



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Senat for its 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 Senat for the Circular Economy package, which 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 also 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 and reducing environmental impacts of resource use.

This package thus contributes to a number of EU priorities: job creation, economic growth, investment, industrial innovation, social fairness, climate change and global efforts to secure sustainable development.

The Commission would like to stress that the Opinion of the Senat on the previous waste legislative proposal – presented in 2014 and withdrawn in 2015 – provided an important contribution and was duly taken into account by the Commission when drawing up the new proposals. These include ambitious yet realistic recycling and landfill reduction targets as an important contribution to the circular economy, calculated on a clearly defined and consistent basis. At the same time, the new proposals take better account of differences between Member States as regards waste management. A range of EU financial support measures are available to Member States and private operators to facilitate the achievement of these objectives.

In response to the more technical questions in the Opinion, the Commission would like to refer the Senat to the attached annex.

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The points made above and in the annex 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 the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Karmenu Vella
Member of the Commission*

ANNEX

The Commission has carefully considered each of the issues raised by the Senat in its Opinion and is pleased to offer the following clarifications.

Point 2:

The Commission sees the proposed landfill reduction target as an important step to achieve a transition to a circular economy model where the amount of waste that is not fed back into the economy is minimised. Furthermore, action on landfilling is clearly synergetic with and supportive of the proposed long-term targets on recycling. All proposed targets and calculation methods are based on extensive impact assessment work demonstrating both their feasibility and benefits (including in terms of job creation) as well as on broad stakeholder consultation.

Point 3:

As regards the definitions, the Commission has, inter alia, proposed a harmonised definition of municipal waste in order to ensure common interpretation, facilitate compliance and enable more effective monitoring of the progress on the recycling and landfilling targets based on reliable and comparable data. The proposed definition is based on the one used for statistical purposes by the European Statistical Office and the Organisation for Economic Co-operation and Development (OECD) and on the basis of which Member States have been reporting data for several years. With regard to the calculation method, the Commission's proposal clarifies the existing calculation rules with the intention to only take into account what is genuinely recycled, but with a certain level of tolerance for impurities. This clarification is not a departure from the existing rules and will help to improve the reliability and comparability of the reported data.

In line with the principles of the circular economy, the Commission proposes to amend the scope of waste management plans and waste prevention programmes in order to promote the reuse, collection and recovery of products and waste containing "critical raw materials". It is also proposed to introduce measures to address littering in order to limit its impact on the environment, increase the wellbeing of citizens and reduce high clean-up costs.

Point 4:

Concerning the definition of food waste, the general definition of waste applies. The Commission also proposes to adopt a methodology that will clarify how to measure and monitor food waste along the whole food production and supply chain. Pending this, Member States apply their own methodologies for measuring waste prevention measures as they already do under existing legislation.

Point 5:

With regard to reporting obligations, it is proposed to repeal the provisions obliging Member States to prepare implementation reports every three years as these reports have not proved to be an effective tool for verifying compliance and ensuring proper implementation, thereby creating an unnecessary administrative burden. Instead we propose that, in future,

compliance monitoring should only be based on the statistical data which Member States already report to the Commission every year, thereby reducing the administrative burden on Member States.

Point 6:

Extended producer responsibility forms an essential part of efficient waste management. The proposed requirement concerning an independent authority is only relevant where multiple organisations implement extended producer responsibility organisations. This obligation may be fulfilled by existing authorities without the need to establish new bodies.

Point 8:

Compared to the Commission's 2014 proposal, the transposition deadline has been extended from twelve to eighteen months taking into account the scope and nature of the proposed amendments.

Point 9:

Reading the Senat's concerns on the use of delegated acts, the Commission's approach to the delegation of power is based on the principle that acts adopted through a legislative procedure best ensure the democratic legitimacy foreseen by the Treaty. However, properly used, delegated and implementing powers are an integral tool of better law-making, contributing to simple and up-to-date legislation and its efficient and swift implementation. Therefore, the Commission will further reinforce its Treaty-based practice of proposing empowerments for delegated acts only where they concern non-essential elements and are justified, that is to say when it is not possible or less efficient or effective to include the relevant elements directly in the basic legislative act.

As regards the present proposals the Commission has proposed delegated acts to supplement certain non-essential elements, namely 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, for example as regards a common methodology for the calculation of the weight of metals that have been recycled in conjunction with incineration, measuring food waste, or the rules on data collection, verification and reporting by preparation for re-use operators.