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Plenary sitting

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MOTION FOR A RESOLUTION

pursuant to Rule 88(2), (3) and (4)(c) of the Rules of Procedure

on the draft Council regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6 (1) of Directive 2008/98/EC on waste
(D021155/01 – 2012/2742(RPS))

Committee on the Environment, Public Health and Food Safety

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European Parliament resolution on the draft Council regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6 (1) of Directive 2008/98/EC on waste (D021155/01 – 2012/2742(RPS))

The European Parliament,

- having regard to the proposal for a Council Regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6(1) of Directive 2008/98/EC on waste (COM(2013)0502),
 - having regard to the JRC scientific and technical report entitled ‘End-of-waste criteria for waste paper: technical proposals’, published in March 2011,
 - having regard to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives¹, and in particular Article 6(1) thereof,
 - having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste², and in particular Article 49 thereof,
 - having regard to Commission Decision 753/2011 establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC, and in particular Article 2(2) thereof³,
 - having regard to the Commission communication of 26 January 2011 entitled ‘A resource-efficient Europe – Flagship initiative under the Europe 2020 Strategy’ (COM(2011)0021),
 - having regard to the opinion delivered on 9 July 2012 by the committee referred to in Article 39 of Directive 2008/98/EC,
 - having regard to Article 5a(4)(e) of the Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁴,
 - having regard to Rule 88(2), (3) and (4)(c) of its Rules of Procedure,
- A. whereas the proposed Council regulation stipulates that waste paper with a non-paper component equal to or less than 1.5 % of air dry weight shall cease to be waste when it is destined for the use of paper fibres for paper manufacturing, subject to certain additional criteria;
- B. whereas multi-material paper with a non-paper content of more than 30 % of air dry weight shall count in its totality as non-paper component; whereas a typical multi-material

¹ OJ L 312, 22.11.2008, p. 3.

² OJ L 190, 12.7.2006, p. 1.

³ OJ L 310, 25.11.2011, p. 11.

⁴ OJ L 184, 17.7.1999, p. 23.

paper container contains just 30 % or less of non-paper components (24 % of polyethylene, 6 % of aluminium) and would thus not count as a non-paper component; whereas, as a result, a waste paper stream could contain any amount of multi-material paper containers (with their high content of non-paper components as well as non-negligible residual content of liquids, food and other organic material attached thereto) and would be seen no longer as waste but as a product;

- C. whereas, under Article 3(17) of Directive 2008/98/EC, ‘recycling’ is defined as ‘any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes’;
- D. whereas the draft regulation defines the end-of-waste point as the point when the recovered paper is destined for the use of paper fibres for paper manufacturing, thus placing it before the actual reprocessing in the paper mill; whereas this conflicts with the existing definition of ‘recycling’, which requires reprocessing of waste materials;
- E. whereas such waste material obtained after collection and sorting has only been pre-processed (not reprocessed) and cannot be used without further reprocessing;
- F. whereas defining end-of-waste before recycling has actually taken place would cause problems in relation to a vast body of existing Community legislation such as that relating to eco-labels, public procurement, eco-design and REACH in which, hitherto, ‘recycling’ has been referred to as resulting in a ready-to-be-used recycled product and, furthermore, contradicts Article 2(2) of Commission Decision 753/2011/EC, in which ‘pre-processing’ is clearly differentiated from ‘final recycling’;
- G. whereas, pursuant to Article 6(1) of Directive 2008/98/EC, certain specified waste shall cease to be waste when it has undergone a recovery operation (including recycling) and complies with specific criteria to be developed in accordance with the conditions laid down in that article; whereas those conditions include: a) that the substance or object complies with the existing legislation and standards applicable to products (Article 6(1c)); and b): that the use of the substance or object will not lead to overall adverse environmental or human health impacts (Article 6(1d));
- H. whereas the threshold for the non-paper component of 1.5 % is based on the European standard EN 643; whereas according to the JRC study this standard ‘is a central element in waste paper trade’ and ‘specifies a list of European standard grades of waste’; whereas reliance on this standard for setting end-of-waste criteria clearly violates Article 6(1)(c) of Directive 2008/98/EC, which explicitly refers to ‘standards applicable to products’, and not to standards applicable to waste;
- I. whereas relevant paper product standards such as ISO 1762 for inorganic impurities, ISO 5350/1 and 5350/2 for visible dirt and ISO 624 for extractives (low molecular weight carbohydrates) require a purity level of 1 ppm – 15 000 times lower than the level proposed;

- J. whereas the inclusion of multi-material paper goes against the explicit recommendation in the JRC study, which excluded layered waste paper from the scope of end-of-waste criteria on the grounds of the additional intrinsic environmental risk arising from it should the material be exported, especially outside the EU;
- K. whereas, as is stated in Article 49(2) of Regulation (EC) No 1013/2006, in the case of exports outside the EU the competent authority of dispatch in the Union shall require and endeavour to secure that any waste exported is managed in an environmentally sound manner in the third country of destination, inter alia by being able to demonstrate that the facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to those established in the EU legislation;
- L. whereas if used paper, including multi-material waste paper, is granted end-of-waste status before it has even been properly recycled, then such material can be traded freely on global markets and the safeguards of the Waste Shipment Regulation with regard to environmentally sound management will no longer apply; whereas exempting waste streams with a high degree of non-paper materials - which moreover could go well beyond the 1.5 % threshold owing to the discounting of current multi-material paper - from the requirements of the waste shipment regulation clearly risks violating Article 6(1d) of Directive 2008/98/EC, which states that use of the substance shall not lead to overall adverse environmental impacts;
- M. whereas stimulating increased global trade in such alleged ‘end-of-waste’ paper by circumventing the environmental and health protection safeguards would not only have an additional negative environmental impact during transport, but could also lead to a decrease in the European paper recycling rate due to reduced availability of waste paper, so that paper manufacturers might have to substitute it at least partially with more virgin fibre-based production in Europe, with higher energy input and related CO₂ emissions, which would again conflict with the criterion of avoiding overall adverse environmental impacts;
- N. whereas the Commission communication on a ‘resource-efficient Europe’ includes a strategy to make the EU a ‘circular economy’, based on a recycling society with the aim of reducing waste generation and using waste as a resource; whereas further improvement of recycling rates in the EU risks being seriously undermined by the proposed ‘end-of-waste’ criteria, and the current proposal would thus not comply with Article 6(1d) of Directive 2008/98/EC;
1. Opposes adoption of the Council regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6 (1) of Directive 2008/98/EC on waste;
 2. Considers that the draft Council regulation is not compatible with the aim and content of the basic act;
 3. Considers that the draft Council regulation exceeds the implementing powers conferred on the Commission under the basic act;

4. Considers that the Commission has not properly assessed the impacts of the draft regulation on paper recycling and shipments to third countries of waste paper in the guise of a product, and has failed to submit to the committee a justification for moving the point of end-of-waste from the current point after reprocessing in paper mills to before reprocessing;
5. Instructs its President to forward this resolution to the Council, the Commission, and the parliaments and governments of the Member States.