



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2014)

Opinion

Title

**DG ENV – Impact Assessment Report on a Proposal for reviewing the European waste management targets
(resubmitted version of 3 March 2014)***

(A) Context

This review concerns legally binding waste management targets of three Directives - the Waste Framework Directive (WFD), the Landfill Directive and the Packaging and Packaging Waste Directive (PPWD). The WFD sets a 50% 'preparation for reuse and recycling' target for municipal waste and a 70% 'material recovery' target for construction and demolition waste to be achieved by 2020. The PPWD includes an overall recovery target of 60%, an overall recycling target of minimum 55% and maximum 80% and material based targets of 60% for glass, paper and board, 50% for metals, 22,5% for plastics and 15% for wood to be met by end 2008 (time derogations granted to 8 Member States to the end of 2012 and to specified times between the end of 2013 and 2015 for 4 other Member States). The Landfill Directive requires Member States to reduce biodegradable municipal waste going to landfills to 75 % of the 1995 level by mid-2006, to 50 % of this amount by mid-2009 and to 35% by mid-2016 (14 Member States were given a four year extension period). This impact assessment responds to the legal obligation to review these targets in 2014. The PPWD has been part of the waste policy fitness check whose results feed into the analysis.

(B) Overall opinion: POSITIVE

The report has been improved to some extent in line with the Board's recommendations, but needs further work on a number of aspects. First, the report should better explain the economic rationale behind the need for targets for all the waste streams. Second, it should clarify how the setting of new mid-term targets (with or without binding measures) will address the problems identified as leading to poor waste management performance. Third, the report should explain the justification for a landfill ban on all waste similar to municipal waste from a subsidiarity and proportionality point of view, given that other instruments such as progressive landfill taxes are available for Member States to reduce landfilling. Finally, the report should better explain why the waste management performance by the most advanced Member States can automatically be considered as feasible in all other Member States and why the option of allowing Member States to define targets at country level was discarded. When basing the feasibility assessment on

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

the stakeholder views, the report should clarify the extent to which that also reflects the views of less advanced Member States in terms of waste management performance.

(C) Main recommendations for improvements

(1) Clarify the problem definition and the need for new mid-term targets. The report should clarify how the setting of new upgraded mid-term targets for 2030 (with or without binding measures) will address the problems that were identified as leading to poor waste management performance such as problems of governance (e.g. absence of coordination between national, regional or local authorities), lack of public awareness including amongst the decision makers, the lack of use of appropriate economic instruments and long pay-back periods. The report should explain the economic rationale behind the need for targets for all the waste streams proposed by clarifying whether targets are proposed for all three categories of waste (as outlined in the section on economic conditions). Furthermore, the report should clarify if new waste prevention targets will be proposed before the end of 2014 (as suggested by article 9(c) of the Waste framework Directive). If so, the reasoning for separately discussing and presenting recycling targets should be provided.

(2) Improve the options. While the report explains how measures aimed at reducing landfilling contributes to the EU resource efficiency as well as greenhouse gas and air emission reduction policies, it should explain whether the ultimate landfill ban for certain waste streams as contained in some of the options is justified from a subsidiarity and proportionality point of view, given that other instruments such as progressive landfill taxes are available for Member States to reduce landfilling. The report should better justify discarding the option of non-uniform recycling targets (such as an overall EU level target supported by specific country level targets which would be established – following discussions between Member State and Commission – below or above the overall EU level target). For example, why is the municipal waste composition considered as broadly equivalent in all Member States (e.g. could different consumption patterns or other influencing factors have an impact)? When describing the options, the report should clarify the practical implications of a landfill ban on all waste similar to municipal waste and how the problem of illegal waste disposal will be addressed. As the report indicates that a delegation should be given to the Commission to define more technical requirements concerning the obligation of establishing National registries and to ensure third party verification, it should clarify if these implementing provisions will be supported by a separate impact assessments in case of significant impacts.

(3) Elaborate the assessment of impacts. The report should compare the options with regard to the criteria of efficiency and coherence. Furthermore, in view of the strongly varying track record so far, the report should elaborate why setting targets at the level of the most advanced Member States is automatically considered feasible for all Member States and from a welfare perspective the best target level. For example, even though several regions and some Member States already recycled between 60% and 85% of municipal waste in 2011, for several other regions and Member States the recycling rate was below 20% or even 10%. If the feasibility and desirability of the proposed targets is largely based on stakeholder views, the report should clarify if the stakeholder contributions also reflect the views of the less performing Member States in terms of waste management. While the report indicates which Member States will be more affected in the full implementation scenario, it should do also for the different sub-

options of the new upgraded mid-term targets for 2030. Finally, when analysing access to raw materials, the report should present the cost of recycling (as opposed to the value of recycled material) and explain if the quality of the recycled material in these four waste streams can be considered high enough, so that it can compete with the supply of virgin raw materials.

(D) Procedure and presentation

The report should better explain the differences between sub-options 3 (targets) and include option 3.7 in the summary overview. It should better distinguish the impacts of different sub-options for new mid-term targets (currently contained in a single section on variants to implement Option 3.4). In particular, the report should show in the assessment section how the impacts summarised in the comparison section were estimated. It should present stakeholder views with regards to other compulsory measures proposed (e.g. national registry, third party verification).

(E) IAB scrutiny process

Reference number	2014/ENV/012
External expertise used	No
Date of IAB meeting	Written procedure. An earlier version of this report was submitted to the IAB in 23 January 2014, for which the Board issued an opinion on 21 February 2014.