



EUROPEAN COMMISSION

*Brussels, 20.07.2016
C(2016) 4714 final*

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the Circular Economy package {COM(2015) 593, 594, 595, 596 and 614 final}.

The Commission welcomes the Camera Deputaților's overall support 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 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 as well as reducing the environmental impacts of resource use.

Furthermore, moving towards a circular economy will simultaneously contribute to a number of EU priorities: job creation, economic growth, investment, industrial innovation, social fairness, climate change and global efforts to secure sustainable development.

To bring about this transition, the new proposals include ambitious yet realistic recycling and landfill reduction targets, calculated on a clearly defined and consistent basis. The new proposals also take better account of the differences in terms of waste management across the Member States.

It is recognised that Member States, such as Romania, which in 2013 had recycling rates for municipal waste below 20%, face greater implementation challenges. Therefore, the proposals foresee the possibility for Romania to obtain a five-year extension to the deadline for reaching the proposed recycling and landfill reduction targets. A range of EU financial support measures is available to Member States and private operators to facilitate the achievement of these objectives.

The Commission would, nevertheless, underline the importance of Romania stepping up its efforts to ensure a separate collection of waste and to expand sorting and recycling infrastructure. Romania may reap significant benefits in terms of jobs and growth from the full implementation of both existing EU waste legislation and the proposed new waste targets.

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The Commission notes the concerns raised by the Camera Deputaților in relation to the EU action plan for the Circular Economy {COM(2015) 614 final}. The action plan and its implementation will be taken forward in full compliance with the principles of Better Regulation. In particular, the Commission will give due consideration not to generate new administrative burdens for stakeholders.

In response to the more technical points in the Opinion, the Commission would like to refer the Camera Deputaților to the annex to this letter.

The Commission hopes that these clarifications address the issues raised by the Camera Deputaților and is looking 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 Camera Deputaților in its Opinion and is pleased to offer the following clarifications.

On the EU action plan for the Circular Economy {COM(2015) 614 final}:

Point 2: Concerning existing incentives for professional training systems at EU level, the Commission is pleased to inform the Camera Deputaților about the existence of Sector Skills Alliances calls under the Erasmus+ Programme. Sector Skills Alliances are transnational projects that aim to identify existing and emerging skills needs for professions in specific sectors and to strengthen the exchange of knowledge and best practices between education, training institutions and the labour market.

Point 6: The European Resource Efficiency Excellence Centre will strive to use resources to the benefits of small and medium-sized enterprises (SMEs). It proposes to use or refer to existing platforms of a similar nature in order to reach out to the greatest number of companies possible with relevant information and support whilst minimising the administrative burden.

Point 7: As regards the schemes identified to improve the resource efficiency of operations and the validity of claims, such as the Eco-Management and Audit Scheme (EMAS), Environmental Technology Verification (ETV) and the EU Ecolabel, the Commission recalls that these are voluntary instruments and that these measures are all undertaken in line with the principles of Better Regulation which ensure minimal administrative burden for those entities that decide to subscribe to them.

Point 8: In the EU action plan for the Circular Economy, the Commission proposes to support innovative industrial processes to facilitate resource efficiency and allow for industrial symbiosis. In its legislative proposals on waste, the Commission is proposing to clarify the rules for by-products and end-of-waste status. In this regard, the Commission envisages a more active role for national competent authorities in determining the waste and non-waste status in production and recovery processes to allow the use of such substances, materials and products to become inputs for other industries while at the same time safeguarding the objectives of environmental policy.

Point 10: The Unfair Commercial Practices Directive regulates misleading advertising and other unfair practices to protect consumers. The Directive contains a 'black list' of 31 particularly harmful practices which are banned, regardless of the circumstances. To help national authorities, businesses and other stakeholders in implementing the Directive in a uniform manner, especially with new and innovative online business models emerging, the Commission adopted updated guidance on unfair commercial practices on 25 May 2016. The adoption of the updated guidance was one of the deliverables of the action plan for 2016.

Consumers will benefit from an improved enforcement of the Directive, which should limit the use of unfair practices. Additionally, businesses will benefit from the legal certainty that the revised guidance will provide, allowing them to design their commercial practices in a way

that should be accepted across the EU. Honest businesses will face less unfair competition from rogue traders thanks to a clearer application of the rules.

On the relevance of the EU Ecolabel, the Commission has created a portal¹ where citizens and/or organisations that are aware of a product and/or service on the market displaying the EU Ecolabel logo that does not comply with the necessary criteria may submit a complaint.

Point 18: The impact assessments carried out by the Commission show that moving towards higher recycling targets will incur financial costs but that these will be offset by savings incurred through less waste being subject to residual waste treatment in addition to social and environmental benefits.

On the 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 {COM(2015) 593 final}:

Point 5: To decrease the administrative burden, the Commission proposes to simplify the reporting obligations of Member States by removing their obligation to report on the implementation of the four Directives that the Commission proposes to revise through the Circular Economy package and only asking Member States to report statistical data concerning the attainment of the relevant collection, recycling and recovery targets as they do already. The proposal that Member States accompany their reports with a quality check report is also an existing obligation.

Point 7: As regards new technologies, the Commission notes that the scope of Directives 2006/66/EC on batteries and accumulators and waste batteries and accumulators² as well Directive 2012/19/EU on waste electrical and electronic equipment (WEEE)³ is clearly defined and covers all batteries and accumulators, including Li-ion batteries, and all electric and electronic equipment, including certain photovoltaic panels, irrespective of the technologies used to produce them. However, a review of these Directives is not envisaged in the action plan for the Circular Economy.

On the proposal for a Directive amending Directive 2008/98/EC on waste {COM(2015) 595 final}:

Point 1: In line with the waste hierarchy, the proposal for a Directive amending Directive 2008/98/EC on waste envisages that Member States shall take waste prevention measures. For that purpose, the proposal lists a number of measures and waste streams that Member States may target. The proposal envisages that Member States are responsible for setting their own national targets and indicators to monitor waste prevention measures.

Point 2: The proposal reinforces the Member States' existing obligation to take waste prevention measures and monitor their implementation and for that purpose they shall set

¹ <http://ec.europa.eu/environment/ecolabel/non-compliance.html>

² OJ L 266, 26.9.2006, pp. 1-14.

³ OJ L 197, 24.7.2012, p. 38-71.

national targets and indicators. In addition, the link between Article 9 and 29 is strengthened. Member States are now required to take food waste prevention measures and measure their impacts in reducing food waste. To ensure good implementation, uniform methodologies for such measurement will be established at European level.

Point 3: Concerning the prevention of food waste, the Commission is committed to establishing an EU Platform on Food Losses and Food Waste which will facilitate the exchange of best practices among Member States.

Point 5: The Commission notes the Camera Deputaţilor's concerns as regards the delegated or implementing powers conferred on the Commission. The Commission has proposed 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. The proposed acts concerning preparation for re-use operators are aimed at defining rules for the reporting purposes for the calculation of the targets. For example, Article 7 of Directive 2008/98/EC is being updated to reflect the changes introduced by the Lisbon Treaty in relation to delegated acts. The proposal does not alter the substantive nature of the existing delegation to the Commission to supplement non-essential elements of the Directives.

On the proposal for a Directive on packaging and packaging waste {COM(2015) 596 final}:

Point 1: The Commission proposes to delete the priority list of items in Article 3(1) of Directive 94/62/EC on packaging and packaging waste⁴ to be considered for inclusion in Annex I to the same Directive because these items are already addressed by Directive 2013/2/EU⁵.

Points 3 and 5: The Commission has proposed 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. The proposed acts concerning preparation for re-use operators are aimed at defining rules for the reporting purposes for the calculation of the targets. For example, article 20 of Directive 94/62/EC on packaging and packaging waste is being updated to reflect the changes introduced by the Lisbon Treaty in relation to delegated acts. The proposal does not alter the substantive nature of the existing delegation to the Commission to supplement non-essential elements of the Directives.

Point 6: With regard to the proposed requirement for a quality check report to accompany reporting on targets, the Commission notes that Member States are already providing this information to the Commission in accordance with Regulation (EC) No 2150/2002 on waste statistics⁶ and waste stream specific guidelines issued by Eurostat.

Point 8: With regard to the proposed rules to ensure the traceability of waste, the Directive on packaging and packaging waste {COM(2015) 596 final} leaves it to the Member States to

⁴ OJ L 365, 31.12.1994, pp. 10-23.

⁵ OJ L 37, 8.2.2013, pp. 10-12.

⁶ OJ L 332, 9.12.2002, pp. 1-36.

decide on the most appropriate system to ensure quality control and traceability, including by means of an electronic registry that meets those objectives.