



The President

Mr. José Manuel Barroso
President of the European Commission
European Commission
B – 1049 Brussels

Brussels, 17 January 2008

Revision Waste Directive: Orgalime priorities for second reading

President, dear Mr. Barroso,

In view of the upcoming second reading on the draft waste directive, Orgalime has analysed the first reading results of the European Parliament and the Council. Orgalime's comments and proposals for the way forward are summarised in the enclosed position paper, for which we kindly request the Commission's support.

While Orgalime believes that the Council's common position has established a sensible compromise on a number of important issues, including the waste hierarchy, we feel that the draft waste directive still contradicts a fundamental principle of the EC Treaty - the free circulation of goods in the internal market – as it still includes measures that relate to the placing on the market of new products.

Such requirements, according to the Treaty, should be based on article 95, and not on the proposed legal base of article 175 of the EC Treaty for the waste directive. In your letter of 24 July 2007 to Orgalime, you stressed that member states' actions in the area of waste prevention have to be compatible with the Treaty. Orgalime fully supports this: we therefore believe it would be completely inappropriate that the Commission should support regulation which applies to new products without ensuring a harmonized approach throughout the internal market.

Furthermore, we believe that the opportunity of a second reading should be used to clarify in the legal text that any product design objectives should be achieved and implemented only in instruments based upon article 95, such as, for our industry, under existing directive 2005/32/EC on Eco Design of Energy Using Products. This directive in its present form allows, through implementing measures, the application of the recommendations on dynamic standards proposed by the High Level Group on Competitiveness, Energy and the Environment, as well as product labelling, such as the energy label, where appropriate. It is often cited by the Commission as a model of Better Regulation and, as it stands today, we are of the same opinion.

The European Engineering Industries Association

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We remain available for any further information that you and your services may require.

A similar letter has been sent to Vice President Verheugen and Commissioners Dimas and Piebalgs.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mahler', with a long, sweeping underline that extends to the left.

Robert Mahler

Cc: Mr. Vale De Almeida,
Mr. Marques De Almeida, Mrs. Alberola,
Mrs. Day,
Mr. Italianer,
Mr. Szlaszewski, Mr. Servoz, Mr. Nymand Christensen, Mr. Borchardt,
Mrs. Fink-Hooijer, Mr. Legris