



**2015/0275(COD)**

16.8.2016

# **AMENDMENTS**

## **366 - 609**

**Draft report**

**Simona Bonafè**

(PE580.497v01-00)

on the proposal for a directive of the European Parliament and of the Council  
amending Directive 2008/98/EC on waste

Proposal for a directive

(COM2015(0595) – C8-0382/2015 – 2015/0275(COD))



**Amendment 366**  
**Mark Demesmaecker**

**Proposal for a directive**  
**Article 1 – paragraph -1 (new)**  
Directive 2008/98/EC  
Article 1 – paragraph 1

*Present text*

"This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use."

*Amendment*

**(-1) In Article 1, paragraph 1 is replaced by the following:**

"This Directive lays down measures to protect the environment and human health by preventing or reducing the **generation of waste, the** adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use, **which are crucial for the transition to a circular economy and for guaranteeing the EU's long-term competitiveness.**"

Or. en

*Justification*

*The Waste Framework Directive is an important instrument to enhance the circular economy. This should be made clear in the scope of the Directive.*

**Amendment 367**  
**Elisabeth Köstinger, Albert Deß, Herbert Dorfmann**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point -1 (new)**  
Directive 2008/98/EC  
Article 2 – paragraph 1 – point 1 c

*Present text*

(c) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used

*Amendment*

**(-1) In Article 2(1), point c is replaced by the following:**

‘(c) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used

for the purposes of construction in its natural state ***on the site from which it was excavated***;

for the purposes of construction in its natural state;’

Or. xm

#### *Justification*

*Soil improvement using uncontaminated excavated material should also be excluded from the scope of Directive 2008/98/EC. Soil is a valuable asset and it should be possible to use it to optimise the productivity of agricultural land.*

### **Amendment 368**

**Giovanni La Via, Aldo Patriciello, Alberto Cirio**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point -1 a (new)**

Directive 2008/98/EC

Article 2 – paragraph 1 – point f

#### *Present text*

**(f) faecal matter, if not covered by paragraph 2(b)**, straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health.

#### *Amendment*

**(-1a) In Article 2 (1), the point f is replaced by the following:**

**‘(f) livestock effluent**, straw and other natural non-hazardous agricultural or forestry material, ***including plant residues from the maintenance of parks and gardens and*** used in farming, forestry or for the production of energy ***and fertilisers*** from such biomass through processes or methods which do not harm the environment or endanger human health.’

Or. xm

#### *Justification*

*It would be advisable to replace the term ‘faecal matter’ with the term ‘livestock effluent’, the definition of which is provided by the Nitrates Directive. The reference to paragraph 2(b) should be removed, in order to eliminate the matrices where they are re-used in agriculture or energy production. Action needs to be taken to strengthen measures to prevent waste in the agricultural sector, by including, among the excluded material, plant residues from parks and gardens where used in farming and/or energy, or to produce fertilisers.*

## **Amendment 369**

**Giovanni La Via, Aldo Patriciello, Alberto Cirio**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point -1 b (new)**

Directive 2008/98/EC

Article 2 – paragraph 1 – point e a (new)

*Text proposed by the Commission*

*Amendment*

**(-1b) In Article 2(1), the following point ea is inserted:**

**‘(ea) digestate, for agricultural use, produced by anaerobic digestion plants managed by agricultural and food undertakings with substances and materials of agricultural, zootechnical or forest origin, in compliance with the limits and criteria established by the Member States;’**

Or. xm

### *Justification*

*This amendment will enable the EU-wide difficulties in interpretation which have arisen in recent years to be overcome, as regards the use in farming of digestate produced by matrices of agricultural and zootechnical origin in anaerobic digestion plants managed by agricultural and agri-food undertakings.*

## **Amendment 370**

**Giovanni La Via, Aldo Patriciello, Alberto Cirio**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point -1 c (new)**

Directive 2008/98/EC

Article 1 – paragraph 1 – point e b (new)

*Text proposed by the Commission*

*Amendment*

**(-1c) In Article 2(1), the following point eb is inserted:**

**‘(eb) ash, for agricultural use as a soil improver, produced by combustion plants providing energy, managed by agricultural and food undertakings, with**

*non-hazardous substances and materials of agricultural, zootechnical or forest origin, in compliance with the limits and criteria established by the Member States;'*

Or. xm

#### *Justification*

*This amendment will enable the EU-wide difficulties in interpretation which have arisen in recent years to be overcome, as regards the use in farming of ash, produced by combustion plants providing energy, from matrices of agricultural and zootechnical origin, and managed by agricultural and agri-food undertakings.*

#### **Amendment 371** **Kateřina Konečná**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a

#### *Text proposed by the Commission*

‘1a. "municipal waste" means

*(a) mixed waste and separately collected waste from households including:*

- paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators;*
- bulky waste, including white goods, mattresses, furniture;*
- garden waste, including leaves, grass clipping;*

#### *Amendment*

‘1a. "municipal waste" means *household waste and similar commercial, industrial and institutional wastes including separately collected fractions (chapter 20 of the list of waste) and packaging including separately collected municipal packaging waste (code 15 01 of the list of waste).*’

*(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition and quantity.*

*(c) market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.*

*Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'*

Or. en

#### **Amendment 372**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2000/98/EC

Article 3 – point 1 a

*Text proposed by the Commission*

*Amendment*

‘1a. "municipal waste" means

‘1a. "municipal waste" means **waste from households, as well as other waste which, because of its nature and composition, is similar to waste from household;**

Or. en

#### **Amendment 373**

**Jytte Guteland, Pavel Poc**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a

*Text proposed by the Commission*

‘1a. *"municipal waste"* means

*Amendment*

‘1a. *household waste and similar commercial, industrial and institutional wastes* means

Or. en

#### **Amendment 374**

**Gilles Pargneaux, Pervenche Berès**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point a

*Text proposed by the Commission*

(a) mixed waste and separately collected waste from households including:

– paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators;

– bulky waste, *including white goods*, mattresses, furniture;

– garden waste, including leaves, grass *clipping*;

*Amendment*

(a) mixed waste and separately collected waste from households *and other sources that is comparable to household waste in nature, composition and quantity and which undergoes the same waste management as household waste*, including *market cleansing waste and waste from street cleaning services (particularly street sweepings, the content of litter containers and waste from park and garden maintenance)*. *Municipal waste includes* paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators, bulky waste (*for example* mattresses, furniture) *and* garden waste (including *for example* leaves *and* grass *clippings*);



*Justification*

*The recycling target for municipal waste, and the associated definition of such waste, are intended, in particular, to define the performance of the waste management services rendered to households. It is therefore essential that the definition of municipal waste should include the concept of comparable quantity, so that the definition does not cover waste from economic activities, which are in no way linked to the service provided to households. A recycling target for waste from economic activities should be set not by extending the definition of municipal waste but on the basis of specific targets, in order to genuinely cover them all. Although the new definition of municipal waste proposed by the Commission is perfectly compatible with the definition in the document 'Guidance on municipal waste data collection' published by the Commission (Eurostat, Directorate E, Unit E-3) in November 2012, that definition should be amended slightly in order to clarify the extent to which waste not produced by households is covered by the definition of municipal waste (typically where it is managed in the same way as household waste).*

**Amendment 375****György Hölvényi****Proposal for a directive****Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a – point a

*Text proposed by the Commission*

(a) mixed waste and separately collected waste from households including:

*Amendment*

(a) mixed waste and separately collected waste from households - ***that is generated in the course of satisfying everyday consumption needs*** - including:

Or. en

*Justification*

*The reason why municipal waste is different from other kinds of waste is that municipal waste is generated typically in the course of the satisfaction of everyday consumption needs. Therefore definition of municipal waste needs to be more exact in this sense, and contain a reference to the circumstance and intention by which municipal waste is generated. This way the differences between household waste and similar household waste can be more sharply distinguishable.*

**Amendment 376**  
**Elisabeth Köstinger, Albert Deß**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2008/98/EC  
Article 3 – point 1a – point a

*Text proposed by the Commission*

*Amendment*

(a) mixed waste and separately  
collected waste from households  
*including:*

(a) mixed waste and separately  
collected waste from households.

Or. en

*Justification*

*The definition of "municipal waste" in Article 3 should be kept as simple as possible, complemented with the detailed explanation coherent with the OECD and Eurostat questionnaire in recital 6.*

**Amendment 377**  
**Elisabeth Köstinger, Albert Deß**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2008/98/EC  
Article 3 – point 1 a – point a – indent 1

*Text proposed by the Commission*

*Amendment*

- *paper and cardboard, glass metals,* *deleted*  
*plastics, bio-waste, wood, textiles, waste*  
*electrical and electronic equipment, waste*  
*batteries and accumulators;*

Or. en

*Justification*

*The definition of "municipal waste" in Article 3 should be kept as simple as possible, complemented with the detailed explanation coherent with the OECD and Eurostat questionnaire in recital 6.*

## **Amendment 378**

**Tibor Szanyi**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point a – indent 1

#### *Text proposed by the Commission*

- paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, **waste electrical and electronic equipment, waste batteries and accumulators**;

#### *Amendment*

- paper and cardboard, glass metals, plastics, bio-waste, wood, textiles;

Or. en

## **Amendment 379**

**Alberto Cirio**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point a – indent 1

#### *Text proposed by the Commission*

- paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, **waste electrical and electronic equipment, waste batteries and accumulators**;

#### *Amendment*

- paper and cardboard, glass metals, plastics, bio-waste, wood, textiles;

Or. en

#### *Justification*

*The deleted items are already covered by the WEEE directive (2012/19/EU)*

## **Amendment 380**

**Elisabeth Köstinger, Albert Deß**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC  
Article 3 – point 1a – point a – indent 2

*Text proposed by the Commission*

*Amendment*

- ***bulky waste, including white goods, mattresses, furniture;*** ***deleted***

Or. en

*Justification*

*The definition of "municipal waste" in Article 3 should be kept as simple as possible, complemented with the detailed explanation coherent with the OECD and Eurostat questionnaire in recital 6.*

**Amendment 381**  
**Elisabetta Gardini, Alberto Cirio**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2008/98/EC  
Article 3 – point 1a – point a – indent 2

*Text proposed by the Commission*

*Amendment*

- bulky waste, ***including white goods,*** mattresses, furniture;  
- bulky waste, mattresses, furniture;

Or. en

**Amendment 382**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2008/98/EC  
Article 3 – point 1a – point a – indent 2

*Text proposed by the Commission*

*Amendment*

- bulky waste, including ***white goods,*** mattresses, furniture;  
- bulky waste, including mattresses, furniture;

Or. en

*Justification*

*White goods are not part of bulky waste. Moreover, white goods are already covered by the prior reference to "waste electrical and electronic equipment".*

**Amendment 383**

**Elisabeth Köstinger, Albert Deß**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point a – indent 3

*Text proposed by the Commission*

*Amendment*

- *garden waste, including leaves,* *deleted*  
*grass clipping;*

Or. en

*Justification*

*The definition of "municipal waste" in Article 3 should be kept as simple as possible, complemented with the detailed explanation coherent with the OECD and Eurostat questionnaire in recital 6.*

**Amendment 384**

**Gilles Pargneaux, Pervenche Berès**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a – point b

*Text proposed by the Commission*

*Amendment*

(b) *mixed waste and separately* *deleted*  
*collected waste from other sources that is*  
*comparable to household waste in nature,*  
*composition and quantity.*

Or. fr

## Amendment 385

Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point a

Directive 2008/98/EC

#### Article 3 – point 1 a – point b

##### *Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is ***comparable*** to household waste in nature, composition ***and quantity***.

##### *Amendment*

(b) mixed waste and separately collected waste from other sources that is ***similar*** to household waste in nature ***and composition, and that is listed in Chapters 15 01 and 20 of the annex to Directive 2000/532/EC on the ‘European waste list’<sup>1a</sup>***.

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<sup>1a</sup> 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (notified under document number C(2000) 1147) OJ L 226, 6.9.2000, p. 3–24

Or. de

## Amendment 386

Julie Girling

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point a

Directive 2008/98/EC

#### Article 3 – point 1 a – point b

##### *Text proposed by the Commission*

(b) mixed waste and separately collected waste from ***other sources*** that is comparable to household waste in nature, ***composition and quantity***.

##### *Amendment*

(b) mixed waste and separately collected waste from ***small businesses, office buildings and institutions including schools, hospitals, and government***

**buildings**, that is comparable to household waste in nature **and composition**.

Or. en

*Justification*

*This amendment acknowledges that in some Member States, commercial waste is sometimes collected, managed and measured differently to household and comparable waste. Significant difficulties in calculating targets and fulfilling traceability requirements could result from an unclear definition.*

**Amendment 387**

**György Hölvényi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is **comparable** to household waste in nature, **composition and quantity**.

*Amendment*

(b) mixed waste and separately collected waste from other sources **than households** that is **similar** to household waste in nature **and composition**.

Or. en

**Amendment 388**

**Josu Juaristi Abaunz**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition and **quantity**.

*Amendment*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature **and composition and material properties**.

**Amendment 389**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a – point b

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, ***composition and quantity***.

*Amendment*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature ***and composition***.

Or. en

*Justification*

*The word "quantity" can create confusion*

**Amendment 390**

**Elisabeth Köstinger, Albert Deß**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a – point b

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, ***composition and quantity***.

*Amendment*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature ***and composition***.

Or. en

*Justification*

*A criterion of quantity for similar wastes from other sources than households is not included in the OECD and Eurostat definition of "municipal waste".*



**Amendment 391**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a – point b

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is ***comparable*** to household waste in nature, composition and quantity.

*Amendment*

(b) mixed waste and separately collected waste from other sources that is ***similar*** to household waste in nature, composition and quantity.

Or. fr

**Amendment 392**

**Tibor Szanyi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is ***comparable*** to household waste in nature, composition and quantity.

*Amendment*

(b) mixed waste and separately collected waste from other sources that is ***similar*** to household waste in nature, composition and quantity.

Or. en

**Amendment 393**

**Mark Demesmaeker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, ***composition and quantity***.

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature ***and composition***.

Or. en

*Justification*

*The parameters "nature" and "composition" are sufficient to determine whether waste is comparable to household waste.*

**Amendment 394**

**Jytte Guteland, Miapetra Kumpula-Natri, Pavel Poc**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) mixed waste and separately collected waste from other sources that is ***comparable*** to household waste in nature, ***composition and quantity***.

(b) mixed waste and separately collected waste from other sources that is ***similar*** to household waste in nature ***and composition***.

Or. en

**Amendment 395**

**Eva Kaili**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) mixed waste and separately collected waste from other sources that is ***comparable*** to household waste in nature,

(b) mixed waste and separately collected waste from other sources that is ***similar*** to household waste in nature,

composition *and quantity*.

composition.

Or. en

#### **Amendment 396**

**Merja Kyllönen**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

##### *Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition *and quantity*.

##### *Amendment*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition.

Or. en

#### **Amendment 397**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, José Inácio Faria, Pavel Telička**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point b

##### *Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is *comparable* to household waste in nature, composition and quantity.

##### *Amendment*

(b) mixed waste and separately collected waste from other sources that is *similar* to household waste in nature *and* composition and *comparable in* quantity.

Or. en

#### **Amendment 398**

**Gesine Meissner**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 2 – point a**

*Text proposed by the Commission*

(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition and quantity.

*Amendment*

(b) mixed waste and separately collected waste from other sources ***such as trade, office buildings and public institutions***, that is comparable to household waste in nature, composition and quantity, ***with the exception of waste from agricultural and industrial processes***.

Or. de

*Justification*

*A definition of municipal waste is welcome. However, the proposed definition is too vague, and the amendment defines the waste streams concerned more specifically. A reliable and clear definition is important because it will also be incorporated into other legislation.*

**Amendment 399**

**Gilles Pargneaux, Pervenche Berès**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point c

*Text proposed by the Commission*

(c) ***market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.***

*Amendment*

***deleted***

Or. fr

**Amendment 400**

**Elisabeth Köstinger, Albert Deß**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – point c

*Text proposed by the Commission*

*Amendment*

(c) ***market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.*** ***deleted***

Or. en

*Justification*

*The definition of "municipal waste" in Article 3 should be kept as simple as possible, complemented with the detailed explanation coherent with the OECD and Eurostat questionnaire in recital 6.*

**Amendment 401**

**Jytte Guteland, Pavel Poc**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2

*Text proposed by the Commission*

*Amendment*

***Municipal*** waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;

***Household*** waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;

Or. en

*Justification*

*The definition should be neutral as to who is responsible for the collection of waste. Therefore the term "municipal waste" should not be used. Instead the concept "Household waste and similar commercial, industrial and institutional wastes" are used.*

**Amendment 402**  
**Elisabetta Gardini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1 a – paragraph 2

*Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;’

*Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste ***and waste generated in production sites (including warehouses), except for waste generated in canteens, factory outlets, offices and areas that are open to the public.***

***This definition applies in accordance with the requirements of Directive 2012/19/EU and Directive 2006/66/EC;***

Or. en

**Amendment 403**  
**Alberto Cirio**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2

*Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge ***and*** construction and demolition waste;’

*Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge, construction and demolition waste ***and waste generated in production sites (including warehouses), except for waste generated in canteens, factory outlets, offices and areas that are open to the public; this definition applies in accordance with the requirements of Directive 2012/19/EU and Directive 2006/66/EC;***

*Justification*

*Consistency is needed with other amendment*

**Amendment 404**  
**Christofer Fjellner**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2008/98/EC  
Article 3 – point 1a – paragraph 2

*Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'

*Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge, ***commercial and industrial waste, including from SMEs*** and construction and demolition waste;

Or. en

**Amendment 405**  
**Tibor Szanyi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a**  
Directive 2008/98/EC  
Article 3 – point 1a – paragraph 2

*Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'

*Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge, ***industrial and commercial, including from SMEs*** and construction and demolition waste;

Or. en

#### **Amendment 406**

**Jasenko Selimovic, Frédérique Ries, Anneli Jäätteenmäki**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2

#### *Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'

#### *Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste **as well as industrial process waste**;

Or. en

#### **Amendment 407**

**György Hölvényi**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2

#### *Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'

#### *Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge, **industrial and commercial waste**, and construction and demolition waste;

Or. en

#### **Amendment 408**

**Gilles Pargneaux, Pervenche Berès**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2



*Text proposed by the Commission*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'

*Amendment*

Municipal waste does not include waste from sewage network and treatment, including sewage sludge, ***end-of-life vehicles*** and construction and demolition waste;'

Or. fr

**Amendment 409**

**Jasenکو Selimovic, Frédérique Ries, Anneli Jäätteenmäki**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The public or private status of the operator managing waste shall not affect the process of determining whether waste is considered as municipal waste as defined in the first and second subparagraph.***

Or. en

**Amendment 410**

**Karl-Heinz Florenz**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The definition of municipal waste in this Directive is neutral with regard to the public or private status of the operator managing waste.***

*Justification*

*The definition of municipal waste should be neutral. The role of the public and private sectors in waste collection varies widely between Member States, it is the competence of Member States to decide upon it.*

**Amendment 411**

**Alberto Cirio**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*The definition of municipal waste in this Directive is neutral with regard to the public or private status of the operator managing waste.*

Or. en

**Amendment 412**

**Christofer Fjellner**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*The definition of municipal waste in this Directive is neutral with regard to the public or private status of the operator managing waste.*

Or. en

**Amendment 413**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The definition is neutral as regards the private or public status of the waste management operator.***

Or. fr

**Amendment 414**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Ulrike Müller, Anneli Jäätteenmäki, Jan Huitema, José Inácio Faria, Pavel Telička**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The definition of municipal waste in this Directive is neutral with the regard to the public or private status of the operator managing waste.***

Or. en

**Amendment 415**

**Sirpa Pietikäinen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a**

Directive 2008/98/EC

Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***The definition of municipal waste in this Directive is neutral with regard to the***

*public or private status of the operator  
managing waste.*

Or. en

*Justification*

*In line with recital 6 of the Commission proposal (2015/0275 (COD)), the principle of neutrality should be clearly stipulated in the legislative part.*

**Amendment 416**  
**Karl-Heinz Florenz**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a b (new)**  
Directive 2008/98/EC  
Article 3 – point 1a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*Member States may use corresponding  
categories in the list of waste for statistical  
purposes.*

Or. en

*Justification*

*It has to be possible to use the corresponding waste codes to define municipal waste (Chapters 15 01 (Packaging) and 20 (Municipal waste)). This ensures that there is an understanding of those materials and substances which are incorporated into the term “municipal waste”. Otherwise this would cause statistical problems.*

**Amendment 417**  
**Josu Juaristi Abaunz, Estefanía Torres Martínez**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point a a (new)**  
Directive 2008/98/EC  
Article 3 – point 1b (new)

*Text proposed by the Commission*

*Amendment*

*(aa) the following point is inserted:*

***1b. "commercial and industrial waste" means mixed waste and separately collected waste from commercial and industrial activities and/or premises.***

***Commercial and industrial waste does not include municipal waste, construction and demolition waste and waste from sewage network and treatment, including sewage sludge;***

Or. en

#### **Amendment 418**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a a (new)**

Directive 2008/98/EC

Article 3 – point 1 b (new)

*Text proposed by the Commission*

*Amendment*

***(aa) the following point is inserted:***

***1b. "'commercial and industrial waste" means mixed waste and separately collected waste derived from commercial or industrial activities and from the activities of administrations, or their installations.***

***Commercial and industrial waste does not include municipal waste, construction and demolition waste and waste from sewerage networks and sewage treatment plants, including sewage sludge;'***

Or. xm

#### **Amendment 419**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a a (new)**

Directive 2008/98/EC

Article 3 – point 1 b (new)

*Text proposed by the Commission*

*Amendment*

*(aa) The following point is inserted:*

*1b. “commercial and industrial waste” means mixed waste and separately collected waste from commercial and industrial activities and/or premises.*

Or. xm

**Amendment 420**

**Alberto Cirio**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a a (new)**

Directive 2008/98/EC

Article 3 – point 1 b (new)

*Text proposed by the Commission*

*Amendment*

*(aa) The following point is inserted:*

*1b. "commercial and industrial waste" means mixed waste and separately collected waste from commercial and industrial activities and/or premises. Commercial and industrial waste does not include municipal waste.*

Or. en

*Justification*

*Linked to other amendment meant to separate such waste from the municipal one.*

**Amendment 421**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Ulrike Müller, Jan Huitema, José Inácio Faria, Pavel Telička**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a a (new)**

Directive 2008/98/EC

Article 3 – point 1 b (new)

*Text proposed by the Commission*

*Amendment*

**(aa) The following point is inserted:**

**"1b. "commercial waste" means mixed wastes and separately collected wastes from commercial activities and/or premises. Commercial waste does not include municipal waste, construction and demolition waste and waste from sewage network and treatment, including sewage sludge;"**

Or. en

**Amendment 422**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Ulrike Müller, Jan Huitema, José Inácio Faria, Pavel Telička**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point a b (new)**

Directive 2008/98/EC

Article 3 – point 1 b (new)

*Text proposed by the Commission*

*Amendment*

**(ab) The following point is inserted:**

**"1c. "industrial waste" means mixed wastes and separately collected wastes from industrial activities and/or premises. Industrial waste does not include municipal waste, construction and demolition waste and waste from sewage network and treatment, including sewage sludge;"**

Or. en

**Amendment 423**

**Elisabetta Gardini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b**

Directive 2008/98/EC

Article 3 – point 2a

*Text proposed by the Commission*

*Amendment*

*(b) the following point 2a is inserted*

*deleted*

*2a. "non-hazardous waste" means waste which displays none of the hazardous properties listed in Annex III;*

Or. en

#### **Amendment 424**

**Nikos Androulakis, Giorgos Grammatikakis**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b a (new)**

Directive 2008/98/EC

Article 3 – point 3 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) The following point 3a is inserted:*

*3a. "Collectable waste oil" means waste oil that is capable of being collected, typically 50% of the annual lubricants consumption in the Member States".*

Or. en

#### **Amendment 425**

**Giovanni La Via, Aldo Patriciello, Alberto Cirio**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point b a (new)**

Directive 2008/98/EC

Article 3 – point 3 a (new)

*Text proposed by the Commission*

*Amendment*

*(ba) The following point 3a is inserted:*

*3a. "Collectable waste oil" means waste oil that is capable of being collected, typically 50% of the annual lubricants consumption in the Member*



*States''.*

Or. en

*Justification*

*This definition of collectable waste oil would enable the reporting of the collection and regeneration targets for waste oils. The range depends on the lubricants consumption in automotive and industrial sectors at Member States level. A range is necessary to reflect the various levels of industrialisation within the Member States with some using more industrial lubricant than others, in contrast with automotive. The German UBA explains how to calculate the collection rate of the collectable.*

**Amendment 426**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke, Norbert Lins**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

*Text proposed by the Commission*

4. “bio-waste” means biodegradable garden ***and*** park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants ***and other waste with similar biodegradability properties that is comparable in nature, composition and quantity;***

*Amendment*

4. “bio-waste” means biodegradable garden, park ***and landscape management*** waste, food and kitchen waste from households, restaurants, caterers and retail premises, ***and*** comparable waste from food processing plants;

Or. de

**Amendment 427**

**Giovanni La Via, Aldo Patriciello, Alberto Cirio**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

*Text proposed by the Commission*

4. "bio-waste" means biodegradable

*Amendment*

4. "bio-waste" means biodegradable

garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and *other waste with similar biodegradability properties that is comparable in nature, composition and quantity;*

garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and waste *of such a biodegradable nature that it should not hinder the separate collection and the organic recovery process or activity into which it is introduced;*

Or. en

#### **Amendment 428**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

#### *Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants *and other waste with similar biodegradability properties* that is comparable in nature, composition and quantity;

#### *Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants *with proven biodegradability properties through biodegradability standards compatible with home composting or local composting infrastructure*, that is comparable in nature, composition and quantity;

Or. en

#### **Amendment 429**

**Josu Juaristi Abaunz, Kateřina Konečná, Estefanía Torres Martínez**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

*Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties that is comparable in nature, composition and quantity;

*Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties ***through biodegradability standards compatible with home composting or local composting infrastructure***, that is comparable in nature, composition and quantity;

Or. en

**Amendment 430**

**Annie Schreijer-Pierik**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

*Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with ***similar*** biodegradability properties that ***is comparable in nature, composition and quantity***;

*Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with biodegradability properties that';

Or. en

**Amendment 431**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Jan Huitema, José Inácio Faria, Pavel Telička**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c**

*Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties ***that is comparable in nature, composition and quantity***;

*Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties;

Or. en

**Amendment 432**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point c**  
Directive 2008/98/EC  
Article 3 – point 4

*Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties ***that is comparable in nature, composition and quantity***;

*Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties ***that is comparable in nature and composition***;

Or. en

*Justification*

*The parameters "nature" and "composition" are sufficient to determine which waste falls within the scope of the definition.*

**Amendment 433**  
**Marijana Petir**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

*Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties that is comparable in nature, composition and quantity;

*Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar **aerobic and anaerobic** biodegradability properties that is comparable in nature, composition and quantity;

Or. hr

*Justification*

*'Bio-waste' also implies 'biodegradable waste'. For the sake of consistency in the use of definitions, it is necessary to draw a comparison with the definition of bio-waste from the draft Landfill Directive ('biodegradable waste' means food and garden waste, paper and paperboard, and any other waste that can undergo anaerobic or aerobic decomposition). A characteristic of these types of waste is that they undergo anaerobic or aerobic decomposition.*

**Amendment 434**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c**

Directive 2008/98/EC

Article 3 – point 4

*Text proposed by the Commission*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties that is **comparable** in nature, composition and quantity;

*Amendment*

4. "bio-waste" means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties that is **similar** in nature, composition and quantity;

**Amendment 435**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke, Norbert Lins**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point c a (new)**

Directive 2008/98/EC

Article 3 – point - 4 a (new)

*Text proposed by the Commission*

*Amendment*

*(ca) The following point - 4a is inserted:*

*“- 4a. bio-waste from other sources that is comparable in type, nature or material properties to the waste referred to in point 4.”*

Or. xm

**Amendment 436**

**Mark Demesmaeker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point d**

Directive 2008/98/EC

Article 3 – point 4a

*Text proposed by the Commission*

*Amendment*

4a. "construction and demolition waste" means waste falling under the construction and demolition waste categories referred to in the list of waste adopted pursuant to Article 7;

4a. "construction and demolition waste" means waste falling under the construction and demolition waste categories referred to in the list of waste adopted pursuant to Article 7, *except Code 1705 (soil, stones and dredging spoil)*;

Or. en

*Justification*

*Including waste streams from Code 1705 under the definition of "construction and demolition waste" would endanger existing legislation in some Member States which do not consider these streams to be construction and demolition waste.*

**Amendment 437**  
**Sirpa Pietikäinen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point d a (new)**  
Directive 2008/98/EC  
Article 3 – point 11

*Present text*

11. "separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;"

*Amendment*

*(da) point 11 is replaced by the following:*

11. "separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment, *in particular preparing for re-use and recycling operation and ultimately ensuring high quality secondary raw materials;*"

Or. en

**Amendment 438**  
**Tibor Szanyi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

*(e) point 16 is replaced by the following:*

*16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;*

*Amendment*

*deleted*

Or. en

**Amendment 439**  
**Mark Demesmaecker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

*(e) point 16 is replaced by the following:* *deleted*

**16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;**

Or. en

*Justification*

*The existing definition of "preparing for reuse" is re-introduced, in order to maintain a clear distinction between non-waste (reuse) and waste (preparation for reuse). While acknowledging this different status, it is however clear that reuse and preparing for reuse are intrinsically linked and work towards the same goal.*

**Amendment 440**  
**Josu Juaristi Abaunz, Estefanía Torres Martínez**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

*(e) point 16 is replaced by the following:* *deleted*

**16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme**



*are prepared so that they can be re-used  
without any other pre-processing;*

Or. en

**Amendment 441**

**Jadwiga Wiśniewska, Bolesław G. Piecha**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

Directive 2008/98/EC

Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

*(e) point 16 is replaced by the following:* *deleted*

**16. "preparing for re-use" means  
checking, cleaning or repairing recovery  
operations, by which waste, products or  
components of products that have been  
collected by a recognised preparation for  
re-use operator or deposit-refund scheme  
are prepared so that they can be re-used  
without any other pre-processing;**

Or. pl

*Justification*

*The amendments proposed by the Commission confuse the terms 're-use' and 'preparing for re-use'. The old definition should therefore be retained.*

**Amendment 442**

**Kateřina Konečná**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

Directive 2008/98/EC

Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

*(e) point 16 is replaced by the following:* *deleted*

**16. "preparing for re-use" means**

*checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;*

Or. en

**Amendment 443**  
**György Hölvényi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

*(e) point 16 is replaced by the following:* *deleted*

**16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;**

Or. en

*Justification*

*The new definition is not legally clear and causes interpretation problems, therefore the current definition should be kept.*

**Amendment 444**  
**Gilles Pargneaux, Pervenche Berès**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

*(e) point 16 is replaced by the following:*

*deleted*

**16.** "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

Or. en

#### **Amendment 445**

**Alberto Cirio**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

Directive 2008/98/EC

Article 3 – point 16

*Text proposed by the Commission*

*Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a **recognised** preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a **registered** preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing, **without any prejudice to consumer's health and safety and to the protection of the environment**;

Or. en

#### **Amendment 446**

**Pilar Ayuso**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

*Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products ***that have been collected by a recognised preparation for re-use operator or deposit-refund scheme*** are prepared so that they can be re-used without any other pre-processing;

*Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products are prepared so that they can be re-used without any other pre-processing;

Or. en

**Amendment 447**  
**Francesc Gambús**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

16. "***preparing*** for re-use" ***means*** checking, cleaning or repairing recovery operations, by which ***waste***, products or components of products that have ***been collected by a recognised preparation for re-use operator or deposit-refund scheme*** are prepared so that they can be re-used without any other pre-processing;

*Amendment*

16. ***Preparation*** for re-use: checking, cleaning or repairing ***for*** recovery operations, by which products or components of products that have ***become waste*** are prepared so that they can be re-used without any other pre-processing;

Or. en

*Justification*

*The new definition put forward by the European Commission would broaden the scope of "preparing for re-use" to products or components of products which do not have waste status. If this new definition came into force, a number of re-use organisations (such as charity shops) would be regarded as being preparation for reuse operators. This would increase the administrative burden on them (as they would be regarded as being waste management operators and would have to obtain waste management permits), which would be detrimental to the SSE reuse stakeholders, such as the Emmaus charity shops.*

## Amendment 448

Julie Girling

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point e

Directive 2008/98/EC

Article 3 – point 16

#### *Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which **waste**, products or components of products that have **been collected by a recognised preparation for re-use operator or deposit-refund scheme** are prepared so that they can be re-used without any **other** pre-processing;

#### *Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which products or components of products that have **become waste** are prepared so that they can be re-used without any **further** pre-processing;

Or. en

#### *Justification*

*The re-use of non-waste products needs to be kept separate from the preparation for re-use of waste in order to ensure legal clarity and coherence.*

## Amendment 449

Luke Ming Flanagan

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point e

Directive 2008/98/EC

Article 3 – point 16

#### *Text proposed by the Commission*

16. "**preparing for** re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have **been collected by a recognised preparation for re-use operator or deposit-refund scheme** are prepared so that they can be re-used without any other pre-processing;

#### *Amendment*

16. "**preparation of** re-use" means checking, cleaning, or repairing **for** recovery operations, by which waste, products or components of products that have **become waste** are prepared so that they can be re-used without any other pre-processing";

**Amendment 450**

**Robert Rochefort, Dominique Riquet, Marielle de Sarnez**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

Directive 2008/98/EC

Article 3 – point 16

*Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery **operations**, by which **waste**, products or components of products that have **been collected by a recognised preparation for re-use operator or deposit-refund scheme** are prepared **so that they can be re-used** without any other pre-processing;

*Amendment*

16. "preparing for re-use" means **any** checking, cleaning or repairing recovery **operation** by which products or components of products that have **become waste** are prepared **for re-use** without any other pre-processing;

Or. fr

**Amendment 451**

**Birgit Collin-Langen, Sabine Verheyen, Norbert Lins, Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e**

Directive 2008/98/EC

Article 3 – point 16

*Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which **waste**, products or components of products that have **been collected by a recognised preparation for re-use operator or deposit-refund scheme** are prepared so that they can be re-used without any other pre-processing;

*Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which products or components of products that have **become waste** are prepared so that they can be re-used **for the same purpose for which they were originally intended** without any other pre-processing;

Or. de

**Amendment 452**  
**Christofer Fjellner**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by **a recognised preparation for re-use** operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

*Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by **an** operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

Or. en

*Justification*

*It is unnecessarily bureaucratic and prescriptive to define a category of recognised preparation for re-use operators.*

**Amendment 453**  
**Andrzej Grzyb**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

*Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have **become waste and have** been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

**Amendment 454**  
**Elisabetta Gardini**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e**  
Directive 2008/98/EC  
Article 3 – point 16

*Text proposed by the Commission*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing;

*Amendment*

16. "preparing for re-use" means checking, cleaning or repairing recovery operations, by which waste, products or components of products that have ***become waste and that have*** been collected by a recognised preparation for re-use operator or deposit-refund scheme are prepared so that they can be re-used without any other pre-processing ***and without any prejudice to consumer's health and safety and to the protection of the environment;***

Or. en

**Amendment 455**  
**Josu Juaristi Abaunz, Estefanía Torres Martínez**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e a (new)**  
Directive 2008/98/EC  
Article 3 – point 16 a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) The following point 16a is inserted:***

***16a. "preparing for re-use operators" are enterprises or networks of enterprises handling waste, working along the preparing for re-use process chain, respecting applicable waste and other relevant regulations in force where they operate;***



**Amendment 456**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e a (new)**

Directive 2008/98/EC

Article 3 – point 16 a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) The following point 16a is inserted:**

**16a. "preparing for re-use operators" means enterprises or networks of enterprises which handle waste, working along the preparing for re-use process chain, and which respect applicable waste and other relevant laws where they operate."**

Or. en

**Amendment 457**

**Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Renata Briano, Nicola Caputo, Caterina Chinnici, Elena Gentile, Kathleen Van Brempt**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e a (new)**

Directive 2008/98/EC

Article 3 – point 16 a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) The following point 16a is inserted:**

**16a. "remanufacturing" means the process of bringing a product to a like-new condition through reusing, reconditioning, and replacing component parts;**

Or. en

**Amendment 458**

**Gilles Pargneaux, Pervenche Berès**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e a (new)**

Directive 2008/98/EC

Article 3 – point 16 a (new)

*Text proposed by the Commission*

*Amendment*

*(ea) The following point 16a is inserted:*

*16a. "remanufacturing" is the process of bringing a product to like-new condition through reusing, reconditioning, and replacing component parts;*

Or. en

**Amendment 459**

**Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Renata Briano, Nicola Caputo, Caterina Chinnici, Elena Gentile, Kathleen Van Brempt**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point e b (new)**

Directive 2008/98/EC

Article 3 – point 16b (new)

*Text proposed by the Commission*

*Amendment*

*(eb) The following point 16b is inserted:*

*16b. "reconditioning" means the process of returning a product to a satisfactory working condition by rebuilding or repairing major components that are close to failure;*

Or. en

## **Amendment 460**

**Gilles Pargneaux, Pervenche Berès**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point e b (new)**

Directive 2008/98/EC

Article 3 – point 16 b (new)

*Text proposed by the Commission*

*Amendment*

**(eb) The following point 16b is inserted:**

**16b. "reconditioning" is the process of returning a product to a satisfactory working condition by rebuilding or repairing major components that are close to failure, even where there are no reported or apparent faults in those components;**

Or. en

## **Amendment 461**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point e c (new)**

Directive 2008/98/EC

Article 3 – point 17

*Present text*

*Amendment*

‘17. “recycling” means any recovery operation by which waste **materials are** reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;’

**(ec) Point 17 is replaced by the following:**

‘17. “recycling” means any recovery operation by which waste **is** reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;’

Or. xm

**Amendment 462**  
**Giovanni La Via, Aldo Patriciello**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point e d (new)**  
Directive 2008/98/EC  
Article 3 – point -17 a (new)

*Text proposed by the Commission*

*Amendment*

*(ed) the following point -17a is inserted*  
*"-17a. "organic recycling" means the aerobic (composting) or anaerobic (biomethanization) treatment, under controlled conditions and using micro-organisms, of the biodegradable parts of waste, which produces stabilised organic residues or methane so as to increase the use of renewable energy as alternative fuel. Landfill shall not be considered to be a form of organic recycling;"*

Or. en

*Justification*

*The definition of organic recycling pursuant to Directive 94/62/EC is reintroduced, in keeping with the new requirements introduced for bio-waste recycling.*

**Amendment 463**  
**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f**  
Directive 2008/98/EC  
Article 3 – point 17 a

*Text proposed by the Commission*

*Amendment*

*17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;*

*deleted*

**Amendment 464**

**György Hölvényi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

*Amendment*

**17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;**

**deleted**

Or. en

**Amendment 465**

**Gesine Meissner**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

*Amendment*

17a. “final recycling process” means the recycling process which begins when no further **mechanical sorting operation** is needed **and** waste materials **enter** a production process **and** are **effectively** reprocessed into products, materials or substances;

17a. “final recycling process” means the recycling process which begins when no further **sorting and/or treatment operations** are needed **to prepare** waste materials **or materials obtained from waste for the start of** a production process **through which they** are reprocessed into products, materials or substances;

Or. de

## Justification

*Auch wenn die Definition des abschließenden Recyclingverfahrens grundsätzlich zu begrüßen ist, bleibt diese zu vage. Es sollte eine europaweit einheitliche, verbindliche Definition gelten. Aktuell kann das gleiche Eingangsmaterial des abschließenden Recyclingverfahrens zum Teil als Abfall eingestuft werden, zum Teil wird das Ende der Abfalleigenschaft angenommen, abhängig vom jeweiligen Mitgliedsstaat. Zur Vereinheitlichung sollten als Eingangsmaterial sowohl Abfälle als auch aus Abfall gewonnene Materialien inkludiert sein. Da es keine Legaldefinition von mechanischer Trennung gibt, würde die vorgeschlagene Änderung diesen Punkt weiter spezifizieren und für Rechtssicherheit sorgen.*

### Amendment 466

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Ulrike Müller, Anneli Jäätteenmäki, Jan Huitema, José Inácio Faria, Pavel Telička**

#### Proposal for a directive

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

#### *Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further ***mechanical*** sorting operation is needed ***and*** waste materials enter a production process ***and*** are effectively reprocessed into products, materials or substances;

#### *Amendment*

17a. "final recycling process" means the recycling process which begins when no further sorting operation ***in the recycling process chain*** is needed ***in order for waste materials and the waste considered to have ceased to be waste in accordance with Article 6 to enter a production process and be effectively reprocessed into products, materials or substances and when waste materials and the waste considered to have ceased to be waste*** enter a production process ***in which they*** are effectively reprocessed into products, materials or substances;

Or. en

### Amendment 467

**Pavel Poc**

#### Proposal for a directive

**Article 1 – paragraph 1 – point 2 – point f**

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further ***mechanical sorting operation is*** needed and waste materials ***enter*** a production process ***and are effectively*** reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further ***sorting and/ or treatment operations are*** needed and ***to prepare*** waste materials ***enter or materials reclaimed from waste for entry into*** a production process ***thereby being*** reprocessed into products materials or substances;

Or. en

*Justification*

*The production processes giving as results products, materials or substances to be put in the market should be clearly identified, especially in their starting point. Therefore the definition should exclude any sorting and pre-treatment operations used for treating the waste and obtaining a secondary raw material whose quality fits with the final recycling process requirements. Thus the final recycling process definition will be more aligned with the final objective of the Circular Economy. The final recycling processes receive waste materials and/or materials recovered (or reclaimed) from waste; however the identification of a recycling process should be independent from the legal status of the input material and identified only by its technical features and its final outcome.*

**Amendment 468**

**Jens Gieseke, Herbert Reul**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when ***no further mechanical sorting operation is needed and*** waste materials enter a production process and are effectively reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when waste materials enter a production process and are effectively reprocessed into products, materials or substances;

*Justification*

*This would allow practicable monitoring along the waste management chain taking account of presorting, processing and reprocessing. The Commission should take tried-and-tested standards as the basis here, such as EN 13440 for the calculation of the rate of recycling of packaging and packaging material.*

**Amendment 469**

**Josu Juaristi Abaunz, Estefanía Torres Martínez**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting **operation** is needed and waste materials enter a production process **and are** effectively reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting is needed **to select materials that are going to be recycled** and waste materials enter a production process **to be** effectively reprocessed into products, materials or substances;

Or. es

**Amendment 470**

**Birgit Collin-Langen, Sabine Verheyen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further **mechanical** sorting operation is needed and waste materials enter a production process and are **effectively**

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further **preparatory** sorting operation is needed, and waste materials enter a production **or recovery** process and are



reprocessed into products, materials or substances;

reprocessed into products, materials or substances;

Or. de

#### **Amendment 471**

**Pilar Ayuso**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

#### *Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting **operation** is needed and waste materials enter a production process **and are** effectively reprocessed into products, materials or substances;

#### *Amendment*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting is needed **to select the waste materials to be recycled,** and waste materials enter a production process **to be** effectively reprocessed into products, materials or substances;

Or. en

#### **Amendment 472**

**Inés Ayala Sender**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

#### *Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting **operation** is needed **and** waste materials enter a production process **and are** effectively reprocessed into products, materials or substances;

#### *Amendment*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting is needed **to select** waste materials **and the latter** enter a production process **to be** effectively reprocessed into products, materials or substances;

Or. es

#### **Amendment 473**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2000/98/EC

Article 3 – point 17a

#### *Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste **materials** enter a production process and are effectively reprocessed into products, materials or substances;

#### *Amendment*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste **and waste considered to have ceased to be waste in accordance with Article 6** enter a production process and are effectively reprocessed into products, materials or substances;

Or. en

#### **Amendment 474**

**Karl-Heinz Florenz**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

#### *Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further **mechanical** sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;

#### *Amendment*

17a. "final recycling process" means the recycling process which begins when no further sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;

Or. en

#### *Justification*

*Sorting operations differ according to the specific waste material recycling value chain. Therefore, the specification "manual" would need to be deleted as this cannot be decisive for the definition of final recycling.*

**Amendment 475**  
**Marian-Jean Marinescu**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f**  
Directive 2008/98/EC  
Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed ***and when waste*** and waste materials ***considered to have ceased to be waste in accordance with Article 6*** enter a production process and are effectively reprocessed into products, materials or substances;

Or. en

**Amendment 476**  
**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f**  
Directive 2008/98/EC  
Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further ***mechanical*** sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;

Or. en

**Amendment 477**  
**Jasenکو Selimovic, Frédérique Ries**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17a

*Text proposed by the Commission*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste materials enter a production process and are effectively reprocessed into products, materials or substances;

*Amendment*

17a. "final recycling process" means the recycling process which begins when no further mechanical sorting operation is needed and waste materials ***and waste considered to have ceased to be waste*** enter a production process and are effectively reprocessed into products, materials or substances;

Or. en

**Amendment 478**

**Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17b

*Text proposed by the Commission*

(f) the following points 17a ***and 17b are*** inserted:

*Amendment*

(f) the following point 17 a ***is*** inserted

Or. de

*Justification*

*The definition of 'backfilling' should be deleted from Article 3 and included instead in Article 11(2b). The definition should only help to specify the objectives of Article 11(2b) and therefore has a limited scope.*

**Amendment 479**

**Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

*Text proposed by the Commission*

*Amendment*

**17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;**

**deleted**

Or. de

*Justification*

*The definition of 'backfilling' should be deleted from Article 3 and included instead in Article 11(2b). The definition should only help to specify the objectives of Article 11(2b) and therefore has a limited scope.*

**Amendment 480**

**Elisabetta Gardini, Alberto Cirio**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17b

*Text proposed by the Commission*

*Amendment*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping **or construction** instead of other non-waste materials which would otherwise have been used for that purpose;

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping **and where the waste is a substitute for non-waste materials in comparable quantities** instead of other non-waste materials which would otherwise have been used for that purpose;';

***By "suitable waste" it is intended waste which complies with existing technical standards or, in the absence of such, to those for which a specific risk analysis has been carried out in relation to the***

*characteristics of the area to which they are destined.*

Or. en

**Amendment 481**  
**Kateřina Konečná**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f**  
Directive 2008/98/EC  
Article 3 – point 17b

*Text proposed by the Commission*

17b. "backfilling" means *any* recovery operation where *suitable* waste is used for *reclamation* purposes in excavated areas *or for* engineering purposes in landscaping *or* construction *instead of other* non-waste materials *which would otherwise have been used for that purpose*;

*Amendment*

17b. "backfilling" means *a* recovery operation where waste is used for *the* purposes *of reclamation* in excavated areas, *mines*, engineering purposes in landscaping *and* construction *purposes*. *The waste used for backfilling should substitute* non-waste materials, *be suitable for the afore-mentioned purposes and be limited to the amount strictly necessary to achieve these purposes*;

Or. en

**Amendment 482**  
**Gilles Pargneaux, Pervenche Berès**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f**  
Directive 2008/98/EC  
Article 3 – point 17 b

*Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

*Amendment*

17b. "backfilling" means any recovery operation where suitable *non-hazardous* waste is used *in a quantity limited to that which is strictly necessary* for purposes *of restoration to a useful state* in excavated areas or for engineering purposes in landscaping or construction, *in a beneficial way*, instead of other non-waste materials which would otherwise have been used for

that purpose;

Or. fr

### *Justification*

*It is essential that the definition of backfilling should not permit disguised landfilling. In order for an operation to be classified as backfilling, it must first constitute a beneficial use in which waste is used as a substitute for other substances, materials or products which would normally have been used. In other cases, the operation should be regarded as a waste disposal operation. The Commission definition derived from Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in the Waste Framework Directive currently in force does not guarantee the beneficial nature of the use to be made of the waste in this way. It is therefore desirable to insert the word 'useful' in this definition and to specify that the quantity of waste used should be limited to the strict minimum. In addition, backfilling operations should only be carried out using non-hazardous waste.*

### **Amendment 483**

**Elisabeth Köstinger, Albert Deß**

### **Proposal for a directive**

### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17b

### *Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

### *Amendment*

17b. "backfilling" means any recovery operation where suitable ***non-hazardous*** waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction ***in accordance with the objectives of Article 13 of Directive 2008/98/EC*** instead of other non-waste materials which would otherwise have been used for that ***purpose and is used in quantities that do not exceed the real need of the reclamation or engineering*** purpose;

Or. en

### **Amendment 484**

**Francesc Gambús**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – paragraph 17b

*Text proposed by the Commission*

17b. "backfilling" means any **recovery** operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

*Amendment*

17b. "backfilling" means any **recycling** operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. en

*Justification*

*"Backfilling" should be retained as a recycling process without any additional restriction. One of the segregated fractions resulting from state-of-the-art post-shredding processes is a composition of materials which consists nearly complete of inorganic and non-metallic residues. This fraction exactly meets the specifications for backfilling purposes and could be meaningfully used in excavated areas such as underground mines or in gravel pits to avoid surface subsidence beyond closed mining areas and ensure the stability and safety of the mines.*

**Amendment 485**

**Mark Demesmaeker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17b

*Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping **or construction instead of other non-waste materials which would otherwise have been used for that purpose;**

*Amendment*

17b. "backfilling" means any recovery operation where suitable **non-hazardous** waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping **and where this waste is a substitute for non-waste materials;**

Or. en



### *Justification*

*It should be avoided that high-quality materials are used for backfilling.*

#### **Amendment 486**

**Karl-Heinz Florenz**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17 b

#### *Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

#### *Amendment*

17b. "backfilling" means any recovery operation ***other than recycling*** where suitable ***non-hazardous*** waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. en

### *Justification*

*More clarity in the legal text is needed. Backfilling operations is a recovery operation where the recovered material is not reprocessed (change of physical characteristics/properties) and the backfilled material is not supposed to be taken back into the economic cycle (permanent placement). Therefore, backfilling cannot be considered a recycling operation. Furthermore, only non-hazardous waste should be used for backfilling.*

#### **Amendment 487**

**Carlos Zorrinho**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17 b

#### *Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or

#### *Amendment*

17b. "backfilling" means any recovery operation ***other than recycling*** where suitable waste is used for reclamation purposes in excavated areas or for

construction instead of other non-waste materials which would otherwise have been used for that purpose;

engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. en

#### *Justification*

*Backfilling is recovery of bottom ashes from incineration or of construction and demolition waste or mining waste however it cannot be considered to be the same as recycling. This is because recycling transforms a waste material into a new raw material whereas backfilling does not. A distortion in reported recycled quantities would also occur as some Member States allow backfilling and others do not.*

#### **Amendment 488**

**Annie Schreijer-Pierik**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – paragraph 17b

#### *Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

#### *Amendment*

17b. "backfilling" means any recovery operation ***other than recycling*** where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. en

#### **Amendment 489**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – point 17 b

*Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

*Amendment*

17b. "backfilling" means any recovery operation where suitable ***inert, non-hazardous*** waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. fr

*Justification*

*Inert waste means waste which does not undergo any significant physical, chemical or biological transformation. It does not dissolve, burn or react physically or biologically, does not biodegrade and is not harmful to the environment or human health upon contact. The pollutant content of the waste (e.g. leachate) and the ecotoxicity of the leachate are insignificant and do not harm the quality of surface waters or groundwater.*

**Amendment 490**

**Kathleen Van Brempt**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – paragraph 17b

*Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

*Amendment*

17b. "backfilling" means any recovery operation where suitable, ***non-recyclable*** waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. en

**Amendment 491**

**Josu Juaristi Abaunz, Estefanía Torres Martínez**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f**

Directive 2008/98/EC

Article 3 – Point 17b

*Text proposed by the Commission*

17b. "backfilling" means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

*Amendment*

17b. "backfilling" means any recovery operation where suitable ***non-hazardous construction and demolition inert*** waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Or. en

**Amendment 492**

**Mark Demesmaeker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f a (new)**

Directive 2008/98/EC

Article 3 – point 17b a (new)

*Text proposed by the Commission*

*Amendment*

***(fa) The following point 17ba is inserted:***

***"17ba. "dilution" is the mixing of a waste with one (or more) other materials or wastes with the aim of lowering without chemical transformation the concentration of one (or more) component present in the waste, in order to allow the diluted waste to be sent to a treatment or recycling operation which is not allowed for the non-diluted waste."***

Or. en

*Justification*

*Article 18 (ban on the mixing of hazardous waste) already covers "dilution". It therefore*

*seems appropriate to include a clear definition of this concept. Reference can be made to the Flemish approach on the implementation of Article 18 which is recognised as a good example in a BIPRO-study from December 2015 on hazardous waste management, conducted for the European Commission.*

#### **Amendment 493**

**Sirpa Pietikäinen**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f a (new)**

Directive 2008/98/EC

Article 3 – point 17b a (new)

*Text proposed by the Commission*

*Amendment*

*(fa) The following point 17ba is inserted:*

*17ba. 'dilution' means mixing of a waste with one or more other materials or wastes with the aim of lowering without chemical transformation the concentration of one or more components present in the waste, in order to allow the diluted waste to be sent to a treatment or recycling method which is not allowed for the non-diluted waste.*

Or. en

*Justification*

*Necessary to define the word 'dilution' which is used in article 18.*

#### **Amendment 494**

**Davor Škrlec**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f a (new)**

Directive 2008/98/EC

Article 3 – point 17 ba (new)

*Text proposed by the Commission*

*Amendment*

*(2b) The following point 17 ba is inserted:*

*"17ba. "dilution" means mixing of a waste with one or more other materials or wastes with the aim of lowering the concentration of one (or more) components present in the waste without chemical transformation;"*

Or. en

*Justification*

*It is necessary to define the word "dilution" which is used in the Article 18 of the present Directive.*

**Amendment 495**

**Pilar Ayuso**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f a (new)**

Directive 2008/98/EC

Article 3 – point 21 (new)

*Text proposed by the Commission*

*Amendment*

*(fa) The following point 21 is inserted:*

*21. "sorting" means any waste management operation which separates collected waste into different fractions and sub-fractions to be sent to a final recycling process;*

Or. en

**Amendment 496**

**Soledad Cabezón Ruiz, Inés Ayala Sender**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f a (new)**

Directive 2008/98/EC

Article 3 – point 21 (new)

*Text proposed by the Commission*

*Amendment*

*(fa) The following point 20a is inserted:*

**21. "sorting" means any waste management operation which separates collected waste into different fractions and sub-fractions to be sent to a final recycling process;**

Or. en

*Justification*

*When adding such a new definition of "sorting" it is very important to ensure that the definition makes clear that the materials should be sorted with the objective of being sent to a recycling process afterwards. This addition will add consistency to the ultimate objective of this Directive to encourage the recycling of waste materials.*

**Amendment 497**  
**Alberto Cirio**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f a (new)**  
Directive 2008/98/EC  
Article 3 – point 21 (new)

*Text proposed by the Commission*

*Amendment*

**(fa) The following point 21 is inserted:**

**21. "sorting" means any waste management operation which separates collected waste into single material streams;**

Or. en

*Justification*

*Also this phase should be defined as some times it is made out of the rest of the process.*

**Amendment 498**  
**Ivo Belet**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f a (new)**  
Directive 2008/98/EC  
Article 3 – point 21 (new)

*(fa) The following point is inserted:*

**21. "sorting" means any waste management operation which separates collected waste into different fractions and sub-fractions to enable at least one of the fractions or sub-fractions to enter the final recycling plant so as to be effectively reprocessed into products, materials or substances.**

Or. en

*Justification*

*The sorting definition needs to reflect the waste management operations that take place prior to the waste entering into the recycling plant. Once sorted, the recycling is measured at the entrance of the recycling plant in order to obtain reliable and accurate data.*

**Amendment 499**

**Josu Juaristi Abaunz, Estefanía Torres Martínez**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f b (new)**

Directive 2008/98/EC

Article 3 – point 22 (new)

*Present text*

*Amendment*

*(fb) The following point 22 is inserted:*

**22. "litter" means any material or item that has been improperly discarded, lost or has resulted from inadequate waste management;"**

Or. en

**Amendment 500**

**Birgit Collin-Langen, Sabine Verheyen, Angélique Delahaye, Françoise Grossetête, Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f b (new)**



Directive 2008/98/EC  
Article 3 – point 22 (new)

*Text proposed by the Commission*

*Amendment*

*(fb) The following point 22 is inserted:*  
*22. 'littering' means throwing away or leaving small amounts of urban waste where they lie, without using the available facilities for their disposal.*

Or. de

**Amendment 501**  
**Davor Škrlec**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f b (new)**  
Directive 2008/98/EC  
Article 3 – point 22 (new)

*Text proposed by the Commission*

*Amendment*

*(fb) The following point is added:*  
*22. "litter" means waste in publicly accessible rural and urban areas, including surface water, or anywhere else in the environment, that has been improperly discarded or has resulted from inadequate waste management;"*

Or. en

*Justification*

*This amendments seeks to further strengthen amendment 54 by the rapporteur.*

**Amendment 502**  
**Miapetra Kumpula-Natri, Paavo Väyrynen, Liisa Jaakonsaari, Merja Kyllönen, Heidi Hautala**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 – point f c (new)**  
Directive 2008/98/EC  
Article 3 – point 23 (new)

*(fc) the following point 26 is added:*

*(23) 'Distribution obligation' means the obligation incumbent upon the owner of a food which is suitable for surrender to surrender the food to another party. A distribution obligation may be imposed on food shops, businesses selling corresponding products and public and private entities such as hospitals and schools. The distribution obligation shall be conditional, and shall become operative if a non-profit third party, such as a charitable organisation, is willing to collect food suitable for consumption and make it available for distribution free of charge;*

Or. fi

**Amendment 503**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête, Birgit Collin-Langen, Elisabetta Gardini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f c (new)**

Directive 2008/98/EC

Article 3 – point 23 (new)

*(fc) The following point 23 is inserted:*

*(23) 'food waste' means any food intended for human consumption which is lost, thrown away or degraded at a stage in the food supply chain. Products which are redirected to become donated food or animal feed are not regarded as food waste. If it has not been possible to find any food use within a short time, taking into account the perishable nature of certain products, other uses for the products with a view to non-food use for purposes of fertilisation, composting or production of biogas cannot be regarded*

*as food waste.*

Or. xm

*Justification*

*Prevention of food waste and use of unsold food by giving it away or processing it for human food purposes, including reuse in animal feed, are the priorities. However, if none of these uses is possible, particularly because of the degradation of products, rendering them unsuitable for human or animal consumption, they may enter the circular economy and serve the purpose of combating climate change by means of energy use, for example fertilisation, composting or production of biogas. They should not, therefore, be accounted for as food waste, because they are reused.*

**Amendment 504**

**Davor Škrlec**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f d (new)**

Directive 2008/98/EC

Article 3 – point 24 (new)

*Text proposed by the Commission*

*Amendment*

*(fd) The following point is inserted:*

*24. "food waste" means edible and inedible food removed from the supply chain or disposed of at processing, manufacturing, retail and consumer levels, and food losses along the whole production and supply chain, including primary production, transportation and storage losses."*

Or. en

**Amendment 505**

**Damiano Zoffoli, Renata Briano, Massimo Paolucci, Elena Gentile, Caterina Chinnici**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f d (new)**

Directive 2008/98/EC

Article 3 – point 24 (new)

*(fd) The following point is inserted:*

*24. 'food waste' means edible and inedible food removed from the supply chain or disposed of at processing, manufacturing, retail and consumer levels, and food wastage along the whole production and consumer supply chain, including primary production, transportation and storage losses;*

Or. en

**Amendment 506**

**Josu Juaristi Abaunz, Kateřina Konečná, Estefanía Torres Martínez**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f d (new)**

Directive 2008/98/EC

Article 3 – point 24 (new)

*(fd) The following point 24 is inserted:*

*24. "food waste" means edible and inedible food removed from the supply chain or disposed of at processing, manufacturing, retail and consumer levels, and food losses along the whole production and supply chain, including primary production, transportation and storage losses."*

Or. en

**Amendment 507**

**Pilar Ayuso**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f d (new)**

Directive 2008/98/EC

Article 3 – point 24 (new)

*Text proposed by the Commission*

*Amendment*

*(fd) the following point 24 is added:*

**24. "food waste" means food lost from the food supply chain; food waste does in no case include food diverted to material uses such as bio-based products, by-products managed properly, animal feed, or sent for redistribution."**

Or. en

## **Amendment 508**

**Anna Maria Corazza Bildt**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f d (new)**

Directive 2008/98/EC

Article 3 – point 24 (new)

*Text proposed by the Commission*

*Amendment*

*(fd) The following point 24 is inserted:*

**24. "food waste" means any food, and inedible parts of food, removed from the food supply chain to be recovered or disposed (including composted, crops ploughed in/not harvested, anaerobic digestion, bio-energy production, co-generation, incineration, disposal to sewer, landfill or discarded to sea)"**

Or. en

### *Justification*

*This is the official definition used by FUSIONS (Food Use for Social Innovation by Optimising Waste Prevention Strategies) <http://www.eu-fusions.org/index.php/about-food-waste/280-food-waste-definition>*

## **Amendment 509**

**Josu Juaristi Abaunz, Estefanía Torres Martínez**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f e (new)**

Directive 2008/98/EC  
Article 3 – point 25 (new)

*Text proposed by the Commission*

*Amendment*

*(fe) The following point is inserted:*

*25. "decontamination" means any operation that consists of removing or treating the unwanted hazardous components or pollutants from waste or, if this is not possible from a technical or economic perspective, treating the waste in a way that destroys the pollutants."*

Or. en

#### **Amendment 510**

**Pilar Ayuso**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f f (new)**

Directive 2008/98/EC

Article 3 – point 26

*Text proposed by the Commission*

*Amendment*

*(ff) The following point 26 is inserted:*

*26. "residual waste" means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and as a result has to be disposed of;*

Or. en

#### **Amendment 511**

**Soledad Cabezón Ruiz, Inés Ayala Sender**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f f (new)**

Directive 2008/98/EC

Article 3 – point 26 (new)

*Text proposed by the Commission*

*Amendment*

**(ff) The following point 26 is inserted:**

**26. "residual waste" means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and as a result has to be disposed of;**

Or. en

*Justification*

*A residual waste definition should be considered to better demarcate the process through which recyclable materials can effectively be recovered or recycled. Recycling is a multi-step process under which a variety of operations to extract recyclable materials from waste take place. Residual waste should be accounted for when these materials cannot be either recovered or recycled with currently available technologies.*

## **Amendment 512**

**Pilar Ayuso**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f g (new)**

Directive 2008/98/EC

Article 3 – point 27 (new)

*Text proposed by the Commission*

*Amendment*

**(fg) The following point 27 is inserted:**

**27. "extended producer responsibility" means the producer's operational and financial responsibility for separate collection, sorting and treatment operations required as a means for Member States to meet Union waste targets and increase the re-use and recycling rates. Producers may shift this individual responsibility to a collective one via setting up and steering non-profit producer responsibility organisations operating on their behalf;"**

Or. en

## Amendment 513

Soledad Cabezón Ruiz, Inés Ayala Sender

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 – point f g (new)

Directive 2008/98/EC

Article 3 – point 27 (new)

*Text proposed by the Commission*

*Amendment*

(fg) *The following point 27 is inserted:*

**27. "extended producer responsibility" means the producer's operational and financial responsibility for separate collection, sorting and treatment operations required as a means for Member States to meet Union waste targets and increase the re-use and recycling rates. Producers may shift this individual responsibility to a collective one via setting up and steering non-profit producer responsibility organisations operating on their behalf;"**

Or. en

#### *Justification*

*Producers and importers, as well as the organizations running EPR schemes on their behalf, and Producer Responsibility Organizations (PROs), should always bear both operational and financial responsibilities. Under current EU waste legislation, in most Member States recycling targets are binding for PROs and supervised by national competent authorities. It is therefore essential that producers, importers and PROs, that are obliged to comply with recycling targets, are able to control, on the operational level, the processes linked to achieving the targets. Without this supervision and control, PROs would expose themselves to a financial risk, resulting from non-compliance, based on other parties' actions. The above does not imply that producers and importers, or their PROs, should be the sole operationally responsible actors for the collection of municipal waste. Roles and responsibilities with regards to the practical organization of waste management should be clearly defined by legislation so that both local authorities and EPR schemes become operationally responsible for it. In parallel, producers - and the PROs implementing EPR on their behalf – have a public mission serving the collective interest that is better addressed through non-profit models. Their ultimate goal is to achieve a sustainable production and consumption-based society. Hence, EPR schemes enable a circular economy, through balancing cost with environmental performance, at the heart of a genuine public-private partnership. For this reason, this non-profit character should be recognised within EU legislation.*



## **Amendment 514**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f h (new)**

Directive 2008/98/EC

Article 3 – point 29 (new)

*Text proposed by the Commission*

*Amendment*

*(fh) The following point 28 is inserted:*

*28. 'economic instruments' means any instrument, system or arrangement applied by a Member State or a group of Member States to promote the use of secondary raw materials obtained by reuse or recycling.*

Or. xm

## **Amendment 515**

**Davor Škrlec, Michèle Rivasi, Pascal Durand**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 2 – point f i (new)**

Directive 2008/98/EC

Article 3 – paragraph 1 – point 30 (new)

*Text proposed by the Commission*

*Amendment*

*(fi) The following point 29 is inserted:*

*29. "planned obsolescence" means all techniques by which a manufacturer tries to deliberately reduce the life-time of a product put on the market;"*

Or. en

### *Justification*

*A definition of planned obsolescence should be introduced for reasons of legal certainty as the basis for specific provisions thereon.*

## **Amendment 516**

**Sirpa Pietikäinen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 a (new)**

Directive 2008/98/EC

Article 4 – paragraph 2 – subparagraph 1

*Present text*

"When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. ***This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.***"

*Amendment*

***(2a) In Article 4(2), the first subparagraph is replaced by the following:***

"When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that ***will*** deliver the best overall environmental outcome. ***Specific waste streams may only depart from the hierarchy, provided that the hierarchy is not circumvented, and provided that it is demonstrated that "waste" used for higher value purposes is not promoted for other uses. Any departure from the waste hierarchy shall be justified by scientific evidence, impact- and life-cycle assessments showing that the overall net gain to the environment, internal market and the society is positive and that the use of materials/substances for higher value purposes is not jeopardised***"

Or. en

*Justification*

*This amendment seeks to reinforce the principle of waste hierarchy, and stress that materials/substances should, where technically and economically feasible, first be used for upgraded higher added value purposes before they are possibly promoted into uses at the lower levels of the waste hierarchy, for example, for production of bioenergy or biofuels.*

**Amendment 517**

**Merja Kyllönen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 a (new)**

Directive 2008/98/EC

Article 4 – paragraph 2 – subparagraph 1

When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. ***This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.***

***(2a) In Article 4(2), the first subparagraph is replaced by the following:***

When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that will deliver the best overall environmental outcome. Specific waste streams ***may only depart*** from the hierarchy, ***provided that the hierarchy is not circumvented, and provided that it is demonstrated that "waste" used for higher value purposes is not promoted for other uses. Any departure from the waste hierarchy shall be justified by scientific evidence, impact- and life-cycle assessments showing that the overall net gain to the environment, internal market and the society is positive and that the use of materials/substances for higher value purposes is not jeopardised.***

Or. en

#### *Justification*

*The European Commission's proposal to maintain the well-established waste hierarchy as it is articulated in the current WFD as well as its proposal to strengthen Member States' compliance with the waste hierarchy should be supported. Any tampering or circumvention of the waste hierarchy should be prevented as it would inevitably open the door for incorrect classifications of materials/substances as wastes (residues) where they in fact are by-products (products) already used for higher value purposes contributing to the objectives of the EU environment, climate and bio-economy policies. The suggested amendment would reinforce the principle, that materials/substances should, where technically and economically feasible, first be used for upgraded higher added value purposes before they are possibly promoted into uses at the lower levels of the waste hierarchy, for example, for production of bioenergy or biofuels. This would also be in line with the European Commission's proposal to amend the by-product definition in Article 5 (1), which turns around the old presumption, that a material/substance is a waste (residue) unless it is proven to be a by-product (product), so that it instead accurately reflects the existing situation in the market, with a presumption that a material/substance is a by-product (product), unless it is proven to be waste (residue).*

## Amendment 518

Josu Juaristi Abaunz, Estefanía Torres Martínez

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 a (new)

Directive 2008/98/EC

Article 4 – paragraph 2 – subparagraph 1

#### *Present text*

"When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste."

#### *Amendment*

***(2a) In Article 4 (2), the first subparagraph is replaced by the following:***

"When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome, ***taking into consideration the environmental impacts of materials at end of life and when littered.*** This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. ***Thus may require that certain wastes undergo a decontamination process prior to further treatment.***"

Or. en

## Amendment 519

Josu Juaristi Abaunz, Estefanía Torres Martínez

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 b (new)

Directive 2008/98/EC

Article 4 – paragraph 2 – subparagraph 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(2b) In Article 4 (2), the following second subparagraph is inserted:***

***Mixed and separately collected waste shall be sorted prior to energy recovery or to final disposal in landfill in order to support the effective extraction of***

*recyclable materials and stabilise the remaining biodegradable fraction.*

*In the concrete case of separately collected bio waste are allowed to be sent to composting and other processes using biodegradable waste as their exclusive input providing the quality of the separate collection is certified compatible with the requirements of the targeted installations.*

Or. en

**Amendment 520**  
**Jens Gieseke, Herbert Reul**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2008/98/EC  
Article 4 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**(3) In Article 4, the following paragraph 3 is added:** *deleted*

**3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.**

**Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every five years following that date.**

Or. de

*Justification*

*The methods of disposal used in industry are already geared to the waste hierarchy in many Member States. The instruments called for would have no extra environmental value here and might lead to unnecessary, competition-distorting additional burdens encumbering waste disposal in the industries concerned. Implementation of the current Waste Framework Directive in the Member States should instead be strengthened.*

## Amendment 521

Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3

Directive 2000/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

3. Member States ***shall*** make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

#### *Amendment*

3. Member States ***may*** make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

Or. en

## Amendment 522

Piernicola Pedicini, Marco Affronte, Eleonora Evi

### Proposal for a directive

#### Article 1 – paragraph 1 – point 3

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

Member States shall ***make use of*** adequate economic instruments to ***provide incentives for the application of*** the waste hierarchy.

#### *Amendment*

Member States shall ***ensure that pricing of waste treatment operations provide*** adequate ***incentives for the application of the waste hierarchy***. Economic instruments to ***support this shall include:***

- a) progressive increase of landfill levies for all categories of waste (municipal, inert, others);***
- b) introduction or increase of incineration levies;***
- c) progressive extension to the whole territory of Member States of 'pay-as-you-throw' systems;***
- d) green levies or advanced disposal fees to apply to specific products where producer responsibility programs are not in place;***

- e) *market restrictions for single-use and non-recyclable products and packaging;*
- f) *deposit return and other systems incentivising municipal waste producers and economic operators to reduce, re-use and recycle their waste;*
- g) *measures to reduce VAT for reusable and recyclable products; and*
- h) *measures to suppress harmful subsidies not consistent with the waste hierarchy.*

Or. en

### **Amendment 523**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

3. Member States ***shall*** make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

#### *Amendment*

3. Member States ***may*** make use of adequate economic instruments to provide incentives for the application of the waste hierarchy, ***to maximise the use of raw materials derived from recycling and to offset the cost disparities with virgin raw materials. These economic instruments shall have the objective of:***

***encouraging the use of raw materials derived from recycling;***

***rewarding the environmental benefits of raw materials derived from recycling in terms of energy saving and emissions;***

***encouraging the re-use and recycling of waste.***

Or. fr

### *Justification*

*In a context of falling prices for oil and virgin raw materials, secondary raw materials can be rendered less competitive than virgin materials. It would therefore seem appropriate to consider supporting the sector by introducing economic instruments that encourage the use of secondary raw materials in order to offset the cost disparities and boost their market opportunities.*

#### **Amendment 524**

**Josu Juaristi Abaunz, Estefanía Torres Martínez**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

3. Member States shall ***make use of adequate economic instruments to*** provide incentives for the application of the waste hierarchy.

#### *Amendment*

3. Member States shall ***ensure that pricing of waste treatment operations*** provide incentives for the application of the waste hierarchy, ***the re-use of products and the use of secondary raw materials.***

Or. en

#### **Amendment 525**

**Davor Škrlec**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

#### *Amendment*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the ***use of secondary raw materials and of the*** waste hierarchy ***primarily to encourage the implementation of the waste prevention programmes referred to in Article 29, but also to support the activities aimed at achieving the preparing for re-use and***



*recycling targets set out in paragraph 2 of Article 11.*

Or. en

*Justification*

*This amendments seeks to further strengthen amendment 59 by the rapporteur. There is a importance of creating strong and resilient markets for secondary raw materials. Raising quality standards by itself will not create demand for secondary raw materials.*

**Amendment 526**  
**Karl-Heinz Florenz**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2008/98/EC  
Article 4 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

*Amendment*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy. ***Member States shall ensure that the allocation of all EU funds are in line with the waste hierarchy and that investments in the waste management shall prioritise the top of the waste hierarchy (prevention, reuse, preparation for reuse and recycling)***

Or. en

*Justification*

*It is important that European funds are used to ensure an upward movement in the waste hierarchy. Currently a lot of EU funding is used for landfilling, the lowest level of the waste hierarchy. In order to achieve a true Circular Economy all EU funding must prioritise the top of the waste hierarchy.*

**Amendment 527**  
**Mark Demesmaeker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

*Amendment*

3. Member States shall make use of adequate economic instruments ***including green public procurement***, to provide incentives for the application of the waste hierarchy ***and to incentivise the uptake of secondary raw materials. The Commission shall proactively facilitate and enable the exchange of information and best practices between Member States in this area.***

Or. en

*Justification*

*Public procurement is an important lever for innovative business models. Exchanges of best practices will enable frontrunners to improve their performance and at the same time enable Member States to leapfrog in the short-term.*

**Amendment 528**

**José Blanco López, Soledad Cabezón Ruiz, Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

*Amendment*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy ***to encourage the implementation of the waste prevention programmes referred to in Article 29 and promote achievement of the re-use and recycling targets set out in Article 11(2).***

Or. es

#### **Amendment 529**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Ulrike Müller, Anneli Jäätteenmäki, Jan Huitema, José Inácio Faria, Pavel Telička**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

#### *Amendment*

3. Member States shall make use of adequate economic instruments ***and other measures*** to provide incentives for the application of the waste hierarchy ***in order to contribute to the objectives laid down in this Directive. Annex IVa provides examples of such instruments and measures.***

Or. en

#### **Amendment 530**

**Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Renata Briano, Nicola Caputo, Caterina Chinnici, Elena Gentile**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

#### *Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

#### *Amendment*

3. Member States shall make use of adequate economic instruments ***and measures as listed in Annex IV a*** to provide incentives for the application of the waste hierarchy.

Or. en

#### **Amendment 531**

**Sirpa Pietikäinen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC

Article 4 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

*Amendment*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

*These instruments shall include, at least:*

- *progressive increase of landfill levies for all categories of waste;*
- *introduction or increase of incineration levies and/or specific bans for incineration of recyclable waste;*
- *progressive extension to the whole territory of Member States of 'pay-as-you-throw' systems;*
- *green levies or advanced disposal fees to apply to specific products where producer responsibility programs are not in place.*
- *deposit return and other systems incentivising municipal waste producers to reduce, re-use and recycle their waste;*
- *economic incentives for local authorities to promote prevention, develop and intensify separate collection schemes;*
- *measures to support the development of the re-use sector; and*
- *measures to suppress harmful subsidies not consistent with the waste hierarchy*

Or. en

**Amendment 532**

**Karl-Heinz Florenz**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

***Member States shall establish fee systems in order to ensure the full financing of the waste management infrastructure for municipal waste necessary for the implementation of this Directive.***

Or. en

*Justification*

*Only the introduction and optimisation of fees and charges for disposal (especially of municipal waste) guarantees sustainable financing of the waste management infrastructure and its operation. This includes collection, and where necessary sorting, as well as recycling, energy recovery and disposal of waste. Therefore a concretisation is necessary in this respect. But this is not excluding private waste management services.*

#### **Amendment 533**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 3**

Directive 2000/98/EC

Article 4 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date ***eighteen*** months after the entry into force of this Directive] and every five years following that date.

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date ***thirty-six*** months after the entry into force of this Directive] and every five years following that date.

Or. en

#### **Amendment 534**

**Davor Škrlec**

#### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 3**

Directive 2008/98/EC  
Article 4 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every **five** years following that date.

*Amendment*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every **three** years following that date. ***The list of examples of economic instruments is indicated in Annex IVa.***

Or. en

*Justification*

*This amendments seeks to further strengthen amendment 59 by the rapporteur.*

**Amendment 535**  
**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3**  
Directive 2008/98/EC  
Article 4 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph **by** [insert date **eighteen months** after the entry into force of this Directive] and every **five** years following that date.

*Amendment*

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph **18 months** after entry into force of this Directive and every **three** years following that date.

Or. en

**Amendment 536**  
**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3 a (new)**  
Directive 2008/98/EC  
Article 4 – paragraph 3a (new)

**(3a) In Article 4, the following paragraph 3a is inserted:**

**‘3a. In addition to the established waste hierarchy, a specific food waste hierarchy shall apply as a priority in food waste prevention and regulatory policy as follows:**

- a) source prevention / reduction (through procurement);**
- b) edible food rescue, prioritising human over animal feed;**
- c) local and residential composting;**
- d) centralised composting**
- e) local anaerobic digestion;**
- f) mechanical biological mixed waste treatment;’**

Or. en

**Amendment 537**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 3 a (new)**  
Directive 2008/98/EC  
Article 4 – paragraph 3a (new)

**(3a) In Article 4, the following paragraph 3a is inserted:**

**‘3a. Member States will diligently apply the waste hierarchy in order to enhance the genuine transition towards a circular economy. To this end, Member States shall make sound use of the European Structural and Investment Funds by promoting prevention, reuse and recycling and shall no longer use these Funds for incineration or landfilling.’**

*Justification*

*If the Commission and Member States are genuinely committed to moving towards a circular economy, a clear signal should be given that European Structural Funds should be used to enhance the first three tiers of the waste hierarchy.*

**Amendment 538**

**Nils Torvalds, Fredrick Federley, Gerben-Jan Gerbrandy, Catherine Bearder, Frédérique Ries, Ulrike Müller, Anneli Jäätteenmäki, Gesine Meissner, Jan Huitema, Jasenko Selimovic, José Inácio Faria, Pavel Telička**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 a (new)**

Directive 2008/98/EC

Article 4 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) In article 4, the following paragraph 3a is inserted:***

***‘3a. Member States shall encourage the exchange of information and sharing of best practices with regard to the instruments and incentives used in accordance paragraph 3 in order to boost the achievement of the objectives laid down in Article 4.’***

Or. en

**Amendment 539**

**Damiano Zoffoli, Renata Briano, Massimo Paolucci, Elena Gentile, Caterina Chinnici, Simona Bonafè**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 a (new)**

Directive 2008/98/EC

Article 4 – paragraph 3a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) In Article 4, the following paragraph***



*3a is inserted:*

*‘(3a) In addition to the established waste hierarchy referred to paragraph 1, the following specific food hierarchy shall apply as a priority order in food waste prevention and management legislation and policy:*

- a) source prevention;*
- b) edible food rescue, prioritising human over animal feed or biochemical reprocessing;*
- c) residential composting and / or conversion into other products;*
- d) centralised composting or anaerobic digestion;*
- e) mechanical biological mixed waste treatment;’*

Or. en

#### **Amendment 540**

**Josu Juaristi Abaunz, Kateřina Konečná, Estefanía Torres Martínez**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3 a (new)**

Directive 2008/98/EC

Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*(3a) In Article 4, the following paragraph 3a is added:*

*‘In addition to the established waste hierarchy, a specific food waste hierarchy shall apply as a priority in food waste prevention and regulatory policy as follows:*

- a) source prevention / reduction (through procurement);*
- b) edible food rescue, prioritising human over animal feed;*
- c) residential composting and/or conversion into other products;*

- d) *centralised composting or anaerobic digestion;*
- e) *mechanical biological mixed waste treatment;*
- f) *landfill/incineration.'*

Or. en

#### **Amendment 541**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point -a (new)**

Directive 2008/98/EC

Article 5 – title

*Present text*

*Amendment*

***By-products***

***-a) the title of Article 5 is replaced by the following:***

***‘Substances or objects not classified as waste’***

Or. fr

#### *Justification*

*‘By-product’ is an ambiguous term which could lead to errors in interpretation of the legislation. This amendment seeks to offer economic operators legal certainty.*

#### **Amendment 542**

**Andrzej Grzyb**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

***(a) in paragraph 1, the introductory phrase is replaced by the following:*** ***deleted***

***‘1. Member States shall ensure that a substance or object resulting from a production process the primary aim of***

*which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met: '*

Or. en

*Justification*

*Decision on what should be considered as a waste belongs to substance/subject holder. The term of by-product originates from waste definition (and from European Court of Justice judicial decisions). That is why every attempt for binding the holder with such decision is in conflict with the definition of waste. Opened construction of the paragraph clears doubts about ability of control/execution of Commission proposal.*

**Amendment 543**

**Jadwiga Wiśniewska, Bolesław G. Piecha**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

*(a) in paragraph 1, the introductory phrase is replaced by the following:* **deleted**

***'1. Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:'***

Or. pl

*Justification*

*The current Directive leaves the matter of recognising such a substance or object as a by-product in the hands of the producer, and it should remain like this since it is not possible to ensure that all situations will be identical. Some flexibility is needed.*

**Amendment 544**

**Jens Gieseke, Herbert Reul**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

(a) *in paragraph 1, the introductory phrase is replaced by the following: ‘* *deleted*

*1. Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met: ’*

Or. de

*Justification*

*There must be an EU-wide view of what constitutes a by-product which is consistent with the rules set out in the REACH Regulation and the objectives of REACH. Possible new criteria and (technical) rules concerning by-products must not result in a restriction of the leeway currently available to the industry in applying the definition of 'by-product' and the erection of hurdles to corresponding action taken by the industry to prevent waste.*

**Amendment 545**

**Josu Juaristi Abaunz**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. *Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:*

1. A substance or object resulting from a production process the primary aim of which is not the production of that substance or object ***shall be*** considered not to be waste, but to be a by-product if the following conditions are met:

## **Amendment 546**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. ***Member States shall ensure that a*** substance or object resulting from a production process the primary aim of which is not the production of that substance or object is ***considered*** not ***to be*** waste, ***but to be a by-product*** if the following conditions are met:

#### *Amendment*

1. A substance or object resulting from a production process the primary aim of which is not the production of that substance or object is not waste if the following conditions are met:

Or. fr

#### *Justification*

*‘By-product’ is an ambiguous term which could lead to errors in interpretation of the legislation. This amendment seeks to offer economic operators legal certainty.*

## **Amendment 547**

**Elisabetta Gardini**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. ***Member States shall ensure that a*** substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:

#### *Amendment*

1. A substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:

**Amendment 548**  
**Mark Demesmaecker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point a**  
Directive 2008/98/EC  
Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. ***Member States shall ensure that*** a substance or object resulting from a production process the primary aim of which is not the production of that substance or object *is* considered not to be waste, but to be a by-product if the following conditions are met:

*Amendment*

1. A substance or object resulting from a production process the primary aim of which is not the production of that substance or object ***shall be*** considered not to be waste, but to be a by-product if the following conditions are met:

Or. en

*Justification*

*Harmonised criteria for by-products should be the general rule. In the absence of European criteria, Member States may decide on a case-by-case basis.*

**Amendment 549**  
**Merja Kyllönen**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point a**  
Directive 2008/98/EC  
Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:

*Amendment*

1. Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product, ***and thus falls into the category of products,*** if the

following conditions are met:

Or. en

*Justification*

*To further ensure the objective of harmonisation and simplification of the legal framework on by-products, the proposed wording in Article 5 (1) should provide a clear confirmation that the term by-product is covered by the concept of products. This already follows from Recital 22 of the existing WFD, and it is also stated in Section 2.2.2 of the Commission's Waste and By-products Communication.*

**Amendment 550**

**Sirpa Pietikäinen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a**

Directive 2008/98/EC

Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product if the following conditions are met:

*Amendment*

1. Member States shall ensure that a substance or object resulting from a production process the primary aim of which is not the production of that substance or object is considered not to be waste, but to be a by-product, **and thus falls into the category of products**, if the following conditions are met:

Or. en

*Justification*

*To further ensure the objective of harmonisation and simplification of the legal framework on by-products, this Article should provide a clear confirmation that the term by-product is covered by the concept of products.*

**Amendment 551**

**Mark Demesmaecker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a a (new)**

*Present text*

*Amendment*

**(aa) in paragraph 1, point (b) is deleted.**

***‘(b) the substance or object can be used directly without any further processing other than normal industrial practice;’***

Or. en

*Justification*

*It is important to encourage and facilitate industrial symbiosis, which has the potential to increase the efficient use of resources in a lawful manner. The current conditions in Article 5 face important interpretation problems, which to a certain extent do not facilitate industrial symbiosis. Therefore, the conditions should be open for review and improvement.*

**Amendment 552**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point a b (new)**  
Directive 2008/98/EC  
Article 5 – paragraph 1 – point c

*Present text*

*Amendment*

**(ab) in paragraph 1, point (c) is deleted**

***‘(c) the substance or object is produced as an integral part of a production process; and’***

Or. en

*Justification*

*It is important to encourage and facilitate industrial symbiosis, which has the potential to increase the efficient use of resources in a lawful manner. The current conditions in Article 5 face important interpretation problems, which to a certain extent do not facilitate industrial symbiosis. Therefore, the conditions should be open for review and improvement.*



**Amendment 553**  
**Mark Demesmaecker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a c (new)**

Directive 2008/98/EC

Article 5 – paragraph 1 – point d

*Present text*

(d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts.

*Amendment*

***(ac) in paragraph 1, point d is replaced by the following:***

(d) further use is lawful, i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts, ***or to adverse impacts on the efficient use of resources in accordance with the waste hierarchy referred to in Article 4.***

Or. en

*Justification*

*It is important to encourage and facilitate industrial symbiosis, which has the potential to increase the efficient use of resources in a lawful manner. The current conditions in Article 5 face important interpretation problems, which to a certain extent do not facilitate industrial symbiosis. Therefore, the conditions should be open for review and improvement.*

**Amendment 554**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point a a (new)**

Directive 2008/98/EC

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) the following paragraph 1a is inserted:***

***‘1a. A substance or an object resulting from a production process which uses waste wholly or partially as a raw material is not regarded as being waste when said***

*substance or object has characteristics comparable to the substance or object that would have been produced without use of waste materials. A process the main purpose of which is treatment of waste is not regarded as being a production process within the meaning of this paragraph.'*

Or. xm

*Justification*

*'By-product' is an ambiguous term which could lead to errors in interpretation of the legislation. This amendment seeks to offer economic operators legal certainty based on case-law established in Case C-444/00 Mayor Parry Recycling Ltd.*

**Amendment 555**

**Soledad Cabezón Ruiz**

**Proposal for a directive**

**Article 1 – paragraph 1 – point a a (new)**

Directive 2008/98/EC

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(aa) the following paragraph 1 a is inserted:*

*(1a) On the application of paragraph 1.d the Commission shall adopt rules on how to determine that further use of a by-product is lawful. This rules shall include how by-product producers must demonstrate that the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use, and will not lead to overall adverse environmental or human health impacts. To this aim, existing regulations to ensure a high level of protection of human health and the environment must be the essential tool.*

Or. en

### *Justification*

*The by-product uptake after 8 years of Directive is almost nothing. This is because of discrepancies and doubts about the interpretation of criterion, particularly about environmental and health protection requirements. REACH is the essential regulation in Europe to ensure a high level of protection of human health and the environment. To avoid double regulation and different interpretations that would lead to distortions between Member States a clear guidance on the interpretation of paragraph 1.d. must be developed. This guidance must be based on REACH Regulation fulfilment.*

#### **Amendment 556** **Angélique Delahaye**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point b**  
Directive 2008/98/EC  
Article 5 – paragraph 2

#### *Text proposed by the Commission*

(b) paragraph 2 is ***replaced by the following:***

***‘2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.’***

#### *Amendment*

(b) paragraph 2 is ***deleted;***

Or. fr

### *Justification*

*This paragraph duplicates procedures that already exist and could disrupt the free movement of goods were criteria to be established that are different from the product regulation ones.*

#### **Amendment 557** **Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point b**  
Directive 2008/98/EC  
Article 5 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(b) paragraph 2 is ***replaced by the following:***

(b) paragraph 2 is ***deleted;***

***'2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.'***

Or. en

**Amendment 558**

**Birgit Collin-Langen, Sabine Verheyen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point b**

Directive 2008/98/EC

Article 5 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(b) paragraph 2 is ***replaced by the following:***

(b) paragraph 2 is ***deleted;***

***'2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.'***

Or. en

**Amendment 559**

**Kateřina Konečná**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point b**

Directive 2008/98/EC

Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects ***and to engage with Member States to help ensure a common understanding of the rules on by-products. Those detailed criteria shall streamline the interactions between the conditions in paragraph 1 and those in existing legislation and shall reflect a basic presumption that market access to the products or objects classified as by-products should be incentivised. Existing situations of industrial symbiosis should be prioritised in the development of the detailed criteria.***

Or. en

*Justification*

*The application of the same by-product criteria across the EU is an essential ingredient in shifting from waste to resource management. However, these detailed criteria shall always work in ensuring the final goal of the Circular Economy: therefore the criteria should always work in favour of granting by-product status to co-generated industrial materials (e.g. ferrous slag) and ensure them a access to the market. Those criteria should simplify the interactions between the by-products conditions and the existing legislations as the REACH amongst others. As an example, the ferrous slag from the steel sector has been registered a substance under the REACH not showing any hazard or harmful properties for the health and the environment. This outcome and the REACH registration should be considered as valuable elements in fulfilling the conditions contained in the Article 5.*

**Amendment 560**  
**Pilar Ayuso**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point b**  
Directive 2008/98/EC  
Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects. ***Those detailed criteria shall prioritise existing situations of industrial symbiosis and streamline the interactions between the conditions set in paragraph 1 and existing legislation on waste, products and chemicals.'***

Or. en

**Amendment 561**

**Davor Škrlec**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point b**

Directive 2008/98/EC

Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects. ***The Commission shall prioritise the proven and replicable practices of industrial and agricultural symbiosis in the development of the detailed criteria.***

Or. en

*Justification*

*This amendment seeks to further strengthen amendment 62 by the rapporteur. It is essential that the Commission prioritises industrial symbiosis; this is something that can enable the agroindustry (food and beverage industry) to make better use of its by-products in various*

ways, including composting and anaerobic digestion. In the same way, the Commission should also focus on agricultural by-products, in order to ensure that valuable in-farm residues (like straw and plant roots) can be integrated unhindered into the economy.

**Amendment 562**  
**Karl-Heinz Florenz**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point b**  
Directive 2008/98/EC  
Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects. ***The Commission shall prioritise the existing and replicable practices of industrial symbiosis in the development of the detailed criteria.***

Or. en

*Justification*

*As the criteria should be established case-by-case (i.e. material stream specific), it would be more effective to prioritise the work by focusing on those cases where a market exists and thus progressively establishing a functioning and consolidated market for by-products. Detailed criteria can be developed also for those situation for which the practices exist but the market has still to develop: thus the by-products criteria might help in creating then an "existing market". Those criteria should be developed by taking into account the "COM(2007) 59 final - Communication from the COM on the Interpretative Communication on waste and by-products" and "Guidance on the interpretation of key provisions of Directive 2008/98/EC on waste".*

**Amendment 563**  
**Elisabetta Gardini**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point b**

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

*Amendment*

2. **Where necessary**, the Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

Or. en

**Amendment 564**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point b**  
Directive 2008/98/EC  
Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish **detailed** criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish **science-based** criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

Or. en

*Justification*

*Harmonised criteria for by-products should be the general rule. In the absence of European criteria, Member States may decide on a case-by-case basis. These criteria should be science-based and allow for innovation.*

**Amendment 565**  
**Angélique Delahaye, Michel Dantin, Françoise Grossetête**



**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point c**

Directive 2008/98/EC

Article 5 – paragraph 3

*Text proposed by the Commission*

*Amendment*

c) *the following paragraph 3 is added:* *deleted*

*‘3. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (\*) where so required by that Directive.*

*(\*) OJ L 241, 17.9.2015, p.1.’*

Or. fr

*Justification*

*This paragraph duplicates procedures that already exist and could disrupt the free movement of goods were criteria to be established that are different from the product regulation ones.*

**Amendment 566**

**Jens Gieseke, Herbert Reul**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4**

Directive 2008/98/EC

Article 5 – paragraph 3

*Text proposed by the Commission*

*Amendment*

c) *the following paragraph 3 is added: ‘* *deleted*

*3. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the*

***European Parliament and of the Council  
of 9 September 2015 laying down a  
procedure for the provision of  
information in the field of technical  
regulations and of rules on Information  
Society services (\*) where so required by  
that Directive.***

***(\*) OJ L 241, 17.9.2015, p.1. '***

Or. de

### *Justification*

*There must be an EU-wide view of what constitutes a by-product which is consistent with the rules set out in the REACH Regulation and the objectives of REACH. Possible new criteria and (technical) rules concerning by-products must not result in a restriction of the leeway currently available to the industry in applying the definition of 'by-product' and the erection of hurdles to corresponding action taken by the industry to prevent waste.*

### **Amendment 567**

**Josu Juaristi Abaunz**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point c**

Directive 2008/98/EC

Article 5 – paragraph 3

### *Text proposed by the Commission*

***3. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (\*) where so required by that Directive.***

### *Amendment*

***3. Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may, on a case-by-case basis, establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific waste, including limit values for pollutants. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.***

Or. en

**Amendment 568**  
**Elisabetta Gardini**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point c**  
Directive 2008/98/EC  
Article 5 – paragraph 3

*Text proposed by the Commission*

3. *Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (\*) where so required by that Directive.*

*Amendment*

3. *Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may, on a case-by-case basis, establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.*

Or. en

**Amendment 569**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 4 – point c**  
Directive 2008/98/EC  
Article 5 – paragraph 3

*Text proposed by the Commission*

3. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (\*) where so required by that Directive.

*Amendment*

3. *Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may, on a case-by-case basis, establish science-based criteria on the application of the conditions laid down in paragraph 1.* Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council of 9 September 2015 laying down a procedure

for the provision of information in the field of technical regulations and of rules on Information Society services (\*) where so required by that Directive.

Or. en

*Justification*

*Harmonised criteria for by-products should be the general rule. In the absence of European criteria, Member States may decide on a case-by-case basis.*

**Amendment 570**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point –a (new)**

Directive 2008/98/EC

Article 6 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***(-a) the following paragraph -1 is inserted:***

***"-1. Products that have completed the preparing for re-use process shall be granted end of waste status by the preparing for re-use operator. They shall be regarded as second-hand products and can count towards the achievement of the targets laid out in this Directive."***

Or. en

**Amendment 571**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point i**

Directive 2008/98/EC

Article 6 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. **Member States shall ensure that** waste **which** has undergone a recovery operation **is considered to have ceased to be waste if it complies** with the following conditions:

*Amendment*

1. **Certain specified** waste **shall cease to be waste within the meaning of point (1) of Article 3 when it** has undergone a recovery operation, **including recycling, and in accordance with specific criteria to be developed consistent** with the following conditions:

Or. fr

*Justification*

*The European end-of-waste criteria represent an important guarantee of legal security and are essential to an internal market in recycling. The Commission needs therefore to propose a single methodology and specific European end-of-life-as-waste criteria for certain materials in order to provide a framework for Member States' national practices and enable mutual recognition.*

**Amendment 572**  
**Mark Demesmaecker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point i**

Directive 2008/98/EC

Article 6 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. **Member States shall ensure that** waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following conditions:

*Amendment*

1. Waste which has undergone a recovery operation, **including recycling**, is considered to have ceased to be waste if it complies with the following conditions:

Or. en

*Justification*

*Harmonised criteria for end-of-waste should be the general rule. In the absence of European criteria, Member States may decide on a case-by-case basis.*

**Amendment 573**  
**Gesine Meissner**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point i**

Directive 2008/98/EC

Article 6 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall ensure that waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following conditions:

*Amendment*

1. Member States shall ensure that waste which has undergone a recovery operation, ***requires no further sorting or treatment and will effectively be processed into products, materials or substances*** is considered to have ceased to be waste if it complies with the following conditions:

Or. de

*Justification*

*As long as some parts of the output of the recycling procedure require further processing – irrespective of whether they have reached end-of-waste status – high-quality treatment needs to be ensured. This should also apply in the case of waste shipped out of the EU in large quantities (as proposed in Article 1(11)(8)). Without a relevant guarantee it will not be possible to achieve the aim of ensuring high-quality treatment by withdrawing the end-of-waste criterion. In this context we must ensure that the concept of the final recycling process (see Article 17a) is adhered to. Materials must fulfil all three parts of this concept to reach end-of-waste status: (1) no further sorting or treatment processes are needed; (2) waste materials are subjected to a production process and are (3) effectively processed into products, materials or substances.*

**Amendment 574**  
**Josu Juaristi Abaunz**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point i**

Directive 2008/98/EC

Article 6 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall ensure that waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following

*Amendment*

1. Member States shall ensure that waste which has undergone a ***recycling or other*** recovery operation is considered to have ceased to be waste if it complies with

conditions:

the following conditions:

Or. en

#### **Amendment 575**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5 – point a – point i**

Directive 2008/98/EC

Article 6 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Member States shall ensure that waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following conditions:

#### *Amendment*

1. Member States shall ensure that waste which has undergone a **recycling or other** recovery operation is considered to have ceased to be waste if it complies with the following conditions:

Or. en

#### **Amendment 576**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

#### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 5 – point a – point i**

Directive 2008/98/EC

Article 6 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) the substance or object **can be** used for specific purposes;

#### *Amendment*

(a) the substance or object **is** used for specific purposes;

Or. fr

#### *Justification*

*The European end-of-waste criteria represent an important guarantee of legal security and are essential to an internal market in recycling. The Commission needs therefore to propose a single methodology and specific European end-of-life-as-waste criteria for certain materials in order to provide a framework for Member States' national practices and enable mutual recognition.*

## Amendment 577

Angélique Delahaye, Michel Dantin, Françoise Grossetête

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point a and point i a (new)

Directive 2008/98/EC

Article 6 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) the substance or object will be used directly without any further processing other than normal industrial practice, waste treatment being the sole exception;**

Or. fr

### *Justification*

*The European end-of-waste criteria represent an important guarantee of legal security and are essential to an internal market in recycling. The Commission needs therefore to propose a single methodology and specific European end-of-life-as-waste criteria for certain materials in order to provide a framework for Member States' national practices and enable mutual recognition.*

## Amendment 578

Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point a – point i a (new)

Directive 2000/98/EC

Article 6 – paragraph 1 – point c

*Present text*

*Amendment*

(c) 'the substance or object fulfils the technical requirements for the **specific purposes** and meets the existing legislation and standards applicable to products; and'

**(ia) point (c) is replaced by the following:**

(c) 'the substance or object fulfils the technical requirements for the **final recycling process** and meets the existing legislation and standards applicable to products; and'

Or. en



**Amendment 579**  
**Mark Demesmaeker**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point i a (new)**

Directive 2008/98/EC

Article 6 – paragraph 1 – point d

*Present text*

(d) the use of the substance or object will not lead to overall adverse environmental or human health impacts."

*Amendment*

*(ia) point (d) is replaced by the following:*

(d) the use of the substance or object will not lead to overall adverse environmental or human health impacts, *or to an adverse impact on the efficient use of resources in accordance with the waste hierarchy, referred to in Article 4.*"

Or. en

*Justification*

*It is important to include the resource efficiency parameter in the conditions.*

**Amendment 580**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point i a (new)**

Directive 2000/98/EC

Article 6 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*(ia) the following subparagraph is added:*

*‘Member States shall ensure that the procedure to be followed in order to end waste status does not constitute an obstacle for those undertakings, and particularly the smallest ones, that abide by these conditions.’*

Or. fr

**Amendment 581**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point a – point ii**

Directive 2000/98/EC

Article 6 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

**(ii) *the second subparagraph is deleted;*** ***deleted***

Or. en

**Amendment 582**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point aa (new)**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**(aa) *paragraph 2 is deleted;***

**2. *The measures designed to amend non-essential elements of this Directive by supplementing it relating to the adoption of the criteria set out in paragraph 1 and specifying the type of waste to which such criteria shall apply shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 39(2). End-of-waste specific criteria should be considered, among others, at least for aggregates, paper, glass, metal, tyres and textiles.***

Or. en

**Amendment 583**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(aa) *paragraph 2 is deleted ;*

**2.** *The measures designed to amend non-essential elements of this Directive by supplementing it relating to the adoption of the criteria set out in paragraph 1 and specifying the type of waste to which such criteria shall apply shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 39(2). End-of-waste specific criteria should be considered, among others, at least for aggregates, paper, glass, metal, tyres and textiles.*

Or. en

**Amendment 584**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(b) paragraphs 2, 3 and 4 are replaced by the following:

(b) paragraphs 3 and 4 are replaced by the following:

Or. en

**Amendment 585**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(b) paragraphs 2, 3 and 4 are replaced by the following:

(b) paragraphs 3 and 4 are replaced by the following:

Or. de

**Amendment 586**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2.      *The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.***      *deleted*

Or. de

**Amendment 587**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2.      *The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the***      *deleted*

*application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.*

Or. fr

**Amendment 588**  
**Mark Demesmaeker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2008/98/EC  
Article 6 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects **or human health impacts** of the substance or object. **The Commission shall consider specific end-of-waste criteria at least for aggregates, paper, glass, metal, tyres and textiles.**

Or. en

*Justification*

*If the Commission still considers end-of-waste criteria to be a relevant instrument, criteria for the most relevant waste streams should be developed.*

**Amendment 589**  
**Elisabetta Gardini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

*Amendment*

2. The Commission shall be empowered, ***on the basis of a continuous monitoring of national situations which can be publicly accessible***, to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

Or. en

**Amendment 590**

**Sirpa Pietikäinen**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste ***and a European certification and accreditation system of final recycling process plants and actors***. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object.

## Amendment 591

Pavel Poc

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point b

Directive 2008/98/EC

Article 6 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants **where necessary** and shall take into account any possible adverse **environmental** effects of the substance or object.

#### *Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants and shall take into account any possible adverse effects **on human health and/or environment** of the substance or object.

Or. en

## Amendment 592

Angélique Delahaye, Michel Dantin, Françoise Grossetête

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point b

Directive 2008/98/EC

Article 6 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or

#### *Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to certain waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental **or public health** effects of

object.

the substance or object.

Or. fr

*Justification*

*The European end-of-waste criteria represent an important guarantee of legal security and are essential to an internal market in recycling. The Commission needs therefore to propose a single methodology and specific European end-of-life-as-waste criteria for certain materials in order to provide a framework for Member States' national practices and enable mutual recognition.*

**Amendment 593**

**José Blanco López, Soledad Cabezón Ruiz, Inmaculada Rodríguez-Piñero Fernández**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to *certain waste*. Those detailed criteria shall *include limit values for pollutants where necessary and shall take into account any possible adverse environmental effects of the substance or object*.

*Amendment*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to establish detailed criteria on the application of the conditions laid down in paragraph 1 to *specific substances or objects*. Those detailed criteria shall *streamline the interactions between the conditions in paragraph 1 and existing legislations on waste, products and chemicals*.

Or. en

**Amendment 594**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 2 a (new)



**2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to lay down the measures and requirements of an EU framework for harmonisation of procedures to obtain end-of-waste status. These measures and requirements shall include a regulatory framework enabling:**

**mutual recognition of national procedures determining end-of-waste status; the drawing up of harmonised standards concerning the application to certain types of waste of the conditions set out in paragraph 1; and the drawing up, in accordance with the investigation conducted by a Member State, of detailed criteria concerning the application to certain types of waste of the conditions listed in paragraph 1.**

Or. fr

*Justification*

*The European end-of-waste criteria represent an important guarantee of legal security and are essential to an internal market in recycling. The Commission needs therefore to propose a single methodology and specific European end-of-life-as-waste criteria for certain materials in order to provide a framework for Member States' national practices and enable mutual recognition.*

**Amendment 595**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 3

**3. Waste which is considered to have ceased to be waste in accordance with paragraph 1 may be considered to be prepared for reuse, recycled or recovered**

**3. Member States shall notify the Commission of technical regulations adopted under paragraph 1, in accordance with Directive 2015/1535/EC of the**

*for the purpose of the calculation of the achievement of the targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(\*) respectively if it has been subject to a preparing for reuse, recycling or recovery in accordance with those Directives.*

European Parliament and of the Council,  
*where so required by that Directive.*

Or. en

## Amendment 596

Julie Girling

### Proposal for a directive

#### Article 1 – paragraph 1 – point 5 – point b

Directive 2008/98/EC

Article 6 – paragraph 3

#### *Text proposed by the Commission*

3. Waste which *is considered to have* ceased to be waste in accordance with *paragraph 1* may be *considered to be prepared for reuse, recycled or recovered* for the purpose of the calculation of the achievement of the targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(\*) *respectively* if it has been subject to a preparing for reuse, recycling or recovery in accordance with those Directives.

#### *Amendment*

3. Waste which *has* ceased to be waste in accordance with *Article 6(1)* may be *taken into account* for the purpose of the calculation of the achievement of the *preparation for reuse, recycling or recovery* targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(\*) if it has been subject to *respectively* a preparing for reuse, recycling or recovery in accordance with those Directives.

Or. en

#### *Justification*

*Improves legal clarity, acknowledging that waste which has ceased to be waste in accordance with Article 6(1) will be taken into account for the purpose of calculation.*

**Amendment 597**  
**Soledad Cabezón Ruiz**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2008/98/EC  
Article 6 – paragraph 3

*Text proposed by the Commission*

3. Waste which is considered to have ceased to be waste in accordance with paragraph 1 may be considered to be prepared for reuse, **recycled** or recovered for the purpose of the calculation of the achievement of the targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(\*) respectively if it has been subject to a preparing for reuse, recycling or recovery in accordance with those Directives.

*Amendment*

3. Waste which is considered to have ceased to be waste in accordance with paragraph 1 may be considered to be prepared for reuse or recovered for the purpose of the calculation of the achievement of the targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(\*) respectively if it has been subject to a preparing for reuse, recycling or recovery in accordance with those Directives. ***The weight of waste which is considered to have ceased to be waste must be reported as recycled when entering the final recycling process;***

Or. en

*Justification*

*Recycling must be calculated using a single harmonised method in all Member States, based on a solid reporting method, preventing the loss of traceability of wastes and ensuring that they have been effectively transformed in new products as this is the only way to get a real improvement in efficient use of resources.*

**Amendment 598**  
**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2008/98/EC  
Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

(b) paragraphs 2, 3 **and 4** are replaced by the following:

(b) paragraphs 2 and 3 are replaced by the following:

Or. en

#### **Amendment 599**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**4. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.**

**deleted**

**(\*) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).**

Or. en

#### **Amendment 600**

**Piernicola Pedicini, Marco Affronte, Eleonora Evi**

#### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b a (new)**

Directive 2008/98/EC

Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(ba) paragraph 4 is deleted.**

Or. en

**Amendment 601**  
**Karl-Heinz Florenz**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2008/98/EC  
Article 6 – paragraph 4

*Text proposed by the Commission*

4. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC *of the European Parliament and of the Council* where so required by that Directive.

*Amendment*

4. ***Where criteria have not been set at Union level in accordance the procedure set out in paragraph 2, Member States may establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific waste, including limit values for pollutants.*** Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC where so required by that Directive. ***In view of ensuring coherence in the single market the Commission shall adopt by delegated acts general requirements to be followed by Member States when they adopt technical regulations under paragraph 1.***

Or. en

*Justification*

*The EU has priority on End-of-Waste. However, in practice national procedures are multiplying and the rules set out in paragraph 1 should be completed through general requirements for national jurisdictions to respect. This would, for example, ensure a coherent internal market and guarantee traceability for a material when it ceases to be waste. These requirements should be detailed through a delegated act and include: mutual recognition, transparency of adoption, reversibility, etc.*

**Amendment 602**  
**Elisabetta Gardini**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**

*Text proposed by the Commission*

4. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.

*Amendment*

4. ***Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may, on a case-by-case basis, establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.***

Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council ***of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (\*)*** where so required by that Directive.

Or. en

**Amendment 603**

**Angélique Delahaye, Michel Dantin, Françoise Grossetête**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b**

Directive 2008/98/EC

Article 6 – paragraph 4

*Text proposed by the Commission*

4. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.

*Amendment*

4. ***Where no criteria have been established at EU level under the procedure set out in paragraph 2, Member States may establish detailed criteria on the application to specific types of waste of the conditions laid down in paragraph 1, taking account of applicable case-law.***  
Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance

with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.

Or. fr

*Justification*

*The European end-of-waste criteria represent an important guarantee of legal security and are essential to an internal market in recycling. The Commission needs therefore to propose a single methodology and specific European end-of-life-as-waste criteria for certain materials in order to provide a framework for Member States' national practices and enable mutual recognition.*

**Amendment 604**  
**Mark Demesmaecker**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 5 – point b**  
Directive 2008/98/EC  
Article 6 – paragraph 4

*Text proposed by the Commission*

4. Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.

*Amendment*

4. ***Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may establish science-based criteria on the application of the conditions laid down in paragraph 1, including limit values for pollutants where necessary.*** Member States shall notify the Commission of technical regulations adopted under paragraph 1 in accordance with Directive 2015/1535/EC of the European Parliament and of the Council where so required by that Directive.

Or. en

*Justification*

*Harmonised criteria for end-of-waste should be the general rule. In the absence of European criteria, Member States may decide on a case-by-case basis.*

## **Amendment 605**

**Simona Bonafè, Massimo Paolucci, Damiano Zoffoli, Renata Briano, Nicola Caputo, Caterina Chinnici, Elena Gentile**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b a (new)**

Directive 2008/98/EC

Article 6 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) The following paragraph 4a is inserted:**

**‘4a. Where such criteria have not been established either at national level, Member States shall ensure that waste which has undergone a recovery operation, is considered to have ceased to be waste if it complies with specific conditions which shall be verified on a case-by-case basis by the national competent authority.’**

Or. en

## **Amendment 606**

**Alberto Cirio**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 5 – point b a (new)**

Directive 2008/98/EC

Article 6 – point 4a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) The following paragraph 4a is inserted:**

**‘4a. End-of-waste operations according to paragraph 1 shall be considered as a "final recycling process" if the materials or substances that have ceased to be waste have been subject to a recycling operation, excluding hence energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.’**



**Amendment 607**

**Birgit Collin-Langen, Sabine Verheyen, Jens Gieseke**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6 – point a**

Directive 2008/98/EC

Article 7 – paragraph 1 – first sentence

*Text proposed by the Commission*

(a) *in paragraph 1, the first sentence is replaced by the following:*

*'1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a to establish the list of waste.'*

*Amendment*

(a) *Paragraph 1.1 is deleted.*

Or. de

**Amendment 608**

**Gilles Pargneaux, Pervenche Berès**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6 – point a**

Directive 2008/98/EC

Article 7 – paragraph 1 – first sentence

*Text proposed by the Commission*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a to establish the list of waste.

*Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a to establish the list of waste, *especially if its useful life can be extended by repair or re-use, professional remanufacturing or reconditioning operations.*

Or. en

**Amendment 609**

**Jean-François Jalkh, Mireille D'Ornano, Sylvie Goddyn, Matteo Salvini**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6 – point a**

Directive 2000/98/EC

Article 7 – paragraph 1 – first sentence

*Text proposed by the Commission*

1. *The Commission* shall *be empowered to adopt delegated acts in accordance with Article 38a to* establish the list of waste.

*Amendment*

1. *Member States* shall establish the list of waste.

Or. en