

**RESOLUTION ADOPTED BY THE COMMITTEE**  
**ON COMMUNITY DOCUMENT 93 AND ON COMMUNITY DOCUMENTS**  
**COM (2015) 593 FINAL, COM (2015) 594 FINAL, COM (2015) 595 FINAL,**  
**AND COM (2015) 596 FINAL**

The Senate 13<sup>th</sup> Standing Committee,

Having examined the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “Closing the loop” - An EU action plan for the Circular Economy (COM(2015) 614 final);

Having examined 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 final:

Having examined 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) 594 final);

Having examined the Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (COM (2015) 595 final);

Having examined the Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste COM/2015/0596 final;

Recalling the provisions of the Resolution (Doc. XVIII, n. 80), adopted on 19 November 2014 on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Towards a circular economy: A zero waste programme for Europe (COM (2014) 398 final);

Recalling the provisions of the resolution (Doc. XXIV, n. 51), adopted on 30 July 2015 following the examination of the matter and regarding the outcome of the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Towards a circular economy: A zero waste programme for Europe, and the Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (COM (2015) 595 final), 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste (COM (2015) 594 final), 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 final;

Mindful of the public Consultation conducted by the Senate Committee on the Environment to gather information and opinions from the public institutions and private stakeholders regarding the Circular Economy Package of measures;

Considering that the aim to establish a circular economy system entailing a paradigmatic change involving legislative and regulatory, production, organisational and distribution measures, also requires a cultural approach. The importance of this radical change will have significant fallout on the daily lives of Europe’s citizens and on the habits of millions of consumers. One of the factors

ensuring the success of the paradigm is therefore the ability to inform the public – beginning with the schools – and make them participants and front-line players in this process, to ensure their readiness to adjust their lifestyles and consumption patterns;

Having welcomed the aim of harmonising the definitions employed in the waste directives to align them with those used in the European Waste Catalogue (EWC) in order to avoid ambiguity and to have comparable data available on the progress made by the Member States and by local and regional authorities;

Emphasising that the proposal to harmonise the minimum Extended Producer Responsibility requirements is essential to increase the services under the responsibility requirements of the Member States, and that the co-legislators should enhance the requirements while keeping provisions in force to guarantee transparency and full cost coverage on the part of producers;

Having pointed out the need to specify the minimum quality requirements for food, and to define a minimum standard for the recovery procedure that will guarantee food security applying uniformly across all the Member States;

Reiterating the request to laid down further re-use objectives which are binding, independent and defined for specific waste streams, particularly of furniture, textiles and waste electrical and electronic equipment (WEEE);

Having emphasised the importance of requiring Member States to report industrial waste, and for the European Environment Agency to monitor and report on it by 2020, setting targets for preparing for the re-use and the recycling of this waste; hand

Recognising the need to gradually limit landfilling, supporting the prohibition on the land filling of mixed municipal waste and bio-waste;

Deeming it essential to confirm the continuing obligation on the Member States to draw up waste management plans with detailed timetables for implementing the actions needed to attain the prescribed targets, also applying to derogations regarding municipal waste and landfilling in the case of certain Member States;

Drawing attention to the lack of any provision requiring industrial and commercial enterprises to keep a register of the non-hazardous waste which they treat, and upon being requested, to submit the data to the competent authorities;

Considering the wide-ranging powers that these proposals for a directive confer on the European Commission to issue delegated acts, and urging the co-legislators to limit their use;

Considering that the positive results achieved by the Covenant of Mayors for Climate and Energy argue in favour of the institution of a Covenant of Mayors for Waste Management, involving the local and regional governments, and of stepping up efforts to achieve greater resource-use efficiency in the urban environment;

It would be desirable to involve the national and regional institutions in sensitising public opinion regarding the circular economy, also by using such instruments as the “Circular Economy Forums” put in place by some regions;

Noting that the Circular Economy Package proposed by the European Commission appears to comply with the subsidiarity principle, despite certain critical aspects relating to the targeted application of the proportionality principle;

as part of the political dialogue, expresses a favourable opinion, with the following qualifications on the various documents:

With reference to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “Closing the loop” - An EU action plan for the Circular Economy (COM(2015) 614 final):

The Committee welcomes the reference to the need to link legislation of waste, and chemical products and substances, in order to drive the development of the secondary raw materials market; for an cross-sectoral approach is needed when defining the legal framework for waste management in order simultaneously to guarantee the protection of human health and the environment through more efficient resource-use;

Referring in particular to updating the EC Regulation 1907/2006 (REACH) – which is the legal framework for the management of chemical substances – and the need to give preference to waste recovery over landfilling, the Committee notes that the increasing number of chemical substances found in recoverable waste could be made subject to authorisation or restrictions;

Since certain procedures provided by REACH could prove particularly costly in economic terms and increasing the bureaucratic burden, appropriate streamlining appears necessary in order to avoid discouraging the recovery of waste that would otherwise be disposed of in landfills;

The recovery of waste –shown and certified to be non-toxic and non-hazardous – is intended to ensure environmentally compatible waste management that will lead to the gradual elimination of the most polluting chemical substances in the phase in which it is no longer possible to take action on their original composition;

The gradual removal from the market of toxic and hazardous chemical products until they are totally replaced by other environmentally compatible substances forms part of the circular economy paradigm;

With regard to paper, there is a lack of measures specifically designed to encourage recycling, and it is necessary not only to stress the quantity, but also the quality, of the recycling;

With regard to the calendar, the criteria do not appear sufficiently clear and consistent with the proposed amendments and the measures planned.

With reference to 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 final:

With regard to the management of end-of-life vehicles, the Committee deems it necessary:

- a) to delete the term “shearing” from the definition of “treatment”, since shearing is not a form of treatment;
- b) to require waste EWC-coded as 16 01 06 (end-of-life vehicles, containing neither liquids nor other hazardous components) 16.01.22 (engines, transmission components not containing liquids or other hazardous components) e 16.01.17, to be recovered as “R4” (recycling/recovery of metals and metal compounds) to be carried out on facilities equipped with crushers, and using the best available technologies identified in BREF (*Best Available Technology Reference Documents*);

c) with regard to treatment (Article 6), to specify that the treatment operations for depollution of end-of-life vehicles referred to in annex I(3) must be performed by a given deadline. The Committee proposes setting a 60-day deadline for vehicle de-registration;

d) to require the Member States to take the necessary steps to lay down criteria and modalities to guarantee the traceability of the waste produced by treating end-of-life vehicles; this can be achieved by requiring treatment plant managers to issue certification attesting to the proper performance of the treatment operations referred to in Annex I (3) and (4) of the directive;

e) with regard to the minimum technical requirements for treatment provided by Annex I:

- to insert the provision requiring the treatment site to have an adequate weighing system: for achieving the 95 percent re-use and recovery target of an end-of-life vehicle strictly depends on knowing the exact weight of the vehicle before and during every treatment phase. Today, however, no such requirement has been made for the demolition plants which ensure the safety of the vehicles and demolish them to have a weighing system. Consequently, the waste loading and unloading registration data recorded on the Environmental Declaration (MUD) are only approximate since they are based on the vehicle registration logs and not on the actual recorded weights;

- In Annex I (4) replace the words, “Treatment operations in order to promote recycling” with “Treatment for recycling”;

- Rationalise the treatment work, and share the tasks between the demolition and the crushing parties;

The Committee emphasises the urgent need to follow up the provisions of Article 8 of Directive 2012/19/EU, which provides that the European Commission shall set minimum quality standards for the treatment, recycling and preparation for re-use of WEEE. This would give a tangible boost to the eco-compatible management of WEEE and adequate controls by ensuring that all the treatment plants operate according to uniform quality standards;

To achieve the targets set by Directive 2012/19/EU, the “door-to-door” system of WEEE collection from domestic and professional users must be encouraged. This would make it unattractive for any alternative channels to take this waste and would contain the management costs, guarantee the proper re-use and the recovery of WEEE managed by the producers themselves, and would make it possible to keep the alternative channels under control and reduce potential pollution caused as a result of treatment effected by parties not in possession of appropriate treatment plants.

With reference to 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) 594 final):

To discourage the opening up of new landfill sites, the following should be inserted after Article 1(3):

3(a) After Article 5a insert the following:

“Article 5b (*Facilities for closing landfill sites*)

1. The Member States shall not grant funding or incentives to open any new landfill sites.
2. However, financing can be limited in order to close landfills or embark on completing the reclamation of pre-existing landfills”;

This would eliminate the moratorium for achieving these targets by certain Member States by deleting Article 1(2)©, and (6) referred to above;

In order to shorten the data reporting deadlines, in Article 1(6) and Article 15 referred to above, the words “18 months” should be replaced by the words “6 months”;

The municipal waste landfilling target to be attained by 2030 should be redefined more ambitiously as 5 percent, using sustainable technologies with an intermediate target of 25 percent by 2025, to better standardise the huge differences between the Member States, also by introducing penalties on landfilling;

Targeted legal measures should also be introduced to resolve the often frequent cases of 30-year bank guarantees for post-mortem activities following closure offered by landfill managers who do sometimes fail to meet the minimum reliability standards, since the guarantees have been issued by credit institutions which are not in possession of the necessary capital and are barely solvent, and are sometimes wound up a few months after issuing the bank guarantee;

More generally, it is necessary to increase the programming instruments which will also help to improve the instruments available to the local authorities to give priority to re-use and re-cycling in preference to landfilling.

With reference to the Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (COM(2015)595 final):

With reference to aligning the definitions provided by Directive 2008/98/CE, the Committee suggests that in the second paragraph of Article 2, consideration be given to aligning definitions with those adopted by the European Union Statistical Office. Accordingly, a clear distinction must be drawn between “by-product”, “end of waste” and “waste”, to make it possible to curb waste production by simultaneously encouraging simplification and greater control over by-products;

With reference to the definition of “*Municipal waste*” (Article 3(1)(a), the Committee endorses the decision to construe “municipal waste” to mean household waste, such that, in order to be classified as municipal waste, all special waste must be comparable to household waste in nature, composition and quantity, also taking account of the quantity and not only of the quality. In the opinion of the Committee, excluded waste should also include waste produced in production areas (including stores), except waste from company canteens and shops, offices and premises open to the public;

With reference to the definition of “*Preparation for re-use*” (Article 3(16), the Committee deems that the proposal of the Commission provides certainty regarding whether waste re-use preparation must be carried out by qualified operators; however, it is necessary to add that the waste must be prepared in such a way that it can be re-used without any further pre-processing “in accordance with the relevant rules and with the prescribed checks performed by impartial inspectors for the protection of consumers, particularly in the matter of public health and safety and to safeguard the environment”. Conversely, it is necessary to keep the qualification provided by the current definition (components of products that “have become waste”) in order to avoid confusion between the “re-use” (of a product) and the “preparation for re-use” (of waste);

With reference to the definition of “*Final recycling process*” (Article 3(17)(a), which must be taken together with the later Article 11(a) of the Directive on the calculation of the attainment of the targets, it must be borne in mind that pursuant to Article 6 (End-of-waste), and in accordance with the very meaning of the circular economy, and following the present directive and our domestic

legislation, waste can be used to regenerate resources to be put back into the production cycle which may comprise materials and substances, as well as actual products. The definition of “final recycling process” should not be limited to introducing them into production processes, because final recycling may also apply to waste processing as part of a different type of processing operation from production itself, and which is placed on the market for subsequent use;

With reference to the definition of “*backfilling*” (17(b)), the Committee is in favour of the general concept of substitution apart from any particular purposes of the practice of backfilling; it nevertheless considers it appropriate to make the effort to further clarify the meaning of the word “suitable”, by specifying that “suitable waste means waste which meets specific technical standards, or, in their absence, standards which have been specifically analysed to evaluate risk with regard to the features of the area in which they are to be used”.

With reference to Extended Producer Responsibility, the following should be introduced in Article 1(7), after (b):

b(a) after (3)

“3a) In order to involve the producers more closely in designing eco-sustainable products, the Member States shall provide systems for attributing more serious extended responsibility in the case of products with a smaller recycling index and which are less compliant with eco-design criteria. In this case, when establishing the environmental costs account must be taken of all the cost components falling to the community as a whole, generated in each phase of the product life-cycle”;

To encourage the re-use of “cheap plastics” and mixed plastics, insert the following in Article 1, after (13):

13a in Chapter III, after Article 22, insert the following:

“Article 22a (*Incentives for the use of cheap and mixed plastics*)

1. The Member States shall finance applied research into the recyclability and reusability of cheap and mixed plastics, for which they shall foster scientific cooperation agreements with research centres and associations representing the industry”;

To simplify consumers’ assessments of the sustainability of the life-cycle of the raw materials used and the end product, the following should be inserted into Article 1, after (15):

15a in Chapter IV, after Article 27, insert the following:

“Article 27a (*Product labelling and programmed obsolescence*)

1. The European Union so promote a uniform product labelling system enabling consumers immediately to understand the sustainability of the life-cycle of the raw materials used and of the end product as a whole, the programmed useful life and any procedures for their correct disposal”;

For the same purposes indicated above, it would be appropriate to introduce the circularity Balance Sheet and for this purpose, insert the following in Article 1, after (18):

18a in Chapter V, after Article 33, insert the following:

“Article 33a (*Circularity Balance Sheet*)

1. In order to encourage the dissemination of eco-design and the implementation of sustainable production systems, the Member States should encourage the adoption of the circular the Balance Sheet to enable consumers to evaluate the whole life-cycle of the product, bearing in mind the renewability of the raw materials, technological development, and the potential for re-using, repairing and re-cycling the products.. The Circularity Balance Sheet requires the definition of indicators able to immediately provide information to be used to draft it, from the design stage to the implementation, use, reuse, re-cycling and disposal of the project”;

The Committee deems it necessary to make explicit reference to the fact that the exclusion of “construction and demolition waste” is limited to waste “of non-household origin” in order to prevent the dumping of construction and demolition waste from private sources. Under current legislation, such waste can be deposited with Local Waste Disposal Centres and accounted for as municipal waste by being deemed to be of household origin. It is therefore suggested inserting the following in Article 1(2)(a):

a) the following shall be inserted in (1)(a):

“1(a) “municipal waste”

a) mixed and separately collected waste, including:

- paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators;;
- bulky waste, including white goods, mattresses, furniture;
- garden waste, including leaves, grass clippings;
- *Construction and demolition waste from minor maintenance works;*

b) market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste”;

The Committee deems that the measures proposed for non-hazardous construction and demolition waste, which accounts for a substantial amount of total waste, are not sufficiently ambitious. Instead of the present combined target referring to preparation for re-use, recycling and backfilling, it is proposed to define specific targets for re-cycling construction materials.

Accordingly, the following text should replace Article 1(10), ©:

c) in paragraph 2 replace (b) with the following:

“(b) by 2020, preparation for re-use, recycling and landfilling of non-hazardous construction and demolition waste, excluding natural materials referred to in 17 05 04 of the waste list, will be increased by at least 70 percent by weight.

The Commission is evaluating the management of these waste streams and the advisability of setting recycling targets by 2020 for specific construction materials for 2025 and 2030;”

*End of Waste* is recognised as an instrument of crucial importance in the Communication in order to implement the strategy for resource circularity. The Committee therefore welcomes the obligation on the Member States to appraise the value of EoW without necessarily having to take action only “where criteria have not been set at Community level”. However, the possibility of identifying and regulating *End of Waste*, on a case-by-case basis, by individual permits should be retained (as in the present directive) either by waiting for the Commission to identify harmonised regimes to standardise the EoW criteria, where necessary, for specific streams or, in the absence of any Community regulation, by identifying domestic EoW criteria for the various types of waste. It is therefore proposed to add the following words to Article 6(4) at the end of the first subparagraph “or they may decide on a case-by-case basis, with reference to waste management permits issued by the competent authorities, if a particular type of waste has ceased to be waste according to relevant case law; in this case, the obligation to report provided by Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015, shall not apply”;

Welcoming the higher targets, it would appear necessary to take into account the market outlets and fluctuations in the demand for materials resulting from recycling, since when establishing more ambitious targets it is also crucial to ensure the availability of financial/economic instruments and incentives to make it possible to attain them.

In the Package and in the proposal for a directive in question there is no indication of the way in which the recycling targets proposed can be reconciled with the market demand, in a situation of which the value of recycled raw materials is increasingly falling and unpredictable. The price of the waste treatment service must not coincide with the market value of the materials being treated, which at all events are subject to continuing fluctuations; treatment must be remunerated for what it is, ensuring the necessary treatment processes to obtain quality materials from the waste, taking into account the specific liability of producers in this regard. Given the crisis in the raw materials market, which has also heavily penalised the recycled materials market in recent times, the action taken by the European Union to promote resource circularity must be made more effective, especially in relation to the economic measures adopted to foster the demand for secondary raw materials, above all with regard to certain specific measures of a fiscal nature, such as concessionary VAT rates;

It is therefore suggested that the following words be added at the end of Article 4, paragraph 3: “promote and support the development of an economically sustainable recycling industry, combating illegal cross-border waste trafficking and introducing appropriate measures to support the market for recycled materials and products, such as concessionary tax rates, green acquisitions and tenders, and varying environmental grants according to product recyclability”;



The Committee deems it appropriate to clarify the provisions regarding the use of waste measurement quantity indicators. The lack of precision due to the absence of any specifications regarding what is being measured could give rise to non-homogeneous data. At all events, the indicators should also include recycling or be based on the quantity of waste produced.

Accordingly, Article 1(9) should be replaced by the following:

9) Article 9 is replaced with the following:

“Article 9 (*Prevention of waste*)

1. [...]

2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets to measure the quantity of waste produced, including waste sent for recycling, and in particular the per capita quantity of municipal waste that is disposed of or subject to energy recovery [...];

The 70 percent target should be retained, as the Committee proposed last year.

Accordingly, in Article 1, point 10(d) should be replaced by the following:

*d*) in paragraph 2, the following points © and (d) are added:

‘(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to at least 60 percent by weight;;

(d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to at least 70 percent weight.’;

The provisions for the separate collection of bio-waste are not sufficient to adequately incentivise this collection procedure. It would be appropriate to amend point *a*) to indicate that the purpose of recycling bio-waste is to produce quality compost and digestion of bio-waste.

Accordingly, Article 1(13) should be replaced by the following:

(13) Article 22 is replaced by the following:

“Member States shall ensure the separate collection of bio-waste, save where it has been shown to be technically, environmentally and economically impracticable, able to meet the necessary quality standards for compost and to attain the targets set out in Article 11(2)(a), ( c) and (d), and 11(3).

They shall take measures, as appropriate, and in accordance with Articles 4 and 13, to encourage the following:

(a) the recycling, including composting, and digestion of bio-waste in compliance with the relevant quality standards;

(b) the treatment of bio-waste in a way that fulfils a high level of environmental protection;

(c) the use of environmentally safe materials produced from bio-waste;

(d) energy recovery from agroindustrial waste and supporting highly innovative and productive sectors through the use of Fuel Cells (FCs);

By 2018, the Commission shall conclude an assessment of the advisability of setting minimum quality standards qualities for compost and digestion of bio-waste to guarantee a high level of protection of human health and the environment”;

The Committee also notes the absence of any specific measures for recovering bio-waste from municipal waste; the separate collection of bio-waste should be made mandatory on all the Member States by 2020, setting a target of at least 65 percent recycled by 2025;

Increased municipal waste prevention (reduction) is consistent with the targets set down in the **Seventh Environment Action Programme** and with the remit given to the Commission to lay down, before the end of 2014, waste prevention targets to be achieved by 2020. Accordingly, Article 1(17) should be replaced by the following:

(17) Article 29 is amended as follows:

a) in paragraph 1, the first sentence is replaced by the following:

“1. Member States shall establish waste prevention programmes setting out waste prevention measures in accordance with Articles 1, 4 and 9 to achieve the targets for reducing the quantity of municipal waste produced in 2025 by 10 percent of the levels recorded in 2015 and to reduce food waste by at least 30 percent by 2025, and by 50 percent by 2030.”;

d) paragraphs 3 and 4 are deleted;

In Article 1(2)(b), the proposal for a directive amends Article 3 of Directive 2008/98/EC, by introducing the definition of “non-hazardous waste”, to join “hazardous waste”. In particular, it defines “non-hazardous waste” to mean waste which displays none of the hazardous properties listed in Annex III. This definition appears to contradict Decision 2014/955/EU, containing the European Waste Catalogue (EWC), which considers “non-hazardous waste” to be entries listed in the Catalogue without an asterisk (\*) and which are not “mirror entries”. The Committee therefore proposes to delete the definition of “non-hazardous waste”.

The Commission proposes to delete various definitions from the packaging Directive in order to retain them only in the Waste Framework Directive. But in so doing, the definition of “organic recycling” which is present in Article 3(9) of Directive 94/62/EC, has not been taken up in Directive 2008/98/EC. It is therefore suggested that definition be included in Directive 2008/98/EC, to ensure the correct interpretation of the organic recycling operations included in the definition of recycling;

The proposal to reframe paragraph 1 and the new paragraph 3 of Article 5 of the Directive 2008/98/EC confers on the Member States the function of acting as guarantors for the application of European legislation governing by-products, introducing the express right of individual countries to adopt technical rules for this purpose. The Committee considers that these provisions are not intended to express the Commission’s wish to challenge the EU general conditions on identifying by-products, with the resultant risk of distorting competition. It would therefore be preferable not to change the existing wording of Article 5(1) of Directive 2008/98/EC, or as a secondary lesser alternative, to replace the word “ensure” with the word “promote”. It is also deemed appropriate to include in the new proposal for a Directive the regular updating of the Guidelines for interpreting

Directive 2008/98/EC published by the European Commission, which is considered to be a useful tool to guide the Operators with regard to applying the definition of by-product;

With reference to Extended Producer Responsibility (EPR), the Committee welcomes the introduction of minimum operating conditions (Articles 8 and 8a) to apply, since EPR can be a very effective means of managing waste by contributing to encouraging waste re-use, prevention, recycling and recovery. EPR must be a transparent system, based on the “polluter pays” principle, and the proper implementation of the principle should not entail any undue costs to the consumers-citizens, nor distort competition within and without the EU. But this instrument must be as flexible as necessary both to be able to take note of the different situations that exist in different situations and in market conditions (especially the price of raw materials, which affects the value of the recovered materials) influencing re-cycling by making it more or less profitable and hence practicable. The responsibility of producers for re-cycling the materials contained in the products placed on the market must be an important part of the EPR. The Circular Economy, in a slumping raw materials market, could be blocked if it makes it unprofitable for entrepreneurs to deal with recyclable materials whose treatment demands greater operational investment. In this regard, EPR must not be seen as a raw materials market-independent variable, but on the contrary the producer must act at different levels in a system of shared governance in which the roles and responsibilities of the stakeholders are clearly defined, and each party is guaranteed adequate consultation and participation in the implementation of the EPR scheme. “Equal treatment” and “non-discrimination” must be guaranteed within the same category of stakeholders (whereas, this principle seems to be expressly guaranteed only in the case of producers – cf. Article 8(a)(1) and can at all events be extended to include the undertakings for collecting, transporting and treating the waste to which EPR applies. Lastly, care should be taken to prevent the duplication of burdensome and unwarranted costs charged to the public and to business.

The Committee therefore proposes the following amendments:

- Article 8(a)(1) add to the end of the first indent: “ensuring appropriate forms of consultation and participation by these categories of operators for this purpose”.
- Article 8a(1) add to the end of the fourth indent: “and undertakings collecting, transporting and treating waste falling under the extended producer responsibility”.
- Article 8a(4)(a) that the end of the first indent: “and also taking account of the charges levied on citizens and business law municipal waste management”;

For the purpose of calculating whether the recycling targets have been attained (Article 11a), without prejudice to the foregoing relating to the definition of “*final recycling*” the Committee considers that it is absolutely necessary to avoid the possibility of introducing excessive derogations to the calculation method, in order to prevent excessive vagueness regarding the parameters, with the rest that it becomes impossible to compare national recycling rates. This being so, the Committee deems it more than sufficient, in paragraph 3, to provide the possibility in the final calculation of the target, a maximum of 10 percent of the discarded municipal waste to undergo final recycling;

With regard to the disposal of selectively collected paper, it is necessary to expressly prohibit landfilling;

The amendments made to Article 22 of the Directive weaken the requirement for the selective collection of bio-waste. The Committee therefore proposes to make the selective collection of bio-waste compulsory by 31 December 2018. If a Member State considers that it is technically, environmentally and economically unfeasible to introduce selective bio-waste collection, some procedure has to be introduced to report this to the European Commission in order to offer adequate justification for their difficulty in attaining the target;

In order to boost the identification of new and more sustainable ways of managing industrial waste, encouraging the recovery of waste instead of disposing of it, it would be appropriate to identify simpler provisions in Article 24 of Directive 2008/98/CE, which appear necessary to guarantee research, development and innovation in the matter of waste recovery or of new types of waste to be used for recovery activities already implemented;

The Commission's proposals make provision for the wide use of delegated acts. The Commission could therefore establish the characteristics of specific substances or objects to be considered as by-products. Delegated acts will also define the criteria for application to change the definition to "non-waste", after the recovery operations (*End of Waste*). Delegated acts will also be able to amend the European Waste Catalogue and the annexes to Directive 2008/98/EC. Appropriate consultations must be undertaken with the production sectors concerned by these provisions. More specifically, consultations must be held with operators whose production cycles produce raw materials and by-products from their recovery operations. This also applies to the proposal for a Directive referred to in COM (2015) 596 final.

With reference to the Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste COM/2015/0596 final;

One of the proposals for amending definitions deemed to be inconsistent with the definition of "packaging", is the amended definition proposed for "packaging waste" which does not explicitly exclude "production residues". Packaging is defined as such when it is designed to contain, protect, handle, deliver and present goods, and only as such does it help to determine the placing on the market of packaging and to attain recycling and recovery targets. Notwithstanding the need to define more clearly what is meant by "production residues", they should not be considered as packaging waste when referring to anything not meeting the definition of packaging itself;

With reference to the proposal to delete subparagraph 3 of Article 6 of Directive 94/62/EC from the packaging directive, giving the Member States the possibility to incentivise energy recovery where this is preferable to re-cycling, this prohibition should be extended to all products which can be composted, recycled and converted into secondary raw materials, requiring any energy recovery from packaging to take place more efficiently and by co-generation;

The Committee notes the absence of any target for 2030 regarding the preparation of plastic packaging for re-use and re-cycling. As an alternative to the parameter identified here, the Commission should at least be required to address the matter of setting such a target within the next few years. The target of 75 percent for plastic should therefore be incorporated into Article 1(3)(b) as (g);

Since it is difficult to compare the way of calculating targets provided by point (3) in Article 1, relating to Article 6 of the directive, they should be modified to make such comparisons easier. In this regard, the Committee once again proposes that the targets to be achieved should be quantified as 70 percent by 2025, and 80 percent by 2030.