



Notification Number: 2009/124/UK

## The quality protocol for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste

Date received : 05/03/2009

End of Standstill : 08/06/2009

### Message

Message 001

Communication from the Commission - SG(2009) D/50531

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2009/0124/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 200900531.EN)

#### 1. Structured Information Line

MSG 001 IND 2009 0124 UK EN 08-06-2009 05-03-2009 UK NOTIF 08-06-2009

#### 2. Member State

UK

#### 3. Department Responsible

Department for Innovation, Universities and Skills

#### 3. Originating Department

Department for Environment, Food and Rural Affairs

Kingsgate House, 66-74 Victoria Street, London, SW1E 6SW.

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#### 4. Notification Number

2009/124/UK – S20E

#### 5. Title

The quality protocol for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste

#### 6. Products Concerned

Anaerobic Digestate

#### 7. Notification Under Another Act

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#### 8. Main Content

The end-of-waste protocol for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste has three main purposes:- (1) to clarify the point at which anaerobic digestate from source-segregated biodegradable waste has undergone a complete recovery operation, has been fully recovered and has ceased to be waste within the meaning of Article 1(1)(a) of the Waste Framework Directive (2006/12/EC); (2) to provide users with confidence that the anaerobic digestate they purchase conforms to an approved standard; and (3) to protect human health and the environment (including soil) by describing acceptable good practice for the use of anaerobic digestate in agriculture, forestry, soil/field-grown horticulture and in land restoration. Anaerobic digestate will be regarded as having been fully recovered and ceased to be waste, and therefore no longer subject to waste management controls when despatched to the customer, provided that a) it is produced using those source-segregated input materials listed in Appendix B to the protocol, b) it meets the requirements of an approved standard, and c) it is destined for appropriate use in one of the designated market sectors. Producers must demonstrate that these criteria have been met by either obtaining certification from an approved certification body or producing and keeping copies of the customer supply documentation which includes a declaration that the digestate meets both the approved standard and the end-of-waste protocol.

#### 9. Brief Statement of Grounds

The Waste Framework Directive requires Member States to encourage the use of waste as a resource and the Landfill Directive (Directive 1999/31/EC) sets stringent targets to reduce the amount of municipal waste that is disposed of by landfilling. The interpretation of EU legislation is ultimately a matter for the European Court of Justice (ECJ) and there is now a substantial body of case law on the interpretation of the definition of waste in Article 1(1)(a) of the Waste Framework Directive. Subject to ECJ case law, it rests with Member States' competent authorities to determine on a case-by-case basis when substances or objects are discarded and become waste, and when waste has been fully recovered and ceases to be waste. Based on the principles set by the ECJ in case law, the anaerobic digestate end-of-waste Protocol seeks to identify with greater certainty the point at which source-segregated biodegradable waste has been fully recovered and ceases to be waste. In so doing, the anaerobic digestate end-of-waste Protocol's objective is to provide greater certainty for both establishments or undertakings producing anaerobic digestate under the terms of a permit issued by the competent authority under Article 10 of the Waste Framework Directive, or a permit exemption registered under Article 11 of the Directive, and to users of anaerobic digestate produced by such waste recovery operations. The greater certainty provided by the anaerobic digestate end-of-waste Protocol will fulfil not only the objectives of the Waste Framework Directive by making more effective use of waste as a resource, but also those of the Landfill Directive by reducing the amount of waste disposed of by landfilling.



**10. Reference Documents - Basic Texts**

e) No basic texts.

**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

**15. Impact assessment**

The impact assessment is attached.

**16. TBT and SPS aspects**

TBT Aspect

No

The draft does not have a significant effect on international trade.

SPS Aspect

No

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

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