

Resolution on the draft Council regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6(1) of Directive 2008/98/EC

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PURPOSE: to define criteria determining when recovered paper ceases to be waste.

BACKGROUND: Pursuant to Directive 2008/98/EC on waste certain specified waste shall cease to be waste when it has undergone a recovery operation and complies with specific criteria to be developed in line with the legal conditions laid down in the directive. In accordance with this directive such criteria should be set for specific materials by the Commission and be adopted in the regulatory procedure with scrutiny.

Accordingly, the Commission submitted a draft Regulation for vote in the Committee established under the directive. At its meeting on 9 July 2012, **the Committee did not give a favourable opinion on the draft Regulation.**

The chief concern raised by some Member States was the inclusion of multi-layered material under the scope of the Commission Regulation as this material containing up to 25% of non-paper material would represent a hazard to the environment if treated improperly.

The Commission took note of this but still maintains the same legal proposal. Thus, a Proposal for a Council Regulation is submitted to Council and forwarded to the European Parliament in accordance with the procedure (regulatory procedure with scrutiny) set out in Article 5(a) of Decision 1999/468/EC.

CONTENT: the proposed Regulation seeks to define **criteria** determining when recovered paper ceases to be waste.

The proposal provides that the producer or the importer shall issue, for each consignment of recovered paper, **a statement of conformity** conforming to the model set out in Annex II. The producer or the importer shall transmit the statement of conformity to the next holder of the recovered paper consignment.

Furthermore, the producer shall implement a **management system** including a set of documented procedures as well as specific control measures, suitable to demonstrate compliance with the criteria referred to.

The management system of the supplier shall be **certified** by a conformity assessment body which is accredited by an accreditation body successfully peer evaluated for this activity by the body recognised in Article 14 of Regulation (EC) 765/2008; or by an environmental verifier which is accredited or licensed by an accreditation or licensing body according to Regulation (EC) No 1221/2009.