



**State of play:
Enabler Better regulation –
October 2015**



Flanders
State of
the Art

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MAKE TOMORROW
MORE BEAUTIFUL

OVAM

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1 BETTER REGULATION

LEADER: FEBEM

INTRODUCTION

Is current legislation a stimulus or a hindrance for the transition to sustainable material management? How can we better harmonise regulations to stimulate the maximum use of waste as a raw material and encourage protection of health and the environment? And how can we close the 'back-doors' that facilitate misuse?

AMBITIONS AND REALISATIONS

With the 5 following actions, we hope to end up with improved regulations:

- Sending waste and material flows to the optimal application and treatment through good regulation
- Reviewing the regulation for earthmoving
- Using extended producer responsibility even more as a tool for closing material cycles
- Increasing the attention for sustainable materials management in granting permits
- Targeted enforcement of the regulations around materials

We will discuss these 5 themes and the corresponding action points below.

1.1 SENDING WASTE AND MATERIAL FLOWS TO THE OPTIMAL APPLICATION AND TREATMENT THROUGH GOOD REGULATION

The Flemish government has replaced the Waste Decree with a Materials Decree. It has thus taken a significant step towards a legal framework for sustainable materials management. This includes important principles such as extended producer responsibility, 'end of waste' and the life-cycle approach. The idea is to further refine the regulations. Compliance with the rules is an important focus point.

Work is also taking place on a policy plan for dredging spoil, which will include conditions for exporting this substance. Certain spoils, e.g. those containing heavy metals, may be exported. The sector is critical about this and is asking for this option to be removed. VITO is working on two studies regarding toxicity and the best techniques for processing dredging spoil. The policy conclusions will then be incorporated into the policy plan. It remains to be seen whether the policy plan is financially feasible and/or if we can obtain political engagement for this.

In the longer-term, we would also like to investigate the implementation of a levy on reclaimed and exported minerals. Recycled materials must be protected from these newly reclaimed minerals. A SuMMa study has been conducted on this topic but we first need political agreement.

In addition, we are working on a policy that stimulates the more frequent use of organic materials. In this context, an internationally accepted 'end-of-waste' regulation for compost and digestate is a

critical success factor. The Waste working group from the Benelux parliament is helping to force a breakthrough in that area.

1.2 REVIEWING THE REGULATION FOR EARTHMOVING

We are analysing the rules for earth moving in order to further refine them. We can thus avoid recycled materials being used for low-value applications in non-functional quantities. The big challenge is harmonising the still varied standards from VLAREBO and VLAREMA, whereby companies choose which system of regulations most suits them.

OVAM is working on a regulatory proposal which involves the standards and user conditions for soil-related waste material flows moving to VLAREBO. The user conditions for non-soil-based flows could fall under VLAREMA. We plan to finalise a consensus proposal this year. FEBEM supports this by providing analysis results from soil-based waste material flows and is thus helping to create a scientifically backed framework.

1.3 USING THE EXTENDED PRODUCER RESPONSIBILITY EVEN MORE AS A TOOL FOR CLOSING MATERIAL CYCLES

We are increasingly targeting eco-design within wider producer responsibilities. We are challenging companies to market products that are not only made of recycled materials but which can also be recycled themselves. This is a hot-topic in negotiations regarding new environmental agreements for electrical devices and batteries. We are also trying to further expand the responsibilities of producers. A mandatory take-back scheme for old mattresses, for example, has been in place since 2018. We are waiting for further technological research in relation to carpets.

1.4 INCREASING THE ATTENTION FOR SUSTAINABLE MATERIALS MANAGEMENT IN GRANTING PERMITS

We want to encourage the sustainable use of materials through the environmental permit. This means that, in assessing an application for a permit, in addition to the nuisance aspect for the surroundings and the environment, material efficiency and the use of materials will also be taken into account. BATs (Best Available Techniques) must also take material efficiency into account.

A demolition inventory in environmental permits is also important. Where do the hazardous materials occur? And to whom can they be transported? A demolition inventory is already mandatory for larger buildings. We would like to reinforce this obligation by including it in the new environmental permit. To do so, we need a pledge from the government and are consequently keeping a constant eye on the situation.

We would also like to focus on sustainable material management for government purchases. The region of Flanders is a leading light when it comes to increasing the sustainability of purchasing. OVAM provides material criteria in order to increase the environmental-friendliness of government specifications for at least two products or service categories.

1.5 TARGETED ENFORCEMENT OF THE REGULATIONS AROUND MATERIALS

Checks are vital. In consultation with the environmental inspectorate, we are trying to do so as effectively as possible via analyses that demonstrate where they are most needed.

In 2016 we are primarily focussing on the regulations for sorted sieved sand (the smallest fraction from mixed building and demolition waste). This term can also be used for the fine, contaminated fraction from waste sorting companies. A list of companies that produce sandy flows has been drawn up and a few have been selected by the environmental inspectorate for an audit.

We are also endeavouring to consider how we can communicate on punishments as a stimulating tool, without showing the entire sector in a bad light.

We are also trying to strengthen enforcement of separated collection. The environmental inspectorate is not prepared to further supervise this topic but the efforts of OVAM with regard to raising awareness are still being maintained.