



**Ευρωπαϊκό**  
Πανεπιστήμιο Κύπρου

LAUREATE INTERNATIONAL UNIVERSITIES

## **2014 Proposal for a Directive amending EU waste policy and regulation:**

**A progressive step towards effective waste  
management?**

**Dr Thalia Prastitou Merdi**

**3rd International Conference on Sustainable Solid Waste Management,  
Museum of Marble Crafts, Tinos Island, Greece, 3 July 2015**

# Topics for discussion



1. Introduction
2. Background
3. The Proposal's key targets
4. Discussion - Concluding Remarks





# INTRODUCTION



Effective **Waste Management**  
...to Save the Planet

# European Union Waste Law



Based on Article 192(1) of the Treaty of the Functioning of the European Union various legislative acts have been adopted in the area of environmental law



One of the most important of these areas is that of  
**EU Waste law:**

A “strangely engaging area of law”



# EU Waste Law – Basic Legislative Framework



**Waste Framework Directive  
2008/98/EC**

**Waste Incineration Directive  
2000/76/EC**

**Landfill Directive 99/31/EC**

**Packaging  
and  
Packaging  
Waste  
Directive**

**Batteries and  
Accumulators  
Directive**

**End of Life  
Vehicles  
Directive**

**Waste  
Electrical and  
Electronic  
Equipment  
Directive**

# Effective waste management

## A first class priority





# BACKGROUND



# How did we get here?



## RELEVANT EU LEGAL FRAMEWORK


**Directive 2008/98/EC on waste and repealing certain Directives**

**Directive 1999/31/EC on the landfill of waste**

**Directive 94/62/EC on packaging and packaging waste**

→ According to these Directives the **European Commission** had the **obligation**, by December 2014, to **review the correct implementation and application** of these Directives and to **present a proposal for revision**, if needed.



→ In July 2014 the European Commission, responding to the legal obligation set by these Directives, adopted the: 

**“Proposal for a Directive amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 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.**



Presented as part of a circular economy package **aiming to achieve a zero waste programme for Europe** and to establish a common and coherent EU legal framework to **promote the circular economy**

→ In March 2015, the new 2014 Commission **withdrew this 2014 Proposal**, along various other Commission proposals in the field of environment, maritime affairs and fisheries.

→ In its April 2015 Roadmap for a Circular Economy Strategy, the new Commission, explained that it **aims to bring forward a new and more ambitious proposal to promote effective waste management**, and it will therefore examine, how to make the 2014 Proposal “more country specific, and how to improve the implementation of waste policy on the ground”.

→ Can the 2014 Proposal form the basis for a **progressive step towards effective waste management?**



# THE PROPOSAL'S KEY TARGETS





# WASTE PREVENTION AND MANAGEMENT TARGETS



# 1. Recycling and preparing for re-use of municipal waste



→ New target for the recycling and preparing for re-use of **municipal waste** to be increased to a minimum of 50% by the beginning of 2020 and to a minimum of 70 % by 2030

→ **New WIDE “municipal waste” definition (At present restrictive “household waste” used)** covering household waste, waste from retail trade, small businesses, office buildings and institutions. More specifically it includes bulky waste (white goods, furniture, mattresses), yard waste and litter and waste from park and garden maintenance and street cleaning services.

→ **New, highly challenging, long-term high target of a minimum of 70 % recycling and preparing for re-use by 2030.**

## 2. Recycling and preparing for re-use of packaging waste – GENERAL TARGET



→ New target for the recycling and **preparing for re-use of packaging waste** to be increased to a minimum of 60% by the end of 2020, to a minimum of 70% by the end of 2025 and to a minimum of 80 % by the end of 2030.



## 2. Recycling and preparing for re-use of packaging waste – SPECIFIC MATERIAL TARGETS



SPECIFIC MATERIAL	AT PRESENT	2020	2025	2030
PLASTICS	22,5%	45%	60%	NONE STATED
WOOD	15%	50%	65%	80%
FERROUS METAL	50%	70%	80%	90%
ALUMINIUM	—	70%	80%	90%
GLASS	60%	70%	80%	90%
PAPER / CARDBOARD	60%	85%	90%	NONE STATED
TOTAL PACKAGING	60%	60%	70%	80%

## 2. Recycling and preparing for re-use of packaging waste



For the purpose of **calculating** whether the targets have been achieved, the weight of waste prepared for re-use and recycled shall be understood as the **weight of the waste put into a final preparing for re-use or recycling process less the weight of any materials which were discarded in the course of that process due to presence which need to be disposed of or undergo other recovery operations.**



*Therefore using “an output based” rather than an “input based” measurement*





### 3. Phasing out landfilling



→ As from the beginning of 2025, recyclable non-hazardous waste, particularly plastics, metals, glass, paper, cardboard and other biodegradable waste, **shall no longer be permitted to go to landfill**

→ Member States must ensure that the total weight of all non-recyclable, non-hazardous waste which goes to landfill does not exceed as from the beginning of 2025 and 2030, 25% and 5% accordingly of the total amount of municipal waste generated in the previous year.



## 4. Reducing food waste generation



→ Member States shall take measures to prevent food waste generation along the whole food supply chain. Food waste in the manufacturing, retail/distribution, food service/hospitality and household sectors shall be reduced by at least 30% between 1 January 2017 and 31 December 2025

- New “food waste” definition covering food (including inedible parts) lost from the food supply chain, not including food diverted to material uses such as bio-based products, animal feed, or sent for redistribution.
- Can this target be achieved by all Member States?
- Possible violation of the principle of proportionality

## 5. Seperate collection of biowaste



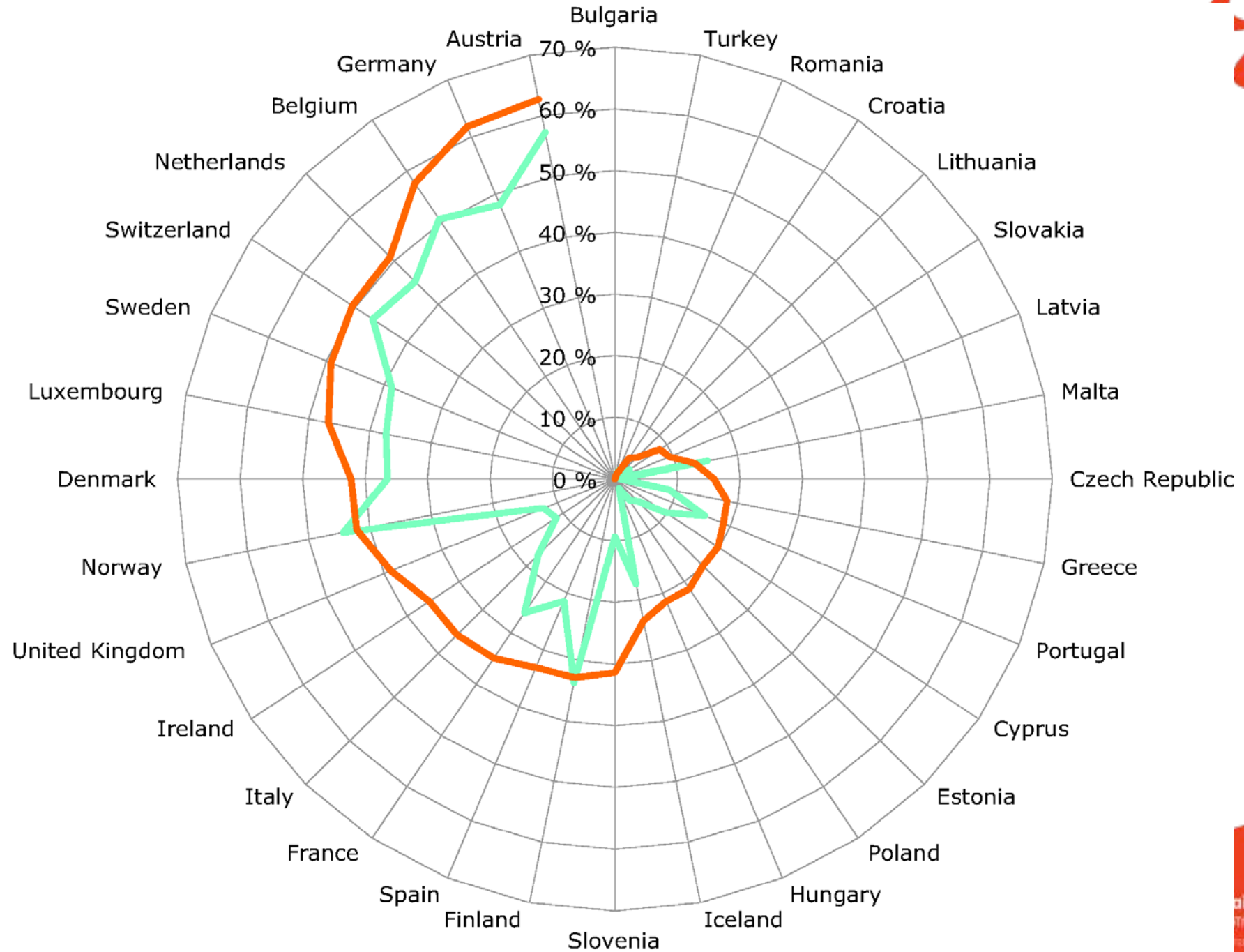
→ Member States shall **ensure separate collection of bio-waste by 2025**. This proposal should contribute, according to Recital 10 of the Proposal, to the prevention of contamination of recyclable materials

→ **Effective waste management proposal**

→ No further information / No procedure details provided by the Commission – must be done in the new proposal and must contain different percentage targets according to the current position of treating bio-waste in the various Member States.



# Are these targets achievable in practice? MUNICIPAL WASTE



— 2001 — 2010

# Out-put measurement of total packaging waste



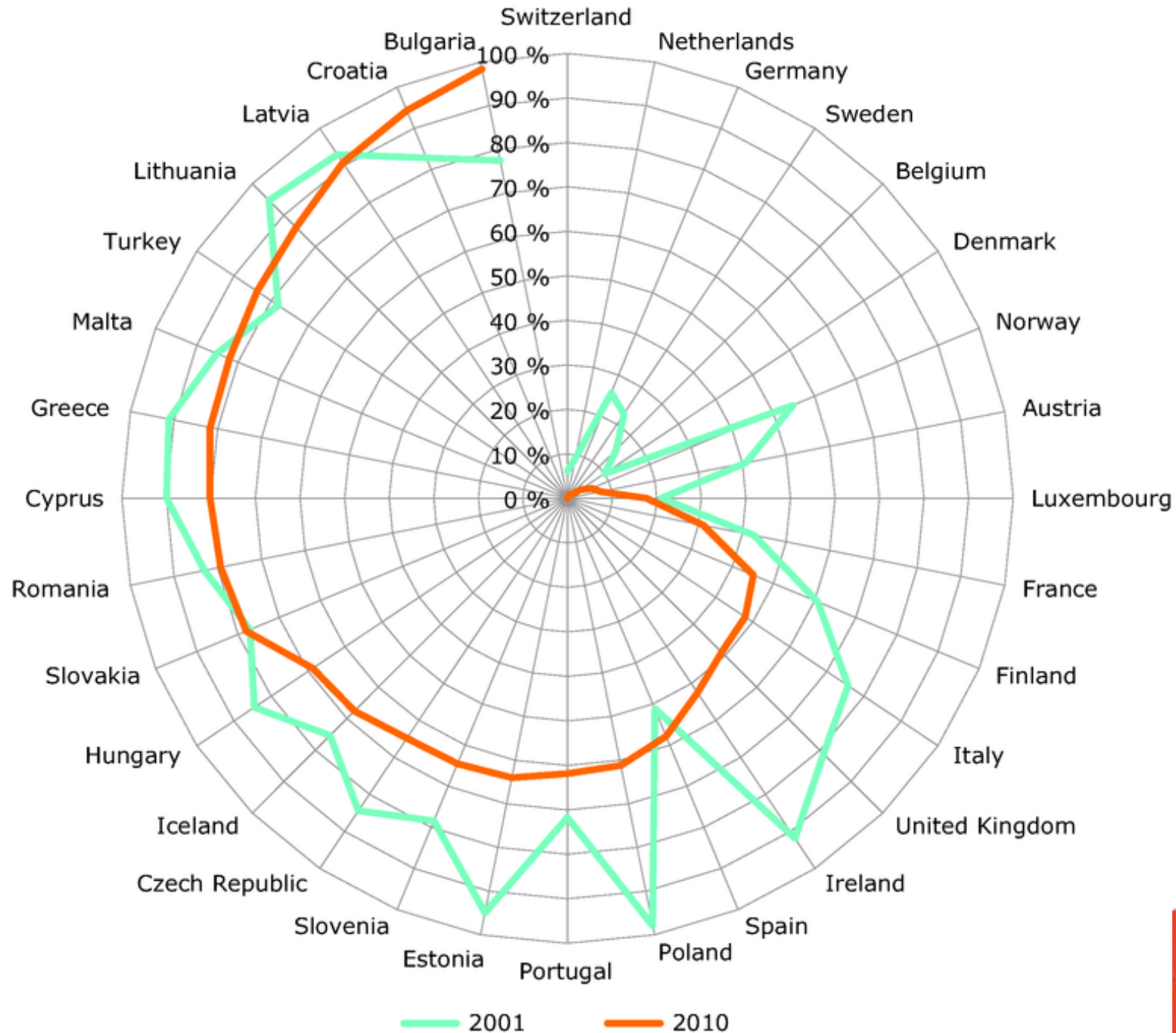
**Waste going into the recycling process often contains elements which, due to contamination, cannot be recycled.**



**THE OUT PUT MEASUREMENT RENDERS IT  
HARSH FOR MEMBER STATES TO ACHIEVE THE TARGETS**



# Are these targets achievable in practice? LANDFILL



# Overall...



- **In theory** these targets shall be welcomed as proposals leading to a zero waste programme for Europe.
- **In practice** they fail to take into account of the varying, or even at some instances opposite, present positions of the Member States regarding waste treatment.
- **Flat targeted approach might violate the principles of subsidiarity and proportionality** found in Article 5(3) and (4) accordingly of the Treaty of the European Union.
- Let's not forget the **Commission's already established practice of specifying individual targets** regarding this area of law (Directive 2004/12/EC amending Directive 94/62/EC)

**ALL OF THE ABOVE call instead for a varied approach IN THE NEW PROPOSAL targeting different group of Member States or even more a “country specific” approach.**



# OTHER TARGETS





## 6. Early Warning System



Three years before the expiry of each stipulated time limit set by the Directives, the Commission shall publish a report on the achievement of the targets set. The report shall contain:

- An **estimation of the achievement of the targets** by each Member State,
- An **assessment of the expected time of the achievement** of these targets and,
- **A list of Member States at risk of not meeting these targets** within the respective time limits, together with appropriate recommendations.

**Member States at risk of not meeting the targets shall submit to the Commission, within six months of the publication of the report, a compliance plan detailing the measures that they intend to take to achieve the targets.**



# Could it work in practice?

- It would have aided Member States to work closer to achieving waste prevention and management targets.
- It would have helped the Commission to respond more quickly to deficits found in the implementation of these targets in the Member States.



**Measure of effective waste management  
Could be inserted *per se* in the new proposal**



# 7. Extended Producer Responsibility



→ Member States shall take appropriate measures to encourage the design of products in order to reduce their environmental impact and the generation of waste.

→ When developing and applying extended producer responsibility, Member States should comply with the minimum requirements laid down in Annex VII these being, *inter alia*, taking into account the technical feasibility and economic viability of products, supporting litter prevention and clean-up activities and defining the geographical coverage of the schemes



## In practice....



- **Important alteration** as governments cannot directly affect waste disposal practices of businesses.
- Yet, according to Bonn and Reichert, *which measures are most suitable depends however on the local conditions and can therefore only be decided individually by the Member States.*
- In the **new proposal** Member States should therefore **NOT** be restricted by minimum requirements with regard to extended producer responsibility.



## 8. Record Keeping Duties



- **All businesses** that produce, collect or transport waste, hazardous or non – hazardous, shall keep a chronological record of the quantity, nature and origin of the waste, and, where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste.
- This information shall be made available to competent authorities



# 9. Reporting to the Commission



→ Member States should transmit **annually** their data concerning the implementation of waste prevention and management targets electronically to the Commission. More importantly the data reported by each Member State shall be accompanied by a quality check report and shall be verified by an independent third party



## In practice....



- Economic perspective: Increase of administrative costs
- Legal perspective: **Simplify the Commission's task of monitoring all companies producing or treating waste more efficient and transparent** (regarding record keeping duties) and **allow better monitoring, on behalf of the Commission, of the waste prevention and management targets set** (regarding reporting to the Commission).
- **THESE TWO AMENDED NEW TARGETS COULD THEREFORE BE INCLUDED IN THE NEW PROPOSAL**





# DISCUSSION – CONCLUDING REMARKS





# A progressive step forward effective waste management?



- Effectiveness of each of these measures diverges from one another.
- The 2014 Proposal forms a step forward, or even the initial basis for effective waste management
- Yet a long way still exists for the submission of a legislative proposal being a progressive step towards effective waste management





**THANK YOU!**

