



Council of the
European Union

040699/EU XXV.GP
Eingelangt am 06/10/14

Brussels, 6 October 2014
(OR. en, hr)

13965/14

Interinstitutional File:
2014/0201 (COD)

ENV 812
COMPET 558
SAN 375
MI 749
IND 280
CONSUM 194
ENT 217
CODEC 1960
INST 488
PARLNAT 256

COVER NOTE

From: Clerk of the House of Commons of the Croatian Parliament
date of receipt: 6 October 2014
To: General Secretariat of the Council

Subject: 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

[11598/14 ENV 655 COMPET 439 SAN 275 MI 520 IND 204 CONSUM 143 ENT 153 CODEC 1570 - COM(2014) 397 final]

- Opinion¹ on the application of the Principle of Subsidiarity and Proportionality

Delegations will find annexed a copy of the above opinion.

¹ Translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange site IPEX at the following address: <http://www.ipex.eu/IPEXL-WEB/search.do>



**HRVATSKI SABOR
PREDSJEDNIK**

Klasa: 022-03/14-03/152
Urbroj: 6521-14-05
Zagreb, 6. listopada 2014.

**EUROPSKI PARLAMENT
predsjednik Martin Schulz**

**VIJEĆE EUROPSKE UNIJE
predsjedavajući Matteo Renzi**

**EUROPSKA KOMISIJA
predsjednik José Manuel Barroso**

Poštovani predsjednici,

u skladu sa člankom 13. stavkom 2. Zakona o suradnji Hrvatskoga sabora i Vlade Republike Hrvatske i člankom 158. stavkom 6. Poslovnika Hrvatskoga sabora dostavljam vam obrazloženo mišljenje o Prijedlogu direktive Europskog parlamenta i Vijeća kojom se izmjenjuju direktive 2008/98/EZ o otpadu, 94/62/EZ o ambalaži i ambalažnom otpadu, 1999/31/EZ o odlagalištima otpada, 2000/53/EZ o otpadnim vozilima, 2006/66/EZ o baterijama i akumulatorima i o otpadnim baterijama i akumulatorima i 2012/19/EU o otpadnoj električnoj i elektroničkoj opremi, koje je Odbor za europske poslove Hrvatskoga sabora donio na svojoj 39. sjednici 6. listopada 2014.

S poštovanjem,

PREDSJEDNIK HRVATSKOGA SABORA

Josip Leko



HRVATSKI SABOR

Odbor za europske poslove

Klasa: 022-03/14-03-152

Urbroj: 6521-31-14-03

Zagreb, 6. listopada 2014.

Obrazloženo mišljenje Odbora za europske poslove Hrvatskoga sabora

o

Prijedlogu direktive Europskog parlamenta i Vijeća o izmjeni direktiva 2008/98/EZ o otpadu, 94/62/EZ o ambalaži i ambalažnom otpadu, 1999/31/EZ o odlagalištima otpada, 2000/53/EZ o otpadnim vozilima, 2006/66/EZ o baterijama i akumulatorima i o otpadnim baterijama i akumulatorima te 2012/19/EU o otpadnoj električnoj i elektroničkoj opremi COM (2014) 397

Odbor za europske poslove je, na temelju ovlasti dodijeljenih Zakonom o suradnji Hrvatskoga sabora i Vlade Republike Hrvatske u europskim poslovima i Poslovnikom Hrvatskoga sabora, održao 2. listopada 2014. zajedničku sjednicu s Odborom za zaštitu okoliša i prirode na kojoj je raspravljao o **Prijedlogu direktive Europskog parlamenta i Vijeća o izmjeni direktiva 2008/98/EZ o otpadu, 94/62/EZ o ambalaži i ambalažnom otpadu, 1999/31/EZ o odlagalištima otpada, 2000/53/EZ o otpadnim vozilima, 2006/66/EZ o baterijama i akumulatorima i o otpadnim baterijama i akumulatorima te 2012/19/EU o otpadnoj električnoj i elektroničkoj opremi COM (2014) 397.**

U skladu s ovlastima koje nacionalnim parlamentima dodjeljuje Ugovor o funkcioniranju Europske unije, a posebno Protokol 2. o primjeni načela supsidijarnosti i proporcionalnosti, članovi odbora raspravljali su o Prijedlogu direktive iz perspektive poštovanja načela supsidijarnosti kako je ono definirano člankom 5. stavkom 3. Ugovora o Europskoj uniji.

Nakon provedene rasprave, uzimajući u obzir zaključak Odbora za zaštitu okoliša i prirode od 3. listopada 2014., Odbor za europske poslove je na temelju članka 158. stavka 5. Poslovnika Hrvatskoga sabora donio sljedeće

OBRAZLOŽENO MIŠLJENJE

Prijedlog direktive Europskog parlamenta i Vijeća o izmjeni direktiva 2008/98/EZ o otpadu, 94/62/EZ o ambalaži i ambalažnom otpadu, 1999/31/EZ o odlagalištima otpada, 2000/53/EZ o otpadnim vozilima, 2006/66/EZ o baterijama i akumulatorima i o otpadnim baterijama i akumulatorima te 2012/19/EU o otpadnoj električnoj i elektroničkoj opremi COM (2014) 397 nije u skladu s načelom supsidijarnosti.

OBRAZLOŽENJE

Odbor za europske poslove polazeći od cilja politike okoliša Unije utvrđenog člankom 191. Ugovora o funkcioniranju Europske unije da se pri uređivanju područja okoliša uzima u obzir gospodarski i društveni razvoj Unije te uravnotežen razvoj njezinih regija smatra da predmetni Prijedlog Europske komisije ne doprinosi ujednačenom razvoju sustava gospodarenja otpadom u državama članicama.

Zbog značajnih razlika u smislu gospodarenja različitim vrstama i kategorijama otpada u državama članicama Odbor je mišljenja da će se daljnjim propisivanjem još ambicioznijih ciljeva, bez diferenciranog i fleksibilnog pristupa odnosno na jednaki način za sve države članice, u smislu vremenskih rokova i količinskih ograničenja, stvoriti dodatne nejednakosti među državama članicama u gospodarskom i društvenom razvoju, a što je suprotno ciljevima Unije.

Slijedom navedenog, Odbor za europske poslove ističe da je postojeće pravno uređenje gospodarenja otpadom na razini Europske unije dostatno te da prioritet politike treba biti osiguranje uvjeta za učinkovito ispunjavanje postojećih ciljeva u državama članicama.

Odbor za europske poslove posebno ističe da Hrvatska u pogledu provedbe pravne stečevine u sektoru gospodarenja otpadom ima specifičan položaj s obzirom na trenutak članstva u Europskoj uniji i prijelazna razdoblja predviđena Ugovorom o pristupanju. Također, Hrvatska je uložila znatne napore u ostvarivanje postojećih obveza zbog čega je potrebno uvažiti do sada poduzete mjere i uložena financijska sredstva, te raspoloživo vrijeme za korištenje fondova Europske unije u odnosu na druge države članice.

Zaključno, imajući na umu gospodarske ali i geografske različitosti država članica Odbor smatra da određivanje dodatnih ciljeva u području sustava gospodarenja otpadom treba biti u nadležnosti samih država članica ovisno o njihovim gospodarskim mogućnostima jer države članice mogu vlastitim uređenjem u zadovoljavajućoj mjeri pridonijeti ostvarivanju ciljeva europskog kružnog gospodarstva i na taj način donošenjem odluka na razini što je moguće bliže građanima doprinijeti većem demokratskom legitimitetu Europske unije.

PREDSJEDNIK ODBORA
Daniel Mondekar, prof.



CROATIAN PARLIAMENT

Class: 022-03/14-03/152

Ref.No.: 6521-14-05

Zagreb, 6th October 2014

EUROPEAN PARLIAMENT

Mr. Martin Schulz, President

COUNCIL OF THE EUROPEAN UNION

Mr. Matteo Renzi, President-in-office

EUROPEAN COMMISSION

Mr. José Manuel Barroso, President

Dear Presidents,

In accordance with Article 13, Paragraph 2 of the Act on Co-operation of the Croatian Parliament and the Government of the Republic of Croatia in European Affairs and Article 158, Paragraph 6 of the Standing Orders of the Croatian Parliament, I hereby submit the Reasoned Opinion on the 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, adopted by the European Affairs Committee of the Croatian Parliament on its 39th session on 6th October 2014.

Yours sincerely,

**SPEAKER
OF THE CROATIAN PARLIAMENT
Josip Leko**



CROATIAN PARLIAMENT
European Affairs Committee

Class: 022-03/14-03-152
Ref. No.: 6521-31-14-03
Zagreb, 6 October 2014

**Reasoned opinion of the European Affairs Committee
of the Croatian Parliament**

**on the 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) 397**

The European Affairs Committee, by virtue of the powers vested in it pursuant to the Act on the Co-operation between the Croatian Parliament and the Government of the Republic of Croatia in European Affairs and the Standing Orders of the Croatian Parliament, held on 2 October 2014 a joint meeting with the Environment and Nature Conservation Committee, during which the 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) 397 was discussed.

In line with the powers vested in national parliaments by virtue of the Treaty on the Functioning of the European Union, in particular Protocol (No. 2) on the application of the principles of subsidiarity and proportionality, the members of the committees discussed the Proposal for a Directive from the point of view of compliance with the subsidiarity principle as defined in Article 5(3) of the Treaty on the European Union.

After the discussion and having given due consideration to the conclusion of the Environment and Nature Conservation Committee of 3 October 2014, pursuant to Article 158(5) of the Standing Orders of the Croatian Parliament the European Affairs Committee adopted the following

REASONED OPINION

the 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
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does not comply with the principle of subsidiarity.

EXPLANATORY MEMORANDUM

Based on the objective of the Union policy referring to environment set forth in Article 191 of the Treaty on the Functioning of the European Union that the economic and social development of the Union as a whole and the balanced development of its regions should be taken into account in preparing the Union's policy on environment, the European Affairs Committee believes that the Proposal of the European Commission does not contribute to a balanced development of the waste management systems in the Member States.

Due to significant differences in terms of managing various kinds and classes of waste in the Member States, the Committee considers that further setting of more ambitious targets, without a differentiated and flexible approach, i.e. equally for all Member States, in terms of deadlines and quantitative limits on waste flows, will generate additional disparities between the Member States as regards economic and social development, which is contrary to the Union's objectives.

In view of the above, the Committee for European Affairs underlines that the existing legal regulations of waste management at European Union level is sufficient and that the policy priority should be to ensure that Member States meet the current targets.

The European Affairs Committee particularly stresses that with regard to the implementation of the *acquis* in the waste management sector Croatia has a specific position in view of the moment of accession to the European Union and the transitional periods provided for in the Accession Treaty. Also, Croatia has invested significant efforts in fulfilling its obligations, which is the reason why the measures taken and financial assets invested so far as well as the available time for absorbing European Union funds in relation to other Member States must be taken into account.

In conclusion, bearing in mind the economic, but also the geographic differences between Member States, the Committee considers that the matter of setting additional targets in the field of waste management system should be within the competence of the Member States themselves, depending on their economic possibilities, because Member States, acting within the scope of their own regulations, can contribute in a satisfactory manner to the achievement of the objectives of European circular economy, and at the same time contribute to greater democratic legitimacy of the European Union by bringing the European decision-making process closer to citizens.

CHAIRMAN OF THE COMMITTEE
Daniel Mondekar