



2015/0276(COD)

17.5.2016

DRAFT OPINION

of the Committee on Industry, Research and Energy

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the Council
amending Directive 94/62/EC on packaging and packaging waste
(COM(2015)0596 – C8-0385/2015 – 2015/0276(COD))

Rapporteur: João Ferreira

PA_Legam

SHORT JUSTIFICATION

Taking into account the different starting positions in the Member States with regard to the progressive increase in the targets for recycling and preparing for re-use, which mean that different levels of effort will be required to achieve the goals set, some flexibility is needed in relation to the time schedule for meeting the targets.

As acknowledged in the proposal, many Member States have not yet completely developed the necessary waste management infrastructure. It is therefore essential to set clear policy objectives in order to avoid locking recyclable materials at the bottom of the waste hierarchy. Without calling the objectives themselves into question, the feasibility of complying with them demands a degree of time flexibility.

Moreover, the existence of new objectives, revised upward, justifies the provision of new resources with which to achieve them. It is therefore justified for the European Union to increase the resources placed at the disposal of the Member States in order to support them in making the necessary investments.

The right conditions and incentives also need to be created to make it an attractive proposition for industry to incorporate packaging waste in its production processes in order to produce added-value products while saving virgin raw materials.

In the meantime, energy recovery should remain a viable option for the management of packaging and packaging waste wherever it is technically, economically and environmentally justified.

Extended producer responsibility schemes are a suitable means of both preventing the formation of packaging waste and creating systems that will guarantee the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream, and the reuse or recovery including recycling of the packaging and/or packaging waste collected.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) At the same time, conditions and incentives also need to be created to make it an attractive proposition for industry to

incorporate packaging waste in its production processes, in order to produce added-value products while saving virgin raw materials.

Or. pt

Amendment 2

Proposal for a directive Recital 6

Text proposed by the Commission

(6) Many Member States have not yet completely developed the necessary waste management infrastructure. It is therefore essential to set clear policy objectives in order to avoid locking recyclable materials at the bottom of the waste hierarchy.

Amendment

(6) Many Member States have not yet completely developed the necessary waste management infrastructure. It is therefore essential to set clear policy objectives in order to avoid locking recyclable materials at the bottom of the waste hierarchy. *Nevertheless, the different starting positions in the Member States with regard to the progressive increase in the targets mean that different levels of effort will be required to achieve the goals set. Consequently, the Member States should be accorded the necessary time flexibility to guarantee the feasibility of complying with these targets.*

Or. pt

Amendment 3

Proposal for a directive Recital 7

Text proposed by the Commission

(7) With the combination of recycling targets and landfill restrictions laid down in Directives 2008/98/EC and 1999/31/EC, the Union targets for energy recovery and the recycling targets for packaging waste laid down in Directive 94/62/EC are no

Amendment

(7) With the combination of recycling targets and landfill restrictions laid down in Directives 2008/98/EC and 1999/31/EC, the Union targets for energy recovery and the recycling targets for packaging waste laid down in Directive 94/62/EC are no

longer necessary.

longer necessary. *Nevertheless, energy recovery remains a viable option for the management of packaging and packaging waste provided that it is technically, economically and environmentally justified.*

Or. pt

Amendment 4

Proposal for a directive Recital 8

Text proposed by the Commission

(8) This Directive sets long-term objectives for the Union's waste management and gives the economic operators and the Member States a clear direction for the necessary investments 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 in line with the waste hierarchy by promoting prevention, re-use and recycling.

Amendment

(8) This Directive sets long-term objectives for the Union's waste management and gives the economic operators and the Member States a clear direction for the necessary investments 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 in line with the waste hierarchy by promoting prevention, re-use and recycling. *Nevertheless, and in view of the paradigm shift that has now been made, reflected in particular in the progressive increase in management targets, the possibility of the Union increasing the resources at the Member States' disposal to support them in making the necessary investments should not be ruled out.*

Or. pt

Amendment 5

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Since the objectives of this Directive, namely ***on the one hand***, to prevent any impact from packaging and packaging waste on the environment or to reduce such impact, thus providing a high level of environmental protection, ***and, on the other hand, to ensure*** the functioning of the internal market ***and to avoid obstacles to trade and distortion and restriction of competition within the Union***, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Amendment

(21) Since the objectives of this Directive, namely to prevent any impact from packaging and packaging waste on the environment or to reduce such impact, thus providing a high level of environmental protection, ***taking into account*** the functioning of the internal market, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Or. pt

Amendment 6

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In the vast majority of cases, the provision of packaging does not depend on and is not chosen by the final consumer but rather the producer. Extended producer responsibility schemes are a suitable means of both preventing the formation of packaging waste and creating systems that will guarantee the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream, and the reuse or

recovery including recycling of the packaging and/or packaging waste collected.

Or. pt

Amendment 7

Proposal for a directive

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

Directive 94/62/EC

Article 1 – paragraph 1

Present text

1. This Directive aims to harmonize national measures concerning the management of packaging and packaging waste in order, *on the one hand*, to prevent any impact thereof on the environment of all Member States as well as of third countries or to reduce such impact, thus providing a high level of environmental protection, *and, on the other hand, to ensure* the functioning of the internal market *and to avoid obstacles to trade and distortion and restriction of competition within the Community*.

Amendment

Article 1(1) is replaced by the following:

‘1. This Directive aims to harmonize national measures concerning the management of packaging and packaging waste in order to prevent any impact thereof on the environment of all Member States as well as of third countries or to reduce such impact, thus providing a high level of environmental protection, *taking into account* the functioning of the internal market.’;

Or. pt

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31994L0062>)

Justification

Priority should be given to the aim of preventing and reducing the impact that the management of packaging and packaging waste has on the environment. The functioning of the internal market should naturally be taken into account in this context, but it should not in itself constitute an objective of this legislation, and neither should it be placed on the same footing as the first objective.

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

Such other measures may consist of national programmes, ***incentives through*** extended producer responsibility schemes to minimise the environmental impact of packaging or similar actions adopted, if appropriate, in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. They shall comply with the objectives of this Directive as defined in Article 1(1).

Amendment

Such other measures may consist of national programmes, extended producer responsibility schemes to minimise the environmental impact of packaging or similar actions adopted, if appropriate, in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. ***These measures may also involve environmental awareness-raising activities aimed at the general public and the integration of environmental education activities in school curricula with this specific aim.*** They shall comply with the objectives of this Directive as defined in Article 1(1).

Or. pt

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 94/62/EC

Article 6 – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Member States may opt for energy recovery where it is preferable to material-recycling for environmental, technical and economic reasons.

Or. pt

Justification

Energy recovery should remain a viable option for the management of packaging and packaging waste wherever it is technically, economically and environmentally justified.

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point d a (new)

Directive 94/62/EC

Article 6 – paragraph 11a (new)

Text proposed by the Commission

Amendment

(da) the following paragraph 11a is inserted:

‘11a. Without prejudice to the provisions laid down in Article 6b, Member States may, depending on their specific situation, obtain derogations as regards the time schedule for attaining the targets set in paragraph 1(f) to (i) provided that a gradual alignment with those targets is ensured, taking into account the recommendations referred to in Article 6b(2)(b).’;

Or. pt

Justification

It is important to recognise the different starting positions in each of the Member States with regard to the targets that are now being set, which mean that different levels of effort will be required to achieve these goals. Without calling the objectives themselves into question, some flexibility is needed in terms of meeting the targets.

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 5 a (new)

Directive 94/62/EC

Article 7 – paragraph 1 – subparagraph 1 – introductory sentence

Present text

Amendment

1. Member States shall take the necessary measures to ensure that systems are set up to provide for:

(5a) In Article 7(1), first subparagraph, the introductory sentence is replaced by the following:

‘1. Member States shall take the necessary measures to ensure that systems, including extended producer responsibility schemes, are set up to

provide for:’;

Or. pt

(<http://eur-lex.europa.eu/legal-content/PT/TXT/?uri=celex:31994L0062>)

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 5 b (new)

Directive 94/62/ CE

Article 8 – paragraph 2

Present text

2. To facilitate collection, reuse and recovery including recycling, packaging shall indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC(9).

Amendment

(5b) Article 8(2) is replaced by the following:

‘2. To facilitate collection, reuse and recovery including recycling, packaging shall ***contain information useful for that purpose. In particular, packaging shall*** indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC(9).’;

Or. pt

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32004L0012>)

Amendment 13

Proposal for a directive

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

Directive 94/62/EC

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 15, the following second paragraph is added:

‘The measures to be taken by the Member States as referred to in paragraph 1 may form part of extended producer

responsibility schemes.’;

Or. pt

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 8 a (new)

Directive 94/62/EC

Article 18

Present text

Freedom to place on the market

Member States ***shall not impede*** the placing on the market of their territory of packaging ***which satisfies the provisions*** of this Directive.

Amendment

(8a) Article 18 is replaced by the following:

‘Placing on the market

Member States ***may impose non-discriminatory conditions on*** the placing on the market of their territory of ***certain*** packaging, ***in keeping with the attainment of the objectives*** of this Directive ***and/or justified reasons of public interest.’;***

Or. pt

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31994L0062>)

Amendment 15

Proposal for a directive

Annex – paragraph - 1 a (new)

Directive 94/62/EC

ANNEX II – point 1 – indent 1

Present text

- Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.

Amendment

Annex II, point 1, first indent is replaced by the following:

‘- Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling - ***in accordance with the principle of the hierarchy of waste management*** - and to minimize its impact on the environment when packaging waste or residues from packaging waste

management operations are disposed of.’

Or. pt

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31994L0062>)