



18.2.2016

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion by the French Senate on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste
(COM(2015)0594 – C8-0384/2015 – 2015/0274(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, any national parliament may, within eight weeks from the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why they consider that the draft in question does not comply with the principle of subsidiarity.

The French Senate has sent the attached reasoned opinion on the aforementioned proposal for a directive.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the principle of subsidiarity.

Pursuant to Article 73(g), paragraphs 4 and 5, of the Senate's Rules of Procedure, the resolution adopted by the Committee on Spatial Planning and Sustainable Development, worded as follows, has become a Senate resolution:

The proposals for directives amending Council Directive 1993/31/EC on the landfill of waste [COM (2015) final 594], amending Directive 2008/98/EC on waste [COM (2015) 595 final] and amending Directive 94/62/EC on packaging and packaging waste [COM (2015) 596 final] are part of a package designed to promote the circular economy and increase the recycling and reuse of packaging waste (to at least 65% by weight by 2025 and 75% by 2035) and of municipal waste (to at least 60% by weight by 2020 and 65% by 2030) and to reduce the landfilling of municipal waste (to no more than 10% by weight by 2030).

Having regard to Article 88(6) of the Constitution,

The Senate makes the following comments:

- the justification for the principle of normative intervention by the Union appears to be the cost of recycling and the consequent need for fair competition within the European Union;
- however, the use of delegated acts and implementing acts in the two texts concerns a number of substantive provisions, such as the definition of overall performance indicators as regards waste prevention, the list of recyclable waste and packaging, the quantitative threshold for non-hazardous waste, the designation of operators responsible for preparation for re-use and the network of approved collection centres;
- in the same spirit, the establishment by the European Commission of guidelines for the interpretation of the terms 'recovery' and 'disposal' of waste could compromise national practices, which are inherently better able to take into account the technical, economic and environmental context;
- finally, the nature of the warning report drawn up by the European Commission in the case of the failure by a Member State to achieve the objectives of these draft directives is insufficiently defined, particularly with regard to the recommendations to which they will give rise and to their binding character: thus tax incentives are envisaged even though taxation falls under the competence of the Member States.

For the reasons set out above, the Senate considers that proposals for directives COM(2015)594 final, COM(2015)595 final and COM(2015)596 final do not comply with the principle of subsidiarity.

This text became a Senate resolution on 2 February 2016.