

Brussels, 31 March 2008

Voting recommendations on the draft report of Rapporteur Caroline Jackson on the proposal for a waste directive

In view of the upcoming vote of the Environment Committee on the future horizontal EU waste framework law, Orgalime seeks the support of honorable Members of the European Parliament for the following voting recommendations:

1. Producer responsibility

Producer responsibility is established in directive 2002/96/EC on Waste Electrical and Electronic Equipment (WEEE) and Orgalime's industry is making it work in practice. The revision of the waste directive should not result in establishing conflicting requirements with WEEE, since this would risk opening the door to free riding and thereby weakening the directive's environmental objective. From the experience gained so far from the implementation of the WEEE directive we conclude that the introduction of a horizontal principle of producer responsibility would create confusion and legal uncertainty through not taking into account the specificities of individual industry sectors.

Orgalime therefore asks you to **support** amendment 134. Amendments 132 and 133 could serve as an alternative to amendment 134.

However, Orgalime requests you to **reject** amendments 15, 135, 139 and 141.

2. Design of sustainable products

Our industry supports incorporating environmental aspects into product design. However, we believe that design for recycling "only", as proposed in several amendments, would have an adverse impact on the Eco Design of Energy Using Products Directive (EuP), which deals with environmental aspects along the whole life cycle of the product, including the waste phase. Creating legal uncertainties and possible conflicting requirements on same products would only undermine the ongoing implementation of the EuP directive for some 20 and soon many more product groups.

Orgalime therefore asks you to **support** amendments 138, 140 and 143.

Amendment 137, sentence 1, in our view, would clarify producer responsibility for product design. We therefore request MEPs to split the vote on this amendment and support sentence 1, while rejecting sentence 2.

Orgalime requests you to **reject** amendment 142.

3. Waste hierarchy and targets

Orgalime advocates for a sufficiently flexible application of the waste hierarchy that should represent a guiding principle rather than a general rule and that is built upon life cycle thinking.

Orgalime, the European Engineering Industries Association, speaks for 35 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.6 million people in the EU and in 2006 accounted for some €1,779 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

Improving material efficiency so as producing less waste per unit of output is taken into account in our industry's daily business. However, establishing mandatory waste stabilisation targets with the requirement to design products for reuse and recycling in our view is counterproductive, since certain realities, such as economic growth, safety or working conditions, limit minimisation measures despite best efforts and commitment. Orgalime also underlines that reuse must not automatically be the preferred environmental option. For example, the energy efficiency performance of new appliances is generally better than the one of preceding models or reused products. We are highly concerned with consumer safety and liability issues that would occur if too rigid a preference is given to reused products.

Orgalime supports article 11 of the common position. We ask you to **support** amendments 1, 2, 55 and 160.

Orgalime requests you to **reject** amendments 18, 19, 21, 61, 65, 103, 144, 150 and 151-158.

4. Stakeholder Consultation

Orgalime supports the introduction of a continuous and well structured stakeholder consultation mechanism for putting the waste directive into practice in a transparent, efficient and effective manner.

Orgalime request you to **support** amendments 222, 223 and 224.

5. End of waste criteria

Any re-classification of waste as a secondary product/material or substance should not impact the calculation of collection, recycling or recovery targets established under existing waste stream specific legislation, such as WEEE, since the collection/recycling/recovery loop would have been closed prior to such re-classification taking place. Orgalime agrees that recital 21 and art. 5.3 of the Common Position seem conflicting. However, amendments 4 and 11 could be interpreted in a way that waste electrical and electronic equipment, which has not ceased to be waste, would no longer be required to undergo the WEEE recycling process, which, we presume, is not the intention.

Orgalime asks you to **reject** amendments 4, 11, 117 and 118.

6. By-products

In the interest of legal certainty and proper enforcement of EU legislation, Orgalime supports the introduction of a mechanism to identify certain products, materials and substances as by-product rather than waste. We also agree that clear criteria are needed to re-classify a specific product, material or substance. While we support environmental criteria, quality criteria, however, appear unnecessary to us.

Orgalime requests you to **support** amendment 112.

Orgalime asks you to **reject** amendments 9, 45, 63, 104, 105, 106, 107, 108, 109, 110, 111, 114, 115 and 230.

7. Principles of self sufficiency and proximity – One European market for waste

Orgalime advocates for the establishment of a single European market for waste. This should be the only way to manage waste in an efficient manner and to provide incentives for innovation in waste recovery.

Orgalime asks you to **support** amendments 162. Together with this amendment, amendments 166 and 167 could be supported; otherwise amendments 166 and 167 should be rejected.

Orgalime requests you to **reject** amendments 57, 163, 164, 165, 168 and 169.