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*****I**

REPORT

on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste (COM(2004)0127 – C5-0100/2004 – 2004/0045(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Dorette Corbey

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste (COM(2004)0127 – C5-0100/2004 – 2004/0045(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2004)0127)¹,
 - having regard to Article 251(2) and Article 95(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0100/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0027/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 RECITAL 1

(1) In view of the enlargement of the European Union, due attention needs to be paid to the specific situation in the **future** Member States, in particular in relation to the attainment of the recycling and recovery targets set out in Article 6(1) of European Parliament and Council Directive 94/62/EC.

(1) In view of the **recent** enlargement of the European Union, due attention needs to be paid to the specific situation in the **new** Member States, in particular in relation to the attainment of the recycling and recovery targets set out in Article 6(1) of European Parliament and Council Directive 94/62/EC.

Amendment 2 RECITAL 2

¹ OJ C 98, 23.4.2004, p. 40.

(2) Member States ***acceding*** to the European Union by virtue of the Accession Treaty of 16 April 2003 require additional time to adapt their recycling and recovery systems to the targets of Directive 94/62/EC.

(2) Member States ***having acceded*** to the European Union by virtue of the Accession Treaty of 16 April 2003 require additional time to adapt their recycling and recovery systems to the targets of Directive 94/62/EC.

Amendment 3

ARTICLE 1

Article 6, paragraph 11 (Directive 94/62/EC)

11. Member States ***acceding*** to the European Union by virtue of the Accession Treaty of 16 April 2003 may postpone the attainment of the targets referred to in paragraph 1(b), (d) and (e) until a date of their own choosing which shall not be later than 31 December 2012.

11. Member States ***having acceded*** to the European Union by virtue of the Accession Treaty of 16 April 2003 may postpone the attainment of the targets referred to in paragraph 1(b), (d) and (e) until a date of their own choosing which shall not be later than 31 December 2012 ***for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Slovakia and Slovenia; 31 December 2013 for Malta; 31 December 2014 for Poland and 31 December 2015 for Latvia.***

Justification

The proposed new deadline corresponds to the requests from the new Member States which were mentioned in Directive 2004/12/EC (recital 6).

EXPLANATORY STATEMENT

On 31 December 1994, Directive 94/62/EC on packaging and packaging waste¹ (hereinafter “original packaging directive”) entered into force. On 11 February 2004, Directive 2004/12/EC² (hereinafter “revised packaging directive”) amending Directive 94/62/EC was adopted by the European Parliament and the Council under the co-decision procedure, as laid down in Article 251 of the EC Treaty. Inter alia, the revised packaging directive sets increased recovery and recycling targets to be achieved by 31 December 2008³.

At the time when the proposal for the revised packaging directive was submitted to the European Parliament and the Council, accession negotiations with ten countries were ongoing. These States (hereinafter “acceding States”) have now acceded to the European Union as of 1 May 2004. However, at the time of the adoption of the revised packaging Directive the transition periods for the original directive were not yet finalised for all acceding States. Furthermore, information on the conditions for further increasing the recovery and recycling targets in the acceding States was insufficient. Therefore, the revised packaging directive does not contain specific proposals for the acceding States in its operational part. However, its recital 6 states that *"The European Parliament, the Council and the Commission agree on the need for temporary derogations for the acceding States with respect to the targets ..."* and indicates that this *"should be decided on the basis of the requests from the acceding States for derogations to run in principle until not later than 2012 for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Slovakia and Slovenia; 2013 for Malta; 2014 for Poland and 2015 for Latvia"*.

The current proposal lays down a deadline of 31 December 2012 by which the 10 new Member States must fulfil the targets for recovery and recycling of packaging waste. This date differs from the above-mentioned recital 6. In the opinion of the rapporteur it seems fair to follow up the signal that was given by the then candidate countries during the conciliation procedure. A quick consultation with MEPs from new Member States has not changed the rapporteur's opinion. The rapporteur, therefore, suggests to amend the Commission proposal by setting the deadline as indicated in recital 6 of the revised packaging Directive (i.e. not later than 31 December 2012 for Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Slovakia and Slovenia; 31 December 2013 for Malta; 31 December 2014 for Poland and 31 December 2015 for Latvia).

During the previous revision of the directive much attention was devoted to the issue of prevention and reuse. The Commission will present a report on the implementation of the Directive by 30 June 2005. Due to recent developments in the European Union, the rapporteur is of the opinion that the current directive can have an adverse effect on environmentally friendly reuse systems in new and old Member States. To this end the rapporteur had proposed to clarify that the Member States are encouraged to impose reuse systems of packaging with a view to ensuring a high level of environmental protection, which is one of the objectives of the Directive. A new compromise proposal is being prepared by the rapporteur.

¹ OJ L 365, 31.12.1994, p. 10

² OJ L 47, 18.2.2004, p. 26

³ Greece, Ireland and Portugal may postpone this deadline until 31 December 2011.

PROCEDURE

Title	Proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste
References	COM[(2004)0127 – C5-0100/2004 – 2004/0045(COD)]
Legal basis	Articles 251(2) and 95(1) EC
Basis in Rules of Procedure	Rule 51
Date submitted to Parliament	24.2.2004
Committee responsible Date announced in plenary	ENVI 16.9.2004
Committee(s) asked for opinion(s) Date announced in plenary	ITRE 16.9.2004
Not delivering opinion(s) Date of decision	ITRE 21.9.2004
Enhanced cooperation Date announced in plenary	
Rapporteur(s) Date appointed	Dorette CORBEY 1.9.2004
Previous rapporteur(s)	
Simplified procedure Date of decision	
Legal basis disputed Date of JURI opinion	
Financial endowment amended Date of BUDG opinion	
European Economic and Social Committee consulted Date of decision in plenary	
Committee of the Regions consulted Date of decision in plenary	
Discussed in committee	27.9.2004 25.10.2004
Date adopted	25.10.2004
Result of final vote	for: 52 against: 0 abstentions: 2
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Johannes (Hans) Blokland, John Bowis, Dorette Corbey, Chris Davies, Mojca Drčar Murko, Edite Estrela, Jillian Evans, Anne Ferreira, Karl-Heinz Florenz, Alessandro Foglietta, Norbert Glante, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Mary Honeyball, Dan Jørgensen, Eija-Riitta Anneli Korhola, Holger Krahmer, Urszula Krupa, Aldis Kušķis, Marie-Noëlle Lienemann, Peter Liese, Jules Maaten, Roberto Musacchio, Riitta Myller, Péter Olajos, Adriana Poli Bortone, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Carl Schlyter, Jonas Sjöstedt, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Åsa Westlund
Substitutes present for the final vote	Alfonso Andria, Robert Atkins, Giovanni Berlinguer, David Casa, Bairbre de Brún, Lena Ek, Hélène Goudin, Erna Hennicot-Schoepges, Kartika Tamara Liotard, Amalia Sartori, Bart Staes, Andres Tarand,

	Phillip Whitehead
Substitutes under Rule 178(2) present for the final vote	
Date tabled – A6	26.10.2004 A6-0027/2004
Comments	...