

Brussels, 2 December 2003

OPINION
of the
Committee of the Regions
of 20 November 2003
on the
Communication from the Commission
Towards a thematic strategy on the prevention and recycling of waste
(COM(2003) 301 final)

THE COMMITTEE OF THE REGIONS,

Having regard to the Commission Communication: Towards a thematic strategy on the prevention and recycling of waste (COM(2003) 301 final);

Having regard to the decision of the European Commission on 28 May 2003 to consult it on the subject, under the first paragraph of Article 265 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau on 19 June 2003 to instruct the Commission for Sustainable Development to draw up an opinion on the subject;

Having regard to the document in question;

Having regard to the Sixth Community Environment Action Programme;

Having regard to its document on The Committee of the Regions' political priorities for the period 2002-2006, point 5 of which sets out requirements in the field of environmental protection:

b) standardised EU-wide material rules that really help to improve the quality of the environment and which should be national requirements;

c) indispensable Community-wide standards for environmental protection;

Having regard to its opinions:

- CdR 447/98 fin on the Proposal for a Council Directive on the incineration of waste¹,
- CdR 36/2001 fin on the sixth environment action programme²,
- CdR 190/2002 fin on the Commission Communication: Towards a thematic strategy for soil protection³;

Having regard to the international commitments made by the EU in the field of sustainable development;

Having regard to its draft opinion (CdR 239/2003 rev. 1) adopted on 29 September 2003 by the Commission for Sustainable Development (rapporteur: **Mr Condorelli**, Member of Catania Municipal Council (IT/ELDR);

Whereas:

1. **EU waste policy must be brought up to date** in the light of progress made, problems encountered and the requirements of the sustainable development principle, with due respect for international agreements;
2. any strategy promoting measures aimed at quantitative and qualitative waste prevention and waste recycling must recognise the key part played by regional and local authorities, who are called upon on a daily basis to ensure efficient management, in order not only to limit the impact on the environment and human health but also to contribute to the development of ecologically, economically and socially sustainable local development systems;
3. when it reviewed the sixth programme, the Committee called on the EU's to commit to implementing all the measures necessary for sustainable development, regardless of progress on international agreements, not least to secure the EU's international leadership in this field and to benefit from the advantages of an ecologically based

economy "as an engine for innovation, competitiveness and economic efficiency" (CdR 36/2001, points 3.2 and 3.1);

4. there is a need to move faster to improve the level of environmental protection in the accession countries, not least to generate sustainable economic development by means of the transfer of clean technologies, in order to prevent a repetition of the problems encountered over the years in the EU and to bridge or at least reduce the current technology gap;
5. waste policy ought to be built into the other environment policies and the various approaches to the waste issue must be made more consistent; these requirements led the CoR to recommend that "protecting soils from erosion and pollution" be dealt with under the heading "Sustainable use of natural resources and management of wastes" rather than under "nature and bio-diversity" (CdR 36/2001, point 3.31);
6. careful management is needed to prevent infiltration by "ecomafia" organisations, which find fertile ground in this sector and cause enormous damage to the environment through illegal waste-disposal practices, as well as distorting the market by offering lower prices than companies that comply with regulations; a further commitment is needed to protect the environment in third-world countries, which frequently fall victim to such practices;
7. the sixth Community environment action programme:
 - promotes "the full integration of environmental protection requirements" (Article 2 (4)),
 - affirms the need to decouple "the use of resources and the generation of waste from the rate of economic growth" (Article 2 (2)),
 - sets the objective of achieving "a significant reduction in the quantity of waste going to disposal and the volumes of hazardous waste" (Article 8 (1)),
 - is committed to "encouraging re-use" and to giving preference "to recovery and especially to recycling" (Article 8 (1)),

- sets the objective of "developing a set of quantitative and qualitative reduction targets covering all relevant waste, to be achieved at Community level by 2010" (Article 8 (2)(ii)(a));
8. in view of the above, it would seem necessary to act more decisively in order to prevent waste; it is unacceptable that the most important step in the hierarchy of measures should not be applied in practice, and that decisions must therefore be taken on prevention targets. The Commission document, which views itself as the starting point for a consultation process in this initial phase and deliberately avoids suggesting objectives, ought in this connection to prepare a bold thematic strategy, indicating precise objectives and deadlines;
 9. there is a need to reiterate clearly that recycling should take priority over energy recovery in the hierarchy of measures, as already stated in the opinion on the incineration directive (CdR 447/98, point 5): "In the CoR's view, energy-generating waste incineration can be one component of a modern waste processing system with the proviso that (...) waste incineration does not hold back recycling or waste reduction schemes";
 10. in connection with the above point, it should be noted that it is often the case that, with only a limited commitment to selective collection and recycling, there is a tendency to opt predominantly for incineration, for both municipal waste (as confirmed in point 5.3.1 of the Commission document) and sewage sludge, whose use in agriculture has actually fallen, despite the importance of well-humified soil in carbon accumulation; most seriously, these trends are more marked in the southern European countries where the desertification problem and thus the need to restore organic matter to the soil are greatest. The Committee stresses that the spreading of sewage sludge on agricultural land should be done with maximum consideration for protection of the environment and health, and should therefore be subject to strict rules,

adopted the following opinion at its 52nd plenary session on 19 and 20 November 2003 (meeting of 20 November 2003):

1. **Views of the Committee of the Regions**

The Committee of the Regions

1. **welcomes** the document, which while being a starting point for the consultation process is realistic in setting out the conditions for greater environmental protection;
2. **reiterates** its belief that as the implementation of many of the decisions adopted or to be adopted in this sensitive area falls to local and regional authorities, it is vitally important to give them sufficient opportunities to influence the final phases in defining the Community's thematic strategy.

This is all the more important in the light of the imminent enlargement of the Union, which will pose entirely new ecological challenges; although waste levels are likely to rise, the environmental impact should gradually lessen significantly as Community directives are implemented. The Committee has a crucial part to play in helping the applicant countries' local and regional governments to rise to these challenges;

3. **believes** there is a need for a closer link with other waste management initiatives (incineration and the use of organic waste) and for greater determination to pursue a quantitative waste prevention policy. The Committee is aware in this context that waste prevention is not only to be achieved with waste management instruments but should also be an objective in other areas such as integrated product policy, resources policy and chemicals policy;
4. **believes** that it is essential that the Member States take greater pains to transpose EU directives rapidly and properly, and thus calls for improved monitoring of the results achieved and the problems hindering implementation;
5. **believes** that differences in Member States' environmental legislation cause tensions on the internal market; in order to avoid environmental dumping in the EU and in developing countries, the EU must adopt common standards on recycling;
6. **is convinced** that waste-management policies, and environmental policies in general, should be implemented primarily at local and regional level. Regional and local authorities understand the scale of the phenomenon, manage all aspects of the problems, and have credibility vis-à-vis the public when it comes to implementing and managing recycling and waste-prevention policies. They spend large sums from their own budgets on such policies, conduct public awareness-raising and information campaigns, strive to implement good practice, and finance studies and research. Against this backdrop, the importance of the urban dimension of the issue is particularly relevant, not only because of the very high percentage of the European population living in cities and the inevitable impact on the environment and on human health, but also regarding the connection with development policies. Similar attention should however be given to rural areas, with particular reference to the problems posed by certain categories of farm waste, such as machinery or pesticides. In view of the special protection required for upland, island and rural areas, one issue that must be considered and resolved is the cost of transporting small quantities of waste from such areas to processing plants that are often a long way away;

7. **is also convinced** of the need for regional and local measures to be coordinated with initiatives launched at national and European level, pursuant to the principles of subsidiarity and proximity, and reiterates the importance of synergy between the various tiers of government;
8. **regrets** the current state of knowledge regarding waste production levels and trends in the EU and Member States. Community statistics are seriously lacking on a number of counts, including incomplete coverage and a lack of harmonisation and comparability, so a general assessment cannot be made of most of the five main waste streams (manufacturing waste, mining and quarrying waste, construction and demolition waste, municipal solid waste and agricultural and forestry waste). The Committee points out that overcoming these shortcomings would help in the fight against "ecomafia" organisations as it would make it easier to monitor the waste cycle. It thinks that a sound scientific analysis of waste production levels and trends is a sine qua non for the rigorous fixing of waste prevention targets.

However, the fact that statistics on municipal waste are generally considered to be the most reliable points once more to the strategic position of local government in shaping policy in this sector;

9. **welcomes** the good results obtained by the Member States in the area of self-sufficiency in waste disposal in accordance with the proximity principle, and hopes that this situation will not change with the accession of the new Member States;
10. following the debate that will spring from the communication, **would stress the need** for the Commission to link up important aspects when it comes to the reuse of materials and issues dealt with by other bodies, starting with waste incineration and the role of organic waste and sewage sludge. Current trends in these sectors go against the thrust of the thematic strategy under discussion, as the communication itself points out ("However, landfill taxes need to be complemented by other instruments so as to avoid diverting mixed waste in bulk towards incineration" – point 5.3.1);
11. **believes** that a more precise definition of the notion of waste would be useful, given the interpretative problems that have arisen in recent years; however, there should be no change to the broad interpretation of the concept of waste provided by the European Court of Justice, which guarantees a high level of environmental protection;
12. **believes** that the waste management hierarchy should be strongly reaffirmed, giving priority to prevention (for which practical objectives must be set and pursued with the maximum involvement of regional and local authorities and with the relevant planning) and the reuse and recycling of materials as opposed to other forms of treatment, most pointedly incineration, which though useful is in danger of becoming an easy way out especially for countries that are behind with waste separation;

13. **would stress** that more and more organic waste (from municipal waste and sewage sludge) is being incinerated, despite recent scientific findings and the conclusions of the Bonn and Marrakech climate change conferences, which stressed the importance of composting with a view to sequestering large quantities of carbon in soil.

The important recent landfill directive, which provides for a drastic reduction in the landfill of organic waste, could further accelerate this trend towards incineration.

This would be somewhat inefficient both economically (the cost of composting is generally lower than that of incineration) and, above all, environmentally.

In this connection, the Committee would stress that it already raised this issue in its opinion on the thematic strategy for soil protection: "It would be inadvisable to develop separate initiatives on erosion, organic matter decline and contamination" (CdR 190/2002, point 3.5.3.).

In the light of the above, the communication needs to secure better coordination with the compost directive currently under preparation;

14. **hopes** that the new policies will also be applied promptly by the new Member States, in order to prevent regional imbalances from worsening. The involvement of regional and local government should be encouraged by pooling good practice and the wealth of knowledge and experience available inter alia through the work of the EEA (European Environment Agency) in Copenhagen and the OECD (Organisation for Economic Cooperation and Development).

2. Recommendations of the Committee of the Regions

The Committee of the Regions

1. **is aware** that a complete thematic strategy should involve a combination of regulatory, voluntary and economic instruments, changes in behaviour and the setting of precise and verifiable objectives. This should include efforts to help establish markets for recycled products;
2. **would repeat the request** it made in its opinion on the sixth programme, that there should be "clear objectives and targets, where possible, specifying figures and deadlines" (CdR 36/2001, point 1.2) and that "the extension of the Sixth Programme's duration to ten years (...) makes it all the more necessary to define specific goals and indicators" (CdR 36/2001, point 1.7). Given that a number of initiatives have been launched in the area of the prevention of hazardous waste, specific objectives must be set for quantitative prevention;
3. **calls**, therefore, for a greater commitment to prevention activities, as it is illogical that so little is still being done and no practical objectives have been

set regarding what is the top priority. Although this principle was already present in the first environmental action programme, the practical steps taken to date are still not enough.

At local level in particular, management plans could set out practical objectives for reducing the quantity of municipal waste (or at least for slowing the increase). This could include the use of incentives for high levels of waste minimisation and penalties for poor performance;

4. **would like** to see faster action on policies in other sectors that would be of significant benefit to the field of waste (for instance: a robust policy on improving water mains would significantly reduce the production and use of glass and in particular plastic bottles);
5. **is in favour** of using instruments which are in line with market practice to promote reuse and recycling, as it already stressed in its opinion on the sixth environment action programme (CdR 36/2001, point 2.16), in which it strongly backed "the proposal for a green public procurement policy, recommending the adoption of guidelines to ensure that all public bodies in Europe, ranging from the Commission and the Parliament to the Member States and local and regional authorities, undertake to make all contracts and purchases subject to prior assessment of the lifecycle and environmental sustainability of the products and services in question".

In this connection it calls for the further development of the policy (already contained in the sixth Community environment action programme) on "green procurement" and "tradable environmental permits" (also known as tradable certificates), which could be exchanged at European level, while also taking into account the need to define the practical aspects of implementation and checks and balances;

6. **is also in favour of** better coordination between national authorities responsible for landfill taxes.

Naturally, in view of the considerable political sensitivity surrounding taxation in general, this would not necessarily involve the introduction of a Community-level harmonised landfill tax.

The goal at all events would be to increase the cost of waste treatment methods other than recycling, also bearing in mind the need to prevent the indiscriminate use of incineration;

7. **would stress** that local and regional authorities have a critical part to play in Integrated Product Policy (IPP), as they can conduct information campaigns to guide the public towards knowledgeable and sustainable consumption and they can encourage agreements with local companies and use instruments such as Local Agenda 21;

8. **supports** the proposal to tighten up the "polluter pays" principle, which leads on to the principle whereby producer responsibility should be individual rather than shared by the general public. These principles are an incentive to producers to develop products that are more environmentally sound;
9. **welcomes** the proposal to focus on the recycling of materials and not just of specific products, both for environmental reasons and to facilitate the cooperation of the public, which currently cannot understand why certain paper, plastic, glass or metal products can be recycled and others, made of the same materials, cannot;
10. **believes it is important** to work towards all-encompassing legislation on recycling, rather than continuing to adopt directives for individual sectors. A new directive could for instance cover all materials and contain specifications for each sector in an appendix;
11. as regards construction and demolition waste, **calls for** the adoption of building demolition practices that allow waste to be separated into homogeneous fractions. If selective demolition practices of this kind are to be developed, the quality of the products obtained must be guaranteed (certification of recycled materials) and market outlets secured (it should be made compulsory for public bodies to use such products in their procurement contracts for roads and railways, etc.);
12. **proposes** reducing VAT rates for eco-design products that reuse materials, bearing in mind the compatibility of various factors and the constraints surrounding tax and competition policy;
13. **calls for** an awareness-raising campaign to discourage the "throw-away" mentality (though not in cases where it is justified for reasons of hygiene and safety), and believes that the role of local and regional authorities in guiding public behaviour is fundamental here;
14. **proposes** developing schemes such as "waste exchanges" in order to encourage manufacturers to recycle waste materials, subject to their inclusion in waste legislation;
15. **proposes** making the most of the opportunities provided by existing programmes, in particular the LIFE-Environment programme and the sixth research and development framework programme, especially on issues relating to the urban dimension of waste management, in the field of new prevention technologies, transport, recycling, reuse and disposal;
16. **proposes** that the Commission finance projects to help local and regional authorities to set up integrated qualitative and quantitative waste prevention systems and to generate synergies between the various spheres of government;
17. **believes it is essential** to establish ways of promoting the exchange of good practice at European level, in the implementation of waste-related legislation, giving priority to the local level and, at this point in time, encouraging maximum dissemination to the new Member States;

18. **calls for** the establishment of waste-prevention schemes within legislative instruments, in the form of environmental agreements to be negotiated at various levels (European, national and local), concerning economic sectors or businesses;
19. **supports** the use of "pay-as-you-throw" schemes, particularly to encourage more widespread separate collection of waste, and **trusts** that the adoption of these schemes to encourage separate collection and quantitative waste prevention will take into account the need to apply appropriate measures tailored to the local level;
20. **proposes** that, when shaping new initiatives, special attention be given to pinpointing the administrative and financial resources needed to implement the legislation, bearing in mind its technical complexity, and seeking to ensure that the costs of the new strategy do not fall exclusively on local authorities, as this would considerably increase the cost of services and level of charges.

Brussels, 20 November 2003

The President

of the

Committee of the Regions

Albert Bore

The Acting Secretary-General

of the

Committee of the Regions

Gerhard Stahl

¹ OJ C 198 of 14.7.1999, page 37

² OJ C 357 of 14.12.2001, page 44

³ OJ C 128 of 29.5.2003, page 43

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