Basic information

2014/0201(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure lapsed or withdrawn
Waste management **Subject** 3.40.16 Raw materials 3.70.12 Waste management, domestic waste, packaging, light industrial waste 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Environment	3363	2014-12-17
	Environment	3342	2014-10-28
European Commission	**Commission DG**	**Commissioner**	
	Environment	-- --	
	Research and Innovation	-- --	
European Economic and Social Committee			
European Committee of the Regions			

Key events

Date	Event	Reference	Summary
02/07/2014	Legislative proposal published	COM(2014)0397	Summary
14/07/2014	Committee referral announced in Parliament, 1st reading		
28/10/2014	Debate in Council		
17/12/2014	Debate in Council		Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2014/0201(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation

Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 114 Treaty on the Functioning of the European Union TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	ENVI/8/00736

Documentation gateway

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0397	02/07/2014	Summary
Document attached to the procedure	SWD(2014)0207	02/07/2014	
For information	SWD(2014)0208	02/07/2014	
Document attached to the procedure	SWD(2014)0209	02/07/2014	Summary
Document attached to the procedure	SWD(2014)0210	02/07/2014	
Document attached to the procedure	SWD(2014)0289	23/09/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PL_SENATE	COM(2014)0397	29/09/2014	
Contribution	PT_PARLIAMENT	COM(2014)0397	01/10/2014	
Reasoned opinion	AT_BUNDESRAT	PE539.594	01/10/2014	
Contribution	MT_PARLIAMENT	COM(2014)0397	02/10/2014	
Contribution	ES_PARLIAMENT	COM(2014)0397	06/10/2014	
Contribution	DE_BUNDESRAT	COM(2014)0397	13/10/2014	
Contribution	IT_SENATE	COM(2014)0397	13/10/2014	
Reasoned opinion	HR_PARLIAMENT	PE539.714	13/10/2014	
Contribution	CZ_CHAMBER	COM(2014)0397	14/10/2014	
Contribution	DK_PARLIAMENT	COM(2014)0397	17/10/2014	
Reasoned opinion	CZ_SENATE	PE541.361	23/10/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES5002/2014	10/12/2014	
CofR	Committee of the Regions: opinion	CDR4083/2014	12/02/2015	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Waste management

2014/0201(COD) - 02/07/2014 - Document attached to the procedure

This Commission staff working document presents an **ex-post evaluation of five Waste Stream Directives**:

1. Directive 86/278/EEC of the Council of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (SSD),
2. Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (PPWD),
3. Directive 96/59/EC of the Council of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB /PCT),
4. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (ELV),
5. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directives 91/157/EEC (Batteries).

To recall, as part of its 2010 Work Programme, the Commission started reviewing the body of EU legislation in selected policy fields through "**Fitness Checks**" which provide a very comprehensive assessment of the performance of EU waste law. They aim to identify excessive **burdens, overlaps, gaps, inconsistencies, effectiveness and efficiency as well as their coherence or obsolete measures** which may have appeared over time since the EU law at issue was first adopted and implemented. This shall help promote better/smart EU legislation, making it more responsive to current and future challenges and improving implementation.

Fitness check findings: the Directives have been examined using **four evaluation criteria (effectiveness, efficiency, relevance and coherence)**. A brief summary has been made as regards these criteria for each of the Waste Stream Directives.

- **The SS Directive**: the Directive has been **effective** in ensuring that heavy metals in soil and sludge do not exceed the limit values. There are no specific provisions in the Directive that make **cost-effective implementation** more difficult; however certain Member States have set stricter sludge quality standards, which can increase costs related to sewage sludge treatment. The evaluation states that the Directive in its current form is **clearly outdated** but still considered **relevant** by a number of stakeholders. The Directives objectives/targets are **coherent** with EU waste legislation, by moving sludge up the waste treatment hierarchy. There could be scope for alignment with the urban waste water treatment Directive and possibly the forthcoming new Fertilizer Regulation.
- **The PPW Directive**: significant progress has been made over time towards achieving the Directive's objectives. All Member States have statistically reached recovery and recycling targets but Member States' performance in recycling still varies significantly. The Directive has been **effectively transposed.** The Directive has remained largely **relevant** over time and the issues it addresses continue to justify action at EU level. The PPW Directive is **broadly coherent** with other EU waste policies, but there is **room for a formal alignment** of certain provisions and definitions with the Waste Framework Directive (WFD) and other EU waste legislation. One key inconsistency is that the PPW Directive is **not legally based on the producer responsibility principle**, as are other recycling Directives.
- **The PCB Directive**: the Directive's objective has not been entirely met, due to **insufficient implementation** by Member States. The Directive had a tangible effect on awareness and developing expertise in the field of PCB waste. This Directive causes high operative costs, but it is still **efficient,** since these costs are outweighed by the environmental and health benefits from elimination of PCBs. On the other hand, the Directive is still highly **relevant**, although the deadline for the elimination of large PCB equipment (2010) under the Directive was not met by most Member States. The existence of PCB-contaminated equipment is also still an issue in the EU justifying the continued relevance of the Directive at least in the medium term. This is especially the case for newer Member States **(e.g. Bulgaria, Romania and Croatia).** The PCB Directive is a standalone instrument with a very specific purpose of protection of human health and the environment, which does not raise **coherence** problems.
- **The ELV Directive**: the Directive has proven **highly effective** in preventing waste from vehicles, increasing reuse, recycling and recovery and ensuring that ELVs are treated in environmentally safe conditions. **Four hazardous substances identified in the Directive have been almost completely removed from vehicles** with the exception of lead and most Member States are on track towards reaching the 2015 targets, for re-use, recycling and recovery. However, some doubts remain about the reliability and comparability of **statistics** across Member States due to

different reporting systems and calculation methods, which may benefit from further harmonisation. The ELV Directive is an **efficient tool** providing multiple environmental benefits at costs that are clearly outweighed by the Directive's environmental and economic benefits. Good practice varies from one country to another depending on the context. The evaluation of the relevance of the Directive shows that the ELV Directive has remained relatively up to date. New challenges may arise from the use of new materials, such as nanomaterials and plastics or carbon light weight elements and the **increased attention paid to critical raw materials** in the context of the EU raw materials initiative. The ELV Directive is **coherent** with the environmental objective of the Waste Framework Directive (WFD) and the 7th EAP as well as other strategies on raw materials and resource efficiency. There **is room for formal alignment with certain provisions, such as on extended producer responsibility, and definitions in the WFD**.

- **Batteries Directive**: the Batteries Directive is the youngest of the five screened Directives. Good progress was made towards achieving its objectives of separate collection and recycling, consumer awareness and substance restrictions for heavy metals in batteries. It is now fully transposed into national law. While collection rates for automotive and industrial batteries are high, small portable batteries are too often not collected. Member States may find it difficult to attain the 46% collection target for 2016. The environmental benefits of the Directive outweigh the costs of its implementation. The Directive remains relatively up to date. However, some technical advances could have implications for the future. Additional labelling by battery chemistry types may improve their sorting and contribute to efficient recycling. As regards end-of-life batteries, eco-design and removability issues should be addressed more thoroughly. Improvements could be made as regards the second hand use of batteries and refining recycling efficiency targets.

Conclusion: the evaluation concludes that the screening of five waste stream Directives for their relevance, effectiveness, efficiency and coherence clearly demonstrated that these Directives are examples of meaningful European Law making. As the analysis has shown, there are very few outdated provisions or inconsistencies.

Nevertheless, a number of aspects may require attention in the future inclusing legal basis, scope, eco-design, definitions, producer responsibility, etc.

Waste management

2014/0201(COD) - 02/07/2014 - Legislative proposal

PURPOSE: to improve waste management in the Union, with the view to protecting the quality of the environment and ensuring prudent and rational utilisation of natural resources.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Commission has reviewed the targets laid down in Directive 2008/98/EC of the European Parliament and of the Council Directive 1999/31/EC on the landfill of waste and of Directive 94/62/EC of the European Parliament and of the Council. In its review, the Commission found that it was appropriate to amend these targets to make them better reflect the needs of the circular economy **by increasing preparing for re-use and recycling of municipal and packaging waste and eliminating landfilling of waste destined for landfills for non-hazardous waste**.

The Union's economy currently loses a significant amount of potential secondary raw materials which are found in waste streams. In 2011, total waste production in the EU amounted to approximately **2.5 billion tons**. By way of example, only a limited share (40%) of the municipal waste generated in the Union was recycled, with the rest being landfilled (37%) or incinerated (23%) of which around 500 million tons could have been otherwise recycled or reused. **The Union thus misses out on significant opportunities to improve resource efficiency**.

Many Member States have not yet completely developed the necessary waste management infrastructure and are planning investments now. In 2011, while six Member States landfilled less than 3% of their municipal waste, 18 lost resources by landfilling over 50%, with some exceeding 90% of landfilling.

It is therefore essential to **set clear policy objectives** in order to avoid locking secondary raw materials at the bottom of the waste hierarchy. The waste hierarchy gives the preference to prevention first followed by reuse, recycling before energy recovery and disposal which includes landfilling and incineration without energy recovery.

IMPACT ASSESSMENT: the Commission has chosen a combination of two options which will bring the following benefits:

- administrative burden reduction in particular for small establishments or undertakings, simplification and better implementation including by keeping targets 'fit for purpose';
- more than 180.000 direct jobs could be created by 2030, most of them impossible to delocalize outside the EU;
- around 443 millions of tons of GHG could be avoided between 2014 and 2030;
- positive effects on the competitiveness of the EU waste management and recycling sectors as well as on the EU the manufacturing sector (better EPR, reduced risks associated with raw material access);
- reinjection into the EU economy of secondary raw materials which in turn will reduce the dependency of the EU on raw materials imports.

CONTENT: the proposed Directive amends six Directives addressing the management of different wastes and affects an important number of legally binding obligations, including a comprehensive amendment of the targets contained in the Waste Framework Directive, the Landfill Directive, and the Packaging Directive and a simplification of the WEEE, ELV and Batteries Directives.

In doing so, it addresses the above-mentioned situation in line with the objectives of the Resource Efficiency Roadmap and the 7th Environment Action Programme, and contributes to the implementation of the EU Raw Materials Initiative.

The main amendments of the proposal are:

- alignment of **definitions** and removal of obsolete legal requirements;
- simplification and streamlining of reporting obligations;
- introduction of an **Early Warning System** for monitoring compliance with the recycling targets;
- introduction of minimum operating conditions for **Extended Producer Responsibility**;
- encourage Member States to take measures to prevent food waste generation along the whole food supply chain. The measures shall endeavour to ensure that food waste in the manufacturing, retail/distribution, food service/hospitality and household sectors is reduced by at least 30% between 1 January 2017 and 31 December 2025;
- minimize contamination of waste materials, Member States shall ensure **separate collection of bio-waste** by 2025;
- increase of the preparing for re-use and recycling target for **municipal waste** from 50% by 2020 to 70% by 2030;
- increase of the **packaging waste** re-use and recycling targets: by the end of 2020, a minimum of 60%; by the end of 2025, a minimum of 70%; by 2030 a minimum of 80%;
- restrict the landfilling of non-residual municipal waste by 2030;

DELEAGTED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the treaty on the Functioning of the European Union.

Waste management

2014/0201(COD) - 17/12/2014

The presidency briefed the Council on the **state of play** of the legislative proposal amending **six directives** addressing the management of different types of waste.

- proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste,
- 94/62/EC on packaging and packaging waste,
- 1999/31/EC on the landfill of waste,
- 2000/53/EC on end-of-life vehicles,
- 2006/66/EC on batteries and accumulators and waste batteries and accumulators,
- 2012/19/EU on waste electrical and electronic equipment

This proposal was presented in July 2014 as part of the Circular Economy Package, seeking to improve waste management in the European Union, with a view to protecting the quality of the environment and ensuring prudent and rational use of natural resources.

Discussions on this proposal looked at, amongst others, the definitions, targets and calculation method, end of waste criteria, by-products, permitting requirements, electronic registry and reporting. Ministers also expressed serious concerns about the Commission's intention to **withdraw this proposal and to replace it with a more ambitious one**, as it was announced on 16 December 2014 during the presentation of the Commission work programme for 2015.

The importance of the current waste legislative proposal in relation to circular economy and its relevance for the positive impacts on economic growth and jobs creation has been underlined by a large majority of delegations in the course of the discussions so far.

Therefore, the Council expressed its **willingness to continue working on the basis of the current proposal** and asked the Commission to clarify its intentions on the next steps concerning the Circular Economy Package.

The Commission reassured the Council that work already done will be taken into account in its new and more ambitious proposal to promote a circular economy, which will be presented in 2015.