



Council of the  
European Union

Brussels, 6 October 2014  
(OR. en)

13926/14

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**Interinstitutional File:  
2014/0201 (COD)**

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**ENV 808  
COMPET 554  
SAN 371  
MI 741  
IND 276  
CONSUM 191  
ENT 214  
CODEC 1953  
INST 485  
PARLNAT 253**

#### **COVER NOTE**

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From: Czech Senate  
date of receipt: 2 October 2014  
To: General Secretariat of the Council

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Subject: 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

[11598/14 ENV 655 COMPET 439 SAN 275 MI 520 IND 204 CONSUM 143 ENT 153 CODEC 1570 - COM(2014) 397 final]

- Opinion<sup>1</sup> on the application of the Principle of Subsidiarity and Proportionality

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Delegations will find annexed a copy of the above opinion.

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<sup>1</sup> Translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange site IPEX at the following address: <http://www.ipex.eu/IPEXL-WEB/search.do>



THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC

9<sup>TH</sup> TERM

**598<sup>th</sup>**

**RESOLUTION OF THE SENATE**

Delivered on the 25<sup>th</sup> session held on 1<sup>st</sup> October 2014

**on 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**

**/Senate Press no. N 143/09/**

**and**

**on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Towards a circular economy: A zero waste programme for Europe**

**/Senate Press no. K 144/09/**

**The Senate**

**I.**

**1. Supports,**

in general, the effort of the European Commission to introduce circular economy that will increase the rate of recycling, reduce the amount of landfilled waste, contribute to a better use of secondary raw materials from waste and to a higher degree of raw material independence and thus the raw material security of the European Union;

**2. Has, however, come to the conclusion**

that the draft directive, insofar as it defines binding targets, does not comply with the principle of subsidiarity, as stipulated in Article 5(3) of the Treaty on European Union because the Commission has not substantiated that the proposed targets are realistically attainable at reasonable costs for the Member States and municipalities, and therefore the Commission has not justified the real added value of the proposed action at EU level;

**3. Adopts,**

in accordance with Article 6 of the Protocol on the Application of the Principles of Subsidiarity and Proportionality attached to the Treaties, a **reasoned opinion** on the incompatibility of the draft directive with the principle of subsidiarity, on the grounds set out in Points II.1 to II.4 of this Resolution;

**II.**

**1. Disagrees,**

in accord with the Government, with the setting of targets for decreasing the level of landfilling and the volume of waste and increasing the rate of its recycling included in the Commission's communication because, based on the documents from the Commission, the Senate does not consider substantiated that it is realistically possible to attain the proposed objectives within the given time schedule and thus obtain the benefits alleged by the Commission, especially in comparison with the economic burden that would be connected with fulfilling the targets;

**2. Notes**

that the proposed changes affect the competence of municipalities and may interfere in their long-term investments as well as in the functioning of the sorted waste collection system;

**3. Is, therefore, of the opinion**

that prior to setting any binding targets, the impacts on the individual Member States should be analysed, taking into consideration their specific economic structures, and also a detailed analysis of the fulfilment or the causes of non-fulfilment of the existing targets should be undertaken, and concrete realistic targets should be set only on the basis of a thorough evaluation of results of these analyses;

**4. Is concerned**

that the implementation of the directive in the proposed wording would increase the administrative and economic burden for the Member States, municipalities and businesses;

**5. Agrees**

with the respective reservations of the Czech Government about the proposal for the directive;

**6. Hopes**

that the introduction of circular economy could contribute to the elimination of illegal landfills, with which the Czech Republic also has bad experience; their elimination and remediation of environmental damage require considerable financial resources;

**7. Recalls**

its Resolution No. 432 of 19th March 2014 on the Proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags, in which the Senate expressed the opinion that the main measures to deal with the issue of plastic waste included waste prevention and minimization as well as encouragement of producers to ensure the highest possible degree of recyclability of their products; it also found appropriate to consider the possibility of using plastic waste for energy generation in accordance with the European waste management hierarchy;

**8. Remarks, in connection with the aforementioned,**

that the volume of waste depends also on the quantity of produced goods and is influenced by a shift of production from goods with long lifespan to goods with short lifespan that is not always caused by technological progress and is often only a result of pursuit of maximum yield at the expense of the consumer, or a result of rapidly changing legislative and technical product requirements; furthermore in some cases the weight and volume of packaging considerably exceeds the weight and volume of the product itself, although neither the nature of the product nor the method of its selling necessitate this;

**III.**

**1. Requests**

the Government to inform the Senate about the way this position was taken into account and to provide the Senate with further information on the proceeding of negotiations;

**2. Authorises**

the President of the Senate to forward this reasoned opinion to the presidents of the European Commission, the European Parliament and the Council.

Milan Štěch  
sign manual  
President of the Senate

Miroslav Škaloud  
sign manual  
Senate Verifier

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