



2015/0274(COD)

13.5.2016

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 1999/31/EC on the landfill of waste
(COM(2015)0594 – C8-0384/2015 – 2015/0274(COD))

Rapporteur: Pavel Telička

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SHORT JUSTIFICATION

On 2 December 2015, the European Commission adopted a new circular economy

Package, which contains the Action plan for the Circular Economy and four legislative proposals on waste. The aim of this legislative proposal is to set up targets for waste reduction including targets for landfill, reuse and recycling, to be met by 2030. The proposal also establishes an ambitious and credible long-term path for waste management and recycling activities.

Even though the ITRE Committee decided to split the package into four separate files, these are closely interlinked. Many of the changes regarding statistics and definitions of waste are presented within the Waste Framework Directive (WFD), while targets and obligations based on these definitions or statistics are presented within other three directives. Hence it is necessary to ensure coherence among all files.

The Rapporteur for the opinion welcomes the EC revised proposal, as it represents broader, more holistic and also more realistic approach. Reliable reporting of statistical data concerning waste management is indeed a key for ensuring a level playing field among Member States and for an efficient waste management in the EU. Further improvement in this field is undoubtedly needed. Targets proposed by the European Commission have to be ambitious, yet realistic and achievable for all member States, otherwise the EU face the risk of fragmentation of the Internal Market and non-inclusive and thus uneven development in this field. A long-term vision with sufficiently ambitious goals is the proper way to proceed. However, the Rapporteur has still doubts about the methodology used for setting targets regardless of their appropriateness. Also, after collection of reliable and comparable data, it will be necessary to review the targets and ambitions to appropriate level. The rapporteur also regrets that the entire proposal lacks a focus on education and information which should stand in the very core of the transformation.

The aim of the Amending Directives on landfill of waste is to improve the waste management in the EU by setting up a landfill restrictions to be met by 2030 and further restrictions on separately collected waste including bio-waste. This proposal should encourage further sorting and recycling of waste in accordance with the waste hierarchy (see the WFD). The Rapporteur welcomes the proposal, and advocates that definitions and accurate statistics are the cornerstone of the entire waste legislation and are inevitable for measuring the progress in achieving the objectives of the waste legislation and circular economy.

The rapporteur would like to stress the importance of exchange of information and best practices not only at the EU level but also between different sectors of the economy, including the waste industry, and the financial sector. This could be achieved through the establishment of communication platforms that would help raise awareness of new industrial solutions and allow for a better overview of available capacities and support industrial symbiosis, which can significantly contribute to the transition towards a more circular economy. The Rapporteur also believes that the financial funds allocated by the Commission to the transition could also be used for research projects on treatment of waste, especial as regards hazardous waste.

The rapporteur welcomes the proposal to simplify the reporting obligation for Member States,

although some parts proposed by the Commission do not provide for unambiguous interpretation. The Commission also proposes a system of reporting every three years, yet the question is how these deadlines will be met in practice and when will the reporting process start after transposition of this directive to have a sufficient time for a reflection and further measures, if needed.

The Rapporteur supports restrictions on landfilling of bio-waste, but he believes that the bio-waste should be mandatory separately collected and that the need for mandatory separate collection of bio-waste should be further highlighted in the WFD. The Rapporteur will therefore propose further amendments on mandatory separate collection of bio-waste in the WFD to make a clear link between both files.

There are major differences in the absolute amount of waste produced in individual Member States. The calculation method for landfill targets proposed by the Commission (in percentage), does not sufficiently reflect these differences. The Rapporteur believes that the Commission should also assess a further target based on the total amount of waste that can be landfilled, calculated per kilogramme per person per year. This would facilitate comparisons between Member States and would allow a better assessment of waste prevention, which is the highest level in the waste hierarchy. It would also therefore contribute to reducing the overall amount of waste generated every year.

Rapporteur would like to highlight a need for correct implementation and enforcement of the existing waste legislation. Any further measures taken by the Commission should take into account the commitments set out in the Inter-institutional Agreement on better law-making.

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 6

Text proposed by the Commission

(6) Biodegradable municipal waste accounts for a large proportion of municipal waste. Landfilling of untreated biodegradable waste poses significant negative *enviornmental* effects in terms of greenhouse gas emissions and pollution of surface water, groundwater, soil and air. While Directive 1999/31/EC already sets landfill diversion targets for biodegradable

Amendment

(6) Biodegradable municipal waste accounts for a large proportion of municipal waste. Landfilling of untreated biodegradable waste poses significant negative *environmental* effects in terms of greenhouse gas emissions and pollution of surface water, groundwater, soil and air. While Directive 1999/31/EC already sets landfill diversion targets for biodegradable

waste it is appropriate to put in place further restrictions on the landfilling of biodegradable waste by prohibiting the landfilling of biodegradable waste ***that has been*** separately collected in accordance with Article 22 of Directive 2008/98/EC.

waste it is appropriate to put in place further restrictions on the landfilling of biodegradable waste by prohibiting the landfilling of biodegradable waste, ***which should be*** separately collected in accordance with Article 22 of Directive 2008/98/EC.

Or. en

Amendment 2

Proposal for a directive Recital 8

Text proposed by the Commission

(8) A progressive reduction of landfilling is necessary to prevent detrimental impacts on human health and the environment and to ensure that economically valuable waste materials are gradually and effectively recovered through proper waste management and in line with the waste hierarchy. ***This*** reduction should avoid the development of excessive capacity for the treatment of residual waste facilities, such as through energy recovery or low grade mechanical biological treatment of untreated municipal waste, as this could result in undermining the achievement of the Union's long-term preparation for reuse and recycling targets for municipal waste as laid down in Article 11 of Directive 2008/98/EC. Similarly, and to prevent detrimental impacts on human health and the environment, while Member States should take all necessary measures to ensure that only waste that has been subject to treatment is landfilled, compliance with such obligation should not lead to the creation of overcapacities for the treatment of residual municipal waste. In addition, in order to ensure consistency between the targets laid down in Article 11 of Directive 2008/98/EC and the landfill reduction target defined in Article 5 of this

Amendment

(8) A progressive reduction of landfilling is necessary to prevent detrimental impacts on human health and the environment and to ensure that economically valuable waste materials are gradually and effectively recovered through proper waste management and in line with the waste hierarchy ***as laid down in Directive 2008/98/EC. That progressive reduction of landfilling will bring a major change in waste management in many Member States. With improved statistics on waste collection and treatment, it*** should ***be possible to*** avoid the development of excessive capacity for the treatment of residual waste facilities, such as through energy recovery or low grade mechanical biological treatment of untreated municipal waste, as this could result in undermining the achievement of the Union's long-term preparation for reuse and recycling targets for municipal waste as laid down in Article 11 of Directive 2008/98/EC. Similarly, and to prevent detrimental impacts on human health and the environment, while Member States should take all necessary measures to ensure that only waste that has been subject to treatment is landfilled, compliance with such obligation should not lead to the

Directive and to ensure a coordinated planning of the infrastructures and investments needed to meet those targets, Member States which may obtain additional time for the attainment of the municipal waste recycling targets should also be given additional time to attain the landfill reduction target for 2030 as laid down in this Directive.

creation of overcapacities for the treatment of residual municipal waste ***and will help to achieve a high quality of sorted material***. In addition, in order to ensure consistency between the targets laid down in Article 11 of Directive 2008/98/EC and the landfill reduction target defined in Article 5 of this Directive and to ensure a coordinated planning of the infrastructures and investments needed to meet those targets, Member States which may obtain additional time for the attainment of the municipal waste recycling targets should also be given additional time to attain the landfill reduction target for 2030 as laid down in this Directive. ***It is also necessary to ensure that there is coordinated planning in relation to shipments of waste within the Union so that waste is treated in the most cost-efficient and sustainable way.***

Or. en

Amendment 3

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Commission should assess the appropriateness of introducing a target for the total amount of waste that can be landfilled, calculated per kilogramme per person per year. Such a target would facilitate comparisons between Member States and would allow a better assessment of waste prevention, which is the highest level in the waste hierarchy. It would also therefore contribute to reducing the overall amount of waste generated every year.

Or. en

Amendment 4

Proposal for a directive Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) In order to help achieve the objectives of Directive 1999/31/EC, the Commission should promote the coordination and exchange of information and best practices both between Member States and between different sectors of the economy, including the waste industry and the financial sector. That could be achieved through the establishment of communication platforms that would help raise awareness of new industrial solutions and allow for a better overview of available capacities and would contribute to connecting the waste industry and the financial sector and to supporting industrial symbiosis.

Or. en

Amendment 5

Proposal for a directive Recital 8 c (new)

Text proposed by the Commission

Amendment

(8c) It is essential to ensure that existing waste legislation is correctly implemented and enforced.

Or. en

Amendment 6

Proposal for a directive Recital 11

Text proposed by the Commission

(11) 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. Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 1999/31/EC, Member States should be required to use the most recent methodology developed by the Commission and the national statistical offices of the Member States.

Amendment

(11) 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, ***which should be Eurostat, and by*** deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report . Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 1999/31/EC, Member States should be required to use the most recent methodology developed by the Commission and the national statistical offices of the Member States.

Or. en

Amendment 7

**Proposal for a directive
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12a) The landfilling of hazardous waste that is collected together with municipal waste can constitute a risk to human health and the environment. Research programmes on the treatment of hazardous waste would help to reduce such landfilling. Union funds that are allocated to support the transition to the circular economy could therefore be used for such programmes.

Amendment 8

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) This Directive has been adopted taking into account the commitments set out in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 and it should be implemented and applied in accordance with the guidance contained in the same Agreement.

Or. en

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 1999/31/EC

Article 5 – paragraph 7

Text proposed by the Commission

Amendment

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.

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. ***The Commission shall also assess whether it is appropriate to introduce a target for the total amount of waste that can be landfilled calculated per kilogramme per person per year .*** To this end, a report of the Commission accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.

Or. en

Amendment 10

Proposal for a directive

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

Directive 1999/31/EC

Article 14 a (new)

Text proposed by the Commission

Amendment

(5a) The following article is inserted:

'Article 14a

Instruments to promote a shift to a more circular economy

1. In order to contribute to the objectives laid down in this Directive, Member States shall make use of instruments or measures as contained in Annex IIIa.

2. Member States shall report to the Commission the specific instruments or measures put in place in accordance with paragraph 1 by ... [insert date eighteen months after the entry into force of this Directive] and every five years following that date.'

Or. en

Amendment 11

Proposal for a directive

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

Directive 1999/31/EC

Annex IIIa (new)

Text proposed by the Commission

Amendment

(10a) Annex IIIa, as set out in the Annex to this Directive, is added.

Or. en

Amendment 12

Proposal for a directive

Annex (new)

Directive 1999/31/EC

Annex IIIa (new)

Text proposed by the Commission

Amendment

ANNEX

The following Annex IIIa is added:

'Annex IIIa

Instruments to promote a shift to a more circular economy.

1. Economic instruments:

1.1 progressive increase of landfill taxes and/or fees for all categories of waste (municipal, inert, others);

1.2 introduction or increase of incineration taxes and/or fees or specific bans for incineration of recyclable waste;

1.3 progressive extension to the whole territory of Member States of 'pay-as-you-throw' systems incentivising municipal waste producers to reduce, re-use and recycle their waste;

1.4 measures to improve the cost efficiency of existing and forthcoming producer responsibility schemes;

1.5 extension of the scope of the producer responsibility schemes to new waste streams;

1.6 economic incentives for local authorities to promote prevention, develop and intensify separate collection schemes;

1.7 measures to support the development of the re-use sector;

1.8 measures to suppress harmful subsidies not consistent with the waste hierarchy.

2. Further measures:

2.1 technical and fiscal measures to support the development of markets for re-used products and recycled (including

composted) materials as well as to improve the quality of recycled materials;

2.2 measures to increase public awareness of proper waste management and litter reduction, including ad-hoc campaigns to ensure waste reduction at source and a high level of participation in the separate collection schemes;

2.3 measures to ensure an appropriate coordination, including by digital means, between all competent public authorities involved in waste management, and the involvement of other key stakeholders;

2.4 use of the European Structural and Investment Funds in order to finance the development of the waste management infrastructure needed to meet the relevant targets;

2.5 creation of communication platforms to foster exchange of best practices between industries and also Member States;

2.6 any relevant alternative or additional measures aiming at meeting the same purpose.'

Or. en