

Circular Economy Package: Waste Directive Amendments

Member Summary Update June 2018

Introduction

In December 2015 the European Commission released its proposals for a Circular Economy Package (CEP). The aim of the CEP is to assist the move from a linear economy where resources tend to be used only once, to a more circular economy where products and resources are recaptured and retained within the economy for longer, for example via remanufacturing, reusing and recycling, and waste is minimised.

The CEP included a Circular Economy Action Plan which focused on the full product lifecycle (including for example design and consumption), priority materials, innovation and waste management. As part of the proposals for waste management the CEP also included proposed amendments to six waste Directives:

- Directive 94/62/EC on packaging and packaging waste (Packaging Directive)
- Directive 2008/98/EC on waste (known as the Waste Framework Directive [WFD])
- Directive 1999/31/EC on the landfill of waste (Landfill Directive)
- Directive 2000/53/EC on end-of-life vehicles (ELV)
- Directive 2012/19/EU on waste electrical and electronic equipment (WEEE Directive)
- Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (Batteries Directive)

Following a period of negotiation between the European Parliament, the European Commission and the Council, the amendments were finalised and agreed on 22 May 2018. The final texts were published in the Official Journal of the European Union on 14 June and come into force on 4 July 2018. Member States now have two years to put in place legislation to transpose the requirements.

Details

UK Government has indicated that it will implement the Waste Directive amendments in full. In the following sections we have detailed some of the key changes which will affect UK producers.

NB: The amendments to the WEEE Directive, Batteries Directive and ELV are of a more technical nature (including requirements to review implementation of the Directives, reporting requirements and the use of economic incentives to ensure the waste hierarchy is applied), therefore this summary document focuses on the amendments to the Packaging Directive, WFD and Landfill Directive. However it must be noted that some of the changes to the WFD will also directly impact WEEE and Battery regimes, as they are also Extended Producer Responsibility regimes.

Packaging targets (minimum)

Target Year	Overall	Plastic	Glass	Ferrous metal	Aluminium	Paper and cardboard	Wood
2025 (recycled*)	65%	50%	70%	70%	50%	75%	25%
2030 (recycled*)	70%	55%	75%	80%	60%	85%	30%
(UK 2017 achievement)	64%	47%	68%	77%	52%	75%	31%

* up to 5% points may be attained via reusable sales packaging placed on the market, as an average across the past three years. Wood which is repaired for reuse can be used when calculating the recycling achievement for wood.

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Waste Framework Directive targets

Target year	Municipal waste	Food waste
2025	55% prepared for re-use or recycled	-
2030	60% prepared for re-use or recycled	Reduce generation of food waste to work towards UN Sustainable Development Goal of 50% reduction in per capita food waste
2035	65% prepared for re-use or recycled	

Landfill Directive targets

- By 2035 total landfill shall be 10% or less of waste generated
- By 2030 any waste, and in particular municipal waste, which can be recycled or recovered is not sent to landfill (unless landfill provides for the best environmental outcome)

Extended Producer Responsibility (EPR) Requirements & Full Net Costs (FNC)

The amendments include a new Article 8a to the WFD which introduces minimum requirements for any EPR schemes. The requirements cover a number of aspects including:

- **Financial contribution of producers must cover at least 80% of the costs**, including separate collection (necessary to meet the targets), transport and treatment and providing final waste holders information about the waste systems available and the negative impact of littering.
 - **NB: The article states that this aspect does not apply to WEEE and batteries regimes, however will have a significant impact on costs of packaging compliance**
- Producer **fees should be modulated in accordance with the reusability / recyclability of the product**
- Define the roles and responsibilities of all organisations involved in the EPR scheme, and the geographical extent
- Data and reporting requirements
- Authorised Representatives to fulfil the EPR requirements of producers based in other Member States
- Ensuring that **all producer organisations, regardless of size, are treated equally**
- Ensuring there is information provided to final waste holders to show how waste should be disposed of and information on littering. Economic incentives or regulation can also be used to fulfil this requirement
- Certain information to be publically available, for example the ownership and membership of compliance organisations and financial contribution (per tonne) of producers (and where in conformance with legislation on commercial sensitivity of data and confidentiality)

Article 14 also states that the costs for waste management should fall to the producer or the waste holder.

Target Attainment Calculation

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The amendments include information about how Member States must measure and calculate recycling; this should be when the waste enters the recycling operation i.e. after separation operations have been completed. There is a derogation which would allow the weight of waste to be calculated on output of the sorting operation, however the weight of any materials which would then not be recycled would need to be deducted. Solid waste fuels for incineration cannot be counted towards the recycling targets. Average loss rates can also be used; the European Commission will put in place rules for calculation of average loss rates.

Definitions & other key points

There are a number of updated or amended definitions, including the definition of municipal waste which includes waste from households and waste from non-households which is similar in “nature and composition”. Extended producer responsibility schemes, material recovery and backfilling definitions are also added to the WFD. The Packaging Directive then refers back to WFD for a number of its definitions to ensure consistency. The definition of packaging waste is updated, along with reusable packaging and composite packaging.

Member States are also required to complete a number of measures to prevent waste, including food waste, and to encourage re-use using incentives such as deposit return schemes, economic incentives (via EPR) or by creating targets specifically for reuse. There are also provisions for Member States to incentivise the application of the waste hierarchy. These are outlined in Annex IV of the WFD.

Separate collections of textiles and household hazardous waste are also required from 1 January 2025, with separate collection or recycling at source of bio-waste by the end of 2023.