

Position Paper

UEAPME¹ position on the Revision of the EU Waste Policy and Legislation

Ahead of the publication of the revision of the EU waste policy and legislation, UEAPME has put together the opinions of its members in order to provide a clear overview of the current SME concerns regarding waste legislation and in order to present some recommendations.

UEAPME welcomes this revision and hopes it will improve the consistency of EU waste legislation and look into the different levels of implementation at national level. The patchy implementation of the legislation in force is a problem that needs to be tackled before introducing new targets. In this respect, the EU institutions, not solely the European Commission, have to better monitor the national level in order to understand what prevents Member States from properly implementing the EU waste policies and legislation.

Review of European Waste Management Targets

As far as the **Waste Framework Directive** is concerned, UEAPME believes that a clearer definition of waste is needed in order to understand when a material does become waste as well as when waste does become a material (the end of waste). The revision should also ensure that the definition of waste in the Waste Framework Directive is consistent with the definition of waste in other specific waste stream laws, in particular in the Packaging and Packaging Waste Directive.

With regards to Construction and Demolition (C&D) waste, SMEs in the construction sector show their concern on the possible introduction of the obligation to sort waste materials at constructions sites. A distinction should be made between renovation and new construction projects since it is more difficult to sort C&D waste on a site undergoing renovation due to space restrictions. Moreover, in renovation works, materials are often mixed and polluted and thus it is very difficult to separate them. In this context, UEAPME would like to emphasise the importance of clear definitions of recycling and material recovery.

SMEs also find difficulties in disposing of their waste in facilities near their sites, plants or workshops. This is a problem for C&D waste and some other types of waste such as hazardous waste. Neighbourhood facilities should be available in order to make SMEs access easier, less time consuming and cheaper.

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](#).

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As for the **Packaging and Packaging Waste Directive**, UEAPME is of the opinion that the overall legislative framework on packaging and packaging waste is acceptable. Moreover, big differences still exist at Member State level as far as the achievement of the different targets is concerned. Hence, increasing these targets at this stage seems premature.

In spite of this, there is room for improvement on the collection of waste-related data. The existence of different methodologies for calculating recycling rates jeopardises the collection of reliable data and should be harmonised in order to have comparable data across Member States. In this line, it is important to improve the monitoring of the reports submitted by Member States so that the consistency and reliability of data can be validated.

UEAPME recognises the great importance of waste prevention and reuse as already existing in several sectorial waste streams, as the WEEE directive. For waste prevention, the Waste Framework Directive already foresees the waste prevention programs by Member States. The core of these programs should be, in UEAPME's opinion, awareness-raising with the support role of SMEs organisations.

Targets are an important tool in waste policy but should be combined with numerous other tools such as awareness-raising campaigns, exchange of best practices, EU guidelines on implementation, a better data collection mechanism, as well as EU projects financed mainly through the Structural Funds, Horizon 2020 and the Life Program.

Better implementation of the EU waste acquis

Member States lagging behind in the implementation of EU waste legislation should be assisted in order to achieve similar levels of waste management in the EU. Primarily, SMEs operating in different EU countries face major challenges in implementing the different waste streams legislation, leading to internal market barriers. In this context, it is worth noting that the absence of end-of-waste criteria across the EU currently poses a problem for those SMEs working cross-borders. Therefore, high priority must be given to the harmonization of the existing rules across the 28 Member States, especially regarding the compatibility of the collection systems for the defined waste streams. To this extent, a more effective role of the European Commission in monitoring the implementation of the directives by Member States should be guaranteed.

A good way to assist Member States is through the exchange of best practices. A best practice in waste management is the SuperDrecksKëscht® in Luxemburg "<http://www.sdk.lu/en/Home.html>". The SuperDrecksKëscht® is an action led by the Ministry of Sustainable Development and Infrastructure of Luxemburg together with the Chamber of Crafts and the Chamber of Commerce. It offers valuable information to households and companies on waste management and prevention.

The exchange of best practices at EU level could also concern the effective simplification of authorisation procedures in EU environmental policies, in particular in the field of waste.

It is also important to work towards the proper implementation of the five-step waste hierarchy (prevention as the best option, followed by re-use, recycling, other forms of recovery and landfill as the last resort) as described in the Waste Framework Directive. UEAPME believes that clear guidelines aimed at assisting Member States with difficulties in applying the waste hierarchy should be elaborated at EU level. A better understanding of the waste hierarchy by public authorities would lead to better implementation of the EU waste laws.

Administrative Burdens related to waste legislation

UEAPME welcomes the initiative of the Commission to organise a workshop addressed to SME organisations in December 2013 on the most burdensome EU legislative acts for SMEs within EU waste legislation. Such workshops gather relevant information on concrete problems faced by SMEs in relation to concrete pieces of waste legislation. Therefore, UEAPME would very much welcome that the European Commission organises on a regular basis other workshops in this area. In this context, it would be interesting if the European Commission could organise a workshop specifically devoted to the following two issues:

- Exchange of practices at EU level on effective simplification of authorization procedures in the implementation of EU waste policy;
- The feasibility of a simplified voluntary environmental certification for SMEs in the framework of national waste policy;

As stated in our replies to the Commission's Consultation, the amount of waste handled by SMEs is not very big and it is in some sectors similar to household waste. In spite of this, SMEs handling small volumes of waste have to face in most cases the same administrative procedures than those businesses handling bigger volumes of waste. This is the case for SMEs in sectors such as jewellery, hairdressers, bakers, opticians, dental technicians, art restoration, etc. manufacturing or transporting small amounts of waste. This brings about a proportionately higher red tape for SME compared to bigger businesses with no relation to the final environmental benefits. UEAPME believes simplified procedures should be envisaged for such small quantities of waste. It should be noted that too much bureaucracy can hinder SMEs' compliance levels.

Another case of excessive administrative burden is the requirement to complete Waste Transfer Notes in the UK, which are disproportionate to the environmental risk small companies pose. In France, the monitoring register for waste, compulsory for each professional waste not taken in charge by municipalities, is also burdensome and time-consuming, especially for hazardous wastes for which another official sheet is already required.

Administrative burdens are often introduced during the transposition of EU legislation (goldplating). UEAPME would therefore advice the EU institutions, in particular the European Commission, to monitor the transposition of EU legislation into national legislation in order to avoid creating further red tape for small businesses at national level, as happened in Italy in the last years with the SISTRI digital system for wastes traceability. An efficient control mechanism on the transposition of environmental legislation in general and on waste legislation in particular should be set up at EU level.

National laws require SMEs to pay fees or go through registration or permitting procedures, which result in administrative and financial burdens not foreseen by EU law. In order to avoid such burdens for SMEs, a good recommendation would be to set up national consortia made up of public authorities, business organisations as well as businesses as it is the case in Italy².

² Since the early '90s, many national environmental consortia have been set up in Italy, in order to facilitate the fulfilment of wastes' collection and recycling legislation, especially for small and micro enterprises. The consortia are composed by national small businesses' organizations, transporters/recyclers' organizations and, sometimes, consumers' organizations. The best examples in fulfilling the waste collection and recycling targets concern: the national consortiums for packaging, for the exhaust vegetal oils (food sector), for exhaust lead batteries and solar cells, for exhaust mineral oil, for used tires (car, bikes and motorbikes, trucks, diggers and so on).

The common base of these organizations consists of putting together the waste producers, the transporters and the recyclers, by means of simple web platforms and tools. There is a fee, normally paid by the producers of new goods in order to finance the whole system of collection and recycling, avoiding the spread of hazardous materials in the environment and giving the possibility of a cost-free pick up of wastes for the firms. In few cases the fee is paid by the final consumers (i.e. used tires collection system).

In this line, legislation both at EU and national level should be designed bearing in mind the specificities of SMEs (the Think Small First principle endorsed by the Small Business Act) as they represent 99% of all businesses in the EU. In this context, an SME Test should be run at EU and national level before adopting EU waste legislation.

Last but not least, if Europe wants to reach the milestone set by the Roadmap for a Resource Efficient Europe of 2011 “waste is managed as a resource by 2020”, the ongoing waste revision needs to look into the barriers that SMEs encounter while managing waste and applying waste legislation. As the European Compliance Assistance Programme (ECAP) for SMEs is no longer operational, UEAPME expects the **Green Action Plan for SMEs**, currently under preparation by the Commission, to take into consideration the SME challenges in the area of waste and propose actions (i.e. foster green value chains through the reuse of materials, etc.).

Extended producer responsibility principle (EPR)

According to the EPR, producers are responsible for the entire life-cycle of the product and especially for the take-back, recycling and final disposal. In most cases, SMEs, and particularly micro businesses, find it difficult to apply this principle in practice due to its financial, organisational and administrative requirements. In this line, it is of paramount importance that specific assistance (e.g. information, training, etc.) on how to implement the EPR is provided to SMEs by public authorities at local level.

Another important point is to ensure that the compulsory implication of SMEs in EPR systems (e.g. for waste collection) is actually costless for them, when provided so by EU legislation.

Current waste legislation does not facilitate the implementation of the EPR by SMEs due to the inconsistencies between the Waste Framework Directive and other waste stream legislation. Therefore UEAPME calls on the EU institutions to seize the current revision of EU waste legislation to solve this problem. Moreover, in agreement with the EPR and with the “five step waste hierarchy”, it is of utmost importance that the European Commission urges Member States to implement waste legislation without any elusive or incorrect practices by all competent public authorities.

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