

**Opinion of the European Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste'**

(COM(2004) 127 final – 2004/0045 (COD))

(2004/C 241/06)

On 5 March 2004, the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the 'Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste'.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on this subject, adopted its opinion on 6 May 2004. The rapporteur was Mr Adams.

At its 409<sup>th</sup> plenary session (meeting of 2 June 2004), the European Economic and Social Committee adopted the following opinion by 180 votes to three, with 13 abstentions:

## 1. Introduction

1.1 The purpose of the proposal is to address the problem of applying the legislation on Packaging and Packaging Waste<sup>(1)</sup> to the acceding States. Legislation adopted after 1 November 2002 — in this case the amending legislation was only approved in February 2004 — is not covered by the Act of Accession. The Commission has concluded that the most sensible way to proceed was to submit this amending proposal, under Article 95 of the Treaty of Accession.

1.2 Various mechanisms for informing and consulting with acceding States on such legislation were agreed at the European Council in December 2002. All acceding States except Cyprus<sup>(2)</sup> informed the Commission in February 2003 that they would need a further transitional period before applying the original Directive. This proposal for an amending Directive follows subsequent extensive bilateral technical consultations with all ten acceding States.

1.3 The current Directive<sup>(3)</sup> aims to prevent or minimise the impact of packaging and packaging waste on the environment through recovery and recycling targets. The new targets agreed are substantially higher than those for 2001 and must be achieved by the end of 2008. The Directive contains specific targets for plastics, metals, paper/board and glass. The specific targets will improve the overall level of environmental protection in the EU. They will also reduce existing distortions of competition, lead to a higher degree of harmonisation within the internal market and give more planning security for investments in recycling infrastructure.

<sup>(1)</sup> Directive 94/62/EC as amended by Directive 2004/12/EC of 11.2.2004, OJ L 47 of 18.2.2004 p. 26-32.

<sup>(2)</sup> Cyprus did not require transitional arrangements.

<sup>(3)</sup> Directive 2004/12/EC of 11.2.2004, OJ L 47 of 18.2.2004, p. 26-32.

1.4 The proposal sets the date for acceding States to have achieved the targets as not later than 31 December 2012.

## 2. General comments

2.1 This proposed amending Directive is a necessary piece of legislation setting a realistic compliance date for acceding States.

2.2 In its opinion of 29 May 2002<sup>(4)</sup> the EESC fully supported the original Directive as an important driving force in encouraging national legislation on recycling and recovery of packaging waste.

## 3. Specific comments

3.1 The EESC notes that the average volume of packaging waste produced by the acceding States is 87 kg per capita compared with 169 kg per capita in existing Member States. Although there might be an expectation that packaging consumption will increase in acceding States under the influence of the single market the EESC would urge that every effort is made to minimise packaging at source where consistent with safety and hygiene.

<sup>(4)</sup> CESE 681/2002, OJ C 221 of 17.9.2002, p. 31-36.

3.2 Each Member State will continue to be responsible for the systems under which the recycling targets are achieved. A wide range of requirements, processes, incentives and disincentives are in place across the Community and the EESC urges that work continues by the Commission on establishing best practice and the promulgation of exemplar case studies.

Brussels, 2 June 2004.

#### 4. Conclusions

The Committee welcomes and fully supports the proposal as an important driving force in encouraging national legislation to introduce systems for selective collection in the acceding States.

*The President*

*of the European Economic and Social Committee*

Roger BRIESCH

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### **Opinion of the European Economic and Social Committee on the 'Proposal for a Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period'**

(COM(2004) 163 final – 2004/0054 CNS)

(2004/C 241/07)

On 2 April 2004, the Council decided to consult the European Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the 'Proposal for a Council Regulation amending Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of Central and Eastern Europe in the pre-accession period'.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on this subject, adopted its opinion on 6 May 2004. The rapporteur was Mr Donnelly.

At its 409<sup>th</sup> plenary session (meeting of 2 June 2004), the European Economic and Social Committee adopted the following opinion by 182 votes to 2, with 14 abstentions:

#### 1. Introduction

1.1 The accession negotiations in December 2002 provided for accession in 2004 of eight of the countries currently benefiting from the provisions of this Regulation.

1.2 The Commission considers the Regulation should be modified in favour of beneficiary countries not due to join the European Union in 2004, to take account of experience with the instrument it set up, whilst respecting its underlying objectives.

1.3 Modifications are to be made to align certain provisions on those applicable to new Member States. The proposed modifications are the following: (i) an inclusion of a new eligible measure which would enable the rural communities of Bulgaria

and Romania to prepare and implement local rural development strategies; (ii) an adaptation of the aid intensities to levels similar to those granted to countries acceding to the Union in 2004 and (iii) further clarification of the limits on aid rates. The latter modification shall have retrospective effect vis-à-vis all beneficiary countries.

#### 2. Gist of Commission Proposal

2.1 The Community contribution shall not exceed the ceiling of 75 % of the total eligible public expenditure. The Commission proposal will not involve additional spending from the Community budget as it will be financed from the allocations already made.