

PU Europe Comments
on
**the Commission proposal for Directive COM(2015)594 final
amending Directive 1999/31/EC on the landfill of waste**
**the Commission proposal for Directive COM(2015)595 final
amending Directive 2008/98/EC on waste**
**the Commission proposal for Directive COM(2015)596 final
amending Directive 94/62/EC on packaging and packaging waste**

Introduction:

- PU Europe supports the goals of these draft revised directives.
 - The harmonisation of definitions and reporting requirements will lead to better and more comparable statistics.
 - The stimulation of recycling, including that of construction and demolition waste (CDW), will reduce the landfill of valuable waste streams.
- Together with the Communication "Closing the loop - An EU action plan for the Circular Economy (COM(2015)614final)", they provide a holistic strategy for a more circular EU economy. PU Europe can subscribe to most proposals developed in the action plan including the proposed Waste-to-energy (WtE) initiative, the clarification of end-of-waste rules including quality standards for secondary plastic raw materials, the examination of the interface between chemicals, products and waste legislation, and the strategy for plastics. As regards construction and demolition waste, all measures can be supported apart from development of indicators to assess the environmental performance throughout the life cycle of a building. This duplicates other Commission-supported initiatives such as the CEN/TC350 standards and the Product Environmental Footprint method.
- Incineration with energy recovery should remain a sound end-of-life solution for construction and demolition waste. It reduces landfill of difficult-to-treat waste streams and replaces imported fossil fuels and, thus, increases Europe's energy supply security.
- Given the diversity of waste, including construction and demolition waste, a full toolbox of recovery options, from mechanical and feedstock recycling to energy recovery, is therefore needed to ensure eco-efficient end-of-life treatment and avoid landfill.

Specific comments:

Directive Directive COM(2015)594

PU Europe supports most of the provisions in this draft directive including the landfill reduction targets and the extended implementation periods for certain Member States as stipulated in art. 1(2)(c).

Commission proposal	PU Europe proposal
<p>Whereas:</p> <p>...</p> <p>(8) A progressive reduction of landfilling is necessary to prevent detrimental impacts on human health and the environment and to ensure that economically valuable waste materials are gradually and effectively recovered through proper waste management and in line with the waste hierarchy. This reduction should avoid the development of excessive capacity for the treatment of residual waste facilities, such as through energy recovery or low grade mechanical biological treatment of untreated municipal waste, as this could result in undermining the achievement of the Union's long-term preparation for reuse and recycling targets for municipal waste as laid down in Article 11 of Directive 2008/98/EC.</p> <p>...</p>	<p>Whereas:</p> <p>...</p> <p>(8) A progressive reduction of landfilling is necessary to prevent detrimental impacts on human health and the environment and to ensure that economically valuable waste materials are gradually and effectively recovered through proper waste management and in line with the waste hierarchy. This reduction should avoid the development of excessive capacity for the treatment of residual waste facilities, such as through low grade mechanical biological treatment of untreated municipal waste, as this could result in undermining the achievement of the Union's long-term preparation for reuse and recycling targets for municipal waste as laid down in Article 11 of Directive 2008/98/EC.</p> <p>...</p>

Justification:

In addition to its role in the EU energy mix, energy recovery must remain an integral part of end-of-life solutions. Experience has shown that countries with sufficient energy recovery capacities and incentives for recycling can ban the landfilling of organic waste and achieve high recycling rates.

Directive COM(2015)595final

PU Europe supports most of the provisions in this draft directive including those on by-products, end-of-waste status, extended user responsibility, waste prevention, re-use and recycling targets, target calculation, early warning systems and reporting requirements.

Commission proposal	PU Europe proposal
	<p style="text-align: center;">Art. 1 (9a)</p> <p>Article 10 is amended as follows:</p> <p>Recovery</p> <p>1. Member States shall take the necessary measures to ensure that waste undergoes recovery operations, in accordance with Articles 4 and 13.</p> <p>2. Where necessary to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other material with different properties.</p> <p>3. Member States shall take the necessary actions to ensure that sufficient high-efficiency waste-to-energy capacities are available to avoid landfill of waste streams for which other end-of-life options are technically, environmentally and economically not practicable.</p>

Justification:

The principle goal must be to avoid landfill. For some small, unstable waste streams, or waste products which are contaminated by others, energy recovery might be the environmentally and economically most favourable solution. In addition, it reduces the EU's import dependency of fossil fuels.

Commission proposal	PU Europe proposal
<p align="center">Art. 1 (10) (b)</p> <p>(b) in paragraph 1, the following sub-paragraph is inserted: 'Member States shall take measures to promote sorting systems for construction and demolition waste and for at least the following: wood, aggregates, metal, glass and plaster.';</p>	<p align="center">Art. 1 (8) (a)</p> <p>(b) in paragraph 1, the following sub-paragraph is inserted: 'Member States shall take measures to promote sorting systems for construction and demolition waste and for at least the following: wood, aggregates, metal, glass and plaster.';</p> <p>(ba) in paragraph 1, the following sub-paragraph is inserted: 'By 1st January 2018 at the latest, non-hazardous construction and demolition waste shall be segregated at least in its mineral and organic fractions'.</p>

Justification:

The segregation of different waste fractions is the starting point for avoiding landfill. Whilst this is common practice in a number of Member States, others do not have such a requirement. Although desirable, it may not always be economically viable to segregate the organic fraction in smaller fractions (i.e. wood, plastics etc.).

Commission proposal	PU Europe proposal
<p align="center">Art. 1 (10) (e)</p> <p>(10) Article 11 is amended as follows:</p> <p>...</p> <p>(e) paragraphs 3 and 4 are replaced by the following:</p> <p>'3. Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain five additional years for the attainment of the targets referred to in paragraph 2(c) and (d). The Member State shall notify the Commission of its intention to make use of this provision at the latest 24 months before the respective deadlines laid down in paragraphs 2(c) and (d). In the event of an extension, the Member State shall take the necessary measures to increase the preparing for re-use and the recycling of municipal waste to a minimum of 50% and 60% by weight, by 2025 and 2030 respectively.</p> <p>...</p>	<p align="center">Art. 1 (10) (e)</p> <p>(10) Article 11 is amended as follows:</p> <p>...</p> <p>(e) paragraphs 3 and 4 are replaced by the following:</p> <p>'3. Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain five additional years for the attainment of the targets referred to in paragraph 2(b), 2(c) and (d). The Member State shall notify the Commission of its intention to make use of this provision at the latest 24 months before the respective deadlines laid down in paragraphs 2(b), 2(c) and (d). In the event of an extension, the Member State shall take the necessary measures to increase the preparing for re-use and the recycling of municipal waste to a minimum of 50% and 60% by weight, by 2025 and 2030 respectively.</p> <p>...</p>

Justification:

A number of Member States are highly unlikely to meet the 70% target for construction and demolition waste as stipulated in art. 11 par. 2(b). The derogation should therefore be extended to this type of waste. The obligation to present an implementation plan and a detailed timetable should apply.

Directive COM(2015)596final

PU Europe supports the provisions in this draft directive including the reuse and recycling targets.

Brussels, 1st March 2016