

TO: Jean-Claude Juncker, President of the European Commission  
CC: College of Commissioners  
RE: Proposed withdrawal of waste package

Brussels, 9 February 2015

Dear President Juncker,

I am writing to you on behalf of the European Environmental Bureau to urge you not to pursue the withdrawal of the waste package<sup>1</sup> that is envisaged in the Commission's Work Programme for 2015.

When the Work Programme was presented in the European Parliament on 16 December 2014, Vice President Timmermans assured his audience that the Commission would listen to the views of the European Parliament and Council before taking a final decision about the final withdrawals of pending legislation.

The following day, the Environment Council expressed its strong opposition to the proposed withdrawal, stressing the importance of continuing work on the circular economy package and on the waste review in particular, and building on the work done so far. Ministers "expressed serious concerns about the Commission's intention to withdraw this proposal and to replace it with a more ambitious one, as it was announced on 16 December during the presentation of the Commission work programme for 2015, while reiterating the importance of ensuring the transition to a circular economy"<sup>2</sup>.

This was followed in January 2015 by a majority in the European Parliament expressing opposition to the withdrawal of the waste package thereby supporting the view of the Environment Committee, the lead Committee responsible for this issue. The Chair of the Environment Committee has recently reaffirmed the Committee's firm opposition to this potential withdrawal in a letter to Vice-President Timmermans and Commissioner Vella.

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<sup>1</sup> 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 /\* COM/2014/0397 final - 2014/0201 (COD) \*/.

<sup>2</sup> Official Council press release on the outcome of the Environment Council meeting of 17 December 2015, p.13.

In addition, numerous stakeholders have expressed their concern about the threatened withdrawal. It is noteworthy that these are by no means limited to NGOs such as the EEB but include many voices from industry.<sup>3</sup>

To date, the Commission has given the impression of being impervious to the feedback that it said wanted to listen to. Surprisingly, it has implied that it does not consider the reaction of the Environment Council to be the view of the Council by indicating that it would like to hear the opinion of the General Affairs Council, which will convene tomorrow, Tuesday 10 February. In fact, it would be bizarre if the General Affairs Council were to make any statement that would contradict the position of the Environment Council, as these are simply different configurations of the same body and the General Affairs Council is charged under the Treaty with the task to 'ensure consistency in the work of the different Council configurations' (TEU Art. 16(6)). Thus we fully expect that, irrespective of any general statement the GAEC may make in respect of the Commission's Work Programme, it will not contradict the position expressed by the Environment Council on 17 December 2014 in relation to the waste package and that this must therefore be taken to be the position of the Council on that file, i.e. clear opposition to any withdrawal of the package.

Aside from the lack of majority political support from the other institutions for the proposed withdrawal, the Commission has failed to come up with one single valid argument or shred of evidence that would justify withdrawing the package. The reason given in the Work Programme, namely that there was no realistic chance of an agreement on the proposal in the foreseeable future, was particularly implausible, given that the proposal had only been tabled in July 2014 and discussions in the EP and Council had barely begun. The subsequent argument that it needed to be withdrawn in order to table something more ambitious to 'complete the circle' also makes no sense whatsoever. If this is really the Commission's intention, a meaningful complementary proposal addressing the product design phase can just as easily be produced while negotiations on the waste package continue.

If the Commission were now to persist in withdrawing the waste package, it would send a clear signal to Europe's citizens that this Commission, in shooting down a package that is estimated to create 180,000 jobs and save €72 billion a year in waste management costs<sup>4</sup>, has embarked on an ideological crusade where there is no longer room for evidence, arguments and facts.

We sincerely hope that this is not the case and that the Commission will engage in constructive negotiations on the waste package as currently on the table in a spirit of 'loyal cooperation' and make the development of new complementary proposals for product policy one of its priorities in 2015.

Yours sincerely,



Jeremy Wates, Secretary General

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<sup>3</sup> See for example at: <http://www.eeb.org/?LinkServID=FD4C46B8-5056-B741-DB0AD911D32871B0&showMeta=0&aa>

<sup>4</sup> Figures from the European Commission's Impact Assessment.