



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
10TH TERM

333rd

RESOLUTION OF THE SENATE

Delivered on the 19th session held on 2nd March 2016

**on the Proposal for a Directive of the European Parliament and of the Council
amending Directive 94/62/EC on packaging and packaging waste**

/Senate Print No. N 053/10/

**on the Proposal for a Directive of the European Parliament and of the Council
amending Directives 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 Print No. N 054/10/

**on the Proposal for a Directive of the European Parliament of the Council
amending Directive 1999/31/EC on the landfill of waste**

/Senate Print No. N 055/10/

**on the Proposal for a Directive of the European Parliament and of the Council
amending Directive 2008/98/EC on waste**

/Senate Print No. N 056/10/

**on the Communication from the Commission to the European Parliament, the
Council, the European Economic and Social Committee and the Committee of the
Regions Closing the loop - An EU action plan for the Circular Economy**

/Senate Print No. K 058/10/

The Senate

I.

1. Supports

in general the effort of the European Commission in implementing and strengthening of the principles of circular economy, which, by using available technologies, increases the level of recycling, the utilization of waste, packaging

and used products, decreases the amount of dumped waste and thus contributes to higher raw material independence and thus security of the EU;

2. Appreciates

the process of the preparation of the Communication and proposals of Directives, during which the European Commission reworked the original proposal and introduced a more realistic setting of binding goals on the basis of comments from the Members States;

II.

1. Recalls

its Resolution No. 598 of 1 October 2014, in which the Senate dealt with the originally submitted proposal of the Commission on the new EU framework for waste management and in which the Senate arrived at conclusion that the proposal violates the Principle of Subsidiarity and therefore adopted a Reasoned Opinion;

2. Agrees

to the objectives set in the submitted Communication and Directives, the unification of definitions in the area of waste management, the higher goals for recycling of municipal waste and packaging, the restriction of waste dumping of municipal waste with no further use and the support of the repeated use of products, the establishment of minimal requirements for extended producer responsibility systems, harmonization of calculating methods and introduction of registers of hazardous waste and monitoring of waste;

3. Points out

that transition to circular economy will require many changes in the Member States in terms of policies and financing, which are outlined in the proposals merely on a general level, for example the possible regulations of waste market and recyclable materials market within EU or the establishment of protective restrictions against the influence of market instability and unstable supply and demand from countries outside EU;

4. States

that the Czech Republic has already adopted a ban on waste dumping of mixed municipal waste and recyclable and usable waste in its legislation, which comes into force in 2024;

5. Remarks

that the decrease of raw material and also energy demands of production processes and economies is possible, if, on the side of producers, there is a significant reduction of volume and amount of waste from packaging and if they are motivated to introduce long-life products which are wear-resistant, easily repairable, and fully recyclable or otherwise usable after the termination of their life cycle; therefore the waste of raw materials needs to be solved already in the design phase of products and packaging and the costs of ecologically irresponsible actions of the producers cannot be transferred only to consumers and municipalities;

6. Identifies

however, with the Government's objections to the unclear and inaccurate proposed definitions of municipal waste, biological waste, preparation for repeated use, final recycling and formula for calculating the recycling rate, and therefore considers as necessary their elaboration and clarification;

7. Is of the opinion

that the proposals for delegation of powers to the Commission to issue delegated and implementing legal acts contained in new proposals for directives aim at protecting the primary principle of free movement of goods and services, but in accordance with the Government position, insists on assessment of individual proposed authorizations for the Commission with the aim to ascertain their necessity and justifiability with respect to the effectiveness of the decision-making process;

8. Accentuates

the Government's requirement regarding the extension of general requirements for systems of extended producer responsibility to include the obligation of an organization, established for purposes of implementation of extended producer responsibility to receive waste from consumer or end user to an unlimited amount, even if it itself reached the required targets for recycling and preparation for repeated use and does not need any further waste for reaching the targets applicable for it in the given period;

9. Welcomes

the proposals for amendments and elaboration of methodologies contributing to measuring of food waste, as the Senate pays increased attention to the issues of food waste and supported the joint letter of representatives of the national parliaments of EU Member States to the European Commission, so called green card on food waste dated 28 July 2015;

10. Considers

the legal definition and harmonization of standards of waste by-products and determination, when waste ceases to be waste, as one of the crucial goals of the documents, because the misuse of merely general definitions of waste end or by-products in the Czech legal framework has recently led in the Czech Republic to emergence of dozens of sites with illegally stored or used waste (for example tens of thousands of used tyres, textiles, or paper or construction waste);

III.

1. Requests

the Government to inform the Senate about the way this Resolution has been taken into account, as well as about further initiatives following these initiatives;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Pavel Štohl
sign manual
Senate Verifier