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ANNEX 1

ANNEX

to the

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

{ SWD(2014) 207 final }

{ SWD(2014) 208 final }

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ANNEX VI

Composition of municipal waste

Municipal waste includes household waste and waste from retail trade, small businesses, office buildings and institutions (such as schools, hospitals, government buildings) similar in nature and composition to household waste, collected by or on behalf of municipalities.

It includes:

- bulky waste (e.g. white goods, furniture, mattresses);
- yard waste, leaves, grass clippings, street sweepings, the content of litter containers, and market cleansing waste;
- waste from selected municipal services, i.e. waste from park and garden maintenance, waste from street cleaning services;

It also includes waste from the same sources, and similar in nature and composition, which:

- are not collected on behalf of municipalities but directly by producer responsibility schemes or private non-profit institutions for re-use and recycling purposes mainly by separate collection,
- originate from rural areas not served by a regular waste service.

It excludes:

- waste from sewage network and treatment, including sewage sludge,
- construction and demolition waste,

ANNEX VII

Minimum requirements for extended producer responsibility

When developing and applying extended producer responsibility, Member States shall:

1. take into account the technical feasibility and economic viability and the overall environmental, human health and social impacts, respecting the need to ensure the proper functioning of the internal market;
2. ensure a clear definition of the roles and responsibilities of the actors involved in the implementation of the extended producer responsibility, including producers and importers placing goods on the market of the Union and their compliance schemes, private or public waste operators, local authorities and, where applicable, social economy actors;
3. define measurable targets in terms of prevention, preparing for re-use, re-use, recycling and/or recovery aiming at meeting at least the existing quantitative targets laid down in the relevant Union waste legislation;
4. ensure that waste holders covered by extended producer responsibility are given the necessary information about the available collection systems;

5. establish a reporting procedure aiming at gathering data on products placed on the market and, once these products reach the end of their useful life, their collection and treatment in line with the waste hierarchy specifying material flows as appropriate;
6. ensure that financial contributions into extended producer responsibility schemes by producers or importers of products put on the Union market:
 - 6.1. cover the entire cost of waste management, including separate collection and treatment, adequate information to waste holders, data gathering and reporting,
 - 6.2. take into account the revenues from the sales of secondary raw materials originating from waste;
 - 6.3. are calculated in function of the true cost of the end-of-life management of individual products placed on the Union market which are covered by the scheme;
 - 6.4. support litter prevention and clean-up initiatives.
7. establish a recognition procedure for extended producer responsibility schemes aiming at:
 - 7.1. ensuring the transparency of the schemes in terms of contributions paid by the producers, including the impact on sale prices and in terms of the impact on competitiveness and the openness to small establishments and undertakings;
 - 7.2. defining the geographical coverage of the schemes;
 - 7.3. ensuring equal treatment for domestic producers and importers;
 - 7.4. ensuring a self-control mechanism via regular third party audits of the schemes in terms of both:
 - 7.4.1. sound financial management of the scheme - calculation of the entire costs per type of products; use of the funds collected and;
 - 7.4.2. appropriate collection and treatment of waste, control over the legality of waste shipments and quality of data and reporting;
8. define proportionate sanctions in case of non-attainment of the targets and/or non-respect of these requirements;
9. establish adequate monitoring and enforcement means, and organise a formal and regular dialogue between the involved actors.

ANNEX VIII

Measures to be considered in the plan referred to in Article 11a (Early Warning System)

The following measures shall be considered in the compliance plan to be proposed by the Member States at risk of not meeting the targets:

- measures to improve the quality of statistics and to generate clear forecasts of waste management capacities and of distance to the targets specified in Articles 11(2) of this Directive, Article 6(1) of Directive 94/62/EC and Article 5(2a), (2b) and (2c) of Directive 1999/31/EC;
- better use of key economic instruments, including:
 - progressive increase of landfill taxes for all categories of waste (municipal, inert, others);

- introduction or increase of incineration taxes or specific bans for incineration of recyclable waste;
- progressive extension to the whole territory of Member States of ‘pay-as-you-throw’ systems incentivising municipal waste producers to reduce, re-use and recycle their waste;
- measures to improve the cost efficiency of existing and forthcoming producer responsibility schemes (including detailed measures and timing to implement the minimum requirements for extended producer responsibility contained in Annex VII). Extension of the scope of the producer responsibility schemes to new waste streams;
- economic incentives for local authorities to promote prevention, develop and intensify separate collection schemes;
- measures to support the development of the re-use sector;
- measures to suppress harmful subsidies not consistent with the waste hierarchy;
- technical and fiscal measures to support the development of markets for re-used products and recycled (included composted) materials as well as to improve the quality of recycled materials;
- measures to increase public awareness of proper waste management and litter reduction, including ad-hoc campaigns to ensure waste reduction at source and a high level of participation in the separate collection schemes;
- measures to ensure an appropriate coordination between all competent public authorities involved in waste management, and the involvement of other key stakeholders;
- use of the European Structural and Investment Funds in order to finance the development of the waste management infrastructure needed to meet the relevant targets;
- any relevant alternative or additional measures aiming at meeting the same purpose.

The plan shall be drafted on the basis of an evaluation of the existing waste management plans and after a consultation of relevant stakeholders and competent public authorities involved in waste management. It shall be accompanied by the results of these consultations as well as by an assessment of its expected effects on the attainment of the relevant targets covered by the plan. It shall be accompanied by a precise timing for the application of the proposed measures.

If required, the plan shall include a revised planning of the necessary infrastructure and, where necessary, shall be accompanied by a proposed timing for the adaptation of the existing national or regional waste management plans as defined in Article 28 and of the waste prevention programmes as defined in Article 29. '.