Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2015/0274(COD)
Landfill of waste: resource efficiency. Circular economy package Amending Directive 1999/31/EC 1997/0085(SYN) See also 2015/0272(COD) See also 2015/0275(COD) See also 2015/0276(COD) Subject 3.70.12 Waste management, domestic waste, packaging, light industrial waste Legislative priorities Joint Declaration 2018-19 Joint Declaration 2017	Procedure completed

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety		22/12/2015
	S&D BONAFÈ Simona	
	Shadow rapporteur	
	FLORENZ Karl-Heinz	
	DEMESMAEKER Mark	
	TORVALDS Nils	
	ŠKRLEC Davor	
	PEDICINI Piernicola	
	JALKH Jean-François	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy		28/01/2016
	TELIČKA Pavel	

Council of the European Union

Council configuration	Meeting	Date
Education, Youth, Culture and Sport	3617	22/05/2018

	Environment	3550	19/06/2017
	Environment	3452	04/03/2016
European Commission	Commission DG	Commissioner	
	Environment	TIMMERMANS Frans	
European Economic and Social Committee			
European Committee of the Regions			

Key events

02/12/2015	Legislative proposal published	COM(2015)0594	Summary
14/12/2015	Committee referral announced in Parliament, 1st reading		
04/03/2016	Debate in Council	3452	
24/01/2017	Vote in committee, 1st reading		
07/02/2017	Committee report tabled for plenary, 1st reading	A8-0031/2017	Summary
14/03/2017	Debate in Parliament		
14/03/2017	Decision by Parliament, 1st reading	T8-0071/2017	Summary
14/03/2017	Matter referred back to the committee responsible		
19/06/2017	Debate in Council	3550	
27/02/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE619.037 GEDA/A/(2018)001577	
16/04/2018	Debate in Parliament		
18/04/2018	Results of vote in Parliament		
18/04/2018	Decision by Parliament, 1st reading	T8-0115/2018	Summary
22/05/2018	Act adopted by Council after Parliament's 1st reading		
30/05/2018	Final act signed		
30/05/2018	End of procedure in Parliament		
14/06/2018	Final act published in Official Journal		

Technical information

Procedure reference	2015/0274(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 1999/31/EC 1997/0085(SYN) See also 2015/0272(COD) See also 2015/0275(COD)

	See also 2015/0276(COD)
Legal basis	Rules of Procedure EP 59-p4; Treaty on the Functioning of the EU TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/05254

Documentation gateway

For information		SWD(2014)0208	02/07/2014	EC	
Legislative proposal		COM(2015)0594	02/12/2015	EC	Summary
Document attached to the procedure		SWD(2015)0259	03/12/2015	EC	
Document attached to the procedure		SWD(2015)0260	03/12/2015	EC	
Economic and Social Committee: opinion, report		CES0042/2016	27/04/2016	ESC	
Committee draft report		PE580.563	26/05/2016	EP	
Committee of the Regions: opinion		CDR0585/2016	15/06/2016	CofR	
Amendments tabled in committee		PE585.610	06/07/2016	EP	
Committee opinion	ITRE	PE582.213	08/11/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0031/2017	07/02/2017	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T8-0071/2017	14/03/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2018)001577	23/02/2018	CSL	
Text agreed during interinstitutional negotiations		PE619.037	28/02/2018	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0115/2018	18/04/2018	EP	Summary
Draft final act		00010/2018/LEX	30/05/2018	CSL	
Commission response to text adopted in plenary		SP(2018)350	06/06/2018	EC	

Additional information

Research document	Briefing
Research document	Briefing

Final act

Directive 2018/850
OJ L 150 14.06.2018, p. 0100 Summary

Landfill of waste: resource efficiency. Circular economy package

PURPOSE: to improve waste management in the Union in order to facilitate Europes transition to a circular economy.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: the Commission considers that recent trends suggest that turning waste into a resource is an essential part of increasing resource efficiency and closing the loop in a circular economy. The Unions economy currently loses a significant amount of potential secondary raw materials that are found in waste streams. In 2013, total waste generation in the EU amounted to approximately 2.5 billion tons of which 1.6 billion tons were not reused or recycled and therefore lost for the European economy. It is estimated that an additional 600 million tons could be recycled or reused. By way of example, only a limited share (43%) of the municipal waste generated in the Union was recycled, with the rest being landfilled (31%) or incinerated (26%).

With respect to waste management, the Union also faces large differences amongst its Member States. In 2011, while six Member States landfilled less than 3% of their municipal waste, 18 landfilled over 50%, with some exceeding 90%. This uneven situation needs to be redressed.

The proposal aiming to amend Directive 1993/31/EC on waste is part of a series of measures on the circular economy which also includes proposals to amend:

- Directive 2008/98/EC on waste;
- Directive 1994/62/EC on package and packaging waste;
- Directive 2000/53/EC on end-of-life vehicles;
- Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators;
- Directive 2012/19/EU on waste electrical and electronic equipment.

The proposals build in part on the proposal that the Commission tabled in July 2014 and subsequently withdrew in February 2015. They are in line with the objectives of the Resource Efficiency Roadmap and the 7th Environment Action Programme including:

- full implementation of the waste hierarchy in all Member States;
- decline in absolute and per capita waste generation;
- ensuring high quality recycling and the use of recycled waste as a major, reliable source of raw materials for the Union.

They also contribute to the implementation of the EU Raw Materials Initiative and address the need to prevent food waste.

IMPACT ASSESSMENT: the impact assessment led to the conclusion that the options envisaged will bring the following benefits:

- reduction of the administrative burden in particular for small establishments or undertakings, simplification and better implementation including by keeping targets fit for purpose;
- more than 170,000 direct jobs could be created by 2035, most of them impossible to delocalize outside the EU;
- GHG emission reduction more than 600 millions of tons of green house gas could be avoided between 2015 and 2035;
- positive effects on the competitiveness of the EU waste management and recycling sectors as well as on the EU manufacturing sector ;
- reinjection into the EU economy of secondary raw materials which in turn will reduce the dependency of the EU on raw materials imports.

CONTENT: the proposal aims to amend the targets laid down in Council Directive 1999/31/EC14 setting landfill restrictions to make them better reflect the Union's ambition to move to a circular economy and make progress in the implementation of the Raw Materials Initiative by reducing landfilling of waste destined for landfills for non-hazardous waste.

The main points are as follows:

Alignment of definitions: it is proposed that municipal waste should be clearly defined in line with the definition used for statistical purposes by the European Statistical Office and the Organisation for Economic Cooperation and Development. The definitions in Directives 1999/31/EC should be aligned to those of Directive 2008/98/EC of the European Parliament and of the Council.

Reduction in landfill waste: Member States should take the necessary measures to ensure that by 2030 the amount of municipal waste landfilled is reduced to 10% of the total amount of municipal waste generated.

Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain five additional years for the attainment of the target. In the event of an extension, the Member State should take the necessary measures to reduce by 2030 the amount of municipal waste landfilled to 20% of the total amount of municipal waste generated.

By 31 December 2024 at the latest, the Commission should examine the target with a view to reducing it and introducing restrictions to the landfilling of non-hazardous waste other than municipal waste. To this end, the Commission should send a report accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council. The proposal prohibits the landfilling of biodegradable waste that has been separately collected.

Reporting: statistical data reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. Member States shall report the data concerning the implementation of the relevant provisions for each calendar year to the Commission. They shall report this data electronically within 18 months of the end of the reporting year for which the data are collected.

The Commission shall review the data reported and publish a report on the results of its review.

Early warning system: the proposal establishes an early warning system to detect shortcomings and allow taking action ahead of the deadlines for meeting the targets. The Commission shall draw up reports three years before each time-limit laid down.

Simplification and streamlining of reporting obligations: it is proposed to repeal provisions obliging Member States to produce implementation reports every three years and use exclusively the statistical data which Member States report every year to the Commission.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Landfill of waste: resource efficiency. Circular economy package

The Committee on the Environment, Public Health and Food Safety adopted the report by Simona BONAFÈ (S&D, IT) on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste.

The committee recommended that the European Parliaments position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Progressive phasing out of landfilling: Members stressed that the revision of the Directive on the landfill of waste will offer the possibility for waste management to be transformed into sustainable material management. They also proposed to include in the general objective of the Directive a progressive phasing out (as opposed to a reduction) of landfilling which is considered as a fundamental condition to support the Union's transition towards a circular economy.

More ambitious goal in 2030: Members proposed that Member States shall take the necessary measures to ensure that by 2030 the annual amount of municipal waste landfilled is reduced to 5 % (instead of 10 %) of the total amount of municipal waste generated.

By 31 December 2030, Member States shall accept only residual municipal waste (waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further) in landfills for non-hazardous waste.

Additional transition period: the Commission proposed that Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain five additional years for the attainment of the target. Members suggested that a Member State may request an extension to attain the target, if it has landfilled more than 65 % of its municipal waste in 2013. The request for extension shall be accompanied by an implementation plan which shall be assessed the Commission on the basis of specific criteria.

Waste other than municipal waste: Members called on the Commission, by 31 December 2018 at the latest, to examine the possibility to introduce a target and restrictions to the landfilling of non-hazardous waste other than municipal waste. By 31 December 2025, Member States shall map existing landfills and indicate their potential for enhanced landfill mining and share information.

Exchange of best practices and information: Members suggested establishing a platform for a regular and structured exchange of best practices and information between the Commission and the Member States on the practical implementation of the requirements of this Directive.

Instruments to promote a shift to a circular economy: Member States shall make use of adequate economic instruments and shall take other measures to provide incentives for the application of the waste hierarchy.

Uniform technical provisions: Members proposed a very precise wording in order to allow the Commission to develop and adopt implementing acts as regards: (i) the determination of the permeability coefficient of landfills and for the sampling of waste; (ii) the development of a European standard for the sampling of waste.

Landfill of waste: resource efficiency. Circular economy package

The European Parliament adopted by 583 votes to 95, with 18 abstentions, amendments to the proposal for a directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste.

The matter was referred back to the committee responsible for interinstitutional negotiations. The vote on the legislative resolution was postponed to later session.

The main amendments adopted in plenary concerned the following issues:

Progressive phasing out of landfilling: Members stressed that the revision of the Directive on the landfill of waste will offer the possibility for waste management to be transformed into sustainable material management. They also proposed to include in the general objective of the Directive a progressive phasing out (as opposed to a reduction) of landfilling which is considered as a fundamental condition to support the Union's transition towards a circular economy.

This objective shall fit into an integrated policy which ensures a sound application of the waste hierarchy, enhances a shift towards prevention, reuse and recycling, and prevents a shift from landfilling towards incineration.

More ambitious goal in 2030: Parliament proposed that Member States shall take the necessary measures to ensure that by 2030 the annual amount of municipal waste landfilled is reduced to 5 % (instead of 10 %) of the total amount of municipal waste generated.

By 31 December 2030, Member States shall accept only residual municipal waste (waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further) in landfills for non-hazardous waste.

Additional transition period: the Commission proposed that seven countries (Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia) may obtain five additional years for the attainment of the target. Parliament suggested that a Member State may request an extension to attain the target, if it has landfilled more than 65 % of its municipal waste in 2013. The request for extension shall be accompanied by an implementation plan which shall be assessed the Commission on the basis of specific criteria.

Waste other than municipal waste: Parliament called on the Commission to:

- examine, by 31 December 2018 at the latest, the possibility to introduce a target and restrictions to the landfilling of non-hazardous waste other than municipal waste. To this end, its report shall be accompanied by a legislative proposal, if appropriate;
- further examine the feasibility of proposing a regulatory framework for enhanced landfill mining so as to permit the retrieval of secondary raw materials that are present in existing landfills. By 31 December 2025 Member States shall map existing landfills and indicate their potential for enhanced landfill mining and share information.

Exchange of best practices and information: Parliament suggested establishing a platform for a regular and structured exchange of best practices and information between the Commission and the Member States on the practical implementation of the requirements of this Directive.

Instruments to promote a shift to a circular economy: Member States shall make use of adequate economic instruments and shall take other measures to provide incentives for the application of the waste hierarchy.

Uniform technical provisions: lastly, Parliament proposed a very precise wording in order to allow the Commission to develop and adopt implementing acts as regards: (i) the determination of the permeability coefficient of landfills and for the sampling of waste; (ii) the development of a European standard for the sampling of waste.

Landfill of waste: resource efficiency. Circular economy package

The European Parliament adopted by 580 votes to 44, with 37 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste.

The matter had been referred back to the committee responsible for interinstitutional negotiations at the sitting of 14.3.2017.

The European Parliaments position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Progressive reduction of landfilling: with a view to supporting the Union's transition to a circular economy, the revised landfill Directive shall aim to ensure a progressive reduction of landfilling of waste, in particular waste that is suitable for recycling or any other recovery.

By way of stringent operational and technical requirements on the waste and landfills, it shall provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

This objective shall be part of an integrated policy which ensures the correct application of the waste hierarchy, as laid down in Directive 2008/98/EC, which enhances a shift towards prevention including re-use, preparing for re-use and recycling, and prevents a shift from landfilling towards incineration.

Target for 2035: by 2035, the annual amount of municipal waste going to landfill should be reduced to 10% or less of the total amount of municipal waste produced.

A Member State may postpone the deadline for attaining the target by up to five years provided that that Member State landfilled more than 60 % of its municipal waste generated in 2013.

In the event of postponing the deadline, the Member State shall take the necessary measures to reduce by 2035 the amount of municipal waste landfilled to 25 % or less of the total amount of municipal waste generated.

To benefit from a postponement of the deadline, the Member States concerned shall, at the latest 24 months before the deadline, notify the Commission of its intention to postpone the deadline and submits an implementation plan in accordance with Annex IV to this Directive.

In order to ensure proper application of the waste hierarchy, appropriate measures should be taken to apply, as of 2030, restrictions on landfilling to all waste that is suitable for recycling or other material or energy recovery. Those restrictions should not apply where it can be demonstrated that waste is not suitable for recycling or other recovery and that landfilling would result in the best overall environmental outcome in accordance with the waste hierarchy laid down in Directive 2008/98/EC.

Rules on the calculation of the attainment of the targets: in order to ensure the reliability of data, it is important to lay down more precisely the rules according to which Member States shall report municipal waste that has been landfilled.

Reporting shall be based on the amount of municipal waste landfilled after treatment operations to prepare such waste for subsequent landfilling, such as the stabilisation of biodegradable municipal waste, and on the input into disposal incineration operations.

As for municipal waste that enters treatment operations prior to recycling and recovery of waste, such as sorting and mechanical treatment, the waste resulting from such operations that is ultimately landfilled shall also be considered for the purposes of calculating the landfill target.

Where municipal waste is shipped to another Member State or exported from the Union for the purposes of landfilling, it shall be counted towards the amount of waste landfilled by the Member State in which that waste was collected.

Exchange of information and best practices: the Commission shall organise a regular exchange of information and of best practices among Member States, including, where appropriate, with regional and local authorities, on the practical implementation of the requirements of this Directive.

Landfill of waste: resource efficiency. Circular economy package

PURPOSE: to improve waste management in the Union in order to facilitate Europes transition to a circular economy.

LEGISLATIVE ACT: Directive (EU) 2018/850 of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste.

CONTENT: this Directive amending Directive 1999/31/EC on the landfill of waste is part of a package of measures on the circular economy which includes a package of measures on waste, consisting of four legislative proposals laying down new rules on waste management and setting legally binding targets for recycling.

Phasing out landfilling: in order to support the Union's transition to a circular economy, the revised Directive aims to:

- ensure a progressive reduction of landfilling of waste, in particular of waste that is suitable for recycling or other recovery, and, by way of stringent operational and technical requirements on the waste and landfills;
- provide for measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill.

Restrictions on landfilling by 2030: in order to ensure proper application of the waste hierarchy, appropriate measures should be taken to apply, as of 2030, restrictions on landfilling to all waste that is suitable for recycling or other material or energy recovery. Those restrictions should not apply where it can be demonstrated that waste is not suitable for recycling or other recovery and that landfilling would result in the best overall environmental outcome.

2035 target: by 2035, the annual amount of municipal waste going to landfill should be reduced to 10% or less of the total amount of municipal waste produced.

A Member State may postpone the deadline for attaining the target by up to five years provided that: (i) that Member State landfilled more than 60 % of its municipal waste generated in 2013; (ii) at the latest 24 months before the deadline, it notifies the Commission of its intention to postpone the deadline and submits an implementation plan. The Commission may request a Member State to revise its plan if it considers that the plan does not comply with the requirements of Annex IV to the Directive.

In the event of postponing the deadline, the Member State shall take the necessary measures to reduce by 2035 the amount of municipal waste landfilled to 25 % or less of the total amount of municipal waste generated (by weight).

By 31 December 2024, the Commission shall review the target laid down with a view to maintaining or, if appropriate, reducing it, to considering quantitative target per capita on landfilling and to introducing restrictions to the landfilling of non-hazardous waste other than municipal waste.

Rules for the calculation to assess the achievement of targets: in order to ensure the reliability of the data, the revised Directive defines precisely the rules according to which Member States will have to report municipal waste that has been landfilled. Within this framework, Member States will have to put in place an effective quality control and traceability system for municipal waste landfilled.

The Directive also provides for:

- a system of early warning reports to detect shortcomings and allow taking action ahead of the deadlines for meeting the targets;
- regular exchanges of information and of best practices among Member States, including, where appropriate, with regional and local authorities, on the practical implementation of the requirements of this Directive;
- the possibility for Member States to use economic instruments and other measures to encourage the application of the waste hierarchy.

ENTRY INTO FORCE: 4.7.2018.

TRANSPOSITION: no later than 5.7.2020.