



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Sénat for its Reasoned Opinion on the Commission's proposals for Directives amending Directive 2008/98/EC on waste, Directive 94/62/EC on packaging and packaging waste, and Directive 1999/31/EC on the landfill of waste {COM(2015) 594, 595 and 596 final}.

The Commission welcomes the overall support of the Sénat for the principles governing the Circular Economy package. In that regard, the Commission would like to stress that the Opinion of the Sénat on the previous legislative proposal on waste, which was presented in 2014 and withdrawn in 2015, provided an important contribution to the elaboration of the new package of proposals adopted in December 2015. The Commission has taken the views of the Sénat into account and notes that the new package includes ambitious yet realistic recycling and landfill reduction targets calculated on a clearly defined and consistent basis.

The Circular Economy package establishes a concrete programme of measures to help European businesses and consumers make the transition to a stronger, more competitive and circular economy where resources are used in a more sustainable way. It provides incentives and tools to "close the loop" of product lifecycles, ranging from more innovative and efficient ways of producing and consuming to higher levels of recycling and re-use. The transition to the circular economy model has the potential to create many jobs in Europe, while preserving precious and increasingly scarce resources, reducing environmental impacts of resource use and injecting new value into waste products.

The Commission notes the Sénat's concerns as regards the delegated or implementing powers conferred upon the Commission in the proposals. It is proposed that the Commission is empowered to adopt delegated acts to supplement certain non-essential elements of the legislative proposals, i.e. where there is a need to establish technical rules to implement the provisions of the Directive so that the framework legislation can remain relatively simple and stable. This concerns for example the common methodology for the calculation of the weight of metals that have been recycled in conjunction with incineration, measuring food waste, or

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the rules on data collection, verification and reporting by preparation for re-use operators. The provisions on indicators for waste prevention measures and the list of examples for the definition of packaging are already existing provisions in Directives 2008/98/EC (Article 29(4)) and 94/62/EC (Article 3(1)) that are being updated to reflect the changes brought by the Lisbon Treaty in relation to delegated acts. The proposal does not alter the substantive nature of the delegation to the Commission to supplement non-essential elements of the Directives. The provision on guidelines on the interpretation of the definitions of recovery and disposal is also an existing provision in Directive 2008/98/EC (Article 38(1)) and refers only to non-binding guidance.

As regards the provisions on the Early Warning Mechanism the Commission would like to highlight that compared to the Commission's 2014 proposal, these provisions have been significantly simplified and the mechanism now only foresees a report from the Commission. The objective of the report is to identify any risks of not meeting the targets well in advance of the target deadline and to help Member States avoid infringements. The Commission's recommendations contained in the report would not be binding on the Member States.

The points made above are based on the initial proposals presented by the Commission which are currently in the legislative process involving both the European Parliament and the Council in which your government is represented.

The Commission hopes that these clarifications address the issues raised by the Sénat and is looking forward to continuing our political dialogue in the future.

Yours sincerely,

*Frans Timmermans
First Vice-President*

*Karmenu Vella
Member of the Commission*