



**2015/0275(COD)**

24.5.2016

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council  
amending Directive 2008/98/EC on waste  
(COM(2015)0595 – C8-0382/2015 – 2015/0275(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Simona Bonafè

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council  
amending Directive 2008/98/EC on waste  
(COM(2015)0595 – C8-0382/2015 – 2015/0275(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0595),
  - having regard to Article 294(2) and 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0382/2015),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 27 April 2016<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of ...<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Industry, Research and Energy (A8-0000/2016),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> Not yet published in the Official Journal.

## Amendment 1

### Proposal for a directive

#### Recital 1

*Text proposed by the Commission*

(1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and rational utilisation of natural resources **and** promoting a more circular economy.

*Amendment*

(1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and rational utilisation of natural resources, promoting a more circular economy, **increasing energy efficiency and reducing the Union's resource dependence;**

Or. xm

*Justification*

*The aims of better waste management at European level should include, in addition to protecting the environment and human health, improving the use of resources, increasing energy efficiency and reducing the Union's energy dependence, thus tackling problems associated with the supply of resources.*

## Amendment 2

### Proposal for a directive

#### Recital 2

*Text proposed by the Commission*

(2) The targets laid down in Directive 2008/98/EC of the European Parliament and of the Council<sup>14</sup> for preparing for re-use and recycling of waste should be **amended** to make them better reflect the Union's ambition to move to a circular economy.

*Amendment*

(2) The targets laid down in Directive 2008/98/EC of the European Parliament and of the Council<sup>14</sup> for preparing for re-use and recycling of waste should be **ambitious and be increased** to make them better reflect the Union's ambition to move to a circular economy.

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<sup>14</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing

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<sup>14</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing

certain Directives (OJ L 312, 22.11.2008, p. 3).

certain Directives (OJ L 312, 22.11.2008, p. 3).

Or. xm

### *Justification*

*EU targets concerning the re-use and recycling of waste should be increasingly ambitious in order to ensure full transition towards a circular economy.*

## **Amendment 3**

### **Proposal for a directive**

#### **Recital 4**

#### *Text proposed by the Commission*

(4) Municipal waste constitutes approximately between 7 and 10% of the total waste generated in the Union; however, this waste stream is amongst the most complex ones to manage, and the way it is managed generally gives a good indication of the quality of the overall waste management system in a country. The challenges of municipal waste management result from its highly complex and mixed composition, direct proximity of the generated waste to citizens, and a very high public visibility. As a result, its management involves a need for a highly complex waste management system including an efficient collection scheme, a need to actively engage citizens and businesses, a need for infrastructure adjusted to the specific waste composition, and an elaborate financing system. Countries which have developed efficient municipal waste management systems generally perform better in overall waste management.

#### *Amendment*

(4) Municipal waste constitutes approximately between 7 and 10% of the total waste generated in the Union; however, this waste stream is amongst the most complex ones to manage, and the way it is managed generally gives a good indication of the quality of the overall waste management system in a country. The challenges of municipal waste management result from its highly complex and mixed composition, direct proximity of the generated waste to citizens, and a very high public visibility. As a result, its management involves a need for a highly complex waste management system including an efficient collection scheme, ***an effective sorting system***, a need to actively engage citizens and businesses, a need for infrastructure adjusted to the specific waste composition, and an elaborate financing system. Countries which have developed efficient municipal waste management systems generally perform better in overall waste management, ***including the achievement of the recycling targets. However, proper management of municipal waste alone is not enough to boost the transition to a circular economy, where all kinds of waste should be considered as a new***

*resource.*

Or. xm

*Justification*

*Municipal waste only accounts for between 7% and 10% of the total waste generated in the Union; in order to facilitate the transition towards a circular economy, consideration should therefore be given to including targets for other types of waste, similar to those set for municipal waste.*

**Amendment 4**

**Proposal for a directive**

**Recital 5**

*Text proposed by the Commission*

(5) Definitions of municipal waste, construction and demolition waste, the final recycling process, **and** backfilling need to be included in Directive 2008/98/EC so that the scope of these concepts is clarified.

*Amendment*

(5) Definitions of municipal waste, **commercial and industrial waste**, construction and demolition waste, **preparation for re-use operator, organic recycling**, the final recycling process, backfilling, **sorting, litter, littering, food waste and decontamination** need to be included in Directive 2008/98/EC so that the scope of these concepts is clarified.

Or. xm

*Justification*

*This is to bring the text into line with the definitions added to Article 3.*

**Amendment 5**

**Proposal for a directive**

**Recital 7**

*Text proposed by the Commission*

(7) Member States should put in place adequate incentives for the application of the waste hierarchy, in particular, by means

*Amendment*

(7) Member States should put in place adequate incentives for the application of the waste hierarchy, in particular, by means

of financial incentives aimed at achieving the waste prevention and recycling objectives of this Directive, such as landfill and incineration charges, pay as you throw schemes, extended producer responsibility schemes and incentives for local authorities.

of financial, ***fiscal and regulatory*** incentives aimed at achieving the waste prevention and recycling objectives of this Directive, such as landfill and incineration charges, pay as you throw schemes, extended producer responsibility schemes and incentives for local authorities. ***Those measures should be part of the waste management and waste prevention programmes in all Member States.***

Or. xm

#### *Justification*

*Member States have a fundamental part to play in ensuring the transition to the circular economy, and it is important that they should create adequate financial, fiscal and regulatory incentives to promote waste prevention and recycling, in line with the objectives of this Directive. The measures taken should form part of specific waste management and prevention programmes in all the Member States.*

#### **Amendment 6**

##### **Proposal for a directive**

##### **Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Based on Member State notifications and developments in the case-law of the Court of Justice of the European Union, the Commission should periodically review the Guidance on the interpretation of the key provisions of Directive 2008/98/EC, in order to improve, align and harmonise the concepts of waste and by-products across Member States.***

Or. xm

#### *Justification*

*To promote the implementation of this Directive, the Commission should, based on Member State notifications and the judgments of the Court of Justice of the European Union, periodically review the Guidance on the interpretation of the key provisions of Directive*

2008/98/EC, in order to improve, align and harmonise the concepts of waste and by-products across Member States.

## Amendment 7

### Proposal for a directive

#### Recital 8

*Text proposed by the Commission*

(8) In order to provide operators in markets for secondary raw materials with more certainty as to the waste or non-waste status of substances or objects and promote a level playing field, it is important to establish ***at the Union level harmonized conditions*** for substances or objects to be recognised as by-products and for waste that has undergone a recovery operation to be recognised as having ceased to be waste. ***Where necessary to ensure the smooth functioning of the internal market or a high level of environmental protection across the Union, the Commission should be empowered to adopt delegated acts establishing detailed criteria on the application of such harmonized conditions to certain waste, including for a specific use.***

*Amendment*

(8) In order to provide operators in markets for secondary raw materials with more certainty as to the waste or non-waste status of substances or objects and promote a level playing field, it is important to establish ***clear rules*** for substances or objects to be recognised as by-products and for waste that has undergone a recovery operation to be recognised as having ceased to be waste.

Or. xm

## Amendment 8

### Proposal for a directive

#### Recital 8 a (new)

*Text proposed by the Commission*

*Amendment*

***(8a) In order to ensure the smooth functioning of the internal market and a high level of environmental protection across the Union, a substance or an object resulting from an industrial symbiosis practice, which is a production process***

*the primary aim of which is not the production of that object or substance, should be considered, as a general rule, to be a by-product if certain conditions are respected. The Commission should be empowered to establish detailed criteria on the application of the by-product status, prioritising the proven and replicable practices of that production process. In the absence of such criteria, Member States may, on a case-by-case basis only,, establish detailed criteria on the application of by-product status.*

Or. xm

#### *Justification*

*As a general rule, a substance or an object resulting from an industrial symbiosis practice, which is a production process the primary aim of which is not the production of that object or substance, should be considered to be a by-product if specific conditions are met. The Commission may be empowered to establish harmonised criteria on the application of by-product status, prioritising proven and replicable industrial symbiosis practices. Member States may only establish the application of by-product status on a case-by-case basis.*

#### **Amendment 9**

##### **Proposal for a directive Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

*(8b) In order to ensure the smooth functioning of the internal market and a high level of environmental protection across the Union, the Commission should, as general rule, be empowered to adopt delegated acts establishing harmonised provisions related to the end-of-waste status to certain types of waste. End-of-waste specific criteria should be considered at least for aggregates, paper, glass, metal, tyres and textiles. Where criteria have not been set up at a Union level, Member States should be able to establish at national level end-of-waste detailed criteria for certain waste in*

*accordance with specific conditions. Where such criteria have not been established either at national level, Member States should ensure that waste, which has undergone a recovery operation, is considered to have ceased to be waste if it complies with specific conditions which should be verified on a case-by-case basis by the national competent authority.*

Or. xm

#### *Justification*

*As a general rule, the Commission should be empowered to adopt delegated acts establishing harmonised provisions concerning the criteria for granting end-of-waste status to certain types of waste. Where such criteria have not been determined at EU level, Member States should be able to establish national criteria in accordance with specific conditions set out in Article 6(1). Where such criteria have not even been established at national level, Member States should ensure that waste which has undergone a recovery process is no longer to be considered waste if it meets the conditions laid down in Article 6(1), which should be verified on a case-by-case basis by the national competent authorities.*

#### **Amendment 10**

##### **Proposal for a directive Recital 8 c (new)**

*Text proposed by the Commission*

*Amendment*

*(8c) Extended producer responsibility provisions in this Directive aim to support the design and production of goods which take fully into account and facilitate the efficient use of resources during the whole life cycle of the product including their repair, re-use, disassembly and recycling. Extended producer responsibility is an individual obligation on producers that should be accountable for the end-of-life management of products that they place on the market. Producers should be able, however, to shift their individual responsibility to a collective one by establishing and steering producer responsibility organisations.*

***Those organisations should implement non-profit services of general economic interest, through the practical organisation of extended producer responsibility schemes.***

Or. xm

*Justification*

*The provisions concerning extended producer responsibility (EPR) in this Directive aim to support the design and production of goods which take fully into account and facilitate the efficient use of resources during the whole life cycle of the product including their repair, disassembly, re-use and recycling.*

**Amendment 11**

**Proposal for a directive  
Recital 8 d (new)**

*Text proposed by the Commission*

*Amendment*

***(8d) Member States should ensure the establishment of extended producer responsibility schemes for at least packaging, electrical and electronic equipment and batteries and accumulators. Moreover, Member States should encourage the establishment of extended producer responsibility schemes for all other relevant waste streams.***

Or. xm

*Justification*

*The introduction of compulsory national extended producer responsibility (EPR) schemes for packaging, electrical and electronic equipment and batteries and accumulators has proven to be an effective waste management tool. Therefore, this requirement, at least, should be introduced throughout the EU and defined through a set of harmonised rules.*

**Amendment 12**

**Proposal for a directive  
Recital 9**

*Text proposed by the Commission*

(9) Extended producer responsibility schemes form an essential part of efficient waste management, but their effectiveness and performance differ significantly between Member States. Thus, it is necessary to set minimum operating requirements for extended producer responsibility. Those requirements should reduce costs and boost performance, as well as ensure a level-playing field, including for small and medium sized enterprises, and avoid obstacles to the smooth functioning of the internal market. They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to take better into account recyclability *and* reusability when designing their products. The requirements should apply to both new and existing extended producer responsibility schemes. A transitional period is however necessary for existing extended producer responsibility schemes to adapt their structures and procedures to the new requirements.

*Amendment*

(9) Extended producer responsibility schemes form an essential part of efficient waste management, but their effectiveness and performance differ significantly between Member States. Thus, it is necessary to set minimum operating requirements for extended producer responsibility *schemes*. Those requirements should reduce costs and boost performance, *facilitate better implementation of separate collection and sorting, ensure better quality recycling, help secure access to secondary raw material in a cost-efficient manner*, as well as ensure a level-playing field, including for small and medium sized enterprises, and avoid obstacles to the smooth functioning of the internal market. They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to take better into account recyclability, reusability, *reparability and encourage the phasing out of hazardous substances* when designing their products. *Their implementation of the minimum requirements for extended producer responsibility should be overseen by independent authorities and should be without any additional financial burden to public bodies and consumers.* The requirements should apply to both new and existing extended producer responsibility schemes. A transitional period is however necessary for existing extended producer responsibility schemes to adapt their structures and procedures to the new requirements.

Or. xm

*Justification*

*EPR schemes form an essential part of waste management, but their performance can differ*

*significantly between Member States. Minimum requirements should therefore be set for these schemes at EU level in order to meet the targets of preventing waste generation, ensuring better quality recycling and helping to secure access to secondary raw materials in the most cost-efficient manner.*

## **Amendment 13**

### **Proposal for a directive Recital 10**

#### *Text proposed by the Commission*

(10) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. It is important ***therefore*** that Member States ***take*** appropriate measures to prevent waste generation and monitor and assess progress in the implementation of ***such*** measures. In order to ensure a uniform measurement of the overall progress in the implementation of waste prevention measures, common indicators should be established.

#### *Amendment*

(10) Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste ***and promote durable, recyclable, reusable materials of high quality. An important aspect of waste prevention is the reduction of hazardous substances in materials. To boost waste prevention,*** it is important that Member States ***set up national prevention reduction targets taking*** appropriate measures to prevent waste generation and ***littering, including the use of adequate economic instruments and awareness campaigns for citizens. Member States should*** monitor and assess progress in the implementation of ***these*** measures ***as well as progress in the reduction of waste generation and aim at decoupling it from economic growth.*** In order to ensure a uniform measurement of the overall progress ***made*** in the implementation of waste prevention measures, common indicators should be established ***within 18 months from the entry into force of this Directive.***

Or. xm

#### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national*

waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.

## **Amendment 14**

### **Proposal for a directive**

#### **Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) In their waste prevention programmes, Member States should ensure a significant reduction in their generation of municipal waste. To that end, Member States should set up national municipal waste reduction targets in order to ensure that at least the total Union municipal waste generation per capita is reduced by 5 % by 2025, compared to the 2014 baseline, and by 10 % by 2030. Member States above the average should undertake significant efforts.***

Or. xm

#### *Justification*

*It is important that in their national waste prevention programmes Member States should ensure a significant reduction in their production of municipal waste. To that end they should set up national municipal waste reduction targets in order to ensure that the total municipal waste production per capita in the Member States is reduced by 5% by 2025 and by 10% by 2030, compared to the 2014 baseline. It is important that Member States with above-average values should make significant additional efforts.*

## **Amendment 15**

### **Proposal for a directive**

#### **Recital 12**

*Text proposed by the Commission*

*Amendment*

(12) Member States should take measures to promote prevention of food waste in line with the 2030 Agenda for

(12) Member States should take measures to promote prevention of food waste in line with the 2030 Agenda for

Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015, and in particular its target of *halving* food waste by 2030. These measures should aim to prevent food waste *in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households*. Having regard to the environmental and economic benefits of preventing food waste, Member States should establish specific food waste prevention measures and should measure progress in food waste reduction. To facilitate exchange of good practice across the EU both between Member States and between food business operators, uniform methodologies for such measurement should be established. Reporting on food waste levels should take place on a biennial basis.

Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015, and in particular its target of *reducing* food waste *by 50 %* by 2030. These measures should aim to prevent food waste *at retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses*. Having regard to the environmental and economic benefits of preventing food waste, Member States should establish specific food waste prevention measures *in their waste prevention programmes in order to contribute to reaching the Union-wide 50 % food waste reduction target by 2030* and should measure progress *made* in food waste reduction. To facilitate exchange of good practice across the EU both between Member States and between food business operators, uniform methodologies for such measurement should be established. Reporting on food waste levels should take place on a biennial basis. *In order to prevent food waste, Member States should encourage the setting up of conventions enabling the food retail sector to distribute unsold products to charitable organisations. The Commission should present guidelines for food for donation including on fiscal and technical aspects.*

Or. xm

#### *Justification*

*It is important that Member States should take all necessary measures to reduce food waste in line with the commitment made by the EU in the 2030 Agenda for Sustainable Development to reduce food waste by 50% by 2030. To achieve that goal, Member States should include an objective that is at least equivalent to this in their national waste prevention programmes and should implement measures to prevent food waste.*

#### **Amendment 16**

##### **Proposal for a directive Recital 13**

(13) Industrial, certain parts of commercial waste and extractive waste are extremely diversified in terms of composition and volume, and very different depending on the economic structure of a Member State, the structure of the industry or commerce sector that generates the waste and the industrial or commercial density in a given geographical area. **Hence**, for most industrial and extractive waste, an industry-oriented approach using Best Available Techniques reference documents 16 and similar instruments to address the specific issues related to the management of a given type of waste is **a suitable** solution. **However**, industrial and commercial **packaging** waste **should continue to be** covered by the requirements of Directive 94/62/EC and Directive 2008/98/EC, **including their respective improvements**.

(13) Industrial, certain parts of commercial waste and extractive waste are extremely diversified in terms of composition and volume, and very different depending on the economic structure of a Member State, the structure of the industry or commerce sector that generates the waste and the industrial or commercial density in a given geographical area. **However**, for most industrial and extractive waste, an industry-oriented approach using Best Available Techniques reference documents 16 and similar instruments to address the specific issues related to the management of a given type of waste is **not a long term effective** solution **to reach circular economy objectives**. **As** industrial and commercial waste **are** covered by the requirements of Directive 94/62/EC and Directive 2008/98/EC, **they should also be covered by recycling obligations similar to those which apply to municipal waste. For that reason, the Commission should set up by 31 December 2018 recycling targets for commercial waste and industrial waste to be met by 2025 and 2030.** .

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<sup>16</sup> Industrial activities are covered by Best Available Techniques (BAT) reference documents (BREFs) drawn up under the Industrial Emissions Directive 2010/75/EU (OJ L 334, 17.12.2010, p. 17) that include information on the prevention of resource use and waste generation, re-use, recycling and recovery. The on-going revision of the BREFs and the adoption by the Commission of BAT Conclusions will strengthen the impact of these BREFs on industrial practices leading to further resource efficiency gains and increased waste recycling and recovery.

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<sup>16</sup> Industrial activities are covered by Best Available Techniques (BAT) reference documents (BREFs) drawn up under the Industrial Emissions Directive 2010/75/EU (OJ L 334, 17.12.2010, p. 17) that include information on the prevention of resource use and waste generation, re-use, recycling and recovery. The on-going revision of the BREFs and the adoption by the Commission of BAT Conclusions will strengthen the impact of these BREFs on industrial practices leading to further resource efficiency gains and increased waste recycling and recovery.

## *Justification*

*Municipal waste only accounts for between 7% and 10% of the total waste generated in the Union; in order to facilitate the transition towards a circular economy, consideration should therefore be given to including targets for commercial and industrial waste, similar to those set for municipal waste.*

### **Amendment 17**

#### **Proposal for a directive Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008<sup>1a</sup> is the binding legal instrument at Union level for assessing, monitoring and setting environmental targets in order to reach good environmental status in relation to marine litter. However, the main sources of marine litter are land-based activities and they are caused by poor practices of solid waste management, lack of infrastructure and a lack of public awareness. For that reason, Member States should adopt measures to reduce land-based litter that is likely to end up in the marine environment, in line with the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015, and in particular aim at achieving the target of reducing marine litter by 50 % by 2030. Having regard to the environmental and economic benefits of preventing marine litter, Member States should establish specific marine litter prevention measures in their waste prevention programmes in order to contribute to reach the Union-wide marine litter reduction target of 50 % by 2030, and should measure progress in marine litter reduction. To facilitate an exchange of good practice across the Union between Member States, uniform methodologies for such measurement should be established.***

*Reporting on marine litter levels should take place every two years.*

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*<sup>1a</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p.19).*

Or. xm

#### *Justification*

*Most marine litter comes from land-based activities and is caused by poor waste management practices. That is why Member States should adopt measures to reduce land-based litter that is likely to end up in the sea, in keeping with the commitment made by the EU in the 2030 Agenda for Sustainable Development to reduce its marine litter by 50% by 2030. Member States should include marine litter reduction targets that are at least equivalent to this in their national waste prevention programmes and should assess the progress made.*

#### **Amendment 18**

##### **Proposal for a directive Recital 14**

###### *Text proposed by the Commission*

(14) The targets for preparation for re-use and recycling of municipal waste should be increased in order to deliver substantial environmental, economic and social benefits.

###### *Amendment*

(14) The targets for preparation for re-use and recycling of municipal waste should be increased **at least to 60 % by 2025 and at least to 70 % by 2030** in order to deliver substantial environmental, economic and social benefits **and accelerate the shift towards a circular economy.**

Or. xm

#### *Justification*

*In order to accelerate the switch to a circular economy, the targets for preparation for re-use and recycling of municipal waste should be increased at least to 60% by 2025 and to 70% by 2030, in line with the measures approved by the European Parliament on 9 July 2015 in its*

## Amendment 19

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) Through a progressive increase of the existing targets for preparation for re-use and recycling of municipal waste, it should be ensured that economically valuable waste materials are **re-used** and effectively recycled, and that valuable materials found in waste are channelled back into the European economy, thus advancing the Raw Materials Initiative<sup>17</sup> and the creation of a circular economy.

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<sup>17</sup> COM(2008)699 and COM(2014)297.

#### *Amendment*

(15) Through a progressive increase of the existing targets for preparation for re-use and recycling of municipal waste, it should be ensured that economically valuable waste materials are **prepared for re-use** and effectively recycled, **provided they do not endanger human health and, in the case of food contact material, do not change the composition and the safety of food** and that valuable materials found in waste are channelled back into the European economy, thus advancing the Raw Materials Initiative<sup>17</sup> and the creation of a circular economy.

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<sup>17</sup> COM(2008)699 and COM(2014)297.

Or. xm

#### *Justification*

*The raising of the targets concerning preparation for re-use and recycling of municipal waste should ensure that new materials with high economic value are re-used and recycled effectively, provided that they are not dangerous to human health and, in the case of materials which come into contact with food, that they do not alter the composition of the food and do not compromise food safety.*

## Amendment 20

### Proposal for a directive Recital 16

#### *Text proposed by the Commission*

(16) Large differences exist between

#### *Amendment*

(16) Large differences exist between

Member States with respect to their waste management performance, particularly as regards recycling of municipal waste. In order to take account of those differences, those Member States which in 2013 recycled less than 20% of their municipal waste according to Eurostat data should be given additional time to comply with the preparing for re-use and recycling targets established for 2025 and 2030. In light of average annual progression rates observed in Member States over the past fifteen years, those Member States would need to increase their recycling capacity at levels that are well-above past averages to meet those targets. In order to ensure that steady progress towards the targets is made and that implementation gaps are tackled in due time, Member States that are given additional time should meet interim-targets and establish *an implementation plan*.

Member States with respect to their waste management performance, particularly as regards recycling of municipal waste. In order to take account of those differences, those Member States which in 2013 recycled less than 20% of their municipal waste according to Eurostat data should be given additional time to comply with the preparing for re-use and recycling targets established for **2020**, 2025 and 2030. In light of average annual progression rates observed in Member States over the past fifteen years, those Member States would need to increase their recycling capacity at levels that are well-above past averages to meet those targets. In order to ensure that steady progress towards the targets is made and that implementation gaps are tackled in due time, Member States that are given additional time should meet interim-targets and establish *implementation plans, the effectiveness of which should be assessed by the Commission on the basis of defined criteria*.

Or. xm

#### *Justification*

*Member States which, according to Eurostat data, in 2013 recycled less than 20% of their municipal waste may ask the Commission for an additional five years in order to meet the preparing for re-use and recycling targets established for 2020, 2025 and 2030. In order to obtain these exemptions, the Member States concerned should submit an implementation plan, to be assessed by the Commission on the basis of specific criteria, and should meet interim targets relating to the preparation for re-use and recycling.*

## **Amendment 21**

### **Proposal for a directive Recital 17**

#### *Text proposed by the Commission*

(17) In order to ensure the reliability of the data gathered on preparation for re-use it is essential to establish common rules for reporting. Similarly, it is important to lay

#### *Amendment*

(17) In order to ensure the reliability of the data gathered on preparation for re-use it is essential to establish common rules for reporting. Similarly, it is important to lay

down more precise rules on how Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. To that *effect, as a general rule*, the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. *Member States should be allowed, under strict conditions, to report recycling rates on the basis of the output of sorting facilities*. Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

down more precise rules on how Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. *Calculation of recycled municipal waste should be based on one solid harmonised method which will prevent Member States from reporting discarded waste as recycled waste*. To that *end*, the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled. *End-of-waste operations should be considered as a "final recycling process" if the materials or substances that have ceased to be waste have been subject to a recycling operation*.

Or. xm

#### *Justification*

*In its Resolution on 'Resource efficiency: moving towards a circular economy', adopted on 9 July 2015, the European Parliament called for the calculation of targets for preparation for re-use and for recycling to be performed by a single harmonised method in all Member States, based on an effective reporting method preventing the reporting of discarded waste (landfilled or incinerated) as recycled waste.*

#### **Amendment 22**

##### **Proposal for a directive**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) *Member States should, for the purposes of calculating whether the preparation for re-use and recycling targets are achieved, be able to take into account products and components that are prepared for re-use by recognised re-use operators and by deposit-refund schemes*

###### *Amendment*

(18) *In order to ensure a uniform calculation of data on preparation for re-use and recycling, the Commission should adopt detailed rules on the determination of recognised preparation for re-use operators and final recycling operators as well as on the quality criteria for recycled*

*and the recycling of metals that takes place in conjunction with incineration. In order to ensure a uniform calculation of this data, the Commission will adopt detailed rules on the determination of recognised preparation for re-use operators and deposit-refund schemes, on the quality criteria for recycled metals and on the collection, verification and reporting of data.*

metals that *have been recycled* in conjunction with incineration *and on the collection, traceability, verification and reporting of data. For the purposes of calculating whether the preparation for re-use and recycling targets are achieved and after the adoption of the harmonized calculation method, Member States should be able to take into account the recycling of metals that takes place in conjunction with incineration.*

Or. xm

### *Justification*

*Products and components which have not become waste must not count towards the attainment of targets for preparation for re-use and recycling, as the operations concerned are waste recovery operations. The re-use of products and components constitutes processing which prevents the generation of waste, so in accordance with the waste hierarchy it should be regarded as a prevention measure. In order to ensure uniform calculation of data on preparing for re-use and recycling, the Commission should adopt detailed rules on the determination of recognised operators which prepare waste for re-use and recycling.*

## **Amendment 23**

### **Proposal for a directive**

#### **Recital 20**

#### *Text proposed by the Commission*

(20) Compliance with the obligation to set up separate collection systems for paper, metal, plastic *and* glass is essential in order to increase preparing for re-use and recycling rates in Member States. In addition bio-waste should be collected separately to contribute to an increase in preparing for re-use and recycling rates and the prevention of contamination of dry recyclable materials.

#### *Amendment*

(20) Compliance with the obligation to set up separate collection systems for paper, metal, plastic, glass, *wood and textile* is essential in order to increase preparing for re-use and recycling rates in Member States. In addition bio-waste should be collected separately to contribute to an increase in preparing for re-use and recycling rates and the prevention of contamination of dry recyclable materials. *In addition, separate collection of bio-waste from municipal waste should be made obligatory and a recycling target should be laid down for bio-waste from municipal waste to attract infrastructure investments towards recycling facilities*

*for bio-waste and to boost markets for  
compost and digestate.*

Or. xm

*Justification*

*Compliance with the obligation to set up separate collection systems for all materials, including paper, metal, plastic, wood, glass and textiles, is essential in order to increase preparing for re-use and recycling rates in the Member States.*

**Amendment 24**

**Proposal for a directive  
Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

***(20a) The bioeconomy plays a crucial role in guaranteeing the availability of raw materials across the Union. A more efficient use of municipal waste could create an important incentive for the bioeconomy supply chain. In particular, a sustainable management of bio-waste offers the opportunity to substitute fossil fuel-based feedstocks with renewable sources for the production of materials and commodities.***

Or. xm

*Justification*

*The bioeconomy plays a vital role in guaranteeing the availability of raw materials in the EU and it is therefore essential to include new requirements regarding the effective management of bio-waste.*

**Amendment 25**

**Proposal for a directive  
Recital 21**

*Text proposed by the Commission*

(21) Proper management of hazardous waste still presents a problem in the Union, and data on its treatment are partly missing. It is therefore necessary to strengthen record keeping and traceability mechanisms through the establishment of electronic registries for hazardous waste in the Member States. Electronic data collection should be extended to other types of waste, where appropriate, in order to simplify record-keeping for businesses and administrations and improve the monitoring of waste flows in the Union.

*Amendment*

(21) ***The hazardous properties of the waste should be one of the key identifiers to be followed from the generation of waste to its final destination.*** It is therefore necessary to strengthen record keeping and traceability mechanisms through the establishment of electronic registries for hazardous waste in the Member States. Electronic data collection should be extended to other types of waste, where appropriate, in order to simplify record-keeping for businesses and administrations and improve the monitoring of waste flows in the Union.

Or. xm

*Justification*

*Since the proper management of hazardous waste still poses a problem in the EU and data on its treatment are still partly missing, record-keeping and traceability mechanisms need to be strengthened by establishing electronic registers for hazardous waste in the Member States. These registers should then be extended to other types of waste, in order to improve the monitoring of waste flows in the EU.*

**Amendment 26**

**Proposal for a directive  
Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) To avoid contamination of municipal waste with hazardous substances which could lower recycling quality and thus hamper the take-up of secondary raw materials, Member States should set up separate collection streams for hazardous waste from households.***

Or. xm

### *Justification*

*It is important to prevent contamination of municipal waste with hazardous substances which could jeopardise recycling quality. To that end, Member States should adopt separate collection systems for hazardous household waste.*

### **Amendment 27**

#### **Proposal for a directive**

#### **Recital 22**

##### *Text proposed by the Commission*

(22) This Directive sets long-term objectives for the Union's waste management and gives economic operators and Member States a clear direction for the investments needed to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure, Member States should make a sound use of the European Structural and Investment Funds by promoting prevention, **re-use and** recycling, in line with the waste hierarchy.

##### *Amendment*

(22) This Directive sets long-term objectives for the Union's waste management and gives economic operators and Member States a clear direction for the investments needed to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure, Member States should make a sound use of the European Structural and Investment Funds by promoting **first** prevention **and re-use, followed by** recycling, in line with the waste hierarchy.

Or. xm

### *Justification*

*It is important that, in aiming to achieve the long-term objectives for the EU's waste management set by this Directive, the Member States should devise national strategies and investment plans geared primarily to promoting waste prevention and secondarily to recycling, in line with the waste hierarchy.*

### **Amendment 28**

#### **Proposal for a directive**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) Certain raw materials are of a high importance to the economy of the Union

##### *Amendment*

(23) Certain raw materials are of a high importance to the economy of the Union

and their supply is associated with a high risk. In order to ensure security of supply of those raw materials and in line with the Raw Materials Initiative and the objectives and targets of the European Innovation Partnership on Raw Materials, Member States should take measures to ***achieve the best possible management of waste*** containing significant ***amounts of those*** raw materials, taking economic and technological feasibility and environmental benefits into account. The Commission has established a list of critical raw materials for the EU<sup>18</sup>. This list is subject to regular review by the Commission.

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<sup>18</sup> COM(2014) 297.

and their supply is associated with a high risk. In order to ensure security of supply of those raw materials and in line with the Raw Materials Initiative and the objectives and targets of the European Innovation Partnership on Raw Materials, Member States should take measures to ***promote the re-use of products*** containing significant ***amounts of critical*** raw materials ***and to ensure that they are managed efficiently***, taking economic and technological feasibility and environmental benefits into account. The Commission has established a list of critical raw materials for the EU<sup>18</sup>. This list is subject to regular review by the Commission.

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<sup>18</sup> COM(2014) 297.

Or. xm

#### *Justification*

*Raw materials are of vital importance to the EU and its economy. In order to ensure security of supply of those raw materials and in keeping with the Raw Materials Initiative and the targets of the European Innovation Partnership on Raw Materials, Member States should take measures to promote the re-use of products containing significant amounts of critical raw materials, in order to ensure that they are dealt with as efficiently as possible.*

#### **Amendment 29**

##### **Proposal for a directive Recital 24**

###### *Text proposed by the Commission*

(24) To further support effective implementation of the Raw Materials Initiative, Member States should also ***promote the reuse of products constituting the main sources of raw materials. They should also*** include in their waste management plans nationally appropriate measures regarding collection and recovery of waste containing significant amounts of these raw materials. The measures should

###### *Amendment*

(24) To further support effective implementation of the Raw Materials Initiative, Member States should also include in their waste management plans nationally appropriate measures regarding collection, ***sorting*** and recovery of waste containing significant amounts of these raw materials. The measures should be included in the waste management plans when they are updated for the first time

be included in the waste management plans when they are updated for the first time following the entry into *effect* of this Directive. The Commission will provide information about the relevant product groups and waste streams at EU level. This provision does not preclude the Member States to take measures for other raw materials considered as important to their national economy.

following the entry into *force* of this Directive. The Commission will provide information about the relevant product groups and waste streams at EU level. This provision does not preclude the Member States to take measures for other raw materials considered as important to their national economy.

Or. xm

#### *Justification*

*To ensure effective implementation of the Raw Materials Initiative, it is important that Member States should include in their national waste management plans appropriate measures regarding collection, sorting and recovery of waste.*

### **Amendment 30**

#### **Proposal for a directive Recital 25**

##### *Text proposed by the Commission*

(25) Littering has direct detrimental impacts on the environment **and** the wellbeing of citizens, and **high** clean-up costs are an unnecessary economic burden for society. The introduction of specific measures in waste management plans and proper enforcement by competent authorities should help eradicate this problem.

##### *Amendment*

(25) Littering has direct **and indirect** detrimental impacts on the environment, the wellbeing of citizens and **the economy**. **High** clean-up costs are an unnecessary economic burden for society. The introduction of specific measures in waste management plans and proper enforcement by competent authorities should help eradicate this problem.

Or. xm

#### *Justification*

*Littering has direct and indirect impacts on the environment, the health of citizens and the economy. It is useful to remember the economic impact of waste and its management, since, in the absence of appropriate measures, it creates unnecessary additional costs that are a burden on the whole of society.*

## Amendment 31

### Proposal for a directive Recital 25 a (new)

*Text proposed by the Commission*

*Amendment*

***(25a) Prevention of littering is preferred over clean-up. It is therefore essential to change inappropriate behaviour of consumers. To that end, producers whose products are likely to become litter should promote the provision of information on sustainable product use and the use of education programmes for citizens.***

Or. xm

*Justification*

*Prevention of littering is preferable to subsequently having to clear up litter. It is therefore vital to change the daily behaviour of consumers, but also, and above all, that of producers, who should promote the purchase of more sustainable products and provide appropriate information programmes for citizens.*

## Amendment 32

### Proposal for a directive Recital 27

*Text proposed by the Commission*

*Amendment*

(27) Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burdens. It is therefore appropriate to repeal provisions obliging Member States to produce such reports. Instead compliance monitoring should be ***exclusively*** based on the statistical data which Member States report every year to the Commission.

(27) Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burdens. It is therefore appropriate to repeal provisions obliging Member States to produce such reports. Instead compliance monitoring should be based on the statistical data which Member States report every year to the Commission. ***Nevertheless, Member States should submit to the Commission on request and without delay any***

*information necessary for the Commission to evaluate the implementation of this Directive as a whole and of its impact on the environment and human health.*

Or. xm

#### *Justification*

*Even though they no longer have to draw up regular implementation reports, Member States are required to provide, at the request of the Commission, any information that may be necessary to assess whether they are achieving the aims of this Directive.*

### **Amendment 33**

#### **Proposal for a directive Recital 28**

##### *Text proposed by the Commission*

(28) *Statistical* data reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of *statistics* should be improved by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. Therefore, when reporting on the achievement of the targets set out in waste legislation, Member States shall use the most recent methodology developed by the Commission and the national statistical offices of the Member States.

##### *Amendment*

(28) Data *and information* reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of *reported data* should be improved *establishing a common methodology for collection and processing of data based on reliable sources and* by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. Therefore, when reporting on the achievement of the targets set out in waste legislation, Member States shall use the *common* methodology developed by the Commission *in cooperation with* the national statistical offices of the Member States *and the national authorities responsible for waste management.*

Or. xm

### *Justification*

*Data reported by the Member States are vital for the Commission to be able to assess compliance with waste legislation across the EU. To that end, the data produced need to be comparable and of high quality, based on the most recent common methodology developed by the Commission, the national statistical offices and national waste management authorities.*

#### **Amendment 34**

##### **Proposal for a directive Recital 28 a (new)**

*Text proposed by the Commission*

*Amendment*

***(28a) Every three years, the Commission should publish a report based on the data and information reported by the Member States in order to report to the Parliament and the Council on the progress achieved in reaching the recycling targets and in the implementation of new obligations laid down by this Directive. Those triannual reports should also evaluate the impact of Directive 2008/98/EC as a whole on the environment and human health and assess if amendments are needed to keep Directive 2008/98/EC fit for purpose in view of the circular economy objectives.***

Or. xm

### *Justification*

*It is necessary to evaluate the impacts of the Directive and assess on a regular basis the need for necessary updates in order to keep the legislation fit for purpose while responding to the latest challenges stemming from the circular economy and technological progress in waste prevention and management.*

#### **Amendment 35**

##### **Proposal for a directive Recital 28 b (new)**

*Text proposed by the Commission*

*Amendment*

***(28b) Research and innovation are essential for supporting the transition towards a circular economy in the Union where waste is perceived as a new resource. To achieve that aim, it is necessary to contribute, within Horizon 2020, to research and innovation projects that can demonstrate and test in the field the economic and environmental sustainability of a circular economy. At the same time, while adopting a systemic approach, these projects can contribute to developing legislation that is conducive to innovation and is easy to implement, by identifying possible regulatory uncertainties, barriers and gaps that hamper the development of business models based on resource efficiency.***

Or. xm

*Justification*

*The role of research and innovation is vital with a view to promoting the transition to the circular economy. It is therefore essential to support projects in this field, within Horizon2020, for example, in addition to those designed to further develop the relevant legislation.*

## **Amendment 36**

### **Proposal for a directive Recital 28 c (new)**

*Text proposed by the Commission*

*Amendment*

***(28c) On 2 December 2016, the Commission presented an EU Action Plan for the Circular Economy to stimulate Europe's transition towards a circular economy. Since the Commission established a concrete and ambitious programme of actions, with measures that cover the whole cycle, supplementary***

***measures are needed in order to accelerate that transition.***

Or. xm

*Justification*

*On 2 December 2015, the Commission presented an EU Action Plan for the Circular Economy to boost the EU's transition towards a circular economy. To that end the Commission set out an ambitious programme of specific measures for the period 2015-2018; however, additional measures are needed in order to speed up that transition. Those measures should, in particular, take into account the need for a European resource efficiency indicator, legislative measures to promote sustainable production and consumption and the determination of resource efficiency criteria and their indication on the labelling of non-energy products.*

**Amendment 37**

**Proposal for a directive  
Recital 28 d (new)**

*Text proposed by the Commission*

*Amendment*

***(28d) In order to limit the negative environmental impact of different materials and to conserve natural resources, it is necessary to take additional measures focusing on the whole life cycle of products, including sustainable materials extraction, ecological product design, eco-efficient production and sustainable consumption suitable to keep resources which become waste in a closed loop.***

Or. xm

*Justification*

*On 2 December 2015, the Commission presented an EU Action Plan for the Circular Economy to boost the EU's transition towards a circular economy. To that end the Commission set out an ambitious programme of specific measures for the period 2015-2018; however, additional measures are needed in order to speed up that transition. Those measures should, in particular, take into account the need for a European resource efficiency indicator, legislative measures to promote sustainable production and consumption and the determination of resource efficiency criteria and their indication on the labelling of non-*

*energy products.*

## **Amendment 38**

### **Proposal for a directive Recital 28 e (new)**

*Text proposed by the Commission*

*Amendment*

***(28e) Improving resource use could bring substantial net savings for EU businesses, public authorities and consumers while reducing total annual greenhouse gas emissions. For that reason, the Commission should propose, by the end of 2018, a lead indicator and a dashboard of sub-indicators on resource efficiency in order to monitor the progress towards the target of increasing resource efficiency at Union level by 30 % by 2030 compared with 2014 levels.***

Or. xm

### *Justification*

*On 2 December 2015, the Commission presented an EU Action Plan for the Circular Economy to boost the EU's transition towards a circular economy. To that end the Commission set out an ambitious programme of specific measures for the period 2015-2018; however, additional measures are needed in order to speed up that transition. Those measures should, in particular, take into account the need for a European resource efficiency indicator, legislative measures to promote sustainable production and consumption and the determination of resource efficiency criteria and their indication on the labelling of non-energy products.*

## **Amendment 39**

### **Proposal for a directive Recital 29**

*Text proposed by the Commission*

*Amendment*

(29) In order to supplement or amend Directive 2008/98/EC, the power to adopt acts in accordance with Article 290 of the

(29) In order to supplement or amend Directive 2008/98/EC, the power to adopt acts in accordance with Article 290 of the

Treaty should be delegated to the Commission in respect of *Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), 26, 27(1), 27(4), 38(1), 38(2) and 38(3)*. It is of particular importance that the Commission *carries* out appropriate consultations during its preparatory work, including at expert level. *The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.*

Treaty should be delegated to the Commission in respect of:

- *detailed criteria on the application of the conditions under which substances or objects are to be considered as by-products or considered to have ceased to be waste,*
- *the establishment of the list of waste,*
- *a common methodology, including minimum quality requirements, for the uniform measurement of the levels of food waste,*
- *indicators to measure the progress in the reduction of waste generation and in the implementation of waste prevention measures,*
- *a common methodology including minimum quality requirements, for the uniform measurement of land-based marine litter,*
- *minimum quality and operational requirements for the determination of recognised preparation for re-use operators and final recycling operators, including specific rules on data collection, traceability, verification and reporting,*
- *a common methodology for the calculation of the weight of metals that have been recycled in conjunction with incineration, including the quality criteria for the recycled metals,*
- *the adaptation of the threshold for the transport or collection of non-hazardous waste below which*

*establishments or undertakings which collect or transport that waste do not need to be registered,*

*- technical minimum standards for treatment activities that require a permit under Directive 2008/98/EC, where there is evidence that such standards would bring about a benefit in terms of the protection of human health and the environment,*

*- minimum standards for activities that require registration under Directive 2008/98/EC where there is evidence that such standards would bring about a benefit in terms of the protection of human health and the environment or in avoiding disruption to the internal market,*

*- the specification of the application of the formula for incineration facilities referred to in point R1 of Annex II to Directive 2008/98/EC,*

*- the adaptation of Annexes I to V to Directive 2008/98/EC to scientific and technical progress, and*

It is of particular importance that the Commission *carry out* appropriate consultations during its preparatory work, including at expert level *and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

Or. xm

## Justification

*Alignment with the Interinstitutional Agreement of 13 April 2016 and with modifications proposed to Article 9 on prevention concerning food waste and litter.*

### Amendment 40

#### Proposal for a directive Recital 30

##### *Text proposed by the Commission*

(30) In order to ensure uniform conditions for the implementation of Directive 2008/98/EC, implementing powers should be conferred on the Commission in respect of **Articles 9(4), 9(5), 33(2), 35(5) and 37(6)**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>19</sup>.

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<sup>19</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning

##### *Amendment*

(30) In order to ensure uniform conditions for the implementation of Directive 2008/98/EC, implementing powers should be conferred on the Commission in respect of:

- ***the format for the notification of the information on the adoption and the substantial revisions of waste management plans and waste prevention programmes,***
- ***minimum conditions for the operation of electronic registries on hazardous waste,***
- ***the methodology for data collection and processing as well as the format for reporting data on the implementation of the targets on food waste and marine litter, preparing for re-use, recycling and backfilling, and bio-waste, and***

Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>19</sup>.

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<sup>19</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning

mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28/02/2011, p. 13).

mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28/02/2011, p. 13).

Or. xm

#### *Justification*

*Alignment with the Interinstitutional Agreement of 13 April.*

### **Amendment 41**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

#### *Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is **comparable** to household waste in nature, composition **and quantity**.

#### *Amendment*

(b) mixed waste and separately collected waste from other sources that is **similar** to household waste in nature **and** composition.

Or. xm

#### *Justification*

*To ensure that the data supplied by the Member States are reliable and comparable, the definition of 'municipal waste' needs to be in line with the definition used for statistical purposes by Eurostat and the OECD. This definition does not include the reference to the quantity parameter. The references to nature and composition enable it to be determined whether it is a similar kind of waste that does not fall within the scope of the definition of municipal waste.*

### **Amendment 42**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a a (new)**

Directive 200/98/EC

Article 3 – point 1 b (new)

*Text proposed by the Commission*

*Amendment*

*(aa) the following point is inserted:*

***"1b. "commercial and industrial waste" means mixed waste and separately collected waste from commercial and industrial activities and/or premises.***

***Commercial and industrial waste does not include municipal waste, construction and demolition waste and waste from sewage network and treatment, including sewage sludge;"***;

Or. xm

*Justification*

*Municipal waste needs to be distinguished from waste deriving from other economic activities which cannot be considered to be similar due to its nature, composition and quantity. Municipal waste accounts for only between 7% and 10% of the total waste generated in the EU; consideration should therefore be given to including targets for commercial and industrial waste, similar to those set for municipal waste, to encourage the transition towards a circular economy.*

**Amendment 43**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b**

Directive 2008/98/EC

Article 3 – point 2 a

*Text proposed by the Commission*

*Amendment*

2a. "non-hazardous waste" means waste which ***displays none of the hazardous properties listed in Annex III;***

2a. "non-hazardous waste" means waste which ***is not covered by point 2 of this Article;***

Or. xm

*Justification*

*The definition of non-hazardous waste is aligned with the definition hitherto in force in Article 2(d) of Directive 1999/31/EC.*

## Amendment 44

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point c

Directive 2008/98/EC

Article 3 – point 4

#### *Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties that is **comparable** in nature, composition **and quantity**;

#### *Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability **and compostability** properties that is **similar** in nature **and** composition;

Or. xm

#### *Justification*

*In order not to jeopardise the quality of bio-waste recycling, only waste with equivalent biodegradability and compostability characteristics should be regarded as being similar to bio-waste. The references to nature and composition already enable it to be determined whether it is a similar kind of waste that does not fall within the scope of the definition of municipal waste.*

## Amendment 45

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point d a (new)

Directive 2008/98/EC

Article 3 – point 9

#### *Present text*

9. 'waste management' means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a

#### *Amendment*

**(da) point 9 is replaced by the following:**

"9. 'waste management' means the collection, transport, **sorting**, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including

dealer or broker;

actions taken as a dealer or broker;"

Or. xm

*Justification*

*Waste sorting operations are vital for proper waste management with a view to preparing for re-use and recycling and should therefore be included in this definition.*

**Amendment 46**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point d b (new)**

Directive 2008/98/EC

Article 3 – point 11

*Present text*

*Amendment*

11. 'separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

***(db) point 11 is replaced by the following:***

"11. 'separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment, ***in particular preparing for re-use and recycling operation;***";

Or. xm

*Justification*

*Separate collections of different kinds of waste are the basic prerequisite for being able to carry out operations to prepare waste for re-use and recycling.*

**Amendment 47**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

Directive 2008/98/EC

Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

16. "preparing for re-use" means

16. "preparing for re-use" means

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checking, cleaning or repairing recovery operations, by which **waste**, products or components of products that have been collected by a recognised preparation for re-use operator **or deposit-refund scheme** are prepared so that they can be re-used without any other pre-processing;

checking, cleaning or repairing recovery operations, by which products or components of products that have **become waste and have** been collected by a recognised preparation for re-use operator are prepared so that they can be re-used without any other pre-processing;

Or. xm

#### *Justification*

*The definition currently in force in this Directive is re-introduced. In keeping with the waste hierarchy, a distinction should be drawn between preparing for re-use and re-use. The operation of preparing for re-use is carried out only once the product has become waste, while re-use takes place before a product becomes waste and is thus regarded as a preventive operation. It is therefore vital to keep this distinction clear in the Directive so that no difficulties are caused in the monitoring of various products and waste flows.*

#### **Amendment 48**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2 – point e a (new)**

Directive 2008/98/EC

Article 3 – point 16 a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) the following point is inserted:**

**"16a. "preparation for re-use operator" means an undertaking handling waste, working along the preparing for re-use process chain, and respecting applicable waste and other relevant regulation;"**

Or. xm

#### *Justification*

*In several Member States the preparation for re-use operator is not defined in specific laws. In accordance with the requirements set out in this Directive, a harmonised definition needs to be introduced.*

## Amendment 49

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point e b (new)

Directive 2008/98/EC

Article 3 – point 17

#### *Present text*

17. 'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes *the reprocessing of organic material* but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

#### *Amendment*

**(eb) point 17 is replaced by the following:**

"17. "recycling" means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes *organic recycling* but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;"

Or. xm

#### *Justification*

*The definition of organic recycling pursuant to Directive 94/62/EC is reintroduced.*

## Amendment 50

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point e c (new)

Directive 2008/98/EC

Article 3 – point - 17 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**(ec) the following point is inserted:**

**"- 17a. "organic recycling" means the aerobic (composting) or anaerobic (biomethanization) treatment, under controlled conditions and using micro-organisms, of the biodegradable parts of waste, which produces stabilized organic residues or methane. Landfill shall not be considered to be a form of organic**

*recycling;"*;

Or. xm

*Justification*

*The definition of organic recycling pursuant to Directive 94/62/EC is reintroduced, in keeping with the new requirements introduced for bio-waste recycling.*

**Amendment 51**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further *mechanical* sorting operation is needed and waste materials *enter a production process and* are effectively reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further sorting operation is needed and waste materials are effectively reprocessed into products, materials or substances;

Or. xm

*Justification*

*The definition of 'final recycling process' must be consistent with the definition of recycling set out in Article 17.*

**Amendment 52**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17b

*Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for

*Amendment*

17b. "backfilling" means any recovery operation where suitable *non-hazardous*

reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. xm

#### *Justification*

*It is important for the protection of the environment and human health that only non-hazardous waste may be used for backfilling operations.*

### **Amendment 53**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f a (new)**

Directive 2008/98/EC

Article 3 – point 21 (new)

*Text proposed by the Commission*

*Amendment*

*(fa) the following point is added:*

*"21. "sorting" means any waste management operation which separates collected waste into different fractions and sub-fractions;"*

Or. xm

#### *Justification*

*Waste sorting operations are vital for proper waste management with a view to preparing for re-use and recycling. Explicit references to 'sorting' operations are included in Article 3 paragraph 17a and Article 8a, paragraph 4a. It therefore needs to be specifically defined in order to ensure that this Directive is applied in a uniform and harmonised manner in all the Member States.*

### **Amendment 54**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

**(fb) the following point is added:**

**"22. "litter" means waste in publicly accessible rural and urban areas, including surface water, that has been improperly discarded or has resulted from inadequate waste management;"**

Or. xm

*Justification*

*The definition is introduced in keeping with the new requirements set out in the amended Directive. Moreover, the English term 'litter' is not easily translatable into all languages, making it essential to provide a definition.*

## **Amendment 55**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f c (new)**

Directive 2008/98/EC

Article 3 – point 23 (new)

*Text proposed by the Commission*

*Amendment*

**(fc) the following point is added:**

**"23. "littering" means any action or omission by the waste holder, whether wilful or negligent, that results in litter;"**

Or. xm

*Justification*

*The definition is introduced in keeping with the new requirements set out in the amended Directive. Moreover, the English term 'littering' is not easily translatable into all languages, making it essential to provide a definition.*

## Amendment 56

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point f d (new)

Directive 2008/98/EC

Article 3 – point 24 (new)

*Text proposed by the Commission*

*Amendment*

*(fd) the following point is added:*

***"24. "food waste" means food lost at retail and consumer levels and food losses along production and supply chains, including post-harvest losses;"***

Or. xm

*Justification*

*To comply with the requirements introduced by this Directive, a harmonised definition of 'food waste' is added, in line with the target of Sustainable Development Goal 12.3.*

## Amendment 57

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point f e (new)

Directive 2008/98/EC

Article 3 – point 25 (new)

*Text proposed by the Commission*

*Amendment*

*(fe) the following point is added:*

***"25. "decontamination" means any operation that consists of removing or treating the unwanted hazardous components or pollutants from waste or, if this is not possible from a technical or economic perspective, treating the waste in a way that destroys the pollutants;"***

Or. xm

### *Justification*

*The introduction of this definition aims to improve hazardous waste management by avoiding the contamination of recycled materials with substances that are dangerous for human health and the environment.*

### **Amendment 58**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 a (new)**

Directive 2008/98/EC

Article 4 – paragraph 2 – subparagraph 1

#### *Present text*

2. When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.

#### *Amendment*

***(2a) In Article 4(2), the first subparagraph is replaced by the following:***

"2. When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. ***That may require that certain waste undergoes a decontamination process prior to further treatment.***";

Or. xm

### *Justification*

*The waste hierarchy should take into account a decontamination stage for hazardous waste prior to recovery in order to ensure that recycled waste does not contain any substances that could be dangerous for human health and the environment.*

### **Amendment 59**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

*Amendment*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy ***primarily to encourage the implementation of the waste prevention programmes referred to in Article 29, but also to support the activities aimed at achieving the preparing for re-use and recycling targets set out in paragraph 2 of Article 11.***

Or. xm

*Justification*

*In keeping with the waste hierarchy, Member States should ensure that the main aim of economic instruments is to achieve the objectives set out in the national prevention programmes.*

**Amendment 60**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every ***five*** years following that date.

*Amendment*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every ***three*** years following that date.

Or. xm

*Justification*

*This brings the reporting requirement into line with the time period laid down in Article 37(5).*

## Amendment 61

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point a

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory sentence

#### *Text proposed by the Commission*

1. **Member States shall ensure that** a substance or object resulting from a production process the primary aim of which is not the production of that substance or object *is* considered not to be waste, but to be a by-product if the following conditions are met:

#### *Amendment*

1. A substance or object resulting from a production process the primary aim of which is not the production of that substance or object **shall be** considered not to be waste, but to be a by-product if the following conditions are met:

Or. xm

#### *Justification*

*As a general rule, a substance or an object resulting from an industrial symbiosis practice, which is a production process the primary aim of which is not the production of that object or substance, should be considered to be a by-product if specific conditions are met. The Commission may be empowered to establish harmonised criteria on the application of by-product status, prioritising proven and replicable industrial symbiosis practices. Member States may only establish the application of by-product status on a case-by-case basis.*

## Amendment 62

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point b

Directive 2008/98/EC

Article 5 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

#### *Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects. ***The Commission shall prioritise the proven and replicable practices of industrial symbiosis in the development of the***

*detailed criteria.*

Or. xm

*Justification*

*As a general rule, a substance or an object resulting from an industrial symbiosis practice, which is a production process the primary aim of which is not the production of that object or substance, should be considered to be a by-product if specific conditions are met. The Commission may be empowered to establish harmonised criteria on the application of by-product status, prioritising proven and replicable industrial symbiosis practices. Member States may only establish the application of by-product status on a case-by-case basis.*

**Amendment 63**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point c**

Directive 2008/98/EC

Article 5 – paragraph 3

*Text proposed by the Commission*

3. *Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (\*) where so required by that Directive.*

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(\*) *OJ L 241, 17.9.2015, p.1.*

*Amendment*

3. *Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may, on a case-by-case basis, establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific waste, including limit values for pollutants. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC<sup>1a</sup> of the European Parliament and of the Council where so required by that Directive.*

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<sup>1a</sup> *Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).*

*Justification*

*As a general rule, a substance or an object resulting from an industrial symbiosis practice, which is a production process the primary aim of which is not the production of that object or substance, should be considered to be a by-product if specific conditions are met. The Commission may be empowered to establish harmonised criteria on the application of by-product status, prioritising proven and replicable industrial symbiosis practices. Member States may only establish the application of by-product status on a case-by-case basis.*

**Amendment 64**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to ***certain*** waste. Those detailed criteria shall include limit values for pollutants ***where necessary*** and shall take into account any possible adverse environmental ***effects*** of the substance or object.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to ***specific*** waste. Those detailed criteria shall include limit values for pollutants and shall take into account any possible adverse environmental ***or human health impacts*** of the substance or object.

Or. xm

*Justification*

*As a general rule, the Commission should be empowered to adopt delegated acts establishing harmonised provisions concerning the criteria for granting end-of-waste status to certain types of waste. Where such criteria have not been determined at EU level, Member States should be able to establish national criteria in accordance with specific conditions set out in Article 6(1). Where such criteria have not even been established at national level, Member States should ensure that waste which has undergone a recovery process is no longer to be considered waste if it meets the conditions laid down in Article 6(1) which should be verified on a case-by-case basis by the national competent authorities.*

## Amendment 65

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point b

Directive 2008/98/EC

Article 6 – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC *of the European Parliament and of the Council* where so required by that Directive.

#### *Amendment*

4. ***Where criteria have not been set at Union level in accordance the procedure set out in paragraph 2, Member States may establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific waste, including limit values for pollutants.*** Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC where so required by that Directive.

Or. xm

#### *Justification*

*As a general rule, the Commission should be empowered to adopt delegated acts establishing harmonised provisions concerning the criteria for granting end-of-waste status to certain types of waste. Where such criteria have not been determined at EU level, Member States should be able to establish national criteria in accordance with specific conditions set out in Article 6(1). Where such criteria have not even been established at national level, Member States should ensure that waste which has undergone a recovery process is no longer to be considered waste if it meets the conditions laid down in Article 6(1) which should be verified on a case-by-case basis by the national competent authorities.*

## Amendment 66

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6 – point a a (new)

Directive 2008/98/EC

Article 7 – paragraph 4

#### *Present text*

4. The reclassification of hazardous

PE580.497v01-00

#### *Amendment*

***(aa) paragraph 4 is replaced by the following:***

"4. The reclassification of hazardous

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waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

waste as non-hazardous waste ***or a change of the hazardous properties*** may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous ***or for establishing a hazardous property.***";

Or. xm

#### *Justification*

*The release of hazardous substances into the environment through dilution or mixing operations needs to be prohibited.*

### **Amendment 67**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 7 – point - a (new)**

Directive 2008/98/EC

Article 8 – paragraph 1 – subparagraph 1

#### *Present text*

1. In order to strengthen the re-use and the prevention, recycling and other recovery of waste, Member States ***may*** take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility.

#### *Amendment*

***(- a) in paragraph 1, the first subparagraph is replaced by the following:***

"1. In order to strengthen the re-use and the prevention, recycling and other recovery of waste, Member States ***shall*** take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility.";

Or. xm

#### *Justification*

*The introduction of compulsory EPR measures might provide an incentive to design products that are able to be re-used or recycled, since it will reduce their end-of-life costs.*

## Amendment 68

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7 – point a

Directive 2008/98/EC

Article 8 – paragraph 1 – subparagraph 3

#### *Text proposed by the Commission*

Such measures *may* also include the establishment of extended producer responsibility schemes defining specific operational and financial obligations for producers of products.

#### *Amendment*

Such measures *shall* also include the establishment of extended producer responsibility schemes defining specific operational and financial obligations for producers of products *in which the producer's responsibility is extended to the post-consumer state of a product's life cycle for at least packaging as defined point (1) of in Article 3 of Directive 94/62/EC, electrical and electronic equipment as defined in point (a) of Article 3(1) of Directive 2012/19/EU, and batteries and accumulators as defined in point (1) of Article 3 of Directive 2006/66/EC.*

Or. xm

#### *Justification*

*The introduction of compulsory national EPR schemes for packaging, electrical and electronic equipment and batteries and accumulators has proven to be an effective waste management tool. This requirement should therefore be introduced throughout the EU and defined through a set of harmonised rules.*

## Amendment 69

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7 – point a a (new)

Directive 2008/98/EC

Article 8 – paragraph 2 – subparagraph 1

#### *Present text*

#### *Amendment*

*(aa) in paragraph 2, the first subparagraph is replaced by the following:*

2. Member States *may* take appropriate measures to encourage the design of products in order to reduce their environmental impacts and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with Articles 4 and 13.

"2. Member States *shall* take appropriate measures to encourage the design of products in order to reduce their environmental impacts and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with Articles 4 and 13.";

Or. xm

#### *Justification*

*The introduction of compulsory EPR measures might provide an incentive to design products that are able to be re-used or recycled, since it will reduce their end-of-life costs.*

#### **Amendment 70**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 7 – point b**

Directive 2008/98/EC

Article 8 – paragraph 2 – subparagraph 2

#### *Text proposed by the Commission*

Such measures *may* encourage, inter alia, the development, production and marketing of products that are suitable for multiple use, that are technically durable and that are, after having become waste, suitable ***for preparation for re-use and recycling*** in order to facilitate proper implementation of the waste hierarchy. The measures *should* take into account the impact of products throughout their life cycle.

#### *Amendment*

Such measures *shall* encourage, inter alia, the development, production and marketing of products that are suitable for multiple use, that are technically durable and ***easily repairable and*** that are, after having become waste ***and been prepared for re-use or recycled***, suitable ***to be placed on the market*** in order to facilitate proper implementation of the waste hierarchy. The measures *shall* take into account the impact of products throughout their life cycle ***and the waste hierarchy***.

Or. xm

#### *Justification*

*The introduction of compulsory EPR measures might provide an incentive to design products that are able to be re-used or recycled, since it will reduce their end-of-life costs.*

## Amendment 71

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7 – point b a (new)

Directive 2008/98/EC

Article 8 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) the following paragraph is inserted:**

**"2a. Member States shall report to the Commission the specific instruments put in place in accordance with paragraphs 1 and 2 by [insert date eighteen months after the entry into force of this Directive] and thereafter every three years.;"**

Or. xm

*Justification*

*This brings the reporting requirement into line with the time period laid down in Article 37(5).*

## Amendment 72

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7 – point c

Directive 2008/98/EC

Article 8 – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. The Commission shall organise **an** exchange of information between Member States and the actors involved in producer responsibility schemes on the practical implementation of the requirements defined in Article 8a and on best practices to ensure adequate governance and cross-border cooperation of extended producer responsibility schemes. This includes, inter

5. The Commission shall organise **a regular** exchange of information between Member States, **local authorities** and the actors involved in producer responsibility schemes on the practical implementation of the requirements defined in Article 8a and on best practices to ensure adequate governance and cross-border cooperation of extended producer responsibility

alia, exchange of information on the organisational features and the monitoring of producer responsibility organisations, the selection of waste management operators and the prevention of littering. The Commission shall publish the results of the exchange of information.

schemes. This includes, inter alia, exchange of information on the organisational features and the monitoring of producer responsibility organisations, the selection of waste management operators and the prevention of **waste generation and** littering. The Commission shall publish the results of the exchange of information.

Or. xm

#### *Justification*

*Regular exchange of information on best waste management practices between Member States and the parties involved in the EPR systems is of fundamental importance in encouraging correct implementation and achieving the targets set by the EPR schemes.*

### **Amendment 73**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2008/98/EC

Article 8a – paragraph 1 – indent 1

#### *Text proposed by the Commission*

- define in a clear way the roles and responsibilities of producers of products placing goods on the market of the Union, organisations implementing extended producer responsibility on their behalf, private or public waste operators, local authorities and, where appropriate, recognised preparation for re-use operators;

#### *Amendment*

- define in a clear way the roles and responsibilities of producers of products placing goods on the market of the Union, organisations implementing extended producer responsibility on their behalf, private or public waste operators, **distributors**, local authorities and, where appropriate, **reuse and repair networks and** recognised preparation for re-use operators;

Or. xm

#### *Justification*

*It is important that Member States define the roles and responsibilities of the various stakeholders involved in the EPR schemes.*

## Amendment 74

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2008/98/EC

Article 8a – paragraph 1 – indent 2

#### *Text proposed by the Commission*

- define measurable waste management targets, in line with the waste hierarchy, aiming to attain at least the quantitative targets relevant for the scheme as laid down in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU;

#### *Amendment*

- define measurable **waste prevention targets and** waste management targets, in line with the waste hierarchy, aiming to attain **the objectives contained in the waste prevention programmes referred to in Article 29 of this Directive and** at least the quantitative targets relevant for the scheme as laid down in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU;

Or. xm

#### *Justification*

*EPR schemes should also have defined targets, in line with the waste hierarchy, to help achieve the waste prevention targets set by national waste prevention programmes.*

## Amendment 75

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2008/98/EC

Article 8a – paragraph 1 – indent 3

#### *Text proposed by the Commission*

- establish a reporting system to gather data on the products placed on the Union market by the producers subject to extended producer responsibility. Once these products become waste, the reporting system shall ensure that data is gathered on the collection and treatment of that waste specifying, where appropriate, the waste material flows;

#### *Amendment*

- establish a reporting system to gather **reliable and accurate** data on the products placed on the Union market by the producers subject to extended producer responsibility. Once these products become waste, the reporting system shall ensure that **reliable and accurate** data is gathered on the collection and treatment of that waste specifying, where appropriate, the waste material flows;

*Justification*

*That EPR systems ensure the data reporting system is accurate and reliable is vital to Member States being able to furnish bona fide data in order to meet targets set at EU level.*

**Amendment 76****Proposal for a directive****Article 1 – paragraph 1 – point 8**

Directive 2008/98/EC

Article 8a – paragraph 2

*Text proposed by the Commission*

2. Member States shall take the necessary measures to ensure that the waste holders targeted by the extended producer responsibility schemes established in accordance with Article 8, paragraph 1, are informed about the available waste collection systems and the prevention of littering. Member States shall also take measures to create incentives for the waste holders to ***take part in the*** separate collection systems in place, notably through economic incentives or regulations, when appropriate.

*Amendment*

2. Member States shall take the necessary measures to ensure that the waste holders targeted by the extended producer responsibility schemes established in accordance with Article 8, paragraph 1, are informed about the available ***take back systems, re-use and repair networks, recognised preparation for re-use operators,*** waste collection systems and the prevention of littering. Member States shall also take measures to create incentives for the waste holders to ***deliver their waste into*** separate collection systems in place, notably through economic incentives or regulations, when appropriate.

*Justification*

*Member States should ensure that waste holders have the information they need on available product re-use systems and systems for the collection and recovery of products that are now waste.*

**Amendment 77****Proposal for a directive****Article 1 – paragraph 1 – point 8**

Directive 2008/98/EC  
Article 8 a – paragraph 3 – point a

*Text proposed by the Commission*

(a) has a clearly defined geographical, product and material coverage;

*Amendment*

(a) has a clearly defined geographical, product and material coverage ***based on the sales area and without limiting these areas to the territories in which the collection and management of waste are profitable;***

Or. xm

*Justification*

*Member States should make sure that the geographical area in which EPR systems operate is not restricted solely to those areas where waste collection and management is more financially attractive.*

## **Amendment 78**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8**

Directive 2008/98/EC

Article 8a – paragraph 3 – point d – indent 2

*Text proposed by the Commission*

- the financial contributions paid by the producers;

*Amendment*

- the ***aggregated*** financial contributions paid by the producers;

Or. xm

*Justification*

*In order to ensure provision of appropriate information concerning financial resources available to EPR schemes and yet at the same time not disclose individual producers' sensitive company information, Member States should make sure that the EPR systems publish the total amount they receive in contributions per year from their members and the contribution paid by each member per product placed on the market.*

## Amendment 79

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2008/98/EC

Article 8a – paragraph 3 – point d – indent 2 a (new)

*Text proposed by the Commission*

*Amendment*

- ***the financial contributions paid by producers per unit sold or per tonne of product placed on the market;***

Or. xm

*Justification*

*In order to ensure provision of appropriate information concerning financial resources available to EPR schemes and yet at the same time not disclose individual producers' sensitive company information, Member States should make sure that the EPR systems publish the total amount they receive in contributions per year from their members and the contribution paid by each member per product placed on the market.*

## Amendment 80

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2008/98/EC

Article 8a – paragraph 3 – point d – indent 4 (new)

*Text proposed by the Commission*

*Amendment*

- ***the waste prevention targets and waste management targets referred to in the second indent of paragraph 1 and their attainment.***

Or. xm

*Justification*

*The EPR schemes should establish and publish their contribution to achieving the prevention and preparing for the re-use and recycling targets laid down in this Directive.*

## Amendment 81

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2008/98/EC

Article 8a – paragraph 4 – point b

#### *Text proposed by the Commission*

(b) are modulated on the basis of the real end-of-life cost of individual products or groups of similar products, notably by taking into account their re-usability *and* recyclability;

#### *Amendment*

(b) are modulated on the basis of the real end-of-life cost of individual products or groups of similar products, notably by taking into account their *repairability*, re-usability, recyclability *and the presence of hazardous substances*;

Or. xm

#### *Justification*

*To stimulate eco-design, contributions by producers who place their own products on the market should be modulated on the basis of reparability, re-usability and recyclability criteria and the presence of hazardous substances.*

## Amendment 82

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8

Directive 2008/98/EC

Article 8a – paragraph 4 – point c

#### *Text proposed by the Commission*

(c) are based on the optimised cost of the services provided in cases where public waste management operators are responsible for implementing operational tasks on behalf of the extended producer responsibility scheme.

#### *Amendment*

(c) are based on the optimised cost of the services provided in cases where public waste management operators are responsible for implementing operational tasks on behalf of the extended producer responsibility scheme. *The optimised cost of the service shall be transparent and reflect the costs borne by public waste management operators when implementing operational tasks on behalf of extended producer responsibility schemes.*

*Justification*

*Costs charged to EPR systems should cover the costs incurred by public waste management operators in implementing an efficient waste management system, but not all the costs that may be linked to their obligations. These costs should be established through detailed analysis and set out in a transparent manner.*

**Amendment 83****Proposal for a directive****Article 1 – paragraph 1 – point 8**

Directive 2008/98/EC

Article 8a – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

5. *Where, in the territory of a Member State, multiple organisations implement extended producer responsibility obligations on behalf of the producers, Member State shall establish an independent authority to oversee the implementation of extended producer responsibility obligations.*

*Amendment*

5. *Member States shall establish an independent authority to oversee the implementation of extended producer responsibility obligations and in particular to verify the extended producer responsibility organisations' compliance with the requirements laid down in points (a) to (d) of paragraph 3.*

*Justification*

*Implementation of the EPR schemes should be monitored by independent authorities in order to ensure they are efficient, without creating however an additional financial burden for public authorities and consumers.*

**Amendment 84****Proposal for a directive****Article 1 – paragraph 1 – point 8**

Directive 2008/98/EC

Article 8a – paragraph 6

*Text proposed by the Commission*

6. Member States shall establish a

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*Amendment*

6. Member States shall establish a

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platform to ensure a regular dialogue between the stakeholders involved in the implementation of extended producer responsibility, including private or public waste operators, local authorities and, where applicable, recognised preparation for re-use operators.'

platform to ensure a regular dialogue between the stakeholders involved in the implementation of extended producer responsibility, including **producers and distributors**, private or public waste operators, local authorities and, where applicable, **repair and re-use networks and** recognised preparation for re-use operators.'

Or. xm

#### *Justification*

*All stakeholders involved in the implementation of EPR should be involved in the platform for exchange of information.*

#### **Amendment 85**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 1

#### *Text proposed by the Commission*

- **encourage** the use of products that are resource efficient, durable, repairable and recyclable;

#### *Amendment*

- **promote and support the production and** the use of products that are resource efficient, durable, **reusable**, repairable and recyclable;

Or. xm

#### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of financial instruments and the running of public awareness campaigns.*

## Amendment 86

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 3

#### *Text proposed by the Commission*

- ***encourage*** the setting up of systems promoting ***reuse activities, including in particular for electrical and electronic equipment, textiles and furniture;***

#### *Amendment*

- ***support*** the setting up of systems promoting ***repair and re-use activities as referred to in Article 9a;***

Or. xm

#### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

## Amendment 87

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 4

#### *Text proposed by the Commission*

- reduce waste generation in processes related to industrial production, extraction of minerals and construction and demolition, taking into account best available techniques;

#### *Amendment*

- reduce waste generation in processes related to industrial production, ***manufacturing***, extraction of minerals and construction and demolition, taking into account best available techniques;

Or. en

## Amendment 88

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 4 a (new)

*Text proposed by the Commission*

*Amendment*

- ***reduce waste generation in commerce and services, taking into account best available techniques and best practices;***

Or. xm

#### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

## Amendment 89

### Proposal for a directive

#### Article 1 – paragraph 1 – point 9

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 4 b (new)

*Text proposed by the Commission*

*Amendment*

- ***include actions to reduce packaging waste generation as referred to in Article 4 of Directive 94/62/EC;***

Or. xm

#### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances*

*in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

## **Amendment 90**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 4 c (new)

*Text proposed by the Commission*

*Amendment*

- ***discourage the placing on the market of products with planned obsolescence;***

Or. xm

*Justification*

*Products with planned obsolescence should be identified so the products' useful life may be extended and waste generation reduced.*

## **Amendment 91**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 5

*Text proposed by the Commission*

*Amendment*

- ***reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households.***

- ***reduce the generation of food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses, with the aim of achieving a Union food waste reduction target of 50 % by 2030;***

Or. xm

### *Justification*

*It is important that Member States should take all necessary measures to reduce food waste in line with the commitment made by the EU in the 2030 Agenda for Sustainable Development to reduce food waste by 50 % by 2030. To achieve that goal, Member States should include an objective that is at least equivalent in their national waste prevention programmes and should implement measures to prevent food waste.*

### **Amendment 92**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 6 (new)

*Text proposed by the Commission*

*Amendment*

- ***reduce the content of hazardous substances in materials and products;***

Or. xm

### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

### **Amendment 93**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 7 (new)

*Text proposed by the Commission*

*Amendment*

- ***ensure information about hazardous substances in the supply chain;***

Or. xm

### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

### **Amendment 94**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 8 (new)

*Text proposed by the Commission*

*Amendment*

- ***prevent littering, in particular, by discouraging the marketing and the use of single-use products;***

Or. xm

### *Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

### **Amendment 95**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 9 (new)

*Text proposed by the Commission*

*Amendment*

- ***reduce land-based litter which is likely to end up in the marine environment with the aim of achieving a***

**Union marine litter reduction target of 50 % by 2030;**

Or. xm

*Justification*

*Most marine litter comes from land-based activities and is caused by poor waste management practices. That is why Member States should adopt measures to reduce land-based litter that is likely to end up in the sea, in keeping with the commitment made by the EU in the 2030 Agenda for Sustainable Development to reduce its marine litter by 50 % by 2030. Member States should include marine litter reduction targets that are at least equivalent in their national waste prevention programmes and should assess the progress made.*

**Amendment 96**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 1 – indent 10 (new)

*Text proposed by the Commission*

*Amendment*

- ***include the development of continuous communication and education campaigns to raise awareness on the issues surrounding waste prevention and littering.***

Or. xm

*Justification*

*Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable high-quality materials. An important aspect of waste prevention is the reduction of hazardous substances in materials. To increase waste prevention, it is important that Member States set up national waste reduction and prevention targets backed by appropriate measures, including the use of economic instruments and the running of public awareness campaigns.*

**Amendment 97**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9**

*Text proposed by the Commission*

2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets, notably on the per capita quantity of municipal waste *that is disposed of or subject to energy recovery*.

*Amendment*

2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets, notably on the per capita quantity of municipal waste *generated*.

Or. xm

*Justification*

*The indicator proposed is not suitable for waste prevention in that it relates to waste management services and not to the quantity of waste generated.*

**Amendment 98**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 3

*Text proposed by the Commission*

3. Member States shall monitor and assess the implementation of their food waste prevention measures by measuring food waste on the basis *of methodologies established in accordance with paragraph 4*.

*Amendment*

3. Member States shall monitor and assess the implementation of their food waste prevention measures by measuring *the levels* of food waste on the basis *of a common methodology*. *By 31 December 2017, the Commission shall adopt a delegated act in accordance with Article 38a to establish the methodology, including minimum quality requirements, for the uniform measurement of the levels of food waste.*

Or. xm

### *Justification*

*To check and compare progress made by the different Member States on reducing food waste, the Commission should present a common methodology for measurement thereof by 31 December 2017.*

#### **Amendment 99**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 4

#### *Text proposed by the Commission*

4. The Commission *may* adopt ***implementing*** acts to establish indicators to measure the ***overall*** progress in the ***implementation*** of waste ***prevention measures***. ***In order to ensure uniform measurement of the levels of food waste, the Commission shall adopt an implementing act to establish a common methodology, including minimum quality requirements.*** Those ***implementing*** acts shall be adopted ***in accordance with the procedure referred to in Article 39(2).***

#### *Amendment*

4. The Commission ***shall*** adopt ***delegated*** acts in accordance with Article 38a to establish indicators to measure the progress in the ***reduction*** of waste ***generation and in the implementation of waste prevention measures listed in paragraph 1.*** Those ***delegated*** acts shall be adopted ***within 18 months after the entry into force of this Directive.***

Or. xm

### *Justification*

*The Commission should present no later than 18 months after the entry into force of this Directive a set of indicators capable of assessing and comparing the results achieved by the different Member States in implementing the prevention measures set out in paragraph 1.*

#### **Amendment 100**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall monitor and assess the implementation of their land-based marine litter prevention measures by measuring the levels of land-based marine litter on the basis of a common methodology. By 31 December 2017, the Commission shall adopt a delegated act in accordance with Article 38a to establish the methodology, including minimum quality requirements, for the uniform measurement of land-based marine litter.**

Or. xm

*Justification*

*To check and compare progress made by the different Member States on reducing the land-based litter that is the major cause of marine litter, the Commission should present a common methodology for measurement thereof by 31 December 2017.*

## **Amendment 101**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 5

*Text proposed by the Commission*

*Amendment*

**5. Every year, the European Environment Agency shall publish a report describing the evolution as regards the prevention of waste generation for each Member State and for the Union as a whole, including on decoupling of waste generation from economic growth and on the transition towards a circular economy.**

*deleted*

Or. xm

*Justification*

*The European Environment Agency's obligations in terms of assessment are set out in Article 30.*

**Amendment 102**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9**

Directive 2008/98/EC

Article 9 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***5a. By 31 December 2018, the Commission shall examine the possibility of setting up Union-wide waste prevention targets to be met by 2025 and 2030 on the basis of a common indicator that is calculated by reference to the total amount of municipal waste generated per capita. To that end, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.***

Or. xm

*Justification*

*The Commission should present by the end of 2018 a proposal for a European waste prevention target based on the total amount of municipal waste generated per capita.*

**Amendment 103**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9 a (new)**

Directive 2008/98/EC

Article 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) The following article is inserted:***

## *Article 9a*

### *Reuse*

- 1. Member States shall support the setting up of systems promoting re-use activities, including in particular for electrical and electronic equipment, textiles and furniture, and for packaging as defined in Article 5 of Directive 94/62/EC.*
- 2. Member States shall take measures, including quantitative targets, to promote the re-use of products, in particular those containing significant amount of critical raw materials, particularly by encouraging the establishment and support of recognised re-use networks and deposit-refund schemes. To that end, Member States shall use economic instruments, green procurement criteria or other equivalent measures. Member States shall take measures in order to incentivise remanufacturing, refurbishment and repurposing of products.*
- 3. Member States shall ensure access for independent re-use operators to spare parts, technical information, diagnostic and other equipment, tools, including any relevant software required for maintenance and repair of these products and components, taking due consideration of intellectual property rights.*

Or. xm

### *Justification*

*Re-use is a process entailing the treatment of products to prevent waste generation; it should therefore be regarded as a specific waste prevention measure and incentivised by the various Member States.*

## **Amendment 104**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9 b (new)**

*Present text*

2. Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately ***if technically, environmentally and economically practicable and shall not be*** mixed with other waste or other material with different properties.

*Amendment*

***(9b) In Article 10, paragraph 2 is replaced by the following:***

"2. Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately and shall not be mixed with other waste or other material with different properties.";

Or. xm

*Justification*

*The current wording for the obligations to establish separate waste collection systems for specific types of materials has produced widely differing results as regards its implementation in the different Member States. Collection of pre-sorted waste is one of the tools supporting the creation of a high-quality recycling market and the attainment of high levels of recycling. The introduction of technical, environmental and financial limits has allowed numerous exemptions, rendering application of this principle impossible.*

**Amendment 105**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9 c (new)**

Directive 2008/98/EC

Article 10 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(9c) In Article 10, the following paragraph is added:***

***"2a. Member State shall take measures so that waste that has been separately collected on the basis of Article 11(1) or Article 22 is not accepted by an incineration plant. This paragraph does not apply to residue resulting from the sorting of that waste.";***

*Justification*

*A limit should be established on the use of incinerators for non-recyclable waste, as endorsed by the European Parliament on 9 July 2015 in its resolution on 'Resource efficiency: moving towards a circular economy' and in accordance with the 7th Environmental Action Programme.*

**Amendment 106**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 9 d (new)**

Directive 2008/98/EC

Article 10 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

***(9d) In Article 10, the following paragraph is inserted:***

***"2b. Member States shall take the necessary measures to decontaminate hazardous waste before recovery, where appropriate.";***

Or. xm

*Justification*

*Member States should give consideration to processes to decontaminate hazardous waste prior to recovery in order to guarantee that recycled waste does not contain any substances that could be dangerous to human health and the environment.*

**Amendment 107**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point -a (new)**

Directive 2008/98/EC

Article 11 – Title

*Present text*

*Amendment*

***(-a) the title is replaced by the following:***

*Justification*

*Re-use is a process entailing the treatment of products to prevent waste generation; it should therefore be regarded as a specific waste prevention measure. Preparation for re-use, on the other hand, is a waste recovery process.*

**Amendment 108**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point a**

Directive 2008/98/EC

Article 11 – paragraph 1 – subparagraph 1

*Present text*

1. Member States shall take measures, **as appropriate**, to promote preparing for re-use activities, notably by encouraging the establishment of and support for **re-use** and **repair** networks and by facilitating the access of such networks to waste collection points, and by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures.

*Amendment*

1. Member States shall take measures to promote preparing for re-use activities, notably by encouraging the establishment of and support for **preparation for re-use operators** and networks and by facilitating the access of such networks to waste collection points **and facilities**, and by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures.

*Justification*

*Re-use operators treat products whereas preparation for re-use operators carry out waste recovery operations.*

**Amendment 109**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point a**

Directive 2008/98/EC

Article 11 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collection of waste ***where technically, environmentally and economically practicable and appropriate*** to meet the necessary quality standards for the relevant recycling sectors and to attain the targets set out in paragraph 2.

*Amendment*

Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collection of waste to meet the necessary quality standards for the relevant recycling sectors and to attain the targets set out in paragraph 2.

Or. xm

*Justification*

*The current wording for the obligations to establish separate waste collection systems for specific types of materials has produced widely differing results as regards its implementation in the different Member States. Collection of pre-sorted waste is one of the tools supporting the creation of a high-quality recycling market and the attainment of high levels of recycling. The introduction of technical, environmental and financial limits has allowed numerous exemptions, rendering application of this principle impossible.*

**Amendment 110**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point a a (new)**

Directive 2008/98/EC

Article 11 – paragraph 1 – subparagraph 3

*Present text*

Subject to Article 10(2), **by 2015** separate collection shall be set up for at least the following: paper, metal, plastic **and** glass.

*Amendment*

***(aa) in paragraph 1, the third subparagraph is replaced by the following:***

"Subject to Article 10(2), separate collection shall be set up for at least the following: paper, metal, plastic, glass, **wood, textile and bio-waste.**";

Or. xm

*Justification*

*Compliance with the obligation to set up separate collection systems for all materials, including paper, metal, plastic, wood, glass and textiles, is essential in order to increase preparing for re-use and recycling rates in the Member States.*

**Amendment 111**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point a b (new)**

Directive 2008/98/EC

Article 11 – paragraph 1 – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(ab) in paragraph 1, the following subparagraph 3a is inserted:***

***"Member States shall make use of regulatory and economic instruments in order to incentivise the uptake of secondary raw materials. Those measures shall encourage, inter alia, the use of recycled content in products and green public procurement criteria.";***

Or. xm

*Justification*

*Member States should use economic and regulatory instruments to ensure fair competition between virgin raw materials and secondary raw materials. To date, low supply costs for raw materials have held the full transition to a circular economy back by rendering the use of secondary raw materials uneconomical.*

**Amendment 112**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point b**

Directive 2008/98/EC

Article 11 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

Member States shall take measures to promote sorting systems for construction

Member States shall take measures to promote sorting systems for construction

and demolition waste and for at least the following: wood, aggregates, metal, glass and plaster.

and demolition waste and for at least the following: wood, aggregates, metal, glass, *plastics* and plaster.

Or. xm

*Justification*

*In order to further the preparation of construction and demolition waste for re-use and recycling Member States should implement systems capable of separating out the main fractions of the materials of which they are composed.*

**Amendment 113**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point b a (new)**

Directive 2008/98/EC

Article 11 – paragraph 2 – introductory sentence

*Present text*

In order to comply with the objectives of this Directive, and move towards a European *recycling society* with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

*Amendment*

***(ba) the introductory sentence of paragraph 2 is replaced by the following:***

"In order to comply with the objectives of this Directive, and move towards a European *circular economy* with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:";

Or. xm

*Justification*

*The entire Directive should be aimed at incentivising the transition to a European circular economy.*

**Amendment 114**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point d**

Directive 2008/98/EC

Article 11 – paragraph 2 – point c

*Text proposed by the Commission*

(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight;

*Amendment*

(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60% by weight *of municipal waste generated*;

Or. en

**Amendment 115**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point d**

Directive 2008/98/EC

Article 11 – paragraph 2 – point d

*Text proposed by the Commission*

(d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of **65%** by weight.

*Amendment*

(d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of **70 %** by weight *of municipal waste generated*.

Or. xm

*Justification*

*The target for preparation of municipal waste for re-use and recycling by 2030 has been raised in line with the figure endorsed by the European Parliament on 9 July 2015 in its resolution on ‘Resource efficiency: moving towards a circular economy’.*

**Amendment 116**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 10 – point e**

Directive 2008/98/EC

Article 11 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. *Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain*

*Amendment*

3. *Member States which prepared for re-use and recycled less than 20 % of*

*five additional years for the attainment of the targets referred to in paragraph 2(c) and (d). The Member State shall notify the Commission of its intention to make use of this provision at the latest 24 months before the respective deadlines laid down in paragraphs 2(c) and (d). In the event of an extension, the Member State shall take the necessary measures to increase the preparing for re-use and the recycling of municipal waste to a minimum of 50% and 60% by weight, by 2025 and 2030 respectively.*

*their municipal waste in 2013 may request an additional five years for the attainment of the target referred to in point (a) of paragraph 2. The Member State shall submit a request to the Commission to make use of such additional five years at the latest 24 months before the deadline laid down in point (a) of paragraph 2.*

Or. xm

#### *Justification*

*Member States which recycled less than 20% in 2013 may ask the Commission for a five-year derogation to the time limit for the various recycling targets set at EU level. However this does not entail new specific targets being set that are different from those for other Member States, but only an extension to the time limit if certain conditions are met. Paragraph 11(3) is deleted therefore.*

#### **Amendment 117**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 10 – point e**

Directive 2008/98/EC

Article 11 – paragraph 3 – subparagraph 2

#### *Text proposed by the Commission*

*The notification* shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the targets before the new deadline. The plan shall also include a detailed timetable for the implementation of the proposed measures and an assessment of their expected impacts.

#### *Amendment*

*The request* shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the targets before the new deadline. The plan shall ***be drafted on the basis of an evaluation of the existing waste management plans and shall*** also include a detailed timetable for the implementation of the proposed measures and an assessment of their expected impacts.

***The Commission shall assess if the plan referred to in the first subparagraph ensures the compliance with at least the***

*following requirements:*

- *it uses adequate economic instruments to provide incentives for the application of the waste hierarchy as referred to in Article 4(1) of this Directive;*
- *it improves the quality of statistics and generates clear forecasts of waste management capacities and of the distance to the targets specified in Article 11(2) of this Directive, Article 6(1) of Directive 94/62/EC and Articles 5(2a), (2b) and (2c) of Directive 1999/31/EC;*
- *it sets out of waste prevention programmes as referred to in Article 29 of this Directive;*
- *it demonstrates efficient and effective use of Structural and Cohesion Funds through demonstrable long-term investments which aim to finance the development of the waste management infrastructures needed to meet the relevant targets.*

*Unless the Commission raises objections to the presented plan within five months of the date of receipt, the request for extension shall be deemed to be accepted.*

*If one or more objections are raised by the Commission, the Commission shall require the Member State concerned to submit a revised plan within two months of receipt of those objections.*

*The Commission shall assess the revised plan within two months of its receipt and accept or reject the request for extension in writing. In the absence of a reaction from the Commission within that deadline, the request for extension shall be deemed to be accepted.*

*The Commission shall inform the European Parliament and the Council about the outcome of its decisions within two months of taking them.*

*Justification*

*Member States which, according to Eurostat data, in 2013 recycled less than 20% of their municipal waste may ask the Commission for an additional five years in order to reach the preparation for re-use and recycling targets set for 2020, 2025 and 2030. To obtain these exemptions, the Member States concerned should submit an implementation plan, to be assessed by the Commission on the basis of specific criteria, and should meet interim targets relating to preparation for re-use and recycling.*

**Amendment 118****Proposal for a directive****Article 1 – paragraph 1 – point 10 – point e**

Directive 2008/98/EC

Article 11 – paragraph 3 a (new)

*Text proposed by the Commission**Amendment*

***3a. The Member States referred to in paragraph 3, which prepare for re-use and recycle at least 50 % of their municipal waste by 2025 may request an additional five years for the attainment of the target referred to in point (c) of paragraph 2.***

***In order to request such an extension, the Member State shall submit its request to the Commission in accordance with paragraph 3.***

***However, if the Member State does not reach at least 50 % preparing for re-use and recycling of its municipal waste by 2025, the above extension has to be considered to be automatically cancelled.***

*Justification*

*Member States which, according to Eurostat data, in 2013 recycled less than 20% of their municipal waste may ask the Commission for an additional five years in order to reach the preparation for re-use and recycling targets set for 2020, 2025 and 2030. To obtain these exemptions, the Member States concerned should submit an implementation plan, to be*

*assessed by the Commission on the basis of specific criteria, and should meet interim targets relating to preparation for re-use and recycling.*

## **Amendment 119**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10 – point e**

Directive 2008/98/EC

Article 11 – paragraph 3 b (new)

*Text proposed by the Commission*

*Amendment*

***3b. The Member States referred to in paragraph 3a, which prepare for re-use and recycle at least 60 % of their municipal waste by 2030, may obtain an additional five years for the attainment of the target referred to in point (d) of paragraph 2.***

***In order to request such an extension, a Member State shall submit its request to the Commission in accordance with paragraph 3.***

***However, if the Member State does not reach at least 60 % preparing for re-use and recycling of its municipal waste by 2030, the above extension shall be considered to be automatically cancelled.***

Or. xm

### *Justification*

*Member States which, according to Eurostat data, in 2013 recycled less than 20% of their municipal waste may ask the Commission for an additional five years in order to reach the preparation for re-use and recycling targets set for 2020, 2025 and 2030. To obtain these exemptions, the Member States concerned should submit an implementation plan, to be assessed by the Commission on the basis of specific criteria, and should meet interim targets relating to preparation for re-use and recycling.*

## **Amendment 120**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10 – point e**

*Text proposed by the Commission*

*Amendment*

**3 c. By 31 December 2018, the Commission shall examine the possibility of setting up preparing for re-use and recycling targets which apply to commercial waste, non-hazardous industrial waste and other waste streams to be met by 2025 and 2030. To that end, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.**

Or. xm

*Justification*

*Municipal waste only accounts for between 7% and 10% of the total waste generated in the European Union; consideration should be given therefore to including targets for commercial and industrial waste, similar to those set for municipal waste, in order to stimulate the transition towards a circular economy.*

## **Amendment 121**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10 – point e**

Directive 2008/98/EC

Article 11 – paragraph 3 d (new)

*Text proposed by the Commission*

*Amendment*

**3d. By 31 December 2018, the Commission shall consider the possibility of setting up preparing for re-use and recycling targets which apply to specific construction and demolition waste to be met by 2025 and 2030. To that end, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.**

*Justification*

*Construction and demolition waste accounts for around one third of all waste produced in the EU. The Commission should therefore give consideration to setting recycling and preparing for re-use targets for 2025 and 2030, in addition to the current targets for 2020.*

**Amendment 122****Proposal for a directive****Article 1 – paragraph 1 – point 10 – point e**

Directive 2008/98/EC

Article 11 – paragraph 4

*Text proposed by the Commission*

4. By 31 December 2024 at the latest, the Commission shall examine the target laid down in paragraph 2(d) with a view to increasing it, ***and considering the setting of targets for other waste streams***. To this end, a report of the Commission, accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.

*Amendment*

4. By 31 December 2024 at the latest, the Commission shall examine the target laid down in paragraph 2(d) with a view to increasing it. To this end, a report of the Commission, accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.

*Justification*

*The possibility that the Commission may consider setting preparing for re-use and recycling targets for types of waste other than municipal waste is covered in paragraphs 4 and 4a., the deadline for which is brought forward to 2018.*

**Amendment 123****Proposal for a directive****Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 1

*Text proposed by the Commission*

1. For the purpose of calculating

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*Amendment*

1. For the purpose of calculating

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whether the targets laid down in Article 11(2)(c) and (d) **and 11(3)** have been attained,

whether the targets laid down in Article 11(2)(c) and (d) have been attained,

Or. xm

*Justification*

*Member States which recycled less than 20% in 2013 may ask the Commission for a five-year derogation to the time limit for the various recycling targets set at EU level. However this does not entail new specific targets being set that are different from those for other Member States, but only an extension to the time limit if certain conditions are met. Paragraph 11(3) is deleted therefore.*

**Amendment 124**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) the weight of the municipal waste recycled shall be understood as the weight of the input waste entering **the** final recycling process;

(a) the weight of the municipal waste recycled shall be understood as the weight of the input waste entering **a** final recycling process **in a given year** ;

Or. xm

*Justification*

*The period to which preparing for re-use and recycling targets relate needs to be given in order to determine clearly whether they have been met.*

**Amendment 125**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 1 – point b

*Text proposed by the Commission*

(b) the weight of the municipal waste prepared for reuse shall be understood as the weight of municipal waste that has been recovered or collected by a recognised preparation for re-use operator and has undergone all necessary checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing;

*Amendment*

(b) the weight of the municipal waste prepared for reuse shall be understood as the weight of municipal waste that has been recovered or collected ***in a given year*** by a recognised preparation for re-use operator and has undergone all necessary checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing.

Or. xm

*Justification*

*The period to which preparing for re-use and recycling targets relate needs to be given in order to determine clearly whether they have been met.*

**Amendment 126**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 1 – point c

*Text proposed by the Commission*

***(c) Member States may include products and components prepared for re-use by recognised preparation for re-use operators or deposit-refund schemes. For the calculation of the adjusted rate of municipal waste prepared for re-use and recycled taking into account the weight of the products and components prepared for re-use, Member States shall use verified data from the operators and apply the formula set out in Annex VI.***

*Amendment*

***deleted***

Or. xm

### *Justification*

*Products and components which have not become waste must not count towards the achievement of targets for preparation for re-use and recycling, as the operations concerned are waste recovery operations. The re-use of products and components constitutes processing which prevents the generation of waste, so in accordance with the waste hierarchy it should be regarded as a prevention measure.*

#### **Amendment 127**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 2

#### *Text proposed by the Commission*

2. In order to ensure harmonised conditions for the application of paragraph 1 **(b)** and **(c)** *and of Annex VI*, the Commission shall adopt delegated acts in accordance with Article 38a establishing minimum quality and operational requirements for the determination of recognised preparation for re-use operators and *deposit-refund schemes*, including specific rules on data collection, verification and reporting.

#### *Amendment*

2. In order to ensure harmonised conditions for the application of paragraph 1 **(a)** and **I(b)**, the Commission shall adopt delegated acts in accordance with Article 38a establishing minimum quality and operational requirements for the determination of recognised preparation for re-use operators and *final recycling operators*, including specific rules on data collection, *traceability*, verification and reporting.

Or. xm

### *Justification*

*The Commission should define minimum qualitative and operative requirements for preparation for re-use operators and recycling operators in order to guarantee secondary raw materials with high quality standards.*

#### **Amendment 128**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. By way of derogation from paragraph 1, the weight of the output of any sorting operation may be reported as the weight of the municipal waste recycled provided that:**

**deleted**

**(a) such output waste is sent into a final recycling process;**

**(b) the weight of materials or substances that are not subject to a final recycling process and that are disposed or subject to energy recovery remains below 10% of the total weight to be reported as recycled.**

Or. xm

#### *Justification*

*In its Resolution on 'Resource efficiency: moving towards a circular economy', adopted on 9 July 2015, the European Parliament called for targets for preparation for re-use and for recycling to be calculated using a single harmonised method in all Member States, based on a solid reporting method preventing the reporting of discarded waste (landfilled or incinerated) as recycled waste.*

#### **Amendment 129**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Member States shall establish an effective system of quality control and traceability of the municipal waste to ensure **that conditions** laid down in paragraph 3(a) **and (b) are met**. The system may consist of either electronic registries set up pursuant to Article 35(4), technical specifications for the quality requirements of sorted waste or any

4. Member States shall establish an effective system of quality control and traceability of the municipal waste to ensure **compliance with the rules** laid down in paragraph **1**. The system may consist of either electronic registries set up pursuant to Article 35(4), technical specifications for the quality requirements of sorted waste or any equivalent measure

equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste.

to ensure the reliability and accuracy of the data gathered on recycled waste. ***Member States shall inform the Commission about the method chosen for quality control and traceability.***

Or. en

## **Amendment 130**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 5

#### *Text proposed by the Commission*

5. For the purposes of calculating whether the targets laid down in Article 11(2)(c) and (d) **and Article 11(3)** have been achieved Member States may take into account the recycling of metals that takes place in conjunction with incineration in proportion to the share of the municipal waste incinerated provided that the recycled metals meet certain quality requirements.

#### *Amendment*

5. For the purposes of calculating whether the targets laid down in Article 11(2)(c) and (d) have been achieved Member States, ***after the adoption by the Commission of the delegated act referred to in paragraph 6 of this Article***, may take into account the recycling of metals that takes place in conjunction with incineration in proportion to the share of the municipal waste incinerated provided that the recycled metals meet certain quality requirements.

Or. xm

#### *Justification*

*To ensure rules at EU level are harmonised and clear, the Commission should establish a common methodology before the Member States can include in their figures recycling of ferrous materials that took place in conjunction with incineration.*

## **Amendment 131**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 7

*Text proposed by the Commission*

7. Waste sent to another Member State for the purposes of preparing for re-use, recycling or backfilling in that other Member State may only be counted towards the attainment of the targets laid down in Articles 11(2) **and (3)** by the Member State in which that waste was collected.

*Amendment*

7. Waste sent to another Member State for the purposes of preparing for re-use, recycling or backfilling in that other Member State may only be counted towards the attainment of the targets laid down in Articles 11(2) by the Member State in which that waste was collected.

Or. xm

*Justification*

*Member States which recycled less than 20% in 2013 may ask the Commission for a five-year derogation to the time limit for the various recycling targets set at EU level. However this does not entail new specific targets being set that are different from those for other Member States, but only an extension to the time limit if certain conditions are met. Paragraph 11(3) is deleted therefore.*

**Amendment 132**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 11**

Directive 2008/98/EC

Article 11a – paragraph 8

*Text proposed by the Commission*

8. Waste exported from the Union for preparation for re-use or recycling shall only count towards the attainment of the targets laid down in Articles 11(2) **and (3)** by the Member State in which it was collected if the requirements of paragraph 4 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation and that the treatment of waste outside the Union took place in conditions that are equivalent to the requirements of the relevant Union

*Amendment*

8. Waste exported from the Union for preparation for re-use or recycling shall only count towards the attainment of the targets laid down in Articles 11(2) by the Member State in which it was collected if the requirements of paragraph 4 are met and if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation and that the treatment of waste outside the Union took place in conditions that are equivalent to the requirements of the relevant Union environmental legislation, **health and safety at work and in accordance with the**

environmental legislation.

*delegated act adopted under Article 11a(2).*

Or. xm

*Justification*

*The Commission should ensure that operations to prepare waste for re-use and recycling which are performed in countries outside the EU comply with legislative conditions similar to those which are mandatory in the various Member States if they are to count towards EU targets being achieved.*

**Amendment 133**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12**

Directive 2008/98/EC

Article 11b – paragraph 1

*Text proposed by the Commission*

1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the achievement of the targets laid down in Articles 11(2)(c) and (d) **and (3)** three years before each time-limit laid down in those provisions at the latest.

*Amendment*

1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the achievement of the targets laid down in Articles 11(2)(c) and (d) three years before each time-limit laid down in those provisions at the latest.

Or. xm

*Justification*

*Member States which recycled less than 20% in 2013 may ask the Commission for a five-year derogation to the time limit for the various recycling targets set at EU level. However this does not entail new specific targets being set that are different from those for Member States, but only an extension to the time limit if certain conditions are met. Paragraph 11(3) is deleted therefore.*

**Amendment 134**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

**3. Where necessary, the reports referred to in paragraph 1 shall address the implementation of other requirements of this Directive such as the forecasting of the targets contained in the waste prevention programmes referred to in Article 29 and the per capita quantity of municipal waste that is disposed of or subject to energy recovery.**

Or. xm

*Justification*

*If the Commission deems it necessary, analyses of other relevant aspects of waste management in a particular Member State may be drawn up under the Early Warning System.*

## **Amendment 135**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 12 a (new)**

Directive 2008/98/EC

Article 20 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(12a) in Article 20, the following subparagraph is inserted:**

**"Member States shall set up separate collection streams for hazardous waste produced by households to ensure that hazardous waste is treated correctly and does not contaminate other municipal waste streams.";**

Or. xm

*Justification*

*Preventing municipal waste from being contaminated with hazardous substances that could*

*jeopardise recycling quality is important. To that end, Member States should adopt systems for separate collection of hazardous household waste.*

## **Amendment 136**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2008/98/EC

Article 22 – paragraph - 1 (new)

*Text proposed by the Commission*

*Amendment*

**- 1. Member States shall take the necessary measures to ensure that, by 2025, the organic recycling of bio-waste from municipal waste shall be increased to a minimum of 65 % by weight.**

***The weight of bio-waste recycled shall be understood as the weight of the input waste entering an organic recycling process in a given year.***

Or. xm

### *Justification*

*A recycling target for bio-waste is essential in order to support the implementation of separate waste obligations, to attract investment and to create 'green' jobs. A methodology for calculating the organic recycling rate has also been introduced.*

## **Amendment 137**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13**

Directive 2008/98/EC

Article 22 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall ***ensure the separate collection of bio-waste where technically, environmentally and economically practicable and appropriate*** to ensure the relevant quality standards for compost and to attain the targets set out in Article

**1.** Member States shall ***set up systems for the separate collection at source of bio-waste by 31 December 2020*** to ensure the relevant quality standards for compost ***and digestate*** and to attain the targets set out in Article 11(2)(a), (c) and (d) and ***in***

11(2)(a), (c) and (d) and *II(3)*.

*the first paragraph of this Article.*

Or. xm

*Justification*

*The separate collection of bio-waste should be made mandatory so as to prevent contamination of other dry fractions and to encourage the recovery of organic materials capable of producing compost and digestate, as well as biogas. Collection of pre-sorted waste is one of the tools supporting the creation of a high-quality recycling market and the attainment of high levels of recycling. The introduction of technical, environmental and financial limits has allowed numerous exemptions, rendering application of this principle impossible.*

**Amendment 138**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 13**

Directive 2008/98/EC

Article 22 – paragraph 1 – subparagraph 2 – introductory sentence

*Text proposed by the Commission*

They shall take measures, *as appropriate, and* in accordance with Articles 4 and 13, to encourage the following:

*Amendment*

2. They shall take measures in accordance with Articles 4 and 13, to encourage the following:

Or. xm

*Justification*

*Member States should implement measures to ensure that organic waste from organic recycling is reprocessed into compost and digestate with qualitative properties that enable its use as a secondary raw material.*

**Amendment 139**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 13**

Directive 2008/98/EC

Article 22 – paragraph 1 – subparagraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the recycling, ***including composting, and digestion of bio-waste;***

(a) the ***organic*** recycling ***in order to produce compost and digestate which meet relevant quality standards;***

Or. xm

*Justification*

*Member States should implement measures to ensure that organic waste from organic recycling is reprocessed into compost and digestate with qualitative properties that enable its use as a secondary raw material.*

#### **Amendment 140**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 13**

Directive 2008/98/EC

Article 22 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The measures referred to in paragraph 2 shall include adequate incentives for the treatment of bio-waste, including traceability and quality assurance schemes aimed at restoring the carbon content of soils.***

Or. xm

*Justification*

*Member States should introduce appropriate incentives to support measures encouraging separate collection of bio-waste and organic recycling. The Commission should define guidelines to back their introduction.*

#### **Amendment 141**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 13**

*Text proposed by the Commission*

*Amendment*

**3. With regard to paragraphs 1 and 2, the Commission shall, before 31 December 2018, publish guidance about the setting up of schemes for the collection and treatment of bio-waste.**

Or. xm

*Justification*

*Member States should introduce appropriate incentives to support measures encouraging separate collection of bio-waste and organic recycling. The Commission should define guidelines to back their introduction.*

## **Amendment 142**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13 a (new)**

Directive 2008/98/EC

Article 24 – paragraph 1 – point b

*Present text*

*Amendment*

b) recovery of waste.

**(13a) In Article 24, point b is replaced by the following:**

"b) recovery of *non-hazardous* waste.";

Or. xm

*Justification*

*No derogations to the authorisation requirement may be granted where recovery of hazardous waste is concerned.*

## **Amendment 143**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 15 – point a**

*Text proposed by the Commission*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a setting out technical minimum standards for treatment activities which require a permit pursuant to Article 23 where there is evidence that a benefit in terms of the protection of human health and the environment would be gained from such minimum standards.

*Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a setting out technical minimum standards for *any* treatment activities, *in particular for separate collection, sorting and recycling of waste*, which require a permit pursuant to Article 23 where there is evidence that a benefit in terms of the protection of human health and the environment would be gained from such minimum standards.

Or. xm

*Justification*

*Minimum operating standards should be established for the various operations involved in waste management.*

**Amendment 144**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 16 – point b**

Directive 2008/98/EC

Article 28 – paragraph 5

*Text proposed by the Commission*

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC, the targets laid down in Article 11(2) *and* (3) of this Directive and the requirements in Article 5 of Directive 1999/31/EC.

*Amendment*

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC, the targets laid down in Article 11(2) of this Directive and the requirements in Article 5 of Directive 1999/31/EC.

Or. xm

### *Justification*

*Member States which recycled less than 20% in 2013 may ask the Commission for a five-year derogation to the time limit for the various recycling targets set at EU level. However this does not entail new specific targets being set that are different from those for other Member States, but only an extension to the time limit if certain conditions are met. Paragraph 11(3) is deleted therefore.*

### **Amendment 145**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 17 – point -a (new)**

Directive 2008/98/EC

Article 29 – paragraph –1 (new)

*Text proposed by the Commission*

*Amendment*

***(- a) the following paragraph is inserted:***

***"-1 Member States shall establish, in accordance with Articles 1 and 4, waste prevention programmes aimed to achieve, at least, the following objectives :***

***(a) a significant reduction in waste generation;***

***(b) the progressive removal of toxic substances for which there are or will be developed safer alternatives;***

***(c) decoupling of waste generation from economic growth;***

***(d) a 50 % reduction of food waste generation by 2030;***

***(e) a 50 % reduction of land-based litter by 2030.";***

Or. xm

### *Justification*

*Common targets should be set for all the Member States so that harmonised minimum criteria can be established under the national prevention plans. Each Member State must achieve those targets by implementing, as a minimum, the prevention measures set out in Article 9. Member States should detail the measures implemented and explain how these have contributed to their achieving the national prevention targets.*

## Amendment 146

### Proposal for a directive

#### Article 1 – paragraph 1 – point 17 – point a

Directive 2008/98/EC

Article 29 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

1. Member States shall *establish* waste prevention programmes *setting out* waste prevention measures *in accordance with* Articles 1, 4 and 9.

#### *Amendment*

1. *In order to contribute towards reaching the objectives listed in paragraph -1*, Member States shall *set out, in their* waste prevention programmes, *at least the* waste prevention measures *as defined in* Articles 1, 4 and 9.

Or. xm

#### *Justification*

*Common objectives should be set for all the Member States so that harmonised minimum criteria can be established under the national prevention plans. Each Member State must attain those objectives by implementing, as a minimum, the prevention measures set out in Article 9. Member States should detail the measures implemented and explain how these have contributed to their achieving the national prevention objectives.*

## Amendment 147

### Proposal for a directive

#### Article 1 – paragraph 1 – point 17 – point a a

Directive 2008/98/EC

Article 29 – paragraph 1 – subparagraph 2

#### *Present text*

Such programmes shall be integrated either into the waste management plans provided for in Article 28 or into other environmental policy programmes, as

#### *Amendment*

*(aa) In paragraph 1, the second subparagraph is replaced by the following:*

"Such programmes shall be integrated either into the waste management plans provided for in Article 28 or into other environmental policy programmes, as

appropriate, or shall function as separate programmes. If any such programme is integrated into the waste management plan or into other programmes, the waste prevention measures shall be clearly identified.

appropriate, or shall function as separate programmes. If any such programme is integrated into the waste management plan or into other programmes, the waste prevention **objectives and** measures shall be clearly identified.";

Or. xm

#### *Justification*

*Common objectives should be set for all the Member States so that harmonised minimum criteria can be established under the national prevention plans. Each Member State must attain those objectives by implementing, as a minimum, the prevention measures set out in Article 9. Member States should detail the measures implemented and explain how these have contributed to their achieving the national prevention objectives.*

### **Amendment 148**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 17 – point a a (new)**

Directive 2008/98/EC

Article 29 – paragraph 2

#### *Present text*

2. ***The programmes provided for in paragraph 1 shall set out the waste prevention objectives.*** Member States shall describe ***the existing*** prevention measures ***and evaluate the usefulness of the examples of*** measures indicated in Annex IV ***or other appropriate measures.***

#### *Amendment*

***(aa) paragraph 2 is replaced by the following:***

"2. Member States shall describe, ***at least, the implementation of the*** prevention measures ***referred to Article 9 and their contribution to the achievement of the objectives set out in paragraph -1 of this Article. Member States are also encouraged to set out, in their waste prevention programmes, the*** measures indicated in Annex IV.";

Or. xm

#### *Justification*

*Common objectives should be set for all the Member States so that harmonised minimum criteria can be established under the national prevention plans. Each Member State must attain those objectives by implementing, as a minimum, the prevention measures set out in*

Article 9. Member States should detail the measures implemented and explain how these have contributed to their achieving the national prevention objectives.

## Amendment 149

### Proposal for a directive

#### Article 1 – paragraph 1 – point 17 a (new)

Directive 2008/98/EC

Article 30 – paragraph 2

#### *Present text*

2. The European Environment Agency *is invited to include in its annual* report a review of progress in the completion and implementation of waste prevention programmes.

#### *Amendment*

***(17a) In Article 30, paragraph 2 is replaced by the following:***

***"2. The European Environment Agency shall publish every three years a report containing a review of the progress made in the completion and implementation of waste prevention programmes and the achievements made as regards the objectives of the waste prevention programmes for each Member State and for the Union as a whole, including the decoupling of waste generation from economic growth and the transition towards a circular economy."***

Or. xm

#### *Justification*

*This paragraph sets out the obligations incumbent on the European Environment Agency as regards assessing the progress made by the Member States towards achieving the objectives set in their national prevention programmes and implementing the prevention measures listed in Article 9.*

## Amendment 150

### Proposal for a directive

#### Article 1 – paragraph 1 – point 19 – point b

Directive 2008/98/EC

Article 35 – paragraph 4

*Text proposed by the Commission*

4. Member States shall set up an electronic registry or coordinated registries to record the data on hazardous waste referred to in paragraph 1 covering the entire geographical territory of the Member State concerned. Member States *may* establish such registries for ***other waste streams, in particular*** those waste streams for which targets are set in Union legislation. Member States shall use the data on waste reported by industrial operators in the European Pollutant Release and Transfer Register set up under Regulation (EC) No 166/2006 of the European Parliament and of the Council (\*).

*Amendment*

4. Member States shall set up an electronic registry or coordinated registries, ***or use already established electronic registries or coordinated registries,*** to record the data on hazardous waste referred to in paragraph 1 covering the entire geographical territory of the Member State concerned. Member States ***shall*** establish such registries for ***at least the*** waste streams for which targets are set in Union legislation. Member States shall use the data on waste reported by industrial operators in the European Pollutant Release and Transfer Register set up under Regulation (EC) No 166/2006 of the European Parliament and of the Council (\*).

Or. xm

*Justification*

*Member States should be able to use existing registries to record the data on hazardous waste, with a view to cutting down on bureaucratic requirements. These registries should be set up for the types of waste for which targets have been established under EU legislation.*

**Amendment 151**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2008/98/EC

Article 37 – paragraph 1

*Text proposed by the Commission*

1. Member States shall report the data concerning the ***implementation*** of Article 11(2)(a) to (d) ***and Article 11(3)*** for each calendar year to the Commission. They shall ***report*** this data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established

*Amendment*

1. Member States shall report the data concerning the ***progress towards the achievement of the targets laid down in Article 9(1), points (a) to (d) of Article 11(2) and Article 22*** for each calendar year to the Commission. They shall ***collect and process*** this data ***according to the common methodology referred to in paragraph 6 of***

by the Commission in accordance with paragraph 6. The first reporting shall cover the data for the period from 1 January 2020 to 31 December 2020.

***this Article and report it*** electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting shall cover the data for the period from 1 January 2020 to 31 December 2020.

Or. en

#### *Justification*

*Common methodology for data collection needs to be established in order to improve reliability and comparability of data.*

### **Amendment 152**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 21**

Directive 2008/98/EC

Article 37 – paragraph 2

#### *Text proposed by the Commission*

2. Member States shall report ***the data*** concerning the implementation of ***Article 9(4)*** to the Commission every second year. They shall report this ***data*** electronically within 18 months of the end of the reporting period for which the data are collected. The ***data*** shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting shall cover the period from 1 January 2020 to 31 December 2021.

#### *Amendment*

2. Member States shall report ***information*** concerning the implementation of ***Article 9, Article 11(1), Article 22 and Article 29(1)*** to the Commission every second year. They shall report this ***information*** electronically within 18 months of the end of the reporting period for which the data are collected. The ***information*** shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting shall cover the period from 1 January 2020 to 31 December 2021.

Or. en

#### *Justification*

*In order to improve the quality of the data, Commission should adopt implementing act in order to establish common methodology for data reporting: this would include collection, processing and transmission of data as regards the recycling targets.*

## Amendment 153

### Proposal for a directive

#### Article 1 – paragraph 1 – point 21

Directive 2008/98/EC

Article 37 – paragraph 5

#### *Text proposed by the Commission*

5. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States *as well as* the completeness, reliability, timeliness and consistency of *that* data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

#### *Amendment*

5. The Commission shall review the data *and information* reported in accordance with this Article and publish a report on the results of its review. *Until the common methodology for data collection and processing referred to in paragraph 6 is established*, the report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States. *The Commission shall also assess* the completeness, reliability, timeliness and consistency of *the data and of the information submitted*. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

Or. en

#### *Justification*

*A common methodology for data collection needs to be established in order to improve the reliability and comparability of the data.*

## Amendment 154

### Proposal for a directive

#### Article 1 – paragraph 1 – point 21

Directive 2008/98/EC

Article 37 – paragraph 5 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*5a. In the report referred to in paragraph 5, the Commission shall*

*include information on the implementation of this Directive as a whole and evaluate its impact on the environment and human health. If appropriate, a proposal for the revision of this Directive shall accompany the report.*

Or. en

*Justification*

*The impact of the Directive should be regularly assessed to ensure that the essential elements of the Directive are fit for purpose.*

**Amendment 155**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 21**

Directive 2008/98/EC

Article 37 – paragraph 6

*Text proposed by the Commission*

6. The Commission shall adopt implementing acts laying down the format for reporting data in accordance with paragraphs 1 and 2 and for the reporting on backfilling operations. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).

*Amendment*

6. The Commission shall adopt implementing acts laying down the ***common methodology for data collection and processing and the*** format for reporting data in accordance with paragraphs 1 and 2 and for the reporting on backfilling operations. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).

Or. en

*Justification*

*In order to improve the quality of the data, the Commission should adopt an implementing act in order to establish a common methodology for data reporting: this would include collection, processing and transmission of data. Data should also be subject to a quality check as is proposed for the other Directives.*

## Amendment 156

### Proposal for a directive

#### Article 1 – paragraph 1 – point 21 a (new)

Directive 2008/98/EC

Article 37 a (new)

*Text proposed by the Commission*

*Amendment*

**(21a) Article 37a is inserted:**

**"Article 37a**

**Framework for Circular Economy**

**1. In order to support the objectives of this Directive as defined in Article 1, and not later than 31 December 2018, the Commission, shall:**

**a) examine the consistency between the Union's regulatory frameworks for products, waste and chemicals in order to identify obstacles hampering the shift to a circular economy. The report shall assess the need for Union targets, particularly for a Union resource efficiency target, and for cross-cutting regulatory measures in the area of sustainable consumption and production. The report shall be accompanied by a legislative proposal, if appropriate;**

**b) present a comprehensive review of Directive 2009/125/EC (Ecodesign Directive) in order to broaden its scope to cover all main product lines, including non-energy related product groups, such as construction materials, bio-based chemicals, textiles and furnishings, and to include gradually all relevant resource-efficiency features in the mandatory requirements for product design and to adapt eco-labelling provisions.";**

Or. xm

*Justification*

*On 2 December 2015, the Commission presented an EU Action Plan for the Circular*

*Economy to boost the EU's transition towards a circular economy. To that end, the Commission set out an ambitious programme of specific measures for the period 2015-2018; however, additional measures are needed in order to speed up that transition. Those measures should, in particular, take into account the need for a European resource efficiency indicator, legislative measures to promote sustainable production and consumption and the determination of resource efficiency criteria and their indication on the labelling of non-energy products.*

## **Amendment 157**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 22**

Directive 2008/98/EC

Article 38 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

The Commission may develop guidelines for the interpretation of the definitions of recovery and disposal.

#### *Amendment*

The Commission may develop guidelines for the interpretation of the definitions of **waste, prevention, re-use, preparing for re-use**, recovery and disposal.

Or. xm

#### *Justification*

*The Commission should be able to develop guidelines for the interpretation of specific definitions in the interests of harmonised implementation of the Directive.*

## **Amendment 158**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 22**

Directive 2008/98/EC

Article 38 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***1a. The Commission shall organise a regular exchange of information between Member States on the practical implementation of the requirements of this Directive to ensure adequate governance, enforcement, cross-border cooperation and the exchange of best***



*Text proposed by the Commission*

2. The power to adopt the delegated acts referred to in Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), 26, 27(1), 27(4), 38(1), 38(2) **and 38(3)** shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

*Amendment*

2. The power to adopt the delegated acts referred to in Articles 5(2), 6(2), 7(1), **9(3), 9(4), 9(4a)**, 11a(2), 11a(6), 26, 27(1), 27(4), 38(1) **and** 38(2) shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

Or. en

**Amendment 161**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 23**

Directive 2008/98/EC

Article 38 a – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), 26, 27(1), 27(4), 38(1), 38(2) **and 38(3)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in Articles 5(2), 6(2), 7(1), **9(3), 9(4), 9(4a)**, 11a(2), 11a(6), 26, 27(1), 27(4), 38(1) **and** 38(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

**Amendment 162**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 23**

*Text proposed by the Commission*

*Amendment*

**3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.**

Or. xm

*Justification*

*Alignment with the Interinstitutional Agreement of 13 April 2016.*

## **Amendment 163**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 23**

Directive 2008/98/EC

Article 38 a – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. A delegated act adopted pursuant to Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), 26, 27(1), 27(4), 38(1), 38(2) **and 38(3)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

5. A delegated act adopted pursuant to Articles 5(2), 6(2), 7(1), **9(3), 9(4), 9(4a)** 11a(2), 11a(6), 26, 27(1), 27(4), 38(1) **and** 38(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

## Amendment 164

### Proposal for a directive

#### Article 1 – paragraph 1 – point 25

*Text proposed by the Commission*

*Amendment*

**(25) *Annex VI is added in accordance with the Annex to this Directive.*** ***deleted***

Or. xm

#### *Justification*

*Products and components which have not become waste must not count towards the attainment of targets for preparation for re-use and recycling, as the operations concerned are waste recovery operations. The re-use of products and components constitutes processing which prevents the generation of waste, so in accordance with the waste hierarchy it should be regarded as a prevention measure. Paragraph 11a(1) already defines the method of calculation of the rate of preparation for re-use and recycling.*

## Amendment 165

### Proposal for a directive

#### Annex I

*Text proposed by the Commission*

*Amendment*

***Calculation method for preparing for re-use of products and components for the purpose of Article 11(2)(c) and (d) and Article 11 (3)*** ***deleted***

*In order to calculate the adjusted rate of recycling and preparation for re-use in accordance with Article 11(2)(c) and (d) and Article 11(3), Member States shall use the following formula:*

*null*

*E: adjusted recycling and re-use rate in a given year;*

*A: weight of municipal waste recycled or prepared for re-use in a given year;*

*R: weight of products and components prepared for re-use in a given year;*

*P: weight of municipal waste generated in a given year.*

Or. xm

*Justification*

*Products and components which have not become waste must not count towards the attainment of targets for preparation for re-use and recycling, as the operations concerned are waste recovery operations. The re-use of products and components constitutes processing which prevents the generation of waste, so in accordance with the waste hierarchy it should be regarded as a prevention measure. Paragraph 11a(1) already defines the method of calculation of the rate of preparation for re-use and recycling.*

## EXPLANATORY STATEMENT

The current linear development model, which may be summarised as 'take, produce, consume and dispose of', is beginning to show signs of reaching its limits. Our planet is warming, and the resources used, on which we depend, are becoming increasingly scarce. Unless structural measures are taken, demand for raw materials by the world economy could increase by a further 50% in the next 15 years. In order to reverse this trend, we must adopt a circular development model which keeps materials and their value in circulation within the economic system for as long as possible, by optimising the integrated waste cycle in order to put resources to efficient use. Re-use, recycling and recovery are becoming the key words around which a new paradigm needs to be built to promote sustainability, innovation and competitiveness, so that waste will cease to be a problem and become a resource.

The package should therefore be viewed in a far broader context than that of a mere review of waste legislation. Your rapporteur aims to encourage the Commission in its aim of preserving the environment, making the European economy more competitive and promoting sustainable reindustrialisation. Increasing the value of resources means intervening in all phases of the product life cycle: from extraction of raw materials to product design and from distribution, through consumption, to the end of life of products.

A clear and stable legislative framework is the first step in promoting the transition.

Such a systemic change calls for ambitious policies, backed by legislation capable of sending the right signals to investors. If European legislation fails to incorporate clear definitions and binding targets, it could impede progress towards the circular economy.

Taking the waste hierarchy as a basis, your rapporteur has sought to amend the Commission proposal, especially as regards waste prevention and channelling waste back into the production process. In order to reduce the quantity of waste, it is necessary to launch upstream the innovation of production processes and business models on which the circular economy is to be based.

The transformation of the Union into a green, low-carbon economy which uses resources efficiently is already one of the main objectives of the Seventh European Environmental Action Programme, and it is worth recalling that Europe has committed itself to attaining the UN's sustainable development targets.

### **Waste Framework Directive**

Your rapporteur believes that in order to achieve the aims set out about, the amendments to the Framework Directive should hinge around two main objectives:

- 1) strengthening of waste prevention measures;**
- 2) encouraging the development of an efficient secondary raw materials market.**

Your rapporteur also believes it necessary, in order to promote correct implementation, to tighten up some of the definitions given in the current directive and add some which were missing.

### **PREVENTION**

One important prevention measure is the use of production residues as **by-products** with a view to introducing genuine (non-waste) resources into the productive cycle. To encourage this and to support the dissemination of industrial symbiosis practices, a clear regulatory framework needs to be introduced at EU level.

With this in mind, your rapporteur has revised the current wording of Article 5(1).

The Commission will still be able to establish criteria for the application of by-product status, but in a manner that prioritises proven and replicable industrial symbiosis practices. The aim is to balance the need for harmonised rules with the need to ensure that the introduction of standardised rules for all types of by-product do not prejudice the process innovation which characterises those practices.

The application of the current **end of waste** legislation in the various Member States has been surrounded by difficulties and inconsistencies. In order to ensure the smooth functioning of the internal market and a high level of protection of human health and the environment, your rapporteur supports the principle that the Commission should, as a general rule, have to establish harmonised provisions concerning the criteria for granting end-of-waste status. Since this provision has not been adhered to fully, your rapporteur agrees that Member States should now be able to establish national criteria on the basis of the specific conditions set out in Article 6(1).

Your rapporteur agrees with the Commission's proposal to introduce minimum criteria for **Extended Producer Responsibility (EPR) schemes**. The possibility of reducing end-of-life costs for products can be used as an incentive for the design of products that can be re-used or recycled. The introduction of EPR schemes at national level for various products has proved to be an effective tool for optimising waste management costs. Your rapporteur therefore believes that introducing EPR schemes based on harmonised rules should be made compulsory at EU level.

The implementation by Member States of **preventive measures** throughout a product's useful lifecycle is the most effective way to improve resource efficiency and to reduce the environmental impact of waste, by promoting durable, recyclable and reusable materials by means of suitable economic instruments. Hence your rapporteur also describes the need to reduce hazardous substances in materials.

The Directive should also define more clearly the notion of **reuse**. Re-use, unlike preparing for re-use, is a process entailing the treatment of products to prevent waste generation; it should therefore be regarded as a specific waste prevention measure and incentivised by the Member States.

The tool used to coordinate these actions would be the **National Prevention Plans**. Harmonised minimum objectives and performance-assessment indicators for the Member States need to be established at EU level in order to enhance the effectiveness of these plans.

Your rapporteur believes it particularly important that the Member States take measures in line with Agenda 2030 for Sustainable Development in respect of major environmental and ethical issues, so as to reduce **food waste** and **marine litter** by 50% by 2030. The Member States are called upon to include an objective that is at least equivalent to this in their National Prevention Plans.

#### **DEVELOPMENT OF AN EFFICIENT SECONDARY RAW MATERIALS MARKET**

Ambitious targets in respect of the preparing for re-use and recycling of municipal waste can help ensure that waste with high economic value is recovered and recycled as quality secondary raw material. In support of that objective, your rapporteur has established for the Member States, in combination with the objective of phasing-out of landfilling, **targets for the preparing for re-use and recycling of municipal waste** of 60% by 2025 and 70% by 2030, in line with the European Parliament Resolution of 9 July 2015 on 'Resource efficiency: moving towards a circular economy' and the findings of the Commission's environmental impact assessment of 2 July 2014 (SWD(2014) 207 final).

To ensure that the results achieved by the Member States are bona fide and comparable, your rapporteur advocates bringing the **definition of municipal waste** into line with the one used

for statistical purposes by Eurostat and the OCSE. That definition must be combined with a harmonised **single calculation method** for all the Member States, based on the input to the final recycling process and backed with a solid reporting system that prevents discarded waste (landfilled or incinerated waste) from being reported as recycled waste.

Your rapporteur also believes **separate waste collection** systems for different kinds of waste to be a pre-requisite for creating a high-quality recycling market and attaining the targets set. The current provision for exemptions on technical, environmental and economic grounds have in practice led to this requirement not being fully applied.

Member States should use economic and regulatory instruments to ensure fair competition between virgin raw materials and secondary raw materials.

Your rapporteur is aware that considerable differences exist Member States as regards the levels of waste recycled or landfilled. Therefore, in the interests of ensuring correct and uniform implementation of the Directive, she agrees it would be appropriate to grant a **derogation to Member States** which, according to Eurostat data for 2013, have recycled under 20% of all municipal waste by requesting from the Commission an additional five years in which to attain the targets set for 2020, 2025 and 2030. Your rapporteur nevertheless considers that to obtain these derogations, the Member States concerned should submit an implementation plan, to be assessed by the Commission on the basis of specific criteria, and should meet interim targets relating to preparation for re-use and recycling.

Your rapporteur has placed the emphasis on the need for specific measures for the reprocessing of organic waste, which is not yet subject to appropriate provisions. A target for the recycling of **'bio-waste'** is essential so as to promote the recovery of organic materials and support the creation of a market for compost and digestate as well as for biogas. To this end, the separate collection of bio-waste should be made mandatory by 2020 and supported with suitable economic instruments. Your rapporteur has therefore provided for the introduction of a specific methodology for calculating the organic recycling rate.

Finally, a new article on a **'Framework for a circular economy'** has been inserted to incorporate the measures the Commission presented in its 'Action Plan for the Circular Economy' and to speed up the transition towards this by establishing: a European resource efficiency indicator, legislative measures to promote sustainable production and consumption and resource efficiency criteria, to be indicated on the labelling of non-energy related products.