

***AMENDMENTS PROPOSAL.
WASTE DIRECTIVES.
CIRCULAR ECONOMY PACKAGE***

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AMENDMENTS Proposal. WASTE DIRECTIVES
Circular Economy Package

1. **Waste Framework Directive. COM (2015) 595 – 2015/0275 (COD)**
2. **Packaging and Packaging Waste Directive (PPWD). COM (2015) 596 – 2015/0276 (COD)**
3. **Directive on the landfill of waste. COM (2015) 594 – 2015/0274 (COD)**

A. Waste Framework Directive. COM (2015) 595 – 2015/0275 (COD)

1. **Par. (2). Article 3 WFD. "Backfilling".**

To translate properly or to be specifically mentioned in ANNEX II -WFD

"Backfilling" definition has to be translated properly to the Spanish language, or as an alternative, this new **recovery operation** should be specifically mentioned in Annex II:

It is very important that translations to EU languages of this definition reflect exactly the original meaning (For example, in the Spanish version of the proposal "**recovery operation**" is translated as –"revalorización": this is a new operation not defined anywhere-.

Amendment 1
COM(2015) 595
Article 1, par. 2, point f)
Article 3 WFD

<i>Commission proposal</i>	<i>Amendment proposed</i>
Article 1, par. 2, point f) 17b. "backfilling" means any recovery operation where suitable 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;	NOTE: to be translated properly into the Spanish language

2. Par. (4). Article 5 WFD. “By-products”.

Streamline the interactions between existing legislations on waste, products and chemicals

Amendment 2
COM(2015) 595
Article 1, par. (4), point (b)
 Article 5 WFD

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(4) Article 5 is amended as follows:</p> <p>(b) paragraph 2 is replaced by the following:</p> <p>'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.'</p>	<p>(4) Article 5 is amended as follows:</p> <p>(b) paragraph 2 is replaced by the following:</p> <p>'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. Those detailed criteria shall streamline the interactions between the conditions in paragraph 1 and existing legislations on waste, products and chemicals.</p>
<p>JUSTIFICATION</p> <p>The mention of detailed criteria for applying the general conditions on “by-products” is basic for the establishment of the Circular Economy; those criteria should work for solving legal “dilemmas” arising from the interaction between different legislations on waste, products and chemicals.</p> <p>The subsequent use made of the substance or object must comply with the general regulations on products, their use must be safe and does not impact on health and the environment. As mentioned in the Communication of the Commission:</p> <p><i>The interaction of legislations on waste, products and chemicals must be assessed in the context of a circular economy in order to decide the right course of action at EU level to address the presence of substances of concern, limit unnecessary burden for recyclers and</i></p>	

facilitate the traceability and risk management of chemicals in the recycling process

3. Par. (7). Article 8 WFD. “Extended Producer Responsibility” –EPR–.

Efficiency along all waste management chain.

Amendment 3

COM(2015) 595

Article 1, par. (7)

Article 8, paragraph 1 point (a)

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(7) article 8 is amended as follows:</p> <p>(a) in paragraph 1, the following sub-paragraph is added:</p> <p>'Such measures may also include the establishment of extended producer responsibility schemes defining specific operational and financial obligations for producers of products.'</p>	<p>(7) article 8 is amended as follows:</p> <p>(a) in paragraph 1, the following sub-paragraph is added:</p> <p>'Such measures may also include the establishment of extended producer responsibility schemes defining specific operational and financial obligations for producers of products. The scheme should be designed for ensuring transparency and efficiency of the technical and financial operations of the stakeholders involved in the waste management chain.'</p>

JUSTIFICATION

The EPR schemes should specify not only the financial obligations for producers but also should establish mechanism for keeping under control the functioning of the scheme in each step of the chain. In this way, increased efficiency and optimal uses of resources will be fostered along all the waste management chain.

4. Paragraph (8), Article 8a Paragraph 3WFD. EPR

Transparency on the ownership of EPR organisations

Amendment 4

COM (2015) 595

Article 1. Par. (8)

Article 8a. Paragraph 3

<i>Commission proposal</i>	<i>Amendment proposed</i>
(8) The following Article 8a is inserted:	(8) The following Article 8a is inserted: 3. Member States shall take the necessary measures to ensure that any organisation set up to implement extended producer responsibility obligations on behalf of a producer of products: (d) makes publicly available the information about: – its ownership and membership; – the financial contributions paid by the producers, per unit sold or per tonne of product placed on the market, without disclosing the financial contributions of individual producers; – the selection procedure for waste management operators. (e) Guarantees the absence of conflicts of interest between the decision making body of the organisation and any waste manager operator that provides services to the organisation

JUSTIFICATION
<p>We have proposed an amendment to section d), to add greater clarity. We think it is important to make it clear that the financial contributions to be disclosed provide detail of the rates charged by the PRO. The current drafting would allow Producer Responsibility Organizations (PROs) simply to publish their aggregate annual revenues received from all Producer members.</p> <p>Note that it is important that the directive must not require PROs to disclose the contributions of individual producers, which would disclose market shares. Accordingly, we have made a further proposed amendment to reflect this concern.</p> <p>On the other hand, transparency on the ownership of EPR organisation is essential as long as it can be relevant for the application of the EPR principle. In case the EPR organization is owned by private companies involved in providing waste management services, there could be a conflict of interest between both activities that could potentially affect to the overall goal of achieving the environmental targets in an economically efficient manner guaranteeing the level playing field for all operators in the market.</p>

5. Paragraph (8). Article 8a. Paragraph 4 WFD. EPR

Financial contribution

Amendment 5

COM (2015) 595

Article 1. Par.(8)

Article 8a. Paragraph 4

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(8) The following Article 8a is inserted:</p> <p>4. Member States shall take the necessary measures to ensure that the financial contributions paid by the producer to comply</p>	<p>(8) The following Article 8a is inserted:</p> <p>4. Member States shall take the necessary measures to ensure that the financial contributions paid by the producer to comply</p>

<p>with its extended producer responsibility obligations:</p> <p>(a) cover the entire cost of waste management for the products it puts on the Union market, including all the following:</p> <ul style="list-style-type: none"> – costs of separate collection, sorting and treatment operations required to meet the waste management targets referred to in paragraph 1, second indent, taking into account the revenues from re-use or sales of secondary raw material from their products; – costs of providing adequate information to waste holders in accordance with paragraph 2; – costs of data gathering and reporting in accordance with paragraph 1, third indent. 	<p>with its extended producer responsibility obligations:</p> <p>(a) cover the entire cost of waste management for the products it puts on the Union market, including all the following as follows:</p> <ul style="list-style-type: none"> – where applicable, costs of separate collection from collection points, sorting and treatment operations required to meet the waste management targets referred to in paragraph 1, second indent, taking into account the revenues from re-use or sales of secondary raw material from their products; – costs of providing adequate information to waste holders in accordance with paragraph 2; – costs of data gathering and reporting in accordance with paragraph 1, third indent.
<p>JUSTIFICATION</p> <p>Each stakeholder can only be financially responsible for the costs falling under their remit and influence. In this respect, the obliged industry can only be made accountable for the standard costs stemming from the take back of waste under EPR and its recycling/recovery process, as long as these fall exclusively within their dedicated collection systems.</p> <p>Waste under EPR that is either littered or ends up within municipal solid waste, primarily because of inadequate use by the consumer of the existing infrastructures for selective collection, should not be part of producers' financial responsibility.</p> <p>In this respect, producers cannot cover “the entire cost of waste management for the products it puts on the Union market”. Those costs need to be spelt-out and properly defined; the cost list cannot be open-ended.</p> <p>WASTE PACKAGING: At the same time, costs should reflect the specific nature of waste management operations at national level. In some Member States, Producers Responsibility Organisations do not cover separate collection costs, for instance. Hence, these costs should</p>	

only apply “where applicable”.

These rules should not apply for waste streams not included inside EPR schemes as their market is here completely different.

Revenues from selling the secondary raw materials should also be taken into account in this calculation.

WEEE (1): EPR systems already fund the entire cost of waste management of waste from collection points, such as Civic Amenity sites. However, if this obligation was extended to the cost of collection from individual households, the financial impact would be huge. It would also have a hugely disproportionate environmental cost to collect a single waste (i.e. lamp or hair dryer) from a household. Accordingly, we have proposed a change to the text that reflects this situation.

(1)- NOTE: Waste of electrical and electronic equipment (WEEE)

6. Par. (8 NEW). Article 8b (NEW). WFD

Roles and responsibilities

Amendment 13

COM (2015) 595

Article 1. Par. 8

(Article 8b NEW)

<i>Commission proposal</i>	<i>Amendment proposed</i>
	(8) The following Article 8b (NEW) is inserted: The roles and responsibilities of any other actor involved in the waste chain must be defined in a clear way.

JUSTIFICATION

They must be defined the roles and responsibilities of each and every one of the links in the chain, because they play an important role in the proper functioning of the process and it will provide incentives for the system to work efficiently.

7. Par. (9). Article 9 –WFD. “Waste reduction – avoid overlaps Industrial Emissions Directive”.

**Amendment 6
COM (2015) 595**

Article 1. Par. (9), point (d)

Article 9.1

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(9) Article 9 is replaced by the following: 'Article 9 Prevention of waste 1. Member States shall take measures to prevent waste generation. These measures shall:</p> <ul style="list-style-type: none">– encourage the use of products that are resource efficient, durable, repairable and recyclable;– identify and target products that are the main sources of raw materials of a high importance to the economy of the Union and whose supply is associated with a high risk to prevent that those materials become waste;– encourage the setting up of systems promoting reuse activities, including in particular for electrical and electronic	<p>(9) Article 9 is replaced by the following: 'Article 9 Prevention of waste 1. Member States shall take measures to prevent waste generation. These measures shall:</p> <ul style="list-style-type: none">– encourage the use of products that are resource efficient, durable, repairable and recyclable;– identify and target products that are the main sources of raw materials of a high importance to the economy of the Union and whose supply is associated with a high risk to prevent that those materials become waste;– encourage the setting up of systems promoting reuse activities, including in particular for electrical and electronic

<p>equipment, textiles and furniture;</p> <ul style="list-style-type: none">– reduce waste generation in processes related to industrial production, extraction of minerals and construction and demolition, taking into account best available techniques;– 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.	<p>equipment, textiles and furniture;</p> <ul style="list-style-type: none">– reduce waste generation in processes related to industrial production, extraction of minerals and construction and demolition, taking into account best available techniques, <i>unless they are already subject to the requirements of the industrial emissions directive 2010/75 / EU, and adopting industrial symbiosis solutions through the use of by-products and recovery and recycling of waste;</i>– reduce the generation of food waste in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food
<p style="text-align: center;">JUSTIFICATION</p> <p>The proposed text under par. 1, point 4 is not legally clear because it could lead to apply different regulations on the same aspect. The industrial sectors subjected to the Industrial Emission Directive already apply the best available techniques. Therefore, the additional text here introduced avoids useless over-regulation.</p> <p>Moreover, the reduction of waste generation should be more efficiently tackled at industrial level supporting the industrial symbiosis via granting by-product status to co-generated industrial products and easing the application of End-of-Waste criteria.</p>	

8. Par. (10). Art. 11 WFD. “Construction and Demolition Waste, sorting systems”.

**Amendment 7
COM (2015) 595**

Article 1. Par. (10)

Article 11. 1 b)

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(10) Article 11 is amended as follows:</p> <p>(a) in paragraph 1, the first and second subparagraphs are replaced by the following:</p> <p>'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.</p> <p>Member States shall take measures to promote high quality recycling and, to this end, shall set up <u>separate collection of waste where technically, environmentally and economically</u> practicable and</p>	<p>(10) Article 11 is amended as follows:</p> <p>(a) in paragraph 1, the first and second subparagraphs are replaced by the following:</p> <p>'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.</p> <p>Member States shall take measures to promote high quality recycling and, to this end, shall set up <u>separate collection of waste where technically, environmentally and economically</u> practicable and appropriate to meet the necessary quality standards for</p>

<p>appropriate to meet the necessary quality standards for the relevant recycling sectors and to attain the targets set out in paragraph 2.';</p> <p>(b) in paragraph 1, the following sub-paragraph is inserted:</p> <p>'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.';</p>	<p>the relevant recycling sectors and to attain the targets set out in paragraph 2.';</p> <p>(b) in paragraph 1, the following sub-paragraph is inserted:</p> <p>'Member States shall take measures to promote sorting systems for construction and demolition waste and for at least the following: wood, aggregates, metal, glass, WEEE and plaster. They should take into account technical, economic, and environmental conditions.</p>
<p>JUSTIFICATION</p> <p>In coherence with same mention in previous paragraph (a).</p>	

9. Par. (11). Art. 11a WFD – paragraph 6 “Co-incineration”.

**Amendment 11
COM (2015) 595**

Article 1. Par. (11)

Article 11a – paragraph 6

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>6. In order to ensure harmonised conditions for the application of paragraph 5, the Commission shall adopt delegated acts in accordance with Article 38a establishing a common methodology for the calculation of the weight of metals that have been recycled in conjunction with</p>	<p>6. In order to ensure harmonised conditions for the application of paragraph 5, the Commission shall adopt delegated acts in accordance with Article 38a establishing a common methodology for the calculation of the weight of metals and minerals that have been recycled in</p>

incineration, including, the quality criteria for the recycled metals.	conjunction with incineration and co-incineration , including, the quality criteria for the recycled materials .
JUSTIFICATION The recovery of waste containing (non-critical) material through co-incineration should also be accounted for as it can lead to significant recycling through raw material substitutions.	

10. Par. (19), point (b). Art. 35 WFD. “Record keeping”. Only for hazardous waste.

**Amendment 8
COM (2015) 595**

Article 1. Par. (19), point (b)

Article 35.4

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(19) ... (b) paragraphs 4 and 5 are added:</p> <p>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.</p>	<p>(19) ... (b) paragraphs 4 and 5 are added:</p> <p>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.</p>
JUSTIFICATION Firstly, in order to ensure a harmonised procedure, as well as to create a level playfield among Member States, and secondly to reduce unnecessary administrative burden for economic operators.	

We agree with a registry only for hazardous waste. The problem is that, if Member States can establish these registries for other waste streams they will do it. In Spain we have them for all types of waste and we don't see that changing.

So maybe some Member States could have a registry only for hazardous waste, but the majority will have them for other waste streams.

Or proposal is to not give the possibility to Member States and unify the registries.

11. Par. (26 -NEW-). Annex II WFD "Co-incineration".

**Amendment 12
COM (2015) 595**

Article 1. Par. (26 -NEW-)

Annex II

<i>Commission proposal</i>	<i>Amendment proposed</i>
	<p>ANNEX II</p> <p>RECOVERY OPERATIONS (*)</p> <p>(*) Where technically and economically feasible, the simultaneous combination of recovery (R) operations listed in this Annex in one single process forms a waste recovery practice and is preferable to energy recovery alone.</p>
<p>JUSTIFICATION</p> <p>The guidelines on the interpretation of key provisions of Directive 2008/98/EC states that certain processes can combine two or more recovery operation, thereby allowing simultaneous energy and material recovery leading to recycling.</p>	

B. Packaging and Packaging Waste Directive (PPWD). COM (2015) 596 – 2015/0276 (COD)

12. Par. (5) NEW Article 7bis –PPWD. EPR

“General requirements for extended producer responsibility schemes”.

Amendment 9

COM (2015) 596

Following paragraph (5), NEW paragraph

NEW Article 7bis

<i>Commission proposal</i>	<i>Amendment proposed</i>
	Following paragraph (5), NEW PARRAGRAPH: <i>(NEW Article 7 bis) Member States shall comply with minimum requirements laid out for Extended Producer Responsibility, in accordance with (Waste Framework Directive’s Article 8a).</i>
JUSTIFICATION	
EPR requirements should be formalised in the Packaging and Packaging Waste Directive (PPWD), which is the legislative pillar for the packaging sector. Packaging is a complex waste stream involving a high number of companies from various industry sectors and requiring a dense waste management infrastructure; EPR requirements should consequently be incorporated into the PPWD as well.	

C. Directive on the landfill of waste. COM (2015) 594 – 2015/0274 (COD)

13. Par. (2). Article 5 - “Landfilling restrictions of non-hazardous waste other than municipal waste”.

The introduction of restrictions to certain disposal methods on particular waste streams is a measure that can doubtfully promote the Circular Economy, if not accompanied with a thorough analysis of the situation and applying a holistic approach in which all impacts are taken into account in the framework of sustainability.

The restriction is applied as an additional measure to the landfilling target applied to municipal waste. However, municipal waste streams and other than municipal waste ones can be very different in composition. In particular, the latter can contain industrial waste stream for which a generic common restriction is not possible.

Therefore, the **proposed paragraph should exclude, due to their complexity and specificity, the industrial waste streams from the introduction of any restrictions.**

Amendment 10

COM (2015) 594

Article 1. Par. (2), point (c)(7)

Article 5

<i>Commission proposal</i>	<i>Amendment proposed</i>
<p>(2) Article 5 is amended as follows:</p> <p>(c) the following paragraphs 5, 6 and 7 are added:</p> <p>'5. Member States shall take the necessary measures to ensure that by 2030 the amount of municipal waste landfilled is reduced to 10% of the total amount of municipal waste generated.</p> <p>6. ...</p>	

<p>7. By 31 December 2024 at the latest, the Commission shall examine the target laid down in paragraph 5 with a view to reducing it and introducing restrictions to the landfilling of non-hazardous waste other than municipal waste. To this end, a report of the Commission accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.';</p>	
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