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DRAFT OPINION

Commission for the Environment, Climate Change and Energy

Legislative proposals amending waste directives

Rapporteur: **Domenico Gambacorta (IT/EPP)**
President of the Province of Avellino

This document will be discussed at the meeting of the **Commission for the Environment, Climate Change and Energy** to be held **from 11 a.m. to 6 p.m. on 21 April 2016**. To allow time for translation, any amendments must be submitted through the online tool for tabling amendments (available on the Members' Portal: <http://cor.europa.eu/members>) **no later than 3 p.m. (Brussels time) on 12 April**. A user guide is available at <http://toad.cor.europa.eu/CORHelp.aspx>.

Reference documents

Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment
COM(2015) 593 final – 2015/0272 (COD)

Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste
COM(2015) 594 final – 2015/0274 (COD)

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste
COM(2015) 595 final – 2015/0275 (COD)

Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste
COM(2015) 596 final – 2015/0276 (COD)

Draft opinion of the Commission for the Environment, Climate Change and Energy - Legislative proposals amending waste directives

I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(2)(a)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(a) the following point 1a is inserted: '1a. "municipal waste" means</p> <p>(a) mixed waste and separately collected waste from households including:</p> <ul style="list-style-type: none"> – paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators; – bulky waste, including white goods, mattresses, furniture; – garden waste, including leaves, grass clipping; <p><i>(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition and quantity.</i></p> <p>(c) market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.</p> <p>Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'</p>	<p>(a) the following point 1a is inserted: '1a. "municipal waste" means</p> <p><i>(a)</i> mixed waste and separately collected waste from households including:</p> <ul style="list-style-type: none"> – paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators; – bulky waste, including white goods, mattresses, furniture; – garden waste, including leaves, grass clipping; – <i>construction and demolition waste from small-scale maintenance;</i> <p><i>(b)</i> market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.</p> <p>Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'</p>

<i>Reason</i>
<p>Keeping municipal waste from non-household sources within the definition could give rise to difficulties in interpretation and fall outside the scope of collection by the local waste operator. It is crucial to point out that the exclusion regarding "construction and demolition waste" is limited to non-household waste. If the exclusion proposed by the proposal were to remain valid, it could increase the abandonment of household construction and demolition waste resulting from small-scale maintenance work carried out by home owners to their own property. This is waste which, in many countries such as Italy, can be taken to municipal waste collection facilities and which is counted as municipal waste provided that it is from household sources.</p>

Amendment 2

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(5)(a)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(a) paragraph 1 is amended as follows:</p> <p>(i) the introductory phrase and point (a) are replaced by the following:</p> <p style="padding-left: 20px;">'1. Member States shall ensure that waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following conditions:</p> <p style="padding-left: 40px;">(a) the substance or object can be used for specific purposes;';</p> <p>(ii) the second subparagraph is deleted;</p>	<p>(a) paragraph 1 is amended as follows:</p> <p>(i) the introductory phrase and point (a) are replaced by the following:</p> <p style="padding-left: 20px;">'1. Member States shall ensure that waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following conditions:</p> <p style="padding-left: 40px;">(a) the substance or object can be used for specific purposes <i>and a beneficial use is subsequently established</i>;';</p> <p>(ii) the second subparagraph is deleted;</p>

Reason

The wording proposed for one of the criteria for ceasing to be waste is weak for the stated purpose, being restricted to a purely theoretical value. The proposed addition aims to boost and facilitate the re-entry of materials into the production cycle, in order to come as close as possible to the primary mechanisms of the circular economy.

Amendment 3

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(9)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(9) Article 9 is replaced by the following:</p> <p>'Article 9</p> <p>Prevention of waste</p> <p>1. [...]</p> <p>2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets, notably <i>on</i> the per capita quantity of municipal waste that is disposed of or subject to energy recovery.</p> <p>[...];</p>	<p>(9) Article 9 is replaced by the following:</p> <p>'Article 9</p> <p>Prevention of waste</p> <p>1. [...]</p> <p>2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets <i>to measure the quantity of waste generated, including waste to be recycled, and</i> notably the per capita quantity of municipal waste that is disposed of or subject to energy recovery.</p> <p>[...];</p>

Reason

Greater clarity is needed regarding the new provision on the use of appropriate indicators by the Member States to measure the quantity of waste. The vagueness arising from the lack of details on what should be measured could lead to a lack of comparable data between Member States. In any case, the indicators should include recycling, as proposed in the amendment, or rather should be based on the quantity of waste generated.

Amendment 4

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(10)(c)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
(c) in paragraph 2, point (b) is replaced by the following: '(b) by 2020, the preparing for re-use, recycling and backfilling of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight;'	(c) in paragraph 2, point (b) is replaced by the following: '(b) by 2020, the preparing for re-use, recycling and backfilling of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 % by weight. <i>The Commission shall assess the management of this waste stream and consider whether recycling targets for specific construction materials to be met by 2025 and 2030 should be set by 2020;</i> '

Reason

The measures proposed for non-hazardous construction and demolition waste, which make up a significant proportion of all waste, are insufficiently ambitious in this respect. Rather than the present combined target for preparing for re-use, recycling and backfilling, we would propose that - at least as a general approach - specific targets be set for recycling of specific construction materials, in order to work towards a circular economy.

Amendment 5

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(10)(d)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
(d) in paragraph 2, the following points (c) and (d) are added: '(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight; (d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 65% by weight.'	(d) in paragraph 2, the following points (c) and (d) are added: '(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight; (d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 70% by weight.'

Reason

Keeping to the 70% target, as proposed last year by the Commission, is a missed opportunity as recycling creates local jobs and produces fewer emissions than does landfilling or incineration. The CoR has already pointed out that the good results achieved in some Member States and some regions demonstrate that it is possible to reach or come close to ambitious targets, when the overall conditions are right and the necessary administrative capacity has been put in place¹.

Amendment 6

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(13)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(13) Article 22 is replaced by the following: 'Member States shall ensure the separate collection of bio-waste where technically, environmentally and economically practicable and appropriate to ensure the relevant quality standards for compost and to attain the targets set out in Article 11(2)(a), (c) and (d) and 11(3). They shall take measures, as appropriate, and in accordance with Articles 4 and 13, to encourage the following:</p> <ul style="list-style-type: none">a) the recycling, including composting, and digestion of bio-waste;b) the treatment of bio-waste in a way that fulfils a high level of environmental protection;c) the use of environmentally safe materials produced from bio-waste.';	<p>(13) Article 22 is replaced by the following: 'Member States shall ensure the separate collection of bio-waste unless it is shown to be technically, environmentally and economically impracticable and appropriate to ensure the relevant quality standards for compost and to attain the targets set out in Article 11(2)(a), (c) and (d) and 11(3). They shall take measures, as appropriate, and in accordance with Articles 4 and 13, to encourage the following:</p> <ul style="list-style-type: none">a) recycling, in order to produce compost and digestate which meet relevant quality standards;b) the treatment of bio-waste in a way that fulfils a high level of environmental protection;c) the use of environmentally safe materials produced from bio-waste. <p><i>No later than 2018, the Commission shall assess whether minimum quality criteria should be set for compost and digestate produced from bio-waste, in order to guarantee a high level of protection for human health and the environment.</i>';</p>

¹

COM(2014) 397 final.

<i>Reason</i>
<p>The wording on separate collection of bio-waste does too little to encourage this type of collection. The proposed amendment is more decisive and seeks to make the collection of bio-waste mandatory. Subpoint (a) should be fine-tuned by linking the recycling of bio-waste to the production of high-quality compost and digestate, as poor quality compost and digestate will often end up in landfills rather than being recycled.</p> <p>As stipulated in the 2014 legislative proposal, in the absence of a stated quantitative target for the recycling of bio-waste, the Commission should be required to assess whether one should be set, if only in terms of policy².</p>

Amendment 7

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)

Article 1(17)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(17) Article 29 is amended as follows: (a) in paragraph 1, the first sentence is replaced by the following: '1. Member States shall establish waste prevention programmes setting out waste prevention measures in accordance with Articles 1, 4 and 9.'; (b) paragraphs 3 and 4 are deleted;</p>	<p>(17) Article 29 is amended as follows: (a) in paragraph 1, the first sentence is replaced by the following: '1. Member States shall establish waste prevention programmes setting out waste prevention measures in accordance with Articles 1, 4 and 9 <i>in order to meet the targets to decrease the quantity of municipal waste generated in 2025 by 10% compared to 2015 levels and to reduce food waste by at least 30% by 2025 and 50% by 2030.</i>'; (b) paragraphs 3 and 4 are deleted;</p>

<i>Reason</i>
<p>The addition of this target for preventing (reducing) municipal waste is in line with the targets set by the 7th Environment Action Programme and the Commission's mandate, in accordance with Article 9(c) of the framework directive, requiring it to set waste prevention and decoupling objectives for 2020 by the end of 2014. Moreover, various national waste prevention programmes already have quantitative targets, differentiated by sector and type of waste and with a range of timeframes³. The target of halving food waste by 2030 is in line with the 2030 Agenda for Sustainable Development adopted by the UN General Assembly on 25 September 2015, as stated in recital 12 of the directive.</p>

² CdR 74/2009 fin, European Parliament resolution of 24 May 2012 on a resource-efficient Europe (2011/2068(INI)).

³ EEA report June 2015; CDR 3306/2015; CdR 140/2011 fin; refer also to <http://portal.cor.europa.eu/europe2020/MonitoringFlagships/Pages/A-Resource-Efficient-Europe.aspx>

Amendment 8

Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste, COM(2015) 596 final – 2015/0276 (COD)

Article 1(3)(b)

<i>Text proposed by the Commission</i>	<i>CoR amendment</i>
<p>(b) in paragraph 1, the following points (f) to (i) are added:</p> <p>(f) no later than 31 December 2025 a minimum of 65% by weight of all packaging waste will be prepared for reuse and recycled;</p> <p>(g) no later than 31 December 2025 the following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:</p> <ul style="list-style-type: none"> 55 % of plastic; 60% of wood; 75% of ferrous metal; 75% of aluminium; 75% % of glass; 75% of paper and cardboard; <p>(h) no later than 31 December 2030 a minimum of 75% by weight of all packaging waste will be prepared for reuse and recycled;</p> <p>(i) no later than 31 December 2030 the following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:</p> <ul style="list-style-type: none"> 75% of wood; 85% of ferrous metal; 85% of aluminium; 85% of glass; 85% of paper and cardboard.'; 	<p>(b) in paragraph 1, the following points (f) to (i) are added:</p> <p>(f) no later than 31 December 2025 a minimum of 65% by weight of all packaging waste will be prepared for reuse and recycled;</p> <p>(g) no later than 31 December 2025 the following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:</p> <ul style="list-style-type: none"> 55 % of plastic; 60% of wood; 75% of ferrous metal; 75% of aluminium; 75% % of glass; 75% of paper and cardboard; <p>(h) no later than 31 December 2030 a minimum of 75% by weight of all packaging waste will be prepared for reuse and recycled;</p> <p>(i) no later than 31 December 2030 the following minimum targets by weight for preparing for reuse and recycling will be met regarding the following specific materials contained in packaging waste:</p> <ul style="list-style-type: none"> 75% of plastic; 75% of wood; 85% of ferrous metal; 85% of aluminium; 85% of glass; 85% of paper and cardboard.';

<i>Reason</i>
<p>There is no target for 2030 for the preparing for re-use and recycling of plastic packaging. As an alternative to the parameter set, as a minimum the Commission should be required to present such a target within a few years.</p>

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

Aligning of definitions

1. welcomes the clear set of harmonised definitions in the waste directives and calls on the European Commission to ensure that all the definitions are in line with the European Waste Catalogue, to avoid ambiguity and to ensure that comparable data are available on the progress made by the Member States and local and regional authorities;
2. recommends that the co-legislators nonetheless provide a definition of "littering".

Extended Producer Responsibility

3. points out that the proposal to harmonise minimum requirements is crucial for boosting the performance of Extended Producer Responsibility schemes across the Member States;
4. urges the co-legislators not to water down these requirements and to maintain key provisions such as those guaranteeing transparency, full coverage of costs by producers for local and regional authorities with regard to the collection, management and processing of waste streams, and public information.

Waste prevention

5. highlights the need for more detail regarding 'minimum quality requirements' for foodstuffs and proposes that a minimum standard procedure be laid down for food recovery which guarantees food safety and which can be rolled out uniformly across the Member States.

Re-use and recycling

6. calls once again for further targets to be set for re-use. The targets should be binding, independent and geared to specific waste streams, particularly furniture, fabrics and waste electrical and electronic equipment (WEEE). Preparing for re-use is important for waste prevention: like recycling it is at the top of the waste hierarchy and it offers reliable potential for developing the circular economy⁴;
7. recommends that the European Commission assess whether the framework directive should require Member States to report (non-hazardous) industrial waste and the European Environment Agency to monitor and collect these data. The Commission should review the situation by 2020, evaluating targets on preparing for re-use and recycling for this waste stream⁵;

⁴ CDR-1617-2013.

⁵ CDR-1617-2013.

8. points out that moving from targets for recycling to combined targets for preparing for re-use and recycling: i) creates difficulties with regard to the separate measuring of recycling and of preparing packaging and waste packaging for re-use; and ii) needs to be clarified.

Landfilling

9. acknowledges the importance of gradually introducing restrictions on landfilling and supports the Commission's shift towards banning landfilling of waste subject to separate collection (including bio-waste), taking into account communication COM(2015) 614 on the circular economy which promotes the cascading use of biological resources which can create competitiveness through re-use⁶;
10. recommends continuing to give priority to a qualitative, more ambitious approach eliminating landfilling of recyclable, biodegradable waste and extending the reduction target to all types of waste, not just 10% of municipal waste.

Derogations for certain Member States with regard to targets for municipal waste and landfilling

11. upholds the exemptions granted to the seven Member States with the lowest levels of waste management, but stresses the need to maintain the proposed provisions whereby exempted Member States must submit implementation plans with detailed timetables of the measures needed to meet their targets.

Data registration and communication requirements

12. flags up the absence of a provision, proposed by the European Commission in 2014 in the framework directive, requiring industrial and commercial businesses to keep a register of non-hazardous waste processed by them and, upon request, to make these data available to the relevant authorities.

Delegated acts

13. is concerned about the considerable power that the proposed directives confer on the European Commission to adopt delegated acts, and calls on the co-legislators to restrict the use of them as they weaken their own supervisory powers and do not comply with the democratic and legislative process⁷.

Covenant of Mayors on waste management

14. given the notable success of the Covenant of Mayors for Climate and Energy, proposes that a Covenant of Mayors on waste management be set up to mobilise local and regional authorities

⁶ COR-2014-04083, CdR 3751/2013, CdR 1617/2013.

⁷ COR-2014-04083; Consultation of the subsidiarity expert group and relevant decisions of national and regional parliaments on subsidiarity and proportionality related aspects of the circular economy package - synthesis and analysis, COR-2016-1521.

and step up efforts to boost resource efficiency, reduce waste and increase recycling, re-use and recovery of waste in cities.

Subsidiarity and proportionality

15. points out while there is no cause for concern as regards compliance with subsidiarity, the European Commission's proposals do give rise to concerns as regards compliance with proportionality⁸.

Brussels, ...

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See also the Consultation of the subsidiarity expert group and relevant decisions of national and regional parliaments on subsidiarity and proportionality related aspects of the circular economy package - synthesis and analysis, COR-2016-1521.

III. PROCEDURE

Title	Legislative proposals amending waste directives
Reference(s)	<p>Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment, COM(2015) 593 final – 2015/0272 (COD)</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste, COM(2015) 594 final – 2015/0274 (COD)</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final – 2015/0275 (COD)</p> <p>Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste, COM(2015) 596 final – 2015/0276 (COD)</p>
Legal basis	COM(2015) 593 final, COM(2015) 594 final, COM(2015) 595 final: mandatory referral, Article 192 TFEU COM(2015) 596 final: optional referral, Article 307(1), TFEU
Procedural basis	
Date of Council/EP referral	COM(2015) 593 final, COM(2015) 594 final, COM(2015) 595 final: Council 15 December 2015, EP 22 December 2015 COM(2015) 596 final: EP 12 January 2016
Date of President's decision	9 December 2015
Commission responsible	Environment, Climate Change and Energy
Rapporteur	Domenico Gambacorta (IT/EPP) President of the Province of Avellino
Analysis	10 March 2016
Discussed in commission	Scheduled for 21 April 2016
Date adopted by commission	Scheduled for 21 April 2016
Result of the vote in commission (majority, unanimity)	
Date adopted in plenary	Scheduled for 15-16 June 2016
Previous Committee opinions	<p><i>Resolution on sustainable food</i>, CDR 3306/2015⁹</p> <p><i>Opinion on Towards a circular economy: review of EU waste legislation</i>, COR-2014-04083¹⁰</p> <p><i>Opinion on the Green Paper on a European strategy on plastic waste in the environment</i>, CdR 3751/2013 fin¹¹</p>

⁹ [OJ C 313, 22.9.2015, p. 5.](#)

¹⁰ [OJ C 140, 28.4.2015, p. 37.](#)

¹¹ [OJ C 356, 5.12.2013, p. 30.](#)

	<p>Outlook opinion on <i>The review of the European Union's key waste targets</i>, CdR 1617/2013 fin¹²</p> <p>Opinion on <i>A resource-efficient Europe — Flagship initiative under the Europe 2020 strategy</i>, CdR 140/2011 fin¹³</p> <p>Opinion of the Committee of the Regions on <i>The management of bio-waste in the European Union</i>, CdR 74/2009 fin¹⁴</p>
Date of subsidiarity monitoring consultation	Summary and analysis 10 March 2016

12 [OJ C 280, 27.9.2013, p. 44.](#)

13 [OJ C 9, 11.1.2012, p. 37.](#)

14 [OJ C 211, 4.9.2009, p. 54.](#)