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NOTE

From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	11598/14 ENV 655 COMPET 439 SAN 275 MI 520 IND 204 CONSOM 143 ENT 153 CODEC 1570 + ADD 1
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end- of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment = Orientation debate

1. The Commission submitted the Circular Economy Package to the Council and the European Parliament on 3 July 2014. This package comprises of:
 - A Commission communication on "Towards a circular economy: A Zero waste programme for Europe"¹,
 - A Commission proposal for a Directive² amending six waste-related Directives and its accompanying Impact Assessment, and

¹ 11592/1/14 REV 1 + ADD 1 + ADD 1 REV 1 (en)

² 11598/14 + ADD 1: Proposal for a Directive amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment

- A Commission communication on Resource Efficiency Opportunities in the Building Sector³.
2. The Package, including the Impact Assessment accompanying the legislative proposal, was presented to the Working Party on the Environment (WPE) on 10 July 2014 when delegations held a preliminary exchange of views.
 3. The WPE further examined the Impact Assessment in more detail on 1 September 2014, followed by a first detailed examination of the legislative proposal on an article-by-article basis. The WPE met further on 10 and 30 September and 7 October, by when the first detailed examination of the legislative proposal was completed.
 4. The Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) were consulted on 28 July 2014.
 5. On this basis, the Presidency prepared a short background note with three questions to guide the orientation debate which will be held in Council (Environment) at its meeting on 28 October 2014.
 6. The Committee of Permanent Representatives took note of the above-mentioned questions prepared by the Presidency, as contained in the Annex to this note, at its meeting on 17 October 2014 and agreed to forward them to the Council.
 7. The Presidency invites delegations to send written replies before the Council meeting.

³ 11609/14

I. Background

Improving the resource efficiency of the European Union could lead to economic growth and job creation, while contributing to a better environment. It is an essential component of the Europe 2020 Strategy for sustainable, smart and inclusive growth. Its Flagship Initiative "A resource-efficient Europe" has established a policy framework which builds on long term strategies addressing various challenges. In its Communication "Roadmap to a Resource-Efficient Europe"⁴, the Commission proposed a framework for action taking forward the overarching aim of the Resource Efficient Flagship and underlined the need for an integrated approach across many policy areas and levels. The key elements of the Roadmap were taken up by the General Union Environment Action Programme to 2020 'Living well, within the limits of our planet'⁵ (7th EAP). One of the priority objectives of the 7th EAP is to "turn the Union into a resource-efficient, green and competitive low-carbon economy".

About five tonnes of waste per person per year on average are created in the European Union and little more than a third of that is effectively recycled. Significant amounts of potential secondary raw materials are lost in waste. Moving towards a circular economy is essential to deliver the resource efficiency agenda and turning waste into a resource would help achieving it. Circular economy systems would also keep the economic value in products for as long as possible and also help to eliminate waste.

A transition to a more circular economy requires changes throughout value chains. The European Union has made substantial progress in turning waste into a resource and in promoting sustainable ways of waste management such as recycling. However, performance varies considerably amongst Member States. For that reason, strong policy signals are needed to reduce the current disparities.

⁴ 14632/11.

⁵ OJ L 354, 28.12.2013 p. 171 - 200

In this context, the Commission adopted the Circular economy package. The overarching Communication "Towards a circular economy: a zero waste programme for Europe"⁶ establishes a common and coherent EU framework to promote a circular economy. As part of this package, the Commission also adopted a legislative proposal to review a number of waste-related targets which aim to make Europe more competitive and reduce demand for costly and scarce resources. Besides responding to the legal obligation to review various waste management targets, it also responds to the existing situation in line with the objectives of the Resource Efficiency Roadmap and the 7th EAP. The proposal envisages waste recycling targets of 70 % for municipal waste and 80 % for packaging waste by 2030, bans burying recyclable waste in landfill as of 2025 and introduces food waste reduction objectives. The proposal also aims for simplification of reporting requirements, harmonises definitions and calculation methods, sets minimum requirements for Extended Producer Responsibility (EPR) and establishes early-warning systems to monitor target compliance.

Discussions have already started at Working Party level. Some of the main topics identified to date include definitions, legally binding and inspirational targets, including their calculation methods, extended producer responsibility, and the early warning system, amongst others.

II. Questions

Against the above background and in order to seek political guidance on the way forward, the Presidency invites the Council (Environment) to address the following questions:

1. *Do Ministers consider the proposal's overall level of ambition appropriate, also in light of the objectives set out in the 7th EAP? In particular, do Ministers believe that the proposed approach strikes the right balance between setting a long-term vision for recycling and taking sufficiently into account national circumstances and current performance levels?*

⁶ 11592/1/14 REV 1 + ADD 1 + ADD 1 REV 1 (en)

2. *Do Ministers see the need to further develop any of the proposed measures (e.g. early warning system, minimum requirements for EPR) and if so, which ones do ministers believe need further work and in what way?*
 3. *Do Ministers consider waste prevention and reuse issues to be adequately taken into consideration in the Commission proposal?*
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