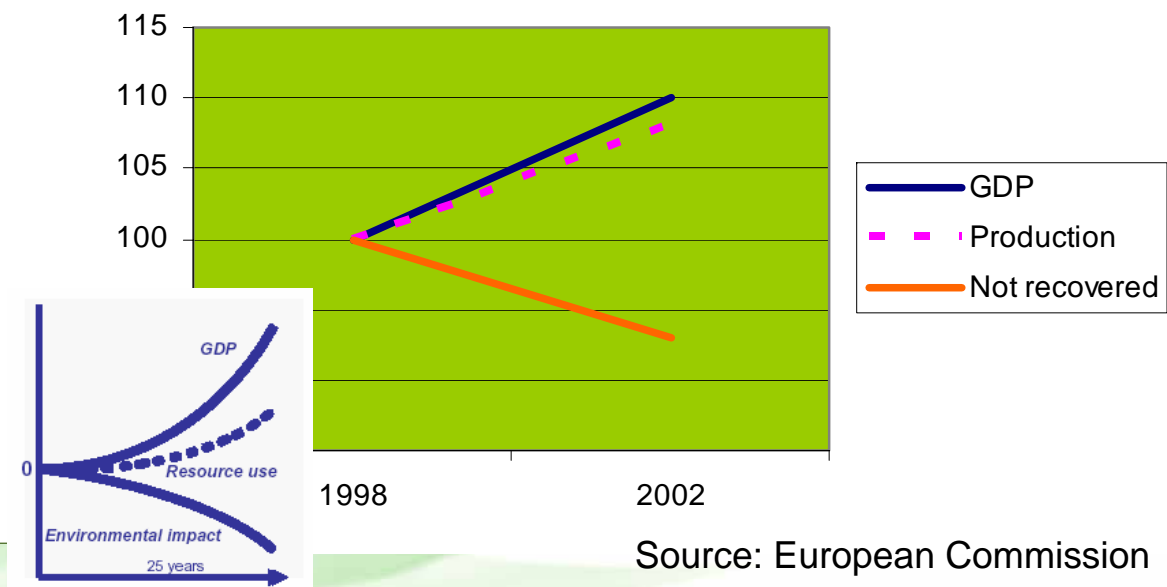
From effectiveness to more efficiency

Reducing Impacts – in Growing Economy

From 1998 to 2002 GDP grew by 10 per cent; same time period

- Paper packaging put on the market grew by 8 per cent (**decoupling**)
- Paper packaging *not recovered* decreased by 17 per cent (**absolute decoupling**).

Yet paper packaging kept its share of all packaging (over 40%).



Source: European Commission



EU Waste Strategy

CEPI priorities:

- Commission preparation welcomed;
- Definitions of recovery, recycling, by-products, end-of-waste and separate collection;
- Ensure separate collection using market instruments;

"*recycling*": reprocessing waste and secondary raw materials for the same or other purposes excluding energy recovery.

"*separate collection*": collection of a recyclable material segregated from refuse and other recyclables.

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EU Waste Strategy

CEPI priorities:

- Avoid double permitting requirements (Waste and IPPC [Directive on integrated pollution prevention and control]);
- Other policies should not distort the market of separately collected paper, e.g. subsidies for renewable energy generation.





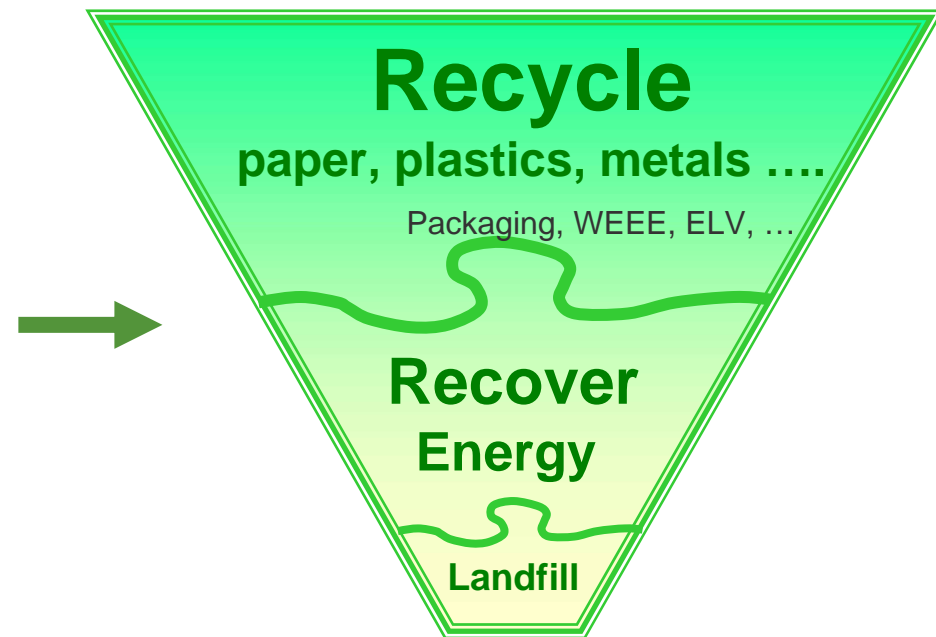
EU Waste Strategy

- 'End of waste' criteria for secondary raw materials: interesting in theory, but has to be applicable without REACH obligations.
- Recovery vs disposal: informed use of waste hierarchy needed, material recycling has priority before incineration.



EU Waste Strategy

EU Waste Hierarchy:
Prevention
Re-use
Material Recycling
Energy Recovery
Incineration and Disposal





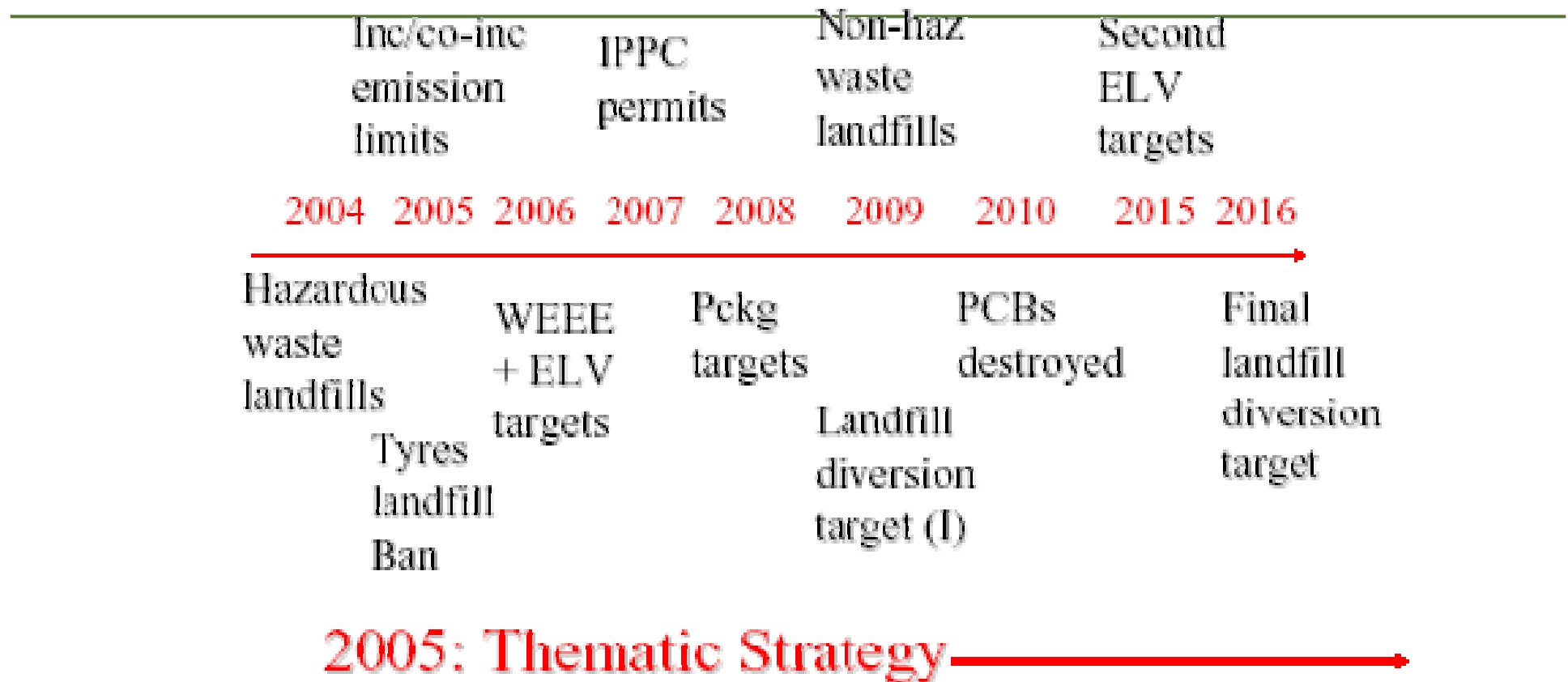
EU Waste Strategy

- 'Towards Recycling Economy':
 - CEPI is an example that this target is achievable;
 - If the legislation allows, even more can be done;
 - No intervention where market is performing in a sustainable manner.





“A Decade of Change”





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