HE Mr KERR Neil
Ambassador
Deputy Permanent Representative (Coreper I)
Rue Archimède 25/Archimedesstraat 25
1000 Bruxelles/Brussel
Belgium

Brussels, 1st February 2017
Prot. No.035 /RS

Dear Ambassador Kerr,

UEAPME, the European Union of Crafts and Small and Medium-sized Enterprises, would like to draw your attention to specific aspects impacting SMEs concerning the revision of the waste framework and the landfill directives in view of the upcoming Council's position.

As the European Parliament's ENVI Committee voted on 24th January, some positive amendments have been approved for SMEs:

1. With regards to the definition of municipal waste, we welcome that the waste from small businesses whose nature and composition is comparable to household waste has been introduced in the definition by the COMP 1A. As a matter of fact, the implementation of this provision will cut costs for SMEs, thus increasing their competitiveness.

2. The adoption of amendments 1235 and 1236 is very much welcome. Since the Proposal of the Commission already allowed exempting from registration businesses collecting or transporting less than 20 tonnes per year of non-hazardous waste, it was thus sensible for MEPs to agree on the exemption from registration for companies dealing with small quantities of hazardous waste. Article 5.1 of the Pollutant Release and Transfer Register Regulation (EC) No 166/2006 foresees the same threshold for hazardous waste that does not need to be reported. Moreover, the exemption seems to be proportionate in comparison to the administrative efforts that a reporting would require for micro and small companies. My member organisations and I are pleased that the ENVI Committee supported the exemption and the threshold of 2 tonnes and I trust the Council will maintain it in its position.

Nevertheless, other issues will still give rise to administrative burdens and higher costs for SMEs. For instance, in spite of the good results just mentioned, different aspects of the Extended Producer Responsibility as approved by the ENVI Committee pose a problem for SMEs, in particular, the setting up of a reporting system for all products that are placed on the European market. Such system would result in additional reporting obligations, which could hardly be handled by micro and small businesses. I hereby would like to ask the Council to take into account the important financial contributions already faced by producers in the framework of EPR.

As a matter of fact, we advocate for the principle of shared responsibility as foreseen in some circumstances in article 15 of the current Directive because this is less burdensome for micro and small manufacturers. On the basis of this principle the responsibility for arranging waste management can be shared among the actors involved in the life cycle of the product. Therefore, extending the producer's responsibility to the post-consumer state of a product life cycle, as approved by the ENVI Committee, is too much of a burden for SMEs and will definitely put their competitiveness at risk.

Last but not least, on the Landfill report, the ENVI Committee agreed that the Commission would consider the possibility to introduce restrictions to the landfilling of non-hazardous waste already in 2018. UEAPME opposes such an early date because this will not allow suitable alternatives to be developed in this short time frame and instead supports the Commission's proposal to consider introducing restrictions to the landfilling of this type of waste at a later stage, concretely in 2024.

I would be very grateful if you consider the above-mentioned points representing the opinion of over 12 million small and medium-sized enterprises with nearly 55 million employees in the EU. I thank you for your cooperation and should you have any questions, please do not hesitate to contact Mr. Guido Lena (g.lena@ueapme.com) or Mrs. Rosa Solanes (r.solanes@ueapme.com), respectively Sustainability Director and Sustainability Advisor in my organisation.

Yours faithfully,

Veronique Willems
Secretary General