



2015/0274(COD)

23.5.2016

*****I**

DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
amending Council Directive 1999/31/EC on the landfill of waste
(COM(2015)0594 – C8-0384/2015 – 2015/0274(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 Council Directive 1999/31/EC on the landfill of waste (COM(2015)0594 – C8-0384/2015 – 2015/0274(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0594),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0384/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, 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 2016¹,
 - having regard to the opinion of the Committee of the Regions of xxx²,
 - 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.

¹ Not yet published in the Official Journal.

² 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

In addition to protecting the environment and human health, the aims of better waste management at European level should include improving the use of resources, increasing energy efficiency and reducing the Union's resource 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 Council Directive 1999/31/EC¹⁴ setting landfill restrictions should be **amended** to make them better reflect the Union's ambition to move to a circular economy and make progress in the implementation of the Raw Materials Initiative¹⁵ by **reducing** landfilling of waste destined for landfills for non-hazardous waste.

Amendment

(2) The targets laid down in Council Directive 1999/31/EC¹⁴ setting landfill restrictions should be **ambitious and should therefore be increased** to make them better reflect the Union's ambition to move to a circular economy and make progress in the implementation of the Raw Materials Initiative¹⁵ by **phasing out** landfilling of waste destined for landfills for non-hazardous waste.

¹⁴ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L

¹⁴ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L

182, 16.07.1999, p. 1).

¹⁵ COM(2008) 699 and COM(2014) 297.

182, 16.07.1999, p. 1).

¹⁵ COM(2008) 699 and COM(2014) 297.

Or. xm

Justification

EU targets concerning the re-use and recycling of waste should be increasingly ambitious in order to ensure that the move towards a circular economy is fully implemented. The gradual elimination of landfilling of non-hazardous waste is one of the basic instruments in support of this transition.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In order to ensure greater coherence in waste legislation, the definitions in Directives 1999/31/EC should be aligned to those of Directive 2008/98/EC of the European Parliament and of the Council¹⁶.

¹⁶ 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).

Amendment

(4) In order to ensure greater coherence in waste legislation, the definitions in Directives 1999/31/EC should be aligned, **where relevant**, to those of Directive 2008/98/EC of the European Parliament and of the Council¹⁶.

¹⁶ 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).

Or. xm

Justification

It is important to ensure that this Directive is consistent with EU waste legislation as a whole. To this end it is necessary, where appropriate, that the definitions in this Directive should also be aligned with those in Directive 1999/31/EC.

Amendment 4

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Clear environmental, economic and social benefits would be derived from further restricting landfilling, starting with waste streams that are subject to separate collection (e.g. plastics, metals, glass, paper, bio-waste). ***Technical, environmental or economical feasibility of recycling or other recovery of residual waste resulting from separately collected waste should be taken into account in the implementation of these landfill restrictions.***

Amendment

(5) Clear environmental, economic and social benefits would be derived from further restricting landfilling, starting with waste streams that are subject to separate collection (e.g. plastics, metals, glass, paper, bio-waste), ***with the objective to accept only residual waste. Long-term investments in infrastructure and in research and innovation will play a crucial role in reducing the amount of residual waste from separately collected waste, the recycling or other recovery of which is not technically, environmentally or economically feasible at the moment.***

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 promote investment in this field, which is crucial with a view to reducing the quantity of residual waste to be disposed of.

Amendment 5

**Proposal for a directive
Recital 7**

Text proposed by the Commission

(7) Many Member States have not yet completely developed the necessary waste management infrastructure. The setting of landfill reduction targets will further facilitate separate collection, sorting and recycling ***of waste*** and avoid locking potentially recyclable materials at the bottom of the waste hierarchy.

Amendment

(7) Many Member States have not yet completely developed the necessary waste management infrastructure. The setting of ***ambitious*** landfill reduction targets will further facilitate ***investments in*** separate collection, sorting and recycling ***facilities*** and avoid locking potentially recyclable materials at the bottom of the waste hierarchy.

Or. xm

Justification

Many Member States have not yet fully developed adequate waste management infrastructure. The setting of ambitious landfill reduction targets will support investment in separate collection, selection of waste and recycling plants.

Amendment 6

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 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

Amendment

(8) A progressive **phasing-out** 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 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.

municipal waste recycling targets should also be given additional time to attain the landfill reduction **targets for 2025 and** 2030 as laid down in this Directive.

Or. xm

Justification

EU targets concerning the re-use and recycling of waste should be increasingly ambitious in order to ensure that the move towards a circular economy is fully implemented. The gradual elimination of landfilling of non-hazardous waste is one of the basic instruments in support of this transition.

Amendment 7

Proposal for a directive Recital 12

Text proposed by the Commission

(12) In order to supplement or amend Directive 1999/31/EC, ***in particular with the view to adapting its Annexes to scientific and technical progress***, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***Article 16***. It is 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 to the Council.*** Any amendments to the Annexes should only be made in line with the principles laid down in this Directive. To this end, as regards Annex II, the Commission should take into account the general principles and general procedures for testing and acceptance criteria as set out in Annex II. Moreover, specific criteria and test methods and associated limit values should be set for each class of landfill, including if

Amendment

(12) In order to supplement or amend Directive 1999/31/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***with regard to the adaptation of the Annexes to scientific and technical progress***. It is ***of*** particular importance that the Commission carries 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 should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*** Any amendments to the Annexes should only be made in line with the principles laid down in this Directive. To this end, as regards Annex II, the

necessary specific types of landfill within each class, including underground storage. Proposals for the standardisation of control, sampling and analysis methods in relation to the Annexes should be considered for adoption by the Commission where appropriate within two years after the entry into force of this Directive.

Commission should take into account the general principles and general procedures for testing and acceptance criteria as set out in Annex II. Moreover, specific criteria and test methods and associated limit values should be set for each class of landfill, including if necessary specific types of landfill within each class, including underground storage. **Where appropriate, proposals** for the standardisation of control, sampling and analysis methods in relation to the Annexes should be considered for adoption by the Commission where appropriate within two years after the entry into force of this Directive.

Or. xm

Justification

Alignment with the Interinstitutional Agreement of 13 April 2016.

Amendment 8

Proposal for a directive Recital 13

Text proposed by the Commission

(13) In order to ensure uniform conditions for the implementation of Directive 1999/31/EC, implementing powers should be conferred on the Commission in respect of **Articles 3(3), Annex I, paragraph 3.5 and Annex II, paragraph 5**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁷.

Amendment

(13) In order to ensure uniform conditions for the implementation of Directive 1999/31/EC, implementing powers should be conferred on the Commission ***with regard to the definition of deposit of non-hazardous waste, the method to be used for the determination of the permeability coefficient for landfills under certain conditions and the development of a European standard for the sampling of waste, because sampling of waste may pose serious problems with respect to representation and techniques owing to the heterogeneous nature of different types of waste.*** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the

¹⁷ 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).

¹⁷ 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).

Or. xm

Justification

Alignment with the Lisbon Treaty.

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive 1999/31/EC

Article 2 – point a

Text proposed by the Commission

(a) the definitions of ‘waste’, ‘municipal waste’, ‘hazardous waste’, ‘waste producer’, ‘waste holder’, ‘waste management’, ‘separate collection’, ‘recovery’, ‘recycling’ and ‘disposal’ laid down in Article 3 of Directive 2008/98/EC of the European Parliament and of the Council(*) shall apply;

(*) 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).’;

Amendment

(a) the definitions of ‘waste’, ‘municipal waste’, ‘hazardous waste’, **‘non-hazardous waste’**, ‘waste producer’, ‘waste holder’, ‘waste management’, ‘separate collection’, ‘recovery’, ‘recycling’ and ‘disposal’ laid down in Article 3 of Directive 2008/98/EC of the European Parliament and of the Council(*) shall apply;

(*) 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).’;

Or. xm

Justification

The relevant definitions from Article 3 of Directive 2008/98/EC have been inserted, including that of 'non-hazardous waste'.

Amendment 10

Proposal for a directive

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

Directive 1999/31/EC

Article 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) In Article 2, the following point aa is inserted:

'(aa) "residual waste" means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and as a result has to be disposed of;'

Or. xm

Justification

It has been felt appropriate to insert a definition of 'residual waste', in line with the requirements introduced by this Directive.

Amendment 11

Proposal for a directive

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

Directive 1999/31/EC

Article 2 – point m

Present text

Amendment

(m) 'biodegradable waste' means *any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard;*

(ba) point m is amended as follows:

'(m) 'biodegradable waste' means *food and garden waste, paper and paperboard, and wood and any other waste that can undergo anaerobic or aerobic decomposition;*

Or. xm

Justification

It has been felt appropriate to clarify and amend the definition of 'biodegradable waste'.

Amendment 12

Proposal for a directive

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

Directive 1999/31/EC

Article 3 – paragraph 3

Present text

3. Without prejudice to Directive 75/442/EEC Member States may declare at their own option, that the deposit of non-hazardous waste, ***to be defined by the committee established under Article 17 of this Directive***, other than inert waste, resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries and which are deposited in a manner preventing environmental pollution or harm to human health, can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 of this Directive.

Amendment

(1a) In Article 3, paragraph 3 is amended as follows:

'3. Without prejudice to Directive 75/442/EEC Member States may declare at their own option, that the deposit of non-hazardous waste, other than inert waste, resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries and which are deposited in a manner preventing environmental pollution or harm to human health, can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 of this Directive. ***The Commission shall define by means of implementing acts what constitutes a deposit of non-hazardous waste, assisted by the committee established under Article 17 of this Directive. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).***'

Or. xm

Justification

Alignment with the Lisbon Treaty.

Amendment 13

Proposal for a directive

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

Directive 1999/31/EC
Article 5 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(aa) in paragraph 3, the following point e a is inserted:

'(ea) untreated waste;'

Or. xm

Justification

Alignment with the judgment of the Court of Justice in Case C-323/13.

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 1999/31/EC

Article 5 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) waste **that has been** separately collected pursuant to Article 11(1) and 22 of Directive 2008/98/EC.

(f) waste **to be** separately collected pursuant to Article 11(1) and 22 of Directive 2008/98/EC;

Or. xm

Justification

In order to attain the objectives on which a circular economy is based, it is necessary to ban landfilling of recyclable waste.

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b a (new)

Directive 1999/31/EC

Article 5 – paragraph 4 a

Text proposed by the Commission

Amendment

(ba) In Article 5, the following

paragraph 4a is inserted:

4a. *Member States shall take the necessary measures to ensure that by 2025 the amount of municipal waste landfilled is reduced to 25% of the total amount of municipal waste generated;*

Or. xm

Justification

It is necessary to insert an interim target for 2025, in order to support phasing-out of landfilling of municipal waste by 2030.

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 1999/31/EC

Article 5 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. Member States shall take the necessary measures to ensure that by 2030 the amount of municipal waste landfilled is reduced to **5%** of the total amount of municipal waste generated.

Or. xm

Justification

The landfilling target for municipal waste for 2030 is aligned with what was approved by the European Parliament on 9 July 2015 in its resolution on 'Resource efficiency: moving towards a circular economy'.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 1999/31/EC

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall accept by 31 December 2030 only residual municipal waste in landfills for non-hazardous waste.

Or. xm

Justification

The typology of municipal waste which it is permitted to landfill after 2030 is aligned with what was approved by the European Parliament on 9 July 2015 in its resolution on 'Resource efficiency: moving towards a circular economy'.

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 1999/31/EC

Article 5 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

6. ***Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia*** may obtain five additional years for the attainment of the target referred to in paragraph 5. The Member State shall ***notify the Commission of its intention*** to make use of this provision at the latest 24 months before the deadline laid down in ***paragraph 5. In the event of an extension, the Member State shall take the necessary measures to reduce by 2030 the amount of municipal waste landfilled to 20% of the total amount of municipal waste generated.***

6. ***Member States that landfill more than 65% of their municipal waste in 2013*** may obtain five additional years for the attainment of the target referred to in paragraph ***4a***. The Member State shall ***submit a request to*** the Commission to make use of this provision at the latest 24 months before the deadline laid down in ***paragraphs 4a and 6a***.

Or. xm

Justification

Member States which, according to Eurostat data, in 2013 landfilled more than 65% of their municipal waste may ask the Commission for an additional five years in order to attain the targets set by this Directive for 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 preparation for re-use and recycling.

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 1999/31/EC

Article 5 – paragraph 6 – 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** notification shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the **target** 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 accompanying the request notification ensures compliance with at least the following requirements:

- it demonstrates an adequate use of economic instruments to provide incentives for the application of the waste hierarchy as referred to in Article 4(1) the Directive 2008/98/CE;***
- it improves the quality of statistics and generates clear forecasts of waste management capacities and of the distance to the targets specified in Articles 11(2) of this Directive, Articles 5 and 6 of Directive 94/62/EC and Article 4(a) and 5 of Directive 1999/31/EC;***
- it sets out waste prevention programmes as referred to in Article 29 of this Directive;***
- it demonstrates an efficient and effective use of Structural and Cohesion Funds through demonstrable long-term investments which aim at financing 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 the 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, within two months from the date of the decision, the Council and the European Parliament about the outcome of the request for extension.

Or. xm

Justification

Member States which, according to Eurostat data, in 2013 landfilled more than 65% of their municipal waste may ask the Commission for an additional five years in order to attain the targets set by this Directive for 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 preparation for re-use and recycling.

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

directive 1999/31/EC

Article 5 – paragraph 6 a (new)

6a. The Member States referred to in paragraph 6, first subparagraph, in which landfilling constitutes less than 25% of their municipal waste generated by 2030, may request an additional five years for the attainment of the target referred to in paragraph 5.

In order to request such an extension, the Member State shall submit its request to the Commission in accordance with paragraph 6a.

However, if the Member State does not reduce the amount of municipal waste landfilled to at least 25% by 2030, the extension shall be considered as automatically cancelled.

Or. xm

Justification

Member States which, according to Eurostat data, in 2013 landfilled more than 65% of their municipal waste may ask the Commission for an additional five years in order to attain the targets set by this Directive for 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 preparation for re-use and recycling.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive 1999/31/EC

Article 5 – paragraph 7

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

7. By 31 December **2018** at the latest, the Commission shall examine the **possibility to introduce a target and** restrictions to the landfilling of non-hazardous waste other than municipal waste. To this end, a report of the Commission accompanied by a **legislative**

a proposal, if appropriate, shall be sent to the European Parliament and the Council.

proposal, if appropriate, shall be sent to the European Parliament and the Council.

Or. xm

Justification

Municipal waste accounts for only between 7 and 10% of the total waste generated in the Union; in order to foster the transition towards a circular economy, consideration should therefore be given to the possibility of inserting a limit on landfilling of waste for types of waste which differ from 'municipal waste'.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 1999/31/EC

Article 5a – paragraph 1

Text proposed by the Commission

1. The Commission shall, in cooperation with the European Environment Agency, draw up a report on the progress towards the achievement of the targets laid down in Article 5(5) **and (6)** 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 a report on the progress towards the achievement of the targets laid down in Article 5(4a) **and 5(5)** three years before each time-limit laid down in those provisions at the latest.

Or. xm

Justification

Reporting requirements should be aligned with the new targets inserted in this Directive.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 1999/31/EC

Article 15 – paragraph 1

Text proposed by the Commission

1. Member States shall report the data concerning the implementation of Article

Amendment

1. Member States shall report the data concerning the implementation of Article

5(2) and (5) 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 by the Commission in accordance with paragraph 5. The first reporting shall cover the data for the period from 1 January [enter year of transposition of this Directive + 1 year] to 31 December [enter year of transposition of this Directive + 1 year].

5(2) and **(4a) and** (5) 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 by the Commission in accordance with paragraph 5. The first reporting shall cover the data for the period from 1 January [enter year of transposition of this Directive + 1 year] to 31 December [enter year of transposition of this Directive + 1 year].

Or. xm

Justification

Reporting requirements should be aligned with the new targets inserted in this Directive.

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 1999/31 CE

Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the report, the Commission shall include information about the implementation of the other provisions of this Directive and their 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 25

Proposal for a directive

Article 1 – paragraph 1 – point 9

Directive 1999/31/EC

Article 17a – paragraph 3 a (new)

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 26

Proposal for a directive

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

Directive 1999/31 CE

Article 15 a (new)

Text proposed by the Commission

Amendment

9a. the following Article 15 a is inserted:

'Article 15a

Determination of the permeability coefficient for landfills

The Commission shall develop and approve the method to be used for the determination of the permeability coefficient for landfills, in the field and for the whole extension of the site, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).'

Justification

Alignment with the Lisbon Treaty.

Amendment 27

Proposal for a directive

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

Directive 1999/31 CE

Article 15 b (new)

Text proposed by the Commission

Amendment

9b. the following Article 15 b is inserted:

'Article 15 b

European standard for sampling of waste

The Commission shall develop a European standard for sampling of waste by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2). Until those implementing acts have been adopted, the Member States may apply national standards and procedures.'

Or. xm

Justification

Alignment with the Lisbon Treaty.

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 9 c

Directive 1999/31 CE

Annex I – point 3.5

Present text

Amendment

3.5. The method to be used for the determination of the permeability

deleted

coefficient for landfills, in the field and for the whole extension of the site, is to be developed and approved by the Committee set up under Article 17 of this Directive.

Or. xm

Justification

Alignment with the Lisbon Treaty.

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 9 d

Directive 1999/31 CE

Annex II – point 5

Present text

Amendment

5. *Sampling of waste may pose serious problems with respect to representation and techniques owing to the heterogeneous nature of many wastes. A European standard for sampling of waste will be developed. Until this standard is approved by Member States in accordance with Article 17 of this Directive, the Member States may apply national standards and procedures.* *deleted*

Or. xm

Justification

Alignment with the Lisbon Treaty.

EXPLANATORY STATEMENT

The rapporteur has opted, by way of a horizontal approach, to focus on the fields where the EU dimension possesses clear added value.

To this end, the report supports effective action to foster the efficient use of resources and a reduction in the production of waste and in its environmental impact, so as to encourage by practical means the transition to a circular economy.

The circular economy is above all an efficient economic model from the point of view of resources, which will improve and at the same reduce their use, simultaneously tackling problems associated with raw material supplies. In this way, the environment will receive greater protection, while reindustrialisation will also be promoted and European competitiveness will be increased in the global context, and the creation of quality jobs and new business opportunities will be fostered.

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

The rapporteur would recall that the main aim of the Seventh European Environmental Action Programme is to transform the Union into a green, low-carbon economy which uses resources efficiently.

A paradigm shift is therefore needed which will take us beyond mere waste management and entail the adoption of policies which regard waste as a genuine resource in its own right. In order to attain that objective, full implementation of the European rules on waste is needed, which should be achieved by means of strict application of the waste hierarchy and should be complemented by further measures to reduce waste production. In several places, the rapporteur calls for it to be borne in mind that the circular economy should tackle the problem of waste management primarily from the prevention angle, and then by feeding waste back into production processes.

Landfill Directive

The amount of waste that is landfilled is a strong indicator and restrictions on landfilling can be used as a lever in the context of a circular economy. The targets in the Landfill Directive and in the Waste Framework Directive are interlinked; a reduction in the amounts of landfilled waste can only be accomplished and must go hand in hand with higher targets for the collection and recycling of waste. Landfilling should only be a last resort for waste that can be neither avoided nor recycled or recovered or at least minimised and decontaminated. The rapporteur therefore welcomes the Commission's proposal to amend the Landfill Directive and to further limit the landfilling of municipal waste.

The Commission's proposal introduces a target of maximum 10% for municipal waste generated to be landfilled by 2030. It also provides for an optional additional five year transition period for seven specifically listed Member States. Furthermore, it introduces an

Early Warning System in cooperation with the European Environment Agency and amends the reporting scheme. Finally, it updates the provisions for secondary legislation.

The rapporteur endorses most of the elements mentioned, but suggests amending several aspects of the proposal in order to make it more coherent and ambitious, most importantly:

Phasing-out instead of reduction of landfilling:

As explained above, in the long term landfilling should only be allowed where no alternatives exist. Although this might not immediately affect implementation, it is vital to speak a clear language throughout the whole text, signalling that any quantitative reduction target is not an end in itself and should serve as a means towards a sustainable resource management. As a consequence it should be stated in the text that only treated waste that cannot be recycled anymore shall be landfilled.

A gradual approach towards a more ambitious 2030 goal:

Experience shows that the implementation of environmental legislation requires permanent monitoring and a step-by-step approach. The rapporteur is convinced that setting a target in the far future without accompanying measures and intermediary steps is doomed to failure. The rapporteur therefore proposes a realistic 25% target for 2025. With this supplementary target it will be feasible to set a more ambitious residual landfill target of 5% instead of 10% for 2030, which better reflects the idea of a circular economy.

Additional transition period for Member States with implementation challenges:

Although the rapporteur welcomes the flexible approach proposed by the Commission, the listing of seven select Member States is arbitrary, unjust and demotivating for all involved parties. The rapporteur suggests to base the grace period on transparent and comprehensible criteria and to establish an unambiguous authorisation procedure for any deviation.

A possible restriction to the landfilling of non-hazardous non-municipal waste:

The rapporteur regrets the lack of ambition in the Commission's proposal with regard to waste from other sources than municipalities, and proposes a mandate for a review and a respective optional target already in 2018.

Uniform provisions for the determination of the permeability coefficient of landfills and for the sampling of waste:

The rapporteur notes that the Commission refrains from completing its tasks as set out in Annexes I and II. These provisions are however necessary for the safe operation of a landfill. The rapporteur therefore proposes a very precise wording in order to allow the Commission to develop and adopt the required technical provisions.