Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 11596
25 April 2008

Cyclic use of raw materials from products

Motion for a recommendation[1]
tabled by Mr Miloš MELČÁK and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

---

The world's raw material resources are being exploited with increasing speed. It results in a significant change of balance between:

– the primary resources from nature which are exploitable and often used only once; and

– the secondary resources "deposited" in a transformed state in all kinds of products which, however, can be reused, usually many times over in a cycle (this also includes the use of the energy potential which had been invested in the first transformation of the material).

The motion for a recommendation of the Parliamentary Assembly: "Economic impact of the current waste-related legislation" (Doc. 11418 of 4 October 2007) suggested certain legislative problems related to the interaction between primary raw material resources and the cyclic use of secondary raw material resources, which arise both in the production of new and the decommissioning of old, end-of-life products. Treatment of unusable and undesirable residual materials arising in these processes is also a subject of concern.

The aim of this document is to draw attention to the current impact of the above facts on the European economy.

The group of secondary materials reusable in a cycle has been the subject of international trade for many years with turnover in the order of thousands to millions of tonnes. Given the irreversible exploitation of primary raw material resources, its importance has been growing not only in technical and economic terms but also strategically. Ferrous scrap metal, recyclable construction materials, used paper, glass, plastics, precious metals and so forth are typical examples of this group.

The other group, made up of materials which cannot be reused, presents, however, an undesirable burden for the environment and is the subject of demanding legislative and physical treatment. While it represents a cost item from the economic point of view, it also creates new business opportunities of immense importance for the environment, economy and employment.

A serious feature of the current legislation, which is subject to criticism, is the inclusion of both material groups under "waste". Consequently, they are subject to the same set of administrative, record-keeping, technological, logistical and other operations required for "waste treatment". It results in pointless overloading of the business, control and management communities at national and international levels. The demands on time, work and ultimately the financing of such pointless operations cause economic losses in the order of

---

1. Referred to the Committee on the Environment, Agriculture and Local and Regional Affairs, for information: Reference No. 3457 (19th Sitting, 23 June 2008).

tens to hundreds of billions of euros (within the European Union). Not only that, the burden often places some recyclable materials out of competition and forces them to fall into the “undesirable waste” group, with a negative impact on the economy as well as the environment, resulting in further economic losses.

Decisions of the Court of Justice of the European Communities on these issues show that the current legislation does not contribute to a quick and economically effective solution. For instance, in recent rulings C-194 and 195/05 and C-263/05 on action against an Italian law on the definition of waste, the European Court of Justice took a legally purist attitude to the interpretation of the main waste legislation (Council Directive 75/442/EEC, as amended by Council Directive 91/156/EEC and Council Decision 96/350/EC), when it accepted by a complicated formulation the “de facto” existence of a group of desirable materials, but at the same time could not accept “*de jure*” any direct use of these materials.

Likewise, the advised initiative of Portugal (European Environment and Packaging Law, 2007, No. 85, pp. 8-9), which intends to push for clarification of the definition of a by-product and waste within the framework of its EU presidency, confirms that the current situation is untenable.

A growing number of Council of Europe member states have been contributing to the discussion on desirable changes to waste legislation and prevention of further economic losses. The elimination of red tape is in the interest of all participants. The Assembly recommends that its relevant committee gets actively involved in these matters and prepares recommendations for the Council of Europe member states.

Signed (see overleaf)

Signed[2]*:*

MELČÁK Miloš, Czech Republic
BARGETZE Rony, Liechtenstein
BARNETT Doris, Germany, SOC
BJØRNSTAD Vidar, Norway
BRAUN Márton, Hungary, EPP/CD
CEBECİ Erol Aslan, Turkey, EPP/CD
ČURDOVÁ Anna, Czech Republic
KOROBEYNIKOV Anatoliy, Russian Federation
MEALE Alan, United Kingdom, SOC
MENDES BOTA José, Portugal, EPP/CD
NACHTMANNOVÁ Oľga, Slovak Republic
NEGELE Gebhard, Liechtenstein, EPP/CD
SASI Kimmo, Finland, EPP/CD
TEVDORADZE Elene, Georgia
VRETTOS Konstantinos, Greece, SOC

2. EPP/CD: Group of the European People's Party
SOC: Socialist Group