



2015/0272(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 Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (COM(2015)0593 – C8-0383/2015 – 2015/0272(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 end-of-life vehicles, batteries and accumulators and waste batteries and accumulators, and waste electrical and electronic equipment is to simplify the reporting obligation for Member States. The Rapporteur's position is to simplify legislation for Member States and undertakings not to impose on them further unnecessary obligations and create a level playing field between market participants. It is not desirable to create a new additional regulation, but rather to create an environment for businesses, in which they can apply the most environmentally and cost-efficient solutions, in line with the long-term strategy. Member States have to create appropriate conditions including a fiscal incentives and support of industrial symbiosis to create such conditions so that manufacturers can live up to their responsibilities. The Rapporteur is however wondering whether the Commission's proposal on batteries and accumulators will lead to such conclusions.

If the EU wants to realistically consider a shift to the Circular Economy, it is necessary to create an adequate infrastructure and an open market for transport and waste management in the EU. This has not worked out so far and in the future it may become an obstacle for efficient waste management through the EU. The Rapporteur is therefore proposing that the Commission should examine the desirability of introducing a one-stop-shop for the administrative procedure for waste shipments, with a view to reducing administrative burden and expediting the procedure.

Another important element of the framework is the treatment of the Waste Electrical and Electronic Equipment (WEEE) after being separately collected. Separate collection of WEEE does not make sense if not followed by an adequate treatment. Some of the EU Member States have already introduced mandatory standards for treatment of WEEE (EN 50625 series), the Rapporteur therefore calls on the Commission to take measures to make compliance with the EN 50625 series on treatment of WEEE mandatory.

The Rapporteur would also like to bring the attention to the export of products considered as an electronic waste and secondary raw materials (WEEE but also metal scrap, plastic, etc.) outside of the EU. The EU should focus on monitoring of a treatment and recycling of such materials outside its territory, as mentioned in the WFD, but also on the illegal export of these raw materials to the third countries, which is primarily a question of enforcement of the current legislation. The Commission's proposal on waste legislation does not provide a room for addressing these issues. The Commission should, however, address this when revising Regulation on shipments of waste and related legislation, with aim to prevent export outside of the EU and focus on an implementation and enforcement of the current legislation. It is positive that the Commission is working on further proposals in areas such as eco-design or implementation of certain directives, which could help reduce the illegal export of e-waste.

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 2

Text proposed by the Commission

Amendment

(2) *To reduce regulatory burden on small establishments or undertakings, simplification of the permitting and registration requirements for small establishments or undertakings should be introduced.* *deleted*

Or. en

Justification

The rapporteur strongly supports reducing regulatory burdens. However, the proposal for a directive does not simplify permitting and registration requirements (this is done in the waste framework directive - see recital 26 of that proposal), and so this recital is not necessary.

Amendment 2

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) 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.

Amendment

(3) 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 implementation reports under this Directive, Member States should use the most recent methodology developed by the Commission and the national statistical offices of the Member States.***

Or. en

Amendment 3

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States should ensure that the separate collection of Waste Electrical and Electronic Equipment (WEEE) is followed by proper treatment. If some but not all WEEE treatment operators have proper WEEE treatment operations in place, environmental risks will arise. Directive 2012/19/EU on waste electrical

and electronic equipment mandated the Commission to develop common standards for treatment of WEEE (EN 50625 series). To ensure a level playing field and compliance with waste legislation and the concept of the circular economy, the Commission should issue an implementing act to make these standards legally binding.

Or. en

Amendment 4

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to fulfil the objectives of this Directive it should be easier and less costly to ship waste within the Union, with simpler procedures for businesses, while maintaining environmental standards. The Commission should address this when revising Regulation (EC) No 1013/2006 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

Or. en

Amendment 5

Proposal for a directive Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Since there is a growing need to

handle and recycle waste within the Union, in line with the circular economy, emphasis should be given to ensuring that procedures relating to the shipment of waste do not constitute an unnecessary burden for businesses. The Commission should examine the desirability of introducing a one-stop-shop for the administrative procedure for shipments of waste, with a view to reducing administrative burden and expediting that procedure.

Or. en

Amendment 6

Proposal for a directive

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) 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 7

Proposal for a directive

Article 1 – paragraph -1 (new)

Directive 2000/53/EC

Article 8a (new)

Text proposed by the Commission

Amendment

The following article is inserted:

'Article 8a

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 IIa.

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 8

Proposal for a directive

Article 1 – paragraph 1 a (new)

Directive 2000/53/EC

Annex IIa (new)

Text proposed by the Commission

Amendment

Annex IIa, as set out in the Annex I to this Directive, is added.

Or. en

Amendment 9

Proposal for a directive

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

Directive 2006/66/EC

Article 21 a (new)

Text proposed by the Commission

Amendment

(-1) The following article is inserted:

'Article 21a

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 IVa.

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 10

Proposal for a directive

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

Directive 2006/66/EC

Annex IVa (new)

Text proposed by the Commission

Amendment

(2a) Annex IVa, as set out in the Annex II to this Directive, is added.

Or. en

Amendment 11

Proposal for a directive

Article 3 – paragraph 1 – point -1 (new)

Directive 2012/19/EU

Article 8 – paragraph 5 – subparagraph 1

Present text

Amendment

(-1) In Article 8(5), the first subparagraph is replaced by the following:

For the purposes of environmental protection, Member States *may* set up minimum quality standards for the

For the purposes of environmental protection, Member States *shall* set up minimum quality standards for the

treatment of the WEEE that has been collected.

treatment of the WEEE that has been collected. ***They shall publish these standards.***

Or. en

Amendment 12

Proposal for a directive

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

Directive 2012/19/EU

Article 8 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

(-1a) In Article 8(5), the second subparagraph is deleted.

Or. en

Amendment 13

Proposal for a directive

Article 3 – paragraph 1 – point -1 b (new)

Directive 2012/19/EU

Article 8 – paragraph 5 – subparagraph 4

Present text

Amendment

(-1b) In Article 8(5), the fourth subparagraph is replaced by the following:

In order to ensure uniform conditions for the implementation of this Article, the Commission ***may*** adopt implementing acts laying down minimum quality standards based in particular on the standards developed by the European standardisation organisations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

In order to ensure uniform conditions for the implementation of this Article, the Commission ***shall*** adopt implementing acts laying down minimum quality standards based in particular on the ***EN 50625 series of*** standards developed by the European standardisation organisations ***in response to the mandate laid down in Directive 2012/19/EU.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).

Amendment 14

Proposal for a directive

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

Directive 2012/19/EU

Article 17 a (new)

Text proposed by the Commission

Amendment

(1a) The following article is inserted:

'Article 17a

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 Xa.

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 15

Proposal for a directive

Article 3 – paragraph 1 – point 2b (new)

Directive 2012/19/EU

Annex Xa

Text proposed by the Commission

Amendment

(2b) Annex Xa, as set out in the Annex III to this Directive, is inserted.

Or. en

Amendment 16

Proposal for a directive

Annex I (new)

Directive 2000/53/EC

Annex IIa (new)

Text proposed by the Commission

Amendment

Annex I

***The following Annex IIa is added to
Directive 2000/53/EC:***

'Annex IIa

***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

Amendment 17

Proposal for a directive

Annex II (new)

Directive 2006/66/EC

Annex IVa (new)

Text proposed by the Commission

Amendment

Annex II

The following Annex IVa is added to Directive 2006/66/EC:

'Annex IVa

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

Amendment 18

Proposal for a directive

Annex III (new)

Directive 2012/19/EU

Annex Xa (new)

Text proposed by the Commission

Amendment

Annex III

*The following Annex Xa is inserted into
Directive 2012/19/EU:*

'Annex Xa

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;

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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;

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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

