

Białystok, dnia 7 czerwca 2022 r.

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Dotyczy: Zmian w Dyrektywie Parlamentu Europejskiego i Rady (UE) 2018/2001 z dnia 11 grudnia 2018 r. w sprawie promowania stosowania energii ze źródeł odnawialnych.

W Parlamencie Europejskim trwają prace nad wprowadzeniem kolejnych zmian w Dyrektywie Parlamentu Europejskiego i Rady (UE) 2018/2001 z dnia 11 grudnia 2018 r. w sprawie promowania stosowania energii ze źródeł odnawialnych (RED). Dokument został skierowany do Komisji Przemysłu, Badań Naukowych i Energii (ITRE) a Komisja Ochrony Środowiska Naturalnego, Zdrowia Publicznego i Bezpieczeństwa Żywności (ENVI) jest organem opiniującym. W dniu 17 maja 2022 r., komisja ENVI przegłosowała m. in. zmiany w definicji biomasy, z której wykreślony został fragment „ulegającą biodegradacji część odpadów”. Poniżej prezentujemy zaproponowaną zmianę treści definicji. Pogrubioną czcionką i przekreśleniem wskazany został fragment tekstu stanowiący przedmiot niniejszego pisma.

*‘biomass’ means the **solid and liquid biodegradable fraction of products, byproducts, waste and residues from biological origin from agriculture, including vegetal and animal substances, from forestry and related industries, including fisheries and aquaculture, as well as ~~the biodegradable fraction of~~ waste, including industrial and municipal waste of biological origin.***

W uzasadnieniu do zaproponowanej zmiany wskazano, iż odniesienie do „biodegradowalnej frakcji odpadów” przynosi efekt przeciwny do zamierzonego, ponieważ zawsze z frakcją biodegradowalną spalana jest frakcja pochodzenia kopalnego (ta frakcja, która może zostać poddana procesom recyklingu). Według wnioskujących, definicję biomasy należy zmienić, aby zapewnić, że do wytwarzania energii odnawialnej wykorzystywane są wyłącznie odpady rzeczywiście ulegające biodegradacji.

W naszej opinii, obecnie obowiązujący kształt definicji w odniesieniu do tych odpadów, które są spalane w Instalacjach Termicznego Przekształcania Odpadów jest prawidłowy, gdyż zgodnie z przepisami wydanymi na podstawie art. 159 ust. 1 ustawy z dnia 14 grudnia 2012 r. o odpadach (t.j. Dz.U. 2022 poz. 699), część energii odzyskanej z termicznego przekształcania odpadów

zawierających frakcje biodegradowalne może stanowić energię z odnawialnego źródła energii, jeżeli są spełnione warunki techniczne zakwalifikowania części energii odzyskanej z termicznego przekształcenia odpadów jako energii z odnawialnego źródła energii. Szczegółowe warunki kwalifikacji określone zostały w Rozporządzeniu Ministra Środowiska z dnia 8 czerwca 2016 r. w sprawie warunków technicznych kwalifikowania części energii odzyskanej z termicznego przekształcenia odpadów (Dz.U. 2016 poz. 847). Ponadto wskazujemy, iż zgodnie z art. 158 ust. 4 ustawy o odpadach, termiczne przekształcanie niesegregowanych (zmieszanych) odpadów komunalnych, może być realizowane wyłącznie w przypadku, gdy został spełniony warunek, o którym mowa w art. 9e ust. 1d ustawy z dnia 13 września 1996 r. o utrzymaniu czystości i porządku w gminach. Także zgodnie z zasadami hierarchii postępowania z odpadami, do procesu termicznego przekształcania odpadów, przekazuje się odpady resztkowe nienadające się do przetworzenia w procesach recyklingu. Powyższe przepisy gwarantują, że w procesie termicznego przekształcania odpadów komunalnych spalane są wyłącznie te frakcje odpadów, które nie mogą być przetworzone w inny sposób. W załączniku do niniejszego pisma przesyłamy także stanowisko stowarzyszeń CEWEP – the Confederation of European Waste-to-Energy Plants and ESWET – the European Suppliers of Waste-to-Energy Technology w sprawie zmian w przepisach Dyrektywy RED.

Z poważaniem,

PRZEWODNICZĄCA
STOWARZYSZENIA

mgr Anna Pisiecka

Załącznik:

- Contribution to the EU Energy Council Discussions on the revision of the Renewable Energy Directive



Brussels, 9th May 2022

To: The Presidency of the Energy Council and the Energy Ministers of EU Member States

Cc: The Executive Vice-President for the European Green Deal, the Commissioners for Energy, Industry, and Environment, the Chair of the European Parliament Industry and Energy Committee, and the EP Rapporteur on the revision of the RED

Concerning: Contribution to the EU Energy Council Discussions on the revision of the Renewable Energy Directive

Dear Minister,

On behalf of **CEWEP – the Confederation of European Waste-to-Energy Plants** and **ESWET – the European Suppliers of Waste-to-Energy Technology**, we would like to kindly invite you to consider our concerns on some of the topics you are handling in the EU Energy Council.

Topic: Fit for 55 package: Revision of Directive (EU) 2018/2001 of the European Parliament and of the Council as regards the promotion of energy from renewable sources.

Ahead of the Energy Council debates and votes on the proposed revision of the Renewable Energy Directive (RED), **CEWEP & ESWET** would like to highlight the importance of safeguarding the contribution of the Waste-to-Energy (WtE, or waste incineration with energy recovery) sector to the supply of renewable energy in Europe.

Summary of position: Every renewable energy source available has a critical role to play to enhance the efforts of the EU economy towards decarbonisation, including electricity, steam, heating and cooling, as well as renewable fuels generated from non-recyclable waste. Waste-to-Energy, recognised as a supplier of renewable energy under the Renewable Energy Directive, responds today to the major EU energy crisis.

Three points to consider in the revision of the RED:

- Safeguard the definition of biomass and ensure it includes the biodegradable fraction of waste;
- Continue to support the use of WtE to reduce Europe's dependency on gas imports;
- Support the explicit inclusion of the energy from incineration as 'waste heat' in the definition of the latter.

Waste-to-Energy is a source of renewable energy

Waste-to-Energy constitutes the link between circular economy and renewable energy. It ensures that non-recyclable waste – including the residues of sorting and recycling processes – is safely managed and used as a resource thanks to **energy and [material recovery](#)**.

Despite the best efforts to prevent waste and to sort for recycling, there will always be a remaining fraction of non-recyclable residual waste which contains some biodegradable waste. This waste should be managed in the most sustainable way, in line with the waste hierarchy, ensuring the lowest possible emissions in accordance with the most stringent EU legal requirements.

We believe that the RED III, especially during the current energy security crisis, should support local and secure sources of renewable energy such as the production of energy from the biodegradable fraction of the waste. Biomass has the potential to replace fossil energy carriers and feedstocks in energy-intensive industries.

Recent studies estimate that the **renewable energy output from Waste-to-Energy plants is [more than 50%](#)**, contributing substantially to the transition from fossil fuels in the electricity, district heating, industrial steam supply and transport sectors.

The [IPCC](#) clearly acknowledges that the biodegradable part of the waste is biomass by stating that “Biomass sources include [...] the organic component of municipal solid waste (MSW), and other organic waste streams”. When biodegradable waste is incinerated together with fossil waste in Waste-to-Energy plants, the credit for the renewable energy is only given to the energy produced from the biodegradable fraction.

Responding to the energy crisis: Waste-to-Energy secures local, affordable, and reliable non-intermittent energy for Europe

European WtE plants provide a **local source of reliable energy** that complements intermittent renewable energy sources such as wind or solar while at the same time treating non-recyclable waste. The baseload nature of these plants allows more flexibility and stability in the electricity grid. WtE plants in Europe generate enough electricity to supply almost 19 million people per year. Additionally, around 10% of Europe’s energy provided to District Heating networks comes from WtE, which supplies almost 16 million Europeans with heat yearly.

The amount of primary energy generated by WtE in 2019 was **equivalent to 13.8 billion m³ of natural gas**. This corresponds to approximately 9% of the [natural gas imports to the EU from Russia](#) (155 billion m³ in 2021). [By 2035 WtE plants](#) could produce 189 TWh of useful energy per year, which would be equivalent to 19.4 billion m³ of natural gas in terms of primary energy and 12,5% of gas imports from Russia.

Waste-to-Energy can produce **renewable (biobased) and low-carbon fuels** (e.g., hydrogen and methanol), which are crucial in reaching the climate objectives and the renewable targets as part of Fit for 55. [Waste-to-Hydrogen](#) has a significant potential to decarbonise heavy transport by powering fuel cell buses and refuse trucks collecting municipal waste, while avoiding GHG emissions and other pollutants’ emissions coming from road transport.

As outlined in the proposed revision to the Gas Directive and the Gas Regulation, hydrogen-blended natural gas networks and dedicated hydrogen will become an important part of the EU's energy infrastructure. Several promising Waste-to-Hydrogen pilot projects are taking off in Europe.

In addition, recognising the heat recovered from waste incineration as '**waste heat**' can help the EU to reduce its dependency on (natural) gas imports while participating in the efforts towards a carbon-neutral Europe. Waste heat, especially as it comes from residual waste, after all the source separation provisions have been complied with, is generated as part of the process of treating waste and is not produced intentionally.

Waste-to-Energy keeps the food chain intact

Energy recovery from non-recyclable (municipal) waste does not put the food supply sector at risk, since WtE does not use food crops for bioenergy production. Besides, the [Joint Research Centre 2016 report on Waste-to-Energy](#) states that life-cycle CO₂ costs of fuels derived from waste are lower than for fossil fuels or crop-based biofuels.

Waste-to-Energy is a carbon sink

In addition to the CO₂eq emission savings from fossil fuel substitution, **WtE also mitigates greenhouse gases** by diverting waste from landfills and recycling metals from the incineration bottom ash, the leftovers of the combustion process.

Moreover, the recent [2022 IPCC report](#) (p. 990) underlines that "when WTE technologies are equipped with proper air pollution reduction facilities **they can contribute to clean electricity production and reduction of GHG emissions.**"

Finally, numerous European WtE plants are exploring Carbon Capture Usage and Storage (CCUS) technologies, which have the potential to further reduce the carbon footprint of the sector or even to make it **carbon negative** without requiring additional external energy sources .

We therefore call upon the Energy Council to:

- Safeguard the definition of biomass in the revision of the RED and ensure that it covers the biodegradable fraction of waste including industrial and municipal waste of biological origin, to not endanger the deployment of useful biomass from non-recyclable waste;
- Support in the RED the use of Waste-to-Energy in order to reduce Europe's dependency on natural gas imports by using waste that is not suitable for quality recycling for local energy generation. There is a particularly significant potential in countries where reliance on landfilling is still high (e.g., Central Eastern and Southern Europe), and where WtE is a relatively low hanging fruit towards decarbonisation and achieving higher levels of self-sufficiency.
- Support the explicit inclusion of the energy from incineration as 'waste heat' in the definition of the latter in the RED. Waste heat, especially when all the separate collection



obligations of the Waste Framework Directive have been complied with, as requested by the RED, is generated as part of the process of treating waste and is not produced intentionally, and it is therefore 'unavoidable'.

Waste-to-Energy relies on residual waste directly available in Europe contributing to the European Green Deal objective of securing affordable renewable energy, and supporting the European Union become self-sufficient and less dependent on fossil fuel imports. In this respect, energy and fuels produced from **Waste-to-Energy activities should continue to be promoted by the Renewable Energy Directive and count towards the renewable energy targets set out in the Directive.**

Thank you very much for considering our position.

Respectfully,

Ella Stengler

Managing Director of CEWEP

A handwritten signature in blue ink, appearing to read 'Ella Stengler'.

Patrick Clerens

Secretary-General of ESWET

A handwritten signature in blue ink, appearing to read 'Patrick Clerens'.



CEWEP - Confederation of European Waste-to-Energy Plants - is the umbrella association of the owners and operators of Waste-to-Energy Plants across Europe.

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ESWET - The European Suppliers of Waste-to-Energy Technology - is the European Association representing manufacturers in the field of Waste-to-Energy technology.

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