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

- = Orientation debate
- Delegations' replies

Delegations will find in the Annex the replies received from EL, FI and SE to the Presidency
questions, contained in document 14060/1/14 REV 1, for the orientation debate on the
abovementioned proposal in the Council (Environment) on 28 October 2014.

GREECE

First I would like to thank the Commission for the proposal, which supports in a legally binding form the transition to a circular economy. We fully agree with this general policy objective. However, we believe that the proposal focuses too much on household and similar wastes. Undoubtedly, the management of household waste is a measure of the overall performance of a Member State waste management. However, the value added by the very significant increase in recycling of municipal waste is relatively small compared to the required corresponding effort, since municipal waste represents a very small fraction of the total waste generated. Possibly, with the same or less effort and cost, the benefits for the economy and the environment could have been larger if we had focused on other waste streams.

In this context, taking into account the current level of recycling, we believe that several of the quantitative objectives, combined with the tightening of quality standards which we support, are not realistic. Typical examples are the target of 70% recycling of municipal waste and more than 80% recovery of packaging by 2030, as well as the prohibition of all recyclable landfill by 2025 and limiting landfill to 5% of municipal waste by 2030. We believe that the proposal is targeting landfilling and gives primacy to incineration as a way of disposal, a distinction that is not consistent with the waste hierarchy.

On the other hand, the Commission's proposals on minimum requirements for extended producer responsibility schemes are very positive. Their adoption will facilitate control of these schemes at national level in order to optimize the management of contributions collected from the economic operators. Recycling schemes should operate in such a way as to achieve the quantitative targets and, simultaneously, to ensure fair competition. In the minimum requirements, the possibility for the Member State to impose a ceiling in the administrative costs of a recycling system as a percentage of the total annual contributions should be added, as well as to apply measures to control the creation of large reserves.

As regards the early warning system, we believe that it should **in all cases** be combined with the grant of three year extension period to achieve the targets, as provided in the case of the objectives of the Waste Framework Directive 2008/98.

We would also like to note that we disagree with the annual reporting, instead of every three years, which currently applies for some Directives.

With regard to waste prevention, the goal of reducing waste from food seems problematic because of lack of data and the variability in consumption associated with tourism. Finally, we agree with the proposals for strengthening the eco-design of products, but we note that these measures should be taken at European level because of the common market.

FINLAND

1. Do Ministers consider the proposal's overall level of ambition appropriate, also in light of the objectives set out in the 7th EAP? In particular, do Ministers believe that the proposed approach strikes the right balance between setting a long-term vision for recycling and taking sufficiently into account national circumstances and current performance levels?

Finland is in favour of setting ambitious but realistic targets for the preparation for re-use and recycling of municipal waste and packaging waste, and supports more stringent measures to reduce the disposal of waste in landfills. Finland also welcomes measures to prevent the generation of food waste. In particular, Finland emphasises the need for EU-wide measures to reduce food wastage and also finds the role of the EU important in this respect even globally. The revised targets should be based on uniform calculation methods and on reliable information on the current situation and the recycling potentials for various waste fractions in different Member States.

Finland finds it difficult to take a position on the proposed recycling rates before the definition of municipal waste is clarified, and before calculation methods for recycling targets are fixed so that the impacts of any changes to them can be carefully assessed. On the basis of the present definitions and calculation methods, the proposed targets seem to be very demanding for Finland, in particular, those concerning municipal waste, wood packaging and plastic packaging.

In Finland's view, national circumstances may have not been sufficiently taken into account in the proposal or its impact assessment. In the case of Finland, these circumstances include long distances, sparse population and the relatively low potential for the separate collection of waste. These factors have significant impact on the cost efficiency and overall environmental impacts of recycling.

2. Do Ministers see the need to further develop any of the proposed measures (e.g. early warning system, minimum requirements for EPR) and if so, which ones do ministers believe need further work and in what way?

In Finland's view, most of the proposals still need further work to ensure their enforceability and harmonised implementation in Member States. Considerable work is needed, for example, with regard to proposed definitions, targets for preparation for reuse and recycling, the prevention of food waste and the reduction of landfilling of waste, as well as calculation methods for targets. Finland is willing to assist the Presidency and the Commission ...

In order to minimise the administrative burden of the proposal, Finland thinks it is important to assess the necessity and appropriateness of an amendment of this scale at this stage, taking into account the fact that the Waste Framework Directive was fully renewed in 2008. In this regard, efforts are still being taken to ensure the full implementation of the directive into local waste management practices, and the Commission has indicated that it intends to launch a more extensive revision of the directives on packaging waste and end-of-life vehicles at a later stage.

In particular, Finland is not convinced on the need for proposed requirements which would increase the administrative burden of economic operators and authorities without clear environmental benefits. Therefore, Finland is not in favour of proposals which would extend the responsibilities of economic operators to keep records on non-hazardous waste or to report annually on hazardous wastes to competent authorities. The proposals for an early warning system and for reporting obligations of Member States should also be carefully considered from this perspective.

Finland finds most of the proposed minimum requirements concerning producer responsibility to be good principles aiming at harmonising and ensuring the functionality of national producer responsibility systems. However, the proposed minimum requirements should not be applied as binding requirements on the Member States. Finland proposes that the minimum requirements should be changed to general, guiding principles.

3. Do Ministers consider waste prevention and reuse issues to be adequately taken into consideration in the Commission proposal?

In Finland's view, the proposal is focused on promoting recycling, reduction of landfilling and revision of administrative procedures. Less attention has been paid to waste prevention and reuse issues.

Finland emphasises that moving to a circular economy requires measures at all steps of value chains and that EU future policy should focus more on promoting measures affecting the early stages of the life-cycle of products. EU-wide measures would be needed to ensure the effectiveness of these measures and to prevent problems in the functioning of the internal market. However, apart from waste directives, other instruments should also play a key role in tackling with these issues.

Finland thinks that the target setting of the proposal does not sufficiently take into account the direct reuse of packaging and other products, even though, according to the waste hierarchy, reuse is a preferred option to recycling. Strict targets that focus solely on recycling and the preparation for reuse are less favourable for countries, where direct reuse is a common practice (for example, the reuse of beverage packaging, plastic crates and wooden pallets). Finland proposes that the possibility of a common target for reuse and recycling be carefully considered.

Other issues important to Finland

Finland emphasises the need to ensure that the measures brought forward in the waste directives conform to other measures and targets set out in the EU as regards environmental protection and resource efficiency. In particular, it should be ensured that the waste recycling targets laid down in the directives conform to the climate and energy policy targets, and to the targets for the bio-economy and for promoting the use of renewable fuels.

It is estimated that an essential increase in the use of sustainably produced advanced biofuels will be needed in Finland to achieve the targets concerning the use of renewable energy sources that set out in the framework of the climate and energy package. Therefore, Finland finds it important that the amendments to the waste directives should, on their part, promote the production and use of advanced biofuels (i.e. so-called second or third generation biofuels meeting the sustainability criteria) for transport and possibly other purposes. Finland proposes that the production of such advanced biofuels from waste could be taken into account in the proposed target setting for municipal and packaging waste. Simultaneously, due care should be taken to ensure that the amendments do not hamper the circular economy target of promoting high-quality recycling.

SWEDEN

One of the key objectives of the 7th Environment Action Programme is to turn the European Union into a resource-efficient, green, and competitive low-carbon economy. Waste is a resource, not a problem - if we handle it in the right way. We are running out of resources because of wasteful use.

We welcome the Commission's proposal, which clearly reflects the level of ambition we have set out in the 7th Environment Action Programme. Our experience is that ambitious targets can have a tremendous effect and lead to commitment from all levels of society. A mix of policy tools has resulted in less than 1% of landfilling of our municipal solid waste, a reduction of 97% since 1994. Waste handling is now big business in Sweden. The number of employees in the waste recycling sector in Sweden has grown with 60 % since year 2000, the turnover with more than 1 billion euros. Combining strong economic growth with resource efficiency is possible.

The change from landfilling to recycling is part of building a sustainable society. It requires a stepwise approach and long term visions, which is what the Commission proposal sets out. If we provide a clear, long-term regulatory framework for all the relevant actors, they will get the predictability they need in order to make the necessary investments.

Our main challenge now is prevention and to promote materials of high quality that are safe to use. Prevention of waste is a very cost effective measure and should therefore be the primary focus for all waste management strategies. In Sweden it is estimated that the economic benefits of preventing food waste by 20% would amount to between 1-1,6 billion euros annually. We therefore see a need for stronger requirements related to waste prevention in the proposal stating that waste prevention programmes must set out targets and measures to fulfil the targets. We would also like to see indicators for waste prevention developed at EU-level.

We need to pave the way for the market for recycled materials. The quality and safety of these materials must be guaranteed, otherwise there will be no market for them. We need to ensure that hazardous substances are phased out, not recycled. We do not want more examples of products containing harmful substances coming in contact with what we and our children eat and drink.

The food discarded today in Sweden generates emissions of about 2 million tonnes of CO₂ when produced – all in vain. It is clear that sustainable waste management is also a crucial part of our fight against climate change. The material recycling in Sweden helps reducing the emissions of carbon dioxide with more than 6 million tonnes annually. This is why we advocate stricter requirements on waste prevention, combined with additional recycling targets and a more ambitious reduction of landfilling where recyclable waste should not be landfilled after year 2021. We believe that the target for prevention of food waste should be binding and take into account what has already been accomplished by the member states. We would also like to see additional recycling targets for textiles and for biodegradable waste. Also, we would like to see requirements on extended producer's responsibility on specific material streams. Finally we would like to see more measures in order to prevent and address the very serious issues we are facing with regard to marine littering.

Let's not waste the waste but turn it into an asset and strive for a circular economy with high quality materials. This is how we can fulfil the objectives of the 7th Environment Action Programme - which we have all committed ourselves to.