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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.10.2008
COM(2008) 559 final

2005/0281 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

on waste

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on 38 amendments proposed by the Parliament.

2. BACKGROUND

On 21 December 2005, the Commission adopted a proposal for a Directive revising Directive 2006/12/EC on waste. On 26 December 2005, the Proposal was submitted to the European Parliament and the Council for adoption by co-decision procedure as laid down in Article 251 of the EC Treaty.

The European Economic and Social Committee delivered its opinion on 19 June 2006. The Committee of the Regions adopted its opinion on 14 June 2006. Both Committees were broadly supportive of the Commission's proposal, although in general they called for a more regulatory and detailed approach.

The Council adopted its Common Position on 20 December 2007. The European Parliament adopted its position in second reading on 17 June 2008.

3. PURPOSE OF THE PROPOSAL

The Proposal follows the conclusions of the Thematic Strategy on the prevention and recycling of waste (COM(2005) 666 final) which calls for a simplification and modernisation of existing waste legislation where experience has shown that this is necessary to reduce administrative burden while maintaining the level of environmental protection, in line with the objectives of better regulation.

The objective of the present Proposal is therefore to revise the Waste Framework Directive in order to modernise, simplify and improve the level of environmental protection offered by this Directive, to integrate the Hazardous Waste Directive (91/689/EEC) into the revised version and to repeal the Waste Oils Directive (75/439/EEC) while incorporating some of its provisions into the Waste Framework Directive.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

In its Plenary Session of 17 June 2008, the European Parliament adopted a compromise package of 38 amendments (numbered 104 to 142) which had been agreed with the Council in view of reaching a second reading agreement.

These amendments concern:

- the setting of the recycling targets for household and construction and demolition waste and introducing provisions for shaping the future waste prevention objectives,
- the setting of a five step waste hierarchy as a priority order,
- and the clarification of certain provisions related to hazardous waste, end-of-waste criteria, and biowaste.

4.1. Amendments accepted by the Commission

The Commission accepts all these amendments as they are in line with the overall purpose and the characteristics of the Proposal.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.