



Dear Member of the European Parliament,

In view of your further proceedings with the Commission's **proposal for a waste directive**, **Orgalime requests your support for the following priority issues and suggestions for the way forward**, which are particularly based upon our industry's experience with directives 2002/96/EC on waste electrical and electronic equipment (WEEE), 2002/95/EC on the restriction of certain hazardous substances in electrical and electronic equipment (RoHS) and 2005/32/EC on Eco Design of Energy Using Products (EuP).

Orgalime particularly welcomes amendments that propose

- to clarify the **relationship between EU waste policy and certain other environment legislation**,
- to ensure **better transparency** when coming forward with waste policy initiatives by proposing a structure to consult stakeholders,
- to apply a **more flexible waste hierarchy**.

Orgalime consequently encourages you to support amendments 35.3a(a), 135, 322, 353, 358, 569.3a(a) (partly), 404, 410, 412 last paragraph, 441, 444, 445, 501 (partly), 503, 571 and 572.
Orgalime asks you to reject compromise amendment 2 and amendment 374.

However, in the light of the European institutions' commitment on Better Regulation and Simplification, Orgalime is highly concerned with a number of recent proposals, which in our view would **negatively impact the competitiveness of European engineering industries while establishing overlapping, conflicting and unenforceable requirements that are not necessarily beneficial for the environment and consumers**. Amongst these we raise the following:

- **Proposals that invite Member States to depart from harmonised rules, especially in areas related to product design**

The vast majority of products produced by Orgalime industries are subject to specific design legislation, namely directive 2005/32/EC on Eco design of Energy Using Products ("EuP"). The implementation of this framework directive is ongoing with high speed. Including product design aspects in the draft waste directive in parallel would establish double and thereby confusing requirements on the same products that easily undermine environmental objectives pursued. **Waste legislation must in our view by no means run counter the functioning of the internal market.**

The **issue of product related aspects in waste policy to be exclusively based upon the legal base of article 95 of the EC Treaty**, has in our view to date not been sufficiently addressed, despite it being a major experience with the transposition and implementation of the WEEE directive. We encourage the European Parliament to take up this point and advocate for European waste legislation that is clear, consistent and as harmonised as possible across Europe in the interest of consumers, the environment and industry.

Orgalime encourages you to support amendments 290, 524, 525, 526, 536, 537, 538, 547, 548, 549, 605.
Orgalime asks you to reject compromise amendments 4 and 8.

- **Proposal to introduce a horizontal principle of producer responsibility**

The principle of producer responsibility is taken up in the WEEE directive. However, enshrining this principle horizontally in the proposed draft waste directive would in our view not be enforceable since it would make an undefined number of economic actors responsible for their "waste products". It remains unclear who would be responsible to do what and for which product, thereby creating enormous room for free riding. Secondly, the proposed compromise amendment includes multiple undefined terms and phrases, e.g.: what would "waste which is generated as a result of their product" mean? Lastly and foremost, such an approach seems to open up for a general shift of a waste stream to a material specific approach in EU waste policy.

While in principle interesting, the introduction of a horizontal principle of producer responsibility would for our industry create confusion for the further implementation of the WEEE directive, while at the same time create again double and overlapping requirements for our sector. Orgalime clearly objects this.

Orgalime asks you to reject compromise amendment 7.

- **Proposal to introduce the criteria of life cycle assessment and cost benefit analysis into the waste hierarchy**

Orgalime favours a more flexible approach to the waste hierarchy, especially if it were built upon life cycle thinking. The introduction of mandatory life cycle assessment, however, coupled with cost benefit analysis to identify alternative treatment options in our view would be very complex and burdensome and highly difficult to be implemented in practice.

Orgalime encourages you to support amendment 135.
Orgalime asks you to reject compromise amendment 2.

- **Proposal for member states to stabilize their overall waste production by 2012 and formulation of a product eco design policy by 2010**

Orgalime objects the proposed “formulation of product eco design policy addressing both, the generation of waste and the presence of hazardous substances in waste”, since both aspects for our sector are already covered by existing EU legislation, namely EuP and RoHS directives as well as future REACH regulation. We object duplicating requirements on same aspects on our products.

Orgalime asks you to reject compromise amendment 8 and amendments 294, 296, 298, 300 and 615.

- **Proposed modifications to be brought to the mechanism of defining secondary materials, substances and products**

The current proposal in our view partly acknowledges that the decision on the (non-) existence of a market for secondary products, materials and substances represents an economic decision. We welcome this. However, only environmental criteria should be relevant for the decision whether a specific product, material or substance could be reclassified as secondary product, material or substance. The reference to quality criteria should be deleted since market forces rather than legislation should decide which product satisfies market needs or not.

Orgalime encourages you to support compromise amendment 10.1.c, and amendment 22.1.c.
Orgalime asks you to reject compromise amendment 10.1.a-b, 10.2-3.a, and amendment 22.1.a-b.

- **Proposal to establish an additional permitting procedure in parallel to directive 91/61/EC on IPPC**

Additional permitting rules to the existing IPPC directive in our view risks increasing additional red tape and costs for recycling while overlapping with the IPPC directive as well as increasing national divergences in waste treatment. Besides, the IPPC directive is supposed to be revisited shortly.

Orgalime encourages you to reject compromise amendments 12 and 14.

We thank you in advance for taking our concerns into account in order to arrive at a balanced and sustainable waste directive that would be both, enforceable and consistent with existing environment legislation, including sectoral waste and design policy measures.

We remain available for any further information you may require.

Yours sincerely,

(Electronically signed)
Adrian Harris

Secretary General

Brussels, 24 November 2006