



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

18.10.2013

B7-0000/2013

MOTION FOR A RESOLUTION

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

on the draft Commission 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 Commission 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) 502 final),
- having regard to the JRC scientific and technical report "End-of-waste criteria for waste paper: technical proposals" of 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) thereof,
- having regard to the Commission Communication of 26 January 2011 entitled "A resource-efficient Europe – Flagship initiative under the Europe 2020 Strategy" (COM(2011) 21),
- 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 Commission³,
- having regard to Rule 88(2) of its Rules of Procedure,

A. whereas the proposed Council Regulation stipulates that waste paper with a non-paper component of equal to or less than 1,5% of air dry weight shall cease to be waste when it

¹ OJ L 312, 25.5.2012, p.3.

² OJ L 190, 12.7.2006, p.1.

³ OJ L 184, 17.7.1999, p.23.

is destined for the use of paper fibres for paper manufacturing, subject to certain additional criteria;

- B. whereas multi-material paper with a content of non-paper of more than 30% of air dry weight shall count in its totality as non-paper component; whereas a typical multi-material 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; 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 to it) and be no longer seen as a waste, but a product;
- C. whereas according to Article 3, point 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 is defining 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 is conflicting with the existing definition of 'recycling' which requires reprocessing of waste materials;
- E. whereas, such waste material 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 eco-labels, public procurement, eco-design and REACH where 'recycling' is hitherto referred to as meaning to result in the ready to be used recycled product and, furthermore, also contradicts Article 2(2) of Commission Decision 753/2011/EC where '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, including recycling, operation and complies with specific criteria to be developed in accordance with the conditions laid down in that Article; those conditions include that a) the substance or object meets 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(1c) 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 & 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 due to the additional intrinsic environmental risk derived from it in case the material is exported, especially out of the EU;
- K. whereas, as outlined in Article 49(2) of Regulation (EC) No 1013/2006, in the case of exports from the Community, the competent authority of dispatch in the Community 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 standards established in Community legislation;
- L. whereas, by granting used paper, including multi-material waste paper, the end-of-waste status before it has even been properly recycled, this 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 due to the discounting of current multi-material paper, from the requirements of the waste shipment regulation clearly risks to violate Article 6(1d) of Directive 2008/98/EC that the use of the substance will not lead to overall adverse environmental impacts;
- M. whereas stimulating increased global trade of this 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 of the European paper recycling rate due to reduced availability of waste paper, so that paper manufacturer might have to substitute at least partially by more virgin fibre-based production in Europe, with higher energy input and related CO2 emissions, which would again conflict with the criterion not to lead to overall adverse environmental impacts;
- N. whereas the Commission Communication on a "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 to be seriously undermined by the proposed end of waste criteria, and 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 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 of waste paper in the guise of a product to third countries 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 and the Commission, and to the Parliaments and governments of the Member States.