



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
 EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
 EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
 UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

**AMENDMENTS proposed by UEAPME
 for the revision of the waste framework Directive 75/442/EEC**

The following amendments and comments reflect the UEAPME's opinion on the Commission proposal (Com (2005)0667) and on the report (draft version 20/06/2006) by Mrs. Caroline Jackson MEP (Rapporteur for the Committee on the Environment, Public Health and Food Safety of the European Parliament) on the aforementioned Proposal for a Directive of the European Parliament and of the Council on Waste. These amendment proposals are a follow-up to the UEAPME's position paper distributed on 13 July 2006 to the members of the EP before the discussion on the consideration of Mrs. Jackson's report (see attachment).

Moreover, UEAPME supports the specific amendments of our sectoral member association EBC (European Builders confederation).

Amendment 1 Article 3 (a)	
<u>Commission Proposal</u>	
(a) "waste" means any substance or object which the holder discards or intends or is required to discard	(a) "waste" means any substance or object which the holder discards or intends or is required to discard. This refers to moveable substances and objects, which can not once more be rendered economically useful in their existing form without pre-treatment.
<p>A problem with the current definition of waste in the Waste Framework Directive is that it had to be clarified by the European Court of Justice (ECJ) so many times that the study of case law is currently the only way to determine what is waste. The text proposed by the Commission (which has NOT been amended by any Institutions) takes over the existing definition of waste without modifying it even though it has led to confusion, legal uncertainty as well as legal proceedings and has burdened companies with an enormous workload and red tape.</p> <p>For SMEs it is of utmost importance, in both economic and legal terms, which materials, products and processes are subject to specific requirements of waste law.</p>	

Amendment 2 Article 10	
<u>Commission Proposal</u>	
Network of disposal installations	Network of disposal <i>and recovery</i> installations
Each Member State shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to	Each Member State shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to

<p>establish an integrated and adequate network of disposal installations, taking account of the best available techniques within the meaning of Article 2(11) of Directive 96/61/EC, hereinafter “best available techniques”.</p> <p>The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.</p> <p>The network shall enable waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.</p>	<p>establish an integrated and adequate network of disposal <i>and recovery</i> installations, taking account of the best available techniques within the meaning of Article 2(11) of Directive 96/61/EC, hereinafter “best available techniques”.</p> <p>The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal <i>and recovery</i> and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.</p> <p>The network shall enable waste to be <i>disposed of or recovered</i> in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.</p>
<p>UEAPME believes that for the effective application of this directive it is essential that sufficient infrastructure, may it be disposal or recovery sites, be available to the professional and the public alike. It has been brought to our attention that in some countries the infrastructure is severely inadequate (Ex. UK, where there are only 13 hazardous waste landfill sites, none of which are located in Wales or Scotland). It is therefore essential to ensure that adequate facilities are present.</p>	

Amendment 3 Article 11	
<p><u>Commission Proposal</u></p> <p>1. With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a re-use, recycling or recovery operation, and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met:</p> <p>(a) reclassification would not lead to overall negative environmental impacts;</p> <p>(b) a market exists for such a secondary product, material or substance.</p> <p>2. On the basis of its assessment pursuant to paragraph 1, the Commission shall, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in respect of a specific product, material or substance category of waste, specifying the environmental and quality criteria to be met in order for that waste to be deemed to have become a secondary product material or</p>	<p>1. With a view to determining whether it is appropriate to deem certain waste to have ceased being waste, to have completed a completed a recycling or recovery operation and to reclassify that waste as secondary products materials or substances, the Commission shall assess whether the following conditions are met:</p> <p>(a) reclassification would not lead to overall negative environmental impacts;</p> <p>(b) a market exists, <i>or would exist</i>, for such a secondary product, material or substance.</p> <p>2. On the basis of its assessment pursuant to paragraph 1, the Commission shall, in accordance with the procedure referred to in Article 36(2), adopt implementing measures in respect of a specific product, material or substance category of waste, specifying the environmental and quality criteria to be met in order for that waste to be deemed to have become a secondary product material or</p>

substance.	substance. These implementing measures should be adopted in a reasonable time framework, lasting maximum 3 months. Social partners should be involved in this procedure.
<p><i>The term 're-use' has been removed for the purpose of coherence with regard to the amendment in Article 3 (a).</i></p> <p><i>As for point (b), it seems essential to not restrict such a procedure to existing markets but rather allow for the potential yielded by the creation of new markets. N.B. This wording is also present in amendment 22 of the report (draft version 20/06/2006) by Mrs. Caroline Jackson MEP (Rapporteur for the Committee on the Environment, Public Health and Food Safety of the European Parliament)</i></p> <p><i>As for the establishment that a specific waste has become a secondary product material or substance, an appropriate procedure should apply. UEAPME is in favour of a procedure open to involvements by outside interests and at the same time able to take decision in a reasonable time framework providing the needed legal clarity to SMEs. Social partners as UEAPME should be involved in such a procedure.</i></p>	

UEAPME supports the following amendments in Mrs. Caroline Jackson's report:

- **amendment 5** (Article 1, paragraph 2a (new), which allows for a certain flexibility at member state level regarding the application of prioritisation of the types of waste management systems)
- **amendment 12** (Article 3, point *ic* (new) on the definition of "by-products")
- **amendment 20** (Article 7, on level of risk)

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