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NOTE

From: General Secretariat of the Council
To: Delegations

Subject:

- 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
- Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/31/EC on the landfill of waste
- Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste
- Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste

= Information from the Presidency on the state of play

Delegations will find in the Annex an information note from the Presidency on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 19 December 2016.

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

Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/31/EC on the landfill of waste

Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste

Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste

- Information from the Presidency on the state of play -

I. BACKGROUND

1. The Commission submitted the revised Circular Economy package to the Council and the European Parliament on 3 December 2015. The revised package contains the following elements:
 - i. A Commission communication on "Closing the loop - An EU action plan for the Circular Economy"¹,
 - ii. A Commission staff working document entitled "An additional analysis to complement the impact assessment supporting the review of EU waste management targets"²,
 - iii. A Commission staff working document entitled "Implementation Plan"³,
 - iv. A Commission proposal for a Directive 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,⁴

¹ 14972/15 + ADD 1

² 14973/15 ADD 1, 14974/15 ADD 1, 14975/15 ADD 2, 14976/15 ADD 2

³ 14973/15 ADD 2, 14974/15 ADD 2, 14975/15 ADD 3, 14976/15 ADD 3

⁴ 14973/15

- v. A Commission proposal for a Directive amending Directive 1999/31/EC on the landfill of waste,⁵
 - vi. A Commission proposal for a Directive amending Directive 2008/98/EC on waste,⁶ and
 - vii. A Commission proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste⁷.
2. The package, including the additional analysis, was presented to the Working Party on the Environment (WPE) on 7 December 2015, when delegations held a preliminary discussion. The package was also presented to the Working Party on Competitiveness and Growth (Internal market/Industry) on 7 December 2015 and to the High Level Working Group on Competitiveness and Growth on 8 February 2016.
 3. The Action Plan was examined and debated at ministerial level by the Council (Competitiveness) and (Environment) on 29 February and 4 March 2016 respectively. Following further discussions, the Council adopted conclusions on the Action Plan at its meeting on 20 June 2016⁸.
 4. The Working Party on the Environment started examination of the waste legislative package, which includes the four legislative proposals mentioned in paragraph 1, points iv - vii above, on 15 January 2016. It has since had 12 additional meetings during which the original legislative proposals, numerous options on key issues and a first Presidency compromise on the full legislative package were examined.
 5. An expert meeting was also held on 13 April 2016 to discuss, in detail, the calculation rules for recycling and reuse.

⁵ 14974/15

⁶ 14975/15 + ADD 1

⁷ 14976/15 + ADD 1

⁸ 10518/16.

6. The European Parliament's ENVI Committee held one debate on the four draft reports of the EP Rapporteur on 15 June 2016 and an exchange of views on 29 September. The Committee is expected to vote on 24 January 2017.
7. The Economic and Social Committee (EESC) and the Committee of the Regions (CoR) delivered their opinions on 27 April 2016 and 15 June 2016 respectively.
8. The progress achieved up to now on the key elements of the waste legislative package are described in Section II below.

II. STATE OF PLAY

9. Overall, significant progress has been made on all key elements of the waste legislative package.
10. More specifically, and while an agreement is clearly subject to an overall package, it is noted that sufficient progress has been made to consider that a common understanding has been reached on a number of elements. These are by-products, early warning report, reporting and delegation of powers to the Commission.
11. In addition to the above, the Council is also close to reaching a common understanding, subject to further clarifications to the text, on definitions, calculation rules, end-of-waste criteria, economic instruments, extended producer responsibility schemes and prevention of waste.

12. The only key elements on which, in spite of the very good progress made, further discussions are required are targets and exemptions. Discussions have progressed significantly and the latest compromise text proposed by the Presidency brings delegations even closer. However, it is clear that further discussions on the overall level of ambition of the legally binding targets across the legislative package and how to take into account efforts on re-use are still required.
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