

Packaging and packaging waste: recovery and recycling of waste

2001/0291(COD) - 29/01/2004 - Text adopted by Parliament, 3rd reading

The European Parliament voted to approve the joint text agreed by the Conciliation Committee on reducing packaging waste. Under the terms of the agreement, the amount of discarded packaging that pollutes the environment will be cut, and there will be an increase in the recycling of packaging waste, raising the minimum recycling target for such waste from 25% to 55% by 2008. Parliament's delegation had sent a clear signal of support by voting in favour of the agreement by 12 votes to 1 with 0 abstentions. Three key issues were discussed during the conciliation process. - Derogations to targets : The first issue was the latest dates by which those countries granted a postponement must meet certain targets for waste recovery and recycling. This concerns Member States that have less effective schemes, such as Greece, Ireland and Portugal. They must, no later than 30 June 2001, at least attain 25% for recovery or incineration at waste incineration plants with energy recovery. Certain targets may be postponed to a deadline no later than 31 December 2005. Other targets, such as those relating to recycling of glass and metals may be postponed until a date not later than 31 December 2011. - The accession countries : Another point was how best to address the question of the attainment of the targets for the accession countries and which legal base to apply. Parliament's view was that the dates should be decided by Parliament and Council under the codecision procedure. However, the Council insisted on Article 57 of the Accession Treaty, under which Member States could decide, by a qualified majority vote, to amend the directive in this respect without consulting Parliament. The final agreement adds two recitals to the directive, in which Parliament, Council and Commission agree on the need for temporary derogations for the accession countries with respect to targets set by the directive. These derogations are to be determined by the appropriate legal procedure on the basis of requests already submitted by the acceding states. The dates requested are as follows: 2012 for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Slovakia and Slovenia; 2013 for Malta; 2014 for Poland and 2015 for Latvia. - Implications of recent Court judgments : The third issue concerned the scope of the directive. The committee discussed whether incineration of packaging waste should count as "recovery"? Recent judgments by the European Court of Justice stated that incineration of municipal waste in incinerators is to be regarded as a disposal operation if the main purpose of the operation is to dispose of the waste. As a result of these judgments, packaging waste incinerated in such installations could no longer be counted towards the recovery targets of the Packaging Directive. Consequently, in order to reach agreement the Parliament and Council clarified the word "recovery" in the light of the Court's judgment. Whereas the 1994 Directive calls for packaging waste to be "recovered", the revised law will now read "to be recovered or incinerated at waste incineration plants with energy recovery", thereby broadening the definition of what is understood by "recovery" in this context. In addition, a tripartite statement has been added, in which all three institutions undertake to review this issue at the earliest opportunity. The Commission also intends to "propose amendments as appropriate to the relevant legislation".