

# Questionnaire on EU waste legislation



*In cooperation with*



## Introduction

The EU Urban Agenda is composed of 14 priority themes essential to the development of urban Areas in Europe. Each theme has a dedicated partnership that brings together cities, Member States and European institutions. The Urban Agenda for the EU focuses on a more effective and coherent implementation of existing EU policies, legislation and instruments. Drawing on the general principles of Better Regulation, EU legislation should be designed so as to achieve the objectives at a minimum cost without imposing unnecessary legislative burdens. In this sense, the Urban Agenda will contribute to the Better Regulation Agenda.

The Partnership on Circular Economy consists of six urban authorities, namely the City of Oslo, The Hague, Prato, Porto, Kaunas and Flanders region. The Partners which are EU Member States include Finland, Poland, Slovenia and Greece. The European Commission (DG REGIO, DG ENV, DG CLIMA, DG RTD, DG GROW), the Council of European Municipalities and Regions (CEMR), EUROCITIES, URBACT, the European Investment Bank (EIB) and the Association of Cities and Regions for sustainable Resource management (ACR+) are also partners.

One key objective of circular economy is to stimulate resource efficiency by the uptake of the use of secondary raw materials from waste. The Partnership has identified several barriers and bottlenecks regarding the use of secondary raw materials (recycling) or products (re-use) originating from waste streams. As soon as products or materials enter the waste stream, a set of regulatory measures apply to protect human health and the environment against any harm from those products and materials. These regulations make it difficult, if not impossible to redirect waste fractions back into the economic cycle for re-use or recycling. Where hazardous substances are concerned, these regulatory measures are valid. There are, however, circumstances under which the rather strict regime of waste legislation is not needed and can even be counterproductive for the circular economy.

In the current legal framework preparing for re-use and recycling are part of the waste definition. As a consequence, these two categories that are of key importance to the circular economy are subject to quite strict rules and regulations. An important question that arises is whether this is always necessary from the perspective of protecting human health and the environment, for example in situations where there is no risk of hazardous substances. It can be argued that regulatory provisions aimed at the re-use of waste streams already exist, in the form of so-called end-of-waste criteria. However, until now, end-of-waste criteria have been set for only a very limited number of materials. Furthermore, the process of developing end-of-waste criteria for new products and materials will be quite complex and time-consuming.

One option to better meet the requirements of the circular economy could be to keep products and materials that are fit for re-use and recycling out of the waste stream in the first place. This could, for example, be done through the introduction of 'beginning of waste criteria', by which products and materials that are fit for re-use and recycling would have to meet requirements comparable to primary resources, and would only be allowed into the waste stream when there are clear risks of negative impacts on human health and the environment. In this way, secondary raw materials would not be subject to unnecessary limitations that arise from the waste status. At the same time, this may allow for a more friendly and competitive market environment for secondary resources, from which the urban economy would be able to benefit in the form of new economic activity and employment. In turn, products and materials that do take on the waste status can always be redirected back into the economic cycle through the existing provisions for the end of waste status.

The removal of barriers and improving the resource perspective in waste legislation is important to facilitate the circular economy and to stimulate the uptake of the use of secondary raw materials. This first of all calls for a basic evaluation of the current legislative framework, the implementation and application of that framework, and the definitions of waste in the context of a circular economy. Part of this evaluation is this questionnaire by which the Partnership aims at collecting feedback from the everyday practice of cities. This feedback, both in terms of barriers and bottlenecks as well as good practices, will provide valuable input to the analytical work of the Partnership and will contribute to the recommendations that the Partnership will draft to improve the legislative framework.

## Structure of the questionnaire

The goal of this questionnaire is to establish the possibilities and obstacles for circular use of urban resources within the current EU legislative framework.

### Resource flows

The questionnaire should be completed per resource/waste flow. This questionnaire focusses on urban resource flows, more specifically on municipal waste (in line with the new definition in article 3(2b) of the Waste Framework Directive). E.g. the relevant resource flow can be plastics, textiles, WEEE, bulky waste, bio-waste or batteries. However, it can also be a more specific fraction of these types of waste, e.g. bottlecaps or discarded DVD players.

- *Important: if you have input for different resource flows, please complete a separate questionnaire per resource flow.*

### Themes

The questionnaire is divided into four different themes based on the waste hierarchy from the Waste Framework Directive. It is likely that not all the themes are relevant for every particular resource flow(s). E.g. when discussing the recycling of bottlecaps, the themes prevention, reuse and preparation for reuse might not be relevant. The themes are colour coded:

I.	Prevention of waste
II.	Reuse
III.	Preparing for reuse
IV.	Recycling

### EU legislative acts

Per theme, feedback can be given on relevant EU legislation. The main legislative acts being reviewed are the Waste Framework Directive and three other waste directives that were revised as a result of the adoption of the Waste Package in 2018. Of course, other relevant legislation can also be included in the questionnaire:

1. Waste Framework Directive
2. Packaging and Packaging Waste Directive
3. Batteries Directive
4. Waste from Electric and Electronic Equipment Directive (WEEE)
5. Other EU legislation

### Feedback

Per legislative act several kinds of feedback can be given:

- *Obstacles/bottlenecks*: what in this legislative act hinders the circular usage of the resource flow?
- *Good practices*: what are the possibilities to use the current legislative framework in a circular way?
- *2018 revision of waste legislation* (only for the Waste Package): does this change/improve current practice?

### Annexes

Alongside the questionnaire several annexes are included that provide background information on the revisions of relevant waste legislation:

- Annex I: comprehensive analysis of the (revised) Waste Framework Directive
- Annex II: analysis of the 2018 revisions of the Packaging and Packaging Waste Directive, the WEEE Directive and the Batteries Directive

Resource Flow: .....

<b>I. Prevention of waste</b>	
<b>1. Waste Framework Directive (<a href="#">Directive 2008/98/EC</a>)</b>	
<b>Obstacles/bottlenecks</b>	
<b>Good practices</b>	
<i>2018 revision of the Waste Framework Directive (WFD) related to prevention.</i> <i>*please consult the prevention chapter of <a href="#">annex I</a> for more information.</i>	
<b>Does this revision change current practice?</b>	
<b>2. Packaging and Packaging Waste Directive (<a href="#">Directive 94/62/EC</a>)</b>	
<b>Obstacles/bottlenecks</b>	
<b>Good practices</b>	
<i><a href="#">2018 revision</a> of the Packaging and Packaging Waste Directive related to prevention</i> <i>Please consult <a href="#">annex II</a> for more information.</i>	

Does this revision change current practice?	
<b>3. Batteries Directive (<a href="#">Directive 2006/6/EC</a>)</b>	
Obstacles/bottlenecks	
Good practices	
<p><a href="#">2018 revision</a> of the Batteries Directive related to prevention</p> <p>Please consult <a href="#">annex II</a> for more information.</p>	
Does this revision change current practice?	
<b>4. Waste from Electric and Electronic Equipment Directive (<a href="#">WEEE Directive 2012/19/EC</a>)</b>	
Obstacles/bottlenecks	
Good practices	
<p><a href="#">2018 revision</a> of the WEEE Directive related to prevention</p> <p>Please consult <a href="#">annex II</a> for more information.</p>	
Does this revision change current practice?	

5. Other legislation & prevention	Obstacles/Bottlenecks	Good practices
<p><i>If you wish to add obstacles or good practices regarding other EU legislation not mentioned above (for example, the provisional agreement on single use plastics), please mention them below.</i></p>		
Legislation:		
Legislation:		
Legislation:		
<h2 style="text-align: center;">II. Reuse</h2>		
<h3>1. Waste Framework Directive (<a href="#">Directive 2008/98/EC</a>)</h3>		
Obstacles/bottlenecks		
Good practices		
<p><i>2018 revision of the Waste Framework Directive (WFD) related to reuse</i></p> <p><i>Please consult the reuse chapter of <a href="#">annex I</a> for more information.</i></p>		
Does this revision change current practice?		

**2. Packaging and Packaging Waste Directive ([Directive 94/62/EC](#))**

**Obstacles/bottlenecks**

**Good practices**

[2018 revision](#) of the Packaging and Packaging Waste Directive related to reuse

Please consult [annex II](#) for more information.

**Does this revision change current practice?**

**3. Batteries Directive ([Directive 2006/6/EC](#))**

**Obstacles/bottlenecks**

**Good practices**

[2018 revision](#) of the Batteries Directive related to prevention

Please consult [annex II](#) for more information.

**Does this revision change current practice?**

**4. Waste from Electric and Electronic Equipment Directive ([WEEE Directive 2012/19/EC](#))**



<b>Obstacles/bottlenecks</b>		
<b>Good practices</b>		
<p><a href="#">2018 revision</a> of the WEEE Directive related to prevention</p> <p>Please consult <a href="#">annex II</a> for more information.</p>		
<b>Does this revision change current practice?</b>		
<b>5. Other legislation &amp; reuse</b>	<b>Obstacles/Bottlenecks</b>	<b>Good practices</b>
<p><i>If you wish to add obstacles or good practices regarding other EU legislation not mentioned above (for example, the provisional agreement on single use plastics), please mention them below.</i></p>		
Legislation:		
Legislation:		
Legislation:		
<b>III. Preparation for reuse</b>		
<b>1. Waste Framework Directive (<a href="#">Directive 2008/98/EC</a>)</b>		

<b>Obstacles/bottlenecks</b>	
<b>Good practices</b>	
<p>2018 revision of the Waste Framework Directive (WFD) related to preparing for reuse.</p> <p>Please consult the preparing for reuse chapter of <a href="#">annex I</a> for more information.</p>	
<b>Does this revision change current practice?</b>	
<p><b>2. Packaging and Packaging Waste Directive (<a href="#">Directive 94/62/EC</a>)</b></p>	
<b>Obstacles/bottlenecks</b>	
<b>Good practices</b>	
<p><a href="#">2018 revision</a> of the Packaging and Packaging Waste Directive related to preparing for reuse</p> <p>Please consult <a href="#">annex II</a> for more information.</p>	
<b>Does this revision change current practice?</b>	
<p><b>3. Batteries Directive (<a href="#">Directive 2006/6/EC</a>)</b></p>	

<b>Obstacles/bottlenecks</b>		
<b>Good practices</b>		
<p><a href="#">2018 revision</a> of the Batteries Directive related to preparing for reuse</p> <p>Please consult <a href="#">annex II</a> for more information.</p>		
<b>Does this revision change current practice?</b>		
<b>4. Waste from Electric and Electronic Equipment Directive (<a href="#">WEEE Directive 2012/19/EC</a>)</b>		
<b>Obstacles/bottlenecks</b>		
<b>Good practices</b>		
<p><a href="#">2018 revision</a> of the WEEE Directive related to preparation for reuse</p> <p>Please consult <a href="#">annex II</a> for more information.</p>		
<b>Does this change current practice?</b>		
<b>5. Other legislation &amp; preparation for reuse</b>	<b>Obstacles/Bottlenecks</b>	<b>Good practices</b>
<p><i>If you wish to add obstacles or good practices regarding other EU legislation not mentioned above (for example, the provisional agreement on single use plastics), please mention them below.</i></p>		

Legislation:		
Legislation:		
Legislation:		

## IV. Recycling

### 1. Waste Framework Directive ([Directive 2008/98/EC](#))

#### Obstacles/bottlenecks

#### Good practices

*2018 revision of the Waste Framework Directive (WFD) related to recycling*

*Please consult the recycling chapter of [annex I](#) for more information on the changes in the WFD.*

#### Does this revision change current practice?

### 2. Packaging and Packaging Waste Directive ([Directive 94/62/EC](#))

<b>Obstacles/bottlenecks</b>	
<b>Good practices</b>	
<p><a href="#">2018 revision</a> of the Packaging and Packaging Waste Directive related to recycling</p> <p>Please consult <a href="#">annex II</a> for more information.</p>	
<b>Does this revision change current practice?</b>	
<p><b>3. Batteries Directive (<a href="#">Directive 2006/6/EC</a>)</b></p>	
<b>Obstacles/bottlenecks</b>	
<b>Good practices</b>	
<p><a href="#">2018 revision</a> of the Batteries Directive related to recycling</p> <p>Please consult <a href="#">annex II</a> for more information.</p>	
<b>Does this revision change current practice?</b>	
<p><b>4. Waste from Electric and Electronic Equipment Directive (<a href="#">WEEE Directive 2012/19/EC</a>)</b></p>	
<b>Obstacles/bottlenecks</b>	

<b>Good practices</b>		
<p><a href="#">2018 revision</a> of the WEEE Directive related to recycling</p> <p>Please consult <a href="#">annex II</a> for more information.</p>		
<b>Does this revision change current practice?</b>		
<b>5. Other legislation and recycling</b>	<b>Obstacles/Bottlenecks</b>	<b>Good practices</b>
<p>If you wish to add obstacles or good practices regarding other EU legislations not mentioned above (for example, the provisional agreement on single use plastics), please mention them below.</p>		
Legislation:		
Legislation:		
Legislation:		