

Packaging and packaging waste: recovery and recycling of waste

2001/0291(COD) - 10/09/2003 - Commission opinion on Parliament's position at 2nd reading

Of the 12 amendments adopted by the European Parliament, the Commission can accept 5 in full, 2 in principle and 3 in part. The remaining two amendments cannot be accepted. The Commission notes that there is now a high degree of agreement between the Parliament and the Council. The position of the Commission aims to facilitate a rapid resolution of the outstanding issues. The Commission agrees to the following amendments: - a recital on the encouragement of environmentally sound recycling processes; - a recital on the provision of annual data on packaging; - a recital on the need to avoid discrimination against materials on the basis of their weight; - an amendment adding certain inert packaging materials to the list of packaging items for which implementation problems can be addressed through technical adaptation; - a reference to certain elements of the 6th Environment Action Programme added to the list of issues to be considered in a Commission report foreseen for June 2005; - an amendment stating that the addition of new elements to the conditions under which an item, despite having a packaging function, is nevertheless not considered packaging. The Commission proposes a different formulation for the sake of clarity. It states that the new definition also covers short-lived items such as sausage skins. Restricting the exemption from the term "packaging" to durable items could be interpreted in a way that sausage skins and similar items would be classified as packaging; - the amendment to the effect that measures to prevent packaging waste may, in addition to an existing list of options, consist of projects to introduce producer responsibility; - standards promoted by the Commission will aim to minimise the environmental impact of packaging; - advancing the deadlines for Greece, Ireland and Portugal is accepted to a limited extent; - on elements to be reviewed in a Commission report, the evaluation of different recycling methods should be done in horizontal waste legislation, as this also concerns other waste streams. Those amendments not accepted by the Commission include the following: - the deadline for the implementation of the new targets in the Acceding States shall be determined by a new proposal under Article 251 of the Treaty. The Commission cannot accept this amendment, as it affects its right of initiative; - adding "tubes and cylinders around which flexible material is wound" and "release paper of self-adhesive labels" to a list of examples of non-packaging contradicts Article 3 of the Directive. This article defines packaging as items which are used for the containment, protection, handling, delivery and presentation of goods. As both the tubes and the release paper are used for these purposes, they are packaging according to this definition and cannot be an example for non-packaging. The Commission can in principle accept the addition of "CD and video cases for short-term use" and of "wrapping and gift paper sold as a separate product" as well as the new formulation on flower pots. However, the Commission considers that, in case of doubt, this matter should be discussed by technical experts within the framework of the procedure; - the obligation for the Commission and the Member States to encourage the initiation and evaluation of pilot projects in order to base that report on practical experience. This risks duplicating efforts and will depend on the availability of resources. The Commission suggests a looser form of words; - the obligation to present, by 30 June 2005, proposals to strengthen and complement the enforcement of the essential requirements is rejected, since it affects the Commission's right of initiative.