DRAFT RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a directive of the European Parliament and of the Council on waste

Committee on the Environment, Public Health and Food Safety

Rapporteur: Caroline Jackson
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*

*** 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*

***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 Council common position for adopting a directive of the European Parliament and of the Council on waste

(Codecision procedure: second reading)

The European Parliament,

– having regard to the Council common position (11406/4/2007 – C6-0000/2008),
– having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2005)0667),
– having regard to Article 251(2) of the EC Treaty,
– having regard to Rule 62 of its Rules of Procedure,
– having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A6-0000/2008),

1. Approves the common position as amended;

2. Instructs its President to forward its position to the Council and Commission.

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(1a) The first objective of any waste policy should be to minimise the negative effects of the generation and management of waste on human health and the environment. Waste legislation should also aim at reducing the use of resources, and favour the practical application of the waste hierarchy.

¹ OJ C 287 E, 29.11.2007, p. 136.
Amendment 2
Recital 1 b (new)

(1b) In its Resolution of 24 February 1997 on a Community strategy for waste management\(^1\), the Council confirmed that waste prevention should be the first priority of waste management, and that re-use and material recycling should be preferred to energy recovery of waste, where and insofar as they are the best ecological options.

\(^1\) OJ C 76, 11.3.1997, p. 1.

Amendment 3
Recital 2

(2) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme calls for the development or revision of the legislation on waste, including a clarification of the distinction between waste and non-waste, and for the development of measures regarding waste prevention, including the setting of targets.
Justification

A reference to the Parliament's inclusion of targets is needed in the recitals to for the sake of completeness.

Amendment 4
Recital 21


Justification

The text of the Common Position with regard to waste which ceases to be waste has been changed compared to the original Commission text. In order to preserve the integrity of the concept of recycling it is therefore important not to confuse the end of waste with recycling and this is the aim of the amendment.

Amendment 5
Article 2, paragraph 1, point (c)

(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

(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, or
on the site from which it was excavated; another site;

Justification

Amendment adopted by Parliament at first reading (amendments 15/134/102/123/126). Where uncontaminated excavated material is reused on the same site EU public administrations generally do not consider it as waste. When the same materials are intended to be used elsewhere, if removed from that site, it is invariably considered as being waste. This involves considerable administrative cost and burdens. The Parliament therefore considered that it would be appropriate to exclude from the scope of the directive natural excavated materials that are not contaminated and which can be used in their natural state, either on the same site or another site.

Amendment 6
Article 2, paragraph 1, point (f a) (new)

(fa) natural sediments and silt which do not display hazardous properties as defined in Annex III.

Justification

Amendment adopted by Parliament at first reading (amendments 15/134/102/123/126). In the Parliament's view, categorising as a waste treatment the lifting of sediment and silt from a body of water and putting it elsewhere in the same body of water is not practicable and has no environmental benefit. The Parliament would prefer to follow the OECD approach which implies that the displacement of such material in its environmental setting is a form of reuse, by which it does not become a waste.

Amendment 7
Article 2, paragraph 2, point (d a) (new)


Justification

Based on an amendment adopted by Parliament at first reading (amendments 15/134/102/123/126). The recycling of sludge for agricultural use, after appropriate processing, should be exempted from this Directive since it is already covered by Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil. That Directive covers the processing of sludge in such a way as to prevent any possible detrimental effects on soil, plants, animals and humans. Overlapping of the two Directives should be avoided.

Amendment 8
Article 3, point 14

14) "recovery" means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II sets out a non-exhaustive list of recovery operations;

(14) "recovery" means a waste treatment operation that meets the following criteria:

1) results in waste substituting for other resources that would have been used to fulfil that function, in the plant or in the wider economy, or in it being prepared for such use;

2) results in waste serving a genuine purpose by that substitution;

3) meets any efficiency criteria, established in accordance with Article 35 (1);

4) decreases the overall negative environmental impacts by using waste as a substitute for other resources;

5) ensures that the products comply with the applicable Community safety legislation and Community standards;

6) gives a high priority to the protection of human health and the environment and minimises the formation, release, and dispersal of hazardous substances in the process.

Annex II sets out a non-exhaustive list of recovery operations;

Justification

Amendment adopted by Parliament at first reading (amendment 127). This is an important definition and needs to cover more aspects than the Council's text. The words 'in the plant or in the wider economy' are needed, in the rapporteur's view, because otherwise the recovery
definition would only apply to plants where waste is used to power a process (e.g. cement kilns). But in fact many plants produce power and heat for external use (in the 'wider economy') in housing schemes ('district heating') or industry or community projects (schools, swimming pools). Given the increasing realisation now of the EU's shortage of home grown energy, it would be absurd to deny the right of the latter such plants, if energy efficient, to be deemed 'recovery' operations. This amendment therefore seeks to take account of the new fact of the EU's energy crisis while retaining the Parliament's full definition of recovery.

Amendment 9
Article 4, paragraph 2

2. On the basis of the conditions laid down in paragraph 1, measures may be adopted to determine the criteria to be met for specific substances or objects to be regarded as a by-product and not as waste referred to in point (1) of Article 3. These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(2).

2. On the basis of the conditions laid down in paragraph 1, measures may be adopted to determine the criteria to be met for specific substances or objects to be regarded as a by-product and not as waste referred to in point (1) of Article 3. Where there is still any doubt, additional measures may be adopted to clarify whether a substance is a by-product or a waste. These measures, including environmental and quality criteria, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(2).

Justification

The Common position contains a new Article on By-Products, as asked for by the Parliament (amendment 107/121). This is a disputed area: in the Rapporteur's view the opportunity should be taken to define by-products in the Waste Framework Directive rather than postpone the resolution of this issue to an unknown date. The rapporteur also believes that it is necessary to make provision for greater clarity by adding the text in paragraph 2.

Amendment 10
Article 5, paragraph 1, subparagraph 2 a (new)

The criteria shall take into account any risks of environmentally harmful use or shipment of the substance or object, and shall be set at a level that guarantees a high level of protection for human health and the environment.
Justification

This amendment reintroduces the text of the Commission proposal, which the Council has deleted. It is important to the Parliament to give a high priority to the containment of risk and the achievement of a high level of protection for human health and the environment when waste ceases to be a waste.

Amendment 11
Article 5, paragraph 3

3. Waste which ceases to be waste in accordance with paragraphs 1 and 2, shall also cease to be waste for the purpose of the recovery and recycling targets set out in Directives 94/62/EC, 2000/53/EC, 2002/96/EC and 2006/66/EC and other relevant Community legislation.

Justification

This paragraph of the Common Position has been expanded and slightly reworded compared to the original Commission text. The amendment is designed to introduce greater clarification. In order to preserve the integrity of the concept of recycling it is important not to confuse the end of waste with recycling and this is the aim of the amendment.

Amendment 12
Article 5, paragraph 4 a (new)

4a. By........* the Commission shall, if appropriate, make proposals for determining whether at least the following waste streams fall under the provisions of this Article, and if so what specifications should apply to them: compost, aggregates, paper, glass, metal, end-of-life tyres, and waste textiles.

*5 years after the entry into force of this Directive.

Justification

This amendment (amendment 45 in first reading) was transposed by the Council into a recital where it is listed among the things that the directive "should clarify" - but does not. The directive offers an opportunity to trigger such clarifying legislation which is much needed. It should not be missed.
The words 'second hand clothing' have now been changed to 'waste textiles' in order to
2. A Member State may consider waste as hazardous waste where, even though it does not appear as such on the list of waste, it displays one or more of the properties listed in Annex III. The Member State shall notify the Commission of any such cases in the report provided for in Article 34(1) and shall provide the Commission with all relevant information. In the light of notifications received, the list shall be reviewed in order to decide on its adaptation.

Justification


3. Where a Member State has evidence to show that specific waste that appears on the list as hazardous waste does not display any of the properties listed in Annex III, it may consider that waste as non-hazardous waste. The Member State shall notify the Commission of any such cases in the report provided for in Article 34(1) and shall provide the Commission with the necessary evidence. In the light of notifications received, the list shall be reviewed in order to decide on its adaptation.

4. The measures relating to the revision of the list in order to decide on its adaptation pursuant to paragraphs 2 and 3, designed to
amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 36(2).

4a. Member States may treat the waste as non-hazardous waste after the adaptation of the list has been adopted.

Justification

Reintroduces amendment 51/172 from first reading. The first part of the amendment relates to Parliament's concern to maintain a high standard of protection and reporting. The second part represents a necessary clarification.

Amendment 15
Article 7, paragraph 1

1. In order to strengthen the prevention and recovery of waste, Member States may take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes and treats or sells products (producer of the product) has extended producer responsibility.

Such measures may include an acceptance of returned products and of the waste that remains after those products have been used, as well as the subsequent management of the waste and financial responsibility for such activities.

Amendment based on amendments adopted in first reading (amendments 35 and 37) adapted to the current text of the Council. The Council's text makes such measures optional whereas the Parliament believes, in its amendment to old Article 5, that they should be compulsory. The Parliament place a high priority on involving the public in the reuse and recycling processes.
Amendment 16
Article 7, paragraph 2 a (new)

2a. Member States shall take appropriate measures to encourage the establishment of facilities to make repair and re-use possible and of facilities for separate collection, take back and disposing of products in a responsible manner at the end of their life.

Justification

Based on an amendment adopted by Parliament at first reading (amendment 35). Parliament believed that this text is necessary to reinforce its support for repair and reuse facilities.

Amendment 17
Article 7, paragraph 4 a (new)

4a. Member States shall report to the Commission on the implementation of this Article. The Commission shall assess the appropriateness of introducing extended producer responsibility schemes for specific waste streams at EU level, based on the experiences of Member States.

Justification

Amendment moved by Parliament at first reading (Amendment 35). It is necessary to have continuous monitoring of producer responsibility to ensure that such schemes are effective.

Amendment 18
Article 7 a (new)

Article 7a
Prevention of waste

Member States shall, in accordance with Articles 1 and 11, take all necessary measures to stabilise their overall waste production by 2012 as compared to their overall annual waste production in 2009. Stabilisation shall mean no further increase in generation relative to the start
of the stabilisation period.

As a necessary preliminary to the measures set out in Article 26, following the consultation of all stakeholders the Commission shall, if appropriate, submit to the European Parliament and the Council proposals for measures required in support of the Member States' prevention activities, to cover:

(a) by 2009, a list of indicators that will enable Member States to monitor, assess and report on the progress of their waste prevention programmes and measures;

(b) by 2010, the formulation of a product eco-design policy addressing both the generation of waste and the presence of hazardous substances in waste, with a view to promoting technologies focusing on durable, re-usable and recyclable products;

(c) by 2010, the setting of further qualitative and quantitative waste reduction objectives for 2020, based on best available practice;

(d) by 2010, the formulation of an action plan for further support measures at European level seeking in particular to change current consumption patterns.

Justification

Amendment agreed by Parliament at first reading (amendment 37). The Parliament gives a high priority to the adoption of such targets, for the prevention and recycling of waste.

Amendment 19
Article 8 a (new)

Article 8a
Re-use and recycling

1. Member States shall take measures to promote the re-use of products, notably through the establishment and support of accredited re-use and repair networks and
by establishing, where necessary, the relevant process and product standards.

Member States may take other measures to promote re-use, such as the use of economic instruments, procurement criteria, quantitative objectives or prohibitions on the placing on the market of certain products.

2. In order to comply with the objectives of this Directive, and to move towards a European recycling society, with a high level of resource efficiency, Member States shall take the necessary measures to ensure that the following targets are attained:

(a) by 2020, the preparing for re-use and recycling of household wastes shall be increased to a minimum of 50% by weight;

(b) by 2020, the preparing for re-use and recycling of construction and demolition waste shall be increased to a minimum of 70% by weight.

For those countries with less than 5% recycling in either category or no official figures, according to Eurostat data of 2000-2005, an additional period of 5 years may be granted to reach the targets.

By 31 December 2015 at the latest, the European Parliament and the Council shall re-examine the targets referred to in points (a) and (b) and consider setting targets for industrial waste on the basis of a report of the Commission, accompanied by a proposal if appropriate. In its report the Commission shall take into account the trends in waste treatment and the relevant environmental impacts of setting the targets.

In order to harmonise the characteristics and presentation of the data produced and to make the data compatible, Member States shall report them under the
requirements of Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics. If necessary, the Commission shall, in accordance with the regulatory procedure with scrutiny referred to in Article 36(2) of this Directive, establish detailed rules for verifying Member States' compliance with the targets set out in this paragraph.


Justification

As it stands, the draft directive gives inadequate expression to the priorities expressed in the thematic strategy: this amendment, which is based on amendments 38/108/157/140/141 from first reading, is designed to remedy this. However, paragraph 2 of the amendment has been reworded in light of new information from the European Commission.

Amendment 20
Article 9

Member States shall ensure that, where recovery in accordance with Article 8(1) is not undertaken, waste undergoes disposal operations.

Member States shall ensure that, where recovery in accordance with Article 8(1) is not undertaken, waste undergoes safe disposal operations which meet the objectives of Article 10.

They shall prohibit the abandonment, dumping or uncontrolled disposal of waste.

Disposal operations classified according to Annex I as D 11 (Incineration at sea) and D7 (Release into seas/oceans including sea-bed insertion) shall be forbidden.

Justification

Amendment adopted by the Parliament at first reading (amendments 39 and 158). The amendment is needed for comprehensive coverage of the disposal of waste. It should be made explicit that incineration at sea and release of waste into seas/oceans, including sea-bed insertion, is prohibited.
Amendment 21
Article 11, paragraph 1, introductory part and point (a)

1. The following waste hierarchy shall apply as a guiding principle in waste prevention and management legislation and policy:
   (a) prevention;

Justification

Amendment adopted by Parliament at first reading (amendments 101/14). The amendment is needed in order to make the application of the hierarchy more certain and comprehensive.

Amendment 22
Article 11, paragraph 2, subparagraph 1

2. 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.

Justification

Redrafted amendment adopted by Parliament (amendment 101/14). The redrafting maintains the concept of wide public involvement in the process.

Amendment 23
Article 14 a (new)

Article 14a
Traceability and control of hazardous waste
In accordance with the provisions set out
in this Directive regarding hazardous waste, Member States shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing optimum protection for the environment and human health and safety for operators, industrial sites and individuals, including as a minimum taking measures to ensure traceability and control from production to final destination of any hazardous waste and proper risk assessment during its management.

Justification


Amendment 24
Article 21, point (b)

(b) recovery of waste. (b) recovery of non-hazardous waste.

Justification

Amendment based on amendment 161 adopted by Parliament at first reading. The treatment of hazardous waste should always be subject to permitting requirements. It should therefore be made clear that the exemption here should not apply to establishments treating hazardous waste.

Amendment 25
Article 26, paragraph 1, subparagraph 1

1. Member States shall establish, in accordance with Articles 1 and 11, waste prevention programmes not later than …*. 1. Member States shall, in accordance with Articles 1, 7a and 11, take all the necessary measures to stabilise their overall waste production. Stabilisation shall mean no further increase in generation of waste relative to the start of the stabilisation period. As a first step, Member States shall establish, in
accordance with Articles 1, 7a and 11, waste prevention programmes not later than …*.

Justification

Based on amendment moved by the Parliament at the first reading (amendment 69) and on new information. The Parliament gives a high priority to the adoption of targets for the prevention and recycling of wastes.

Amendment 26
Article 26, paragraphs 3 and 4

3. Member States shall determine appropriate specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress of the measures and may determine specific qualitative or quantitative targets and indicators, other than those referred to in paragraph 4, for the same purpose.

4. Indicators for waste prevention measures may be adopted in accordance with the procedure referred to in Article 36(3).

Justification

Based on amendment moved by the Parliament at the first reading (amendment 69) and on new information. The Parliament gives a high priority to the adoption of targets for the prevention and recycling of wastes.

Amendment 27
Article 26, paragraph 5

5. The Commission shall develop guidelines in order to assist the Member States in the preparation of the Programmes.

5. The Commission shall create a system for sharing information on best practice regarding waste prevention and develop guidelines in order to assist the Member States in the preparation of the
Programmes.

Justification

Amendment moved at first reading (amendment 69). Such as system would allow authorities to take inspiration from effective measures taken in another member state.

Amendment 28
Article 27

Member States shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate.

Member States shall regularly evaluate the waste prevention programmes, and as a minimum revise them at least every 5 years. The European Environment Agency shall include in its annual report a review of progress in the completion and implementation of such programmes.

Justification

The EEA needs to be brought into play to help the Commission and Parliament find out what is going on continuously on the ground. Member States can easily evade surveillance by simply delaying the submission of their reports to the Commission. According to Directive 91/692/EEC, Member States had to submit their periodic reports on the existing Waste Framework Directive by 30 September 2004. By 31 December 2004, only 9 had done so. They were Germany, Denmark, Greece, Finland, Portugal, Sweden, the Czech Republic, Slovenia and Slovakia. Reintroduces Amendment 71 from first reading.

Amendment 29
Article 29 a (new)

Article 29a

Supplemental measures

By ... the Commission shall draw up a report with a view to considering measures that may contribute to achieving the fulfilment of the objectives set out in Articles 1 and 11 more effectively. The report shall be submitted to the European Parliament and to the Council within six months of its completion, accompanied by proposals as appropriate.

The report shall in particular consider:
(a) whether Annex II should be amended in order to:
(i) omit cases where listed operations do not lead to a sufficiently high proportion of the waste serving a useful purpose to be consistent with the objective set out in Article 1,

(ii) identify cases where the proportion of waste being used as opposed to that which is disposed of as part of a recovery operation should be specified in order to ensure that the objective set out in Article 1 is met,

(iii) specify a different energy efficiency level or levels in relation to recovery operation R1,

(iv) adapt any references in the light of technical and scientific progress;

(b) whether Annex I should be amended in order to:

(i) add any operations omitted from Annex II,

(ii) adapt any references in the light of technical and scientific progress; and

(c) whether specifying minimum standards for particular disposal or recovery operations will contribute to the objectives set out in Article 10.

The requirement for this report will not prevent the Commission from coming forward with any proposals in the meantime.

* Two years after the entry into force of this Directive.

Justification

Reintroduces amendment 61 adopted in first reading. The proposal includes numerous references to the comitology procedure which leaves several important areas subject to amendment without proper scrutiny. This amendment would remedy this by requiring the Commission to report on several important areas with the intention that they would then be in a position to come forward with new proposals for the Parliament and Council to consider. The Commission must have in mind specific proposals already for the areas where it has proposed comitology procedures and it should therefore be in a position to bring these forward quickly. This should not prevent change in the interim, as the amendment makes clear that the Commission can come forward with its own proposals in the interim.
Amendment 30  
Article 32, paragraph 1

1. The establishments or undertakings referred to in Article 20(1), the producers of hazardous waste and the establishments and undertakings which collect or transport hazardous waste on a professional basis, or act as dealers and brokers of hazardous waste, shall keep a record of the quantity, nature and origin of the waste, and, where relevant, the destination, frequency of collection, mode of transport and treatment method foreseen in respect of the waste, and shall make that information available, on request, to the competent authorities.

Amendment 31  
Article 32, paragraph 2, subparagraph 1

2. For hazardous waste, the records shall be preserved for five years.

Justification

EXPLANATORY STATEMENT

At its first reading, the European Parliament adopted some important amendments to the draft directive. It will now insist on their survival in the second reading.

Key amendments in this category were the introduction of targets for recycling and waste prevention, and the insistence on a five-stage waste hierarchy as a general rule.

The Council has erased all reference to targets but the rapporteur has restored the Parliament’s amendments in a modified form, having consulted the Commission. The changes are designed to make the texts more acceptable to the Council, and, in the case of the waste prevention target and industrial waste recycling target, to take account of the need to proceed on a sound statistical base. In the view of the rapporteur and of the Committee, it would be wrong to miss this opportunity to ensure that this directive does more than supply a set of definitions. It is important that there is a real link between it and the aspirations about recycling and prevention set out in the Thematic Strategy on Waste. Without the targets no such link really exists.

There will no doubt be another dispute between the Parliament and the Council on the extent to which the 5 stage waste hierarchy applies and how departures from it may take place. The Parliament wants the hierarchy to apply as a “general rule” and the Council prefers the words “guiding principle”. The rapporteur is not wholly convinced that in the dust of battle at local level the fine distinctions between the two phrases will always be perceived. The key aspect of the issue is that the directive must make clear that departures from the hierarchy cannot take place casually but must be done as part of an ordered process. The original Parliament amendment made the process of departure unduly complex: the rapporteur has simplified it on the basis that national procedures regarding public involvement must apply.

One important aim of the directive is to draw a clear distinction between what is considered “recovery” and what is “disposal” of waste, since Court of Justice judgements put the question in doubt. The amendments adopted at first reading included a definition of “recovery” that would extend the designation to energy from waste plants fulfilling certain energy efficiency criteria: first reading amendments hostile to the concept of securing energy from waste were not adopted. But an amendment was adopted which deleted the draft energy efficiency formula in Annex II. This would have been the yardstick for determining which energy from waste plants could qualify as “recovery” operations.

The rapporteur believes that energy from waste plants can play an important part in dealing with residual waste, which might otherwise go to landfill. She also sees waste as a potentially important fuel at a time when the EU is facing an energy crisis and is increasingly dependent on insecure foreign sources of fuel. Our waste is at least home-grown. Heat and power can be recovered from it. The experience of a number of member states shows that energy from waste can complement recycling and not drive it out. It would surely be a desirable development to apply an energy efficiency formula which “recovery” plants must comply with. Above all such a formula would be a crucial incentive to those building new plants to give priority to energy efficiency.

But it is clear to the rapporteur that there are some MEP colleagues who are opposed fundamentally to the idea of energy from waste plants and who will never vote for them in any shape or form. There are other MEPs, mainly from countries still in the early stages of
diverting their waste from landfill, who fear that energy from waste could become the predominant waste management process in their countries, and that it would then discourage investment in recycling, re-use and prevention.

This is where the Parliament’s insistence on the adoption of recycling and prevention targets is so important. The member states want MEPs to recognise that energy from waste can qualify as “recovery”. To win this argument, they need to understand that MEPs will only vote to accept this IF they have the assurance that recycling and prevention targets will be included in the directive. Such targets are an insurance policy against energy from waste becoming the dominant means of waste management.

At its first reading the Parliament adopted improvements to the Commission’s proposals for turning properly treated waste into a recycled product. MEPs were concerned to point the way more clearly towards the need for legislative proposals, under the “end of waste” heading, for specifications for compost, aggregates, paper, glass, metal, end of life tyres and waste textiles. In all these cases, clarifying what rules apply would greatly help the move to recycling. It is a shame that at this point the Council lost its nerve and pushed the issue into the recitals. The rapporteur wants more urgent concrete action and has brought the matter back into the text of the directive.

The Council has been bold on the issue of by-products and has included a definition in article 4. Those lobbying the Parliament are completely split on the issue. The rapporteur believes that this chance to settle on a definition should be seized and not postponed to an unknown date.

The directive takes over two existing directives—on hazardous waste and on waste oils. Many colleagues were uneasy that too many aspects of the existing hazardous waste directive were not being carried over into the waste framework directive. The rapporteur has therefore proposed to reinstate some of the amendments proposed at first reading to remedy this. When the directive first appeared, it looked as if it might damage the interests of waste oil regenerators: the rapporteur is satisfied that the Common Position now strikes the right notes on this issue. The rapporteur welcomes the Council’s text on biowaste, and draws attention to the minor additions which, she feels, should still be made on the subject of producer responsibility.

The rapporteur hopes that the directive that finally emerges will be sufficiently clear to avoid further recourse to the European Court of Justice. Safe and sustainable waste management is an important issue for all of us. We really must try to get it right this time.