



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

UEAPME's contribution to stakeholders' consultation on administrative burdens due to EU environmental legislation

General Remarks

As the *High Level Group of Independent Stakeholders on Administrative Burdens* (HLG) would like to prepare a second set of proposals on the basis of inputs from stakeholders, it invites, amongst others, UEAPME to put forward ideas on concrete measures to reduce administrative burdens.

There are seven pieces of legislation, which have been selected so far as particular burdensome: IPPC, WEEE, Shipments of waste, End-of life vehicles, the control of major-accident hazards involving dangerous substances (SEVESO), the Regulation on substances that deplete the ozone layer and the Placing of biocidal products on the market.

Below you will find comments on the selected pieces of legislation as well as on other pieces of legislation.

Comments on selected pieces of legislation

Number	Legislation	Administrative burden	Reasoning and recommendations	Notes
1.	Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market	Article 8, par. 2 Member States shall require that an applicant for authorisation of a biocidal product shall submit to the competent authority: (a) a dossier or a letter of access for the biocidal product satisfying, in the light of current scientific and technical knowledge, the requirements set out in Annex IIB and, where specified, the	Collection of documents required for the application for authorisation is very extensive and it is clear, that its processing will be very time consuming and expensive for the applicant. Since the processing of the documentation is very time consuming and expensive for the applicant, it would be advisable to simplify this documentation	

		<p>relevant parts of Annex IIIB, and (b) for each active substance in the biocidal product, a dossier or a letter of access satisfying, in the light of current scientific and technical knowledge, the requirements set out in Annex IIA and, where specified, the relevant parts of Annex IIIA.</p>	<p>and ensure enough time for its processing.</p>	
		<p>Article 8, paragraph 8 and 9</p> <p>8. As a general principle, tests must be conducted according to the methods described in Annex V to Directive 67/548/EEC. In the event of a method being inappropriate or not described, other methods used should, whenever possible, be internationally recognised and must be justified. Where appropriate, tests must be conducted in accordance with the provisions laid down in Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes and Council Directive 87/18/EEC of 18 December 1986 on the harmonisation of laws, regulations and administrative provisions relating to the</p>	<p>Tests of the products and substances falling within this Directive should be simplified as much as possible and centralized in certain way.</p> <p>That would eliminate the uncertainty of the necessity of new tests (see Art. 9) and would save costs and administrative acts for both the applicant and the verifier.</p>	

		<p>application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances.</p> <p>9. Where test data exist that have been generated before the adoption of this Directive by methods other than those laid down in Annex V to Directive 67/548/EEC, the adequacy of such data for the purposes of this Directive and the need to conduct new tests according to Annex V must be decided on a case-by-case basis, taking into account, among other factors, the need to minimise testing on vertebrate animals.</p>		
2.	<p>Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC)</p>	<p>Article 13, par. 1</p> <p>Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions.</p>	<p>In case of change of circumstances or part of technology, it is demanded to repeatedly apply for an update of the integrated permit. At the moment, there is no deadline set in the Directive for updating of the permit.</p> <p>Every Member State can therefore set the deadline independently, which can cause increased administrative burden if the deadline is short. It would be advisable to set the deadline for the obligatory update in the Directive so the differences between the Member States are</p>	<p>A new Directive on industrial emissions is currently being drafted. This Directive should merge 7 existing directives in 1 (i.a. IPPC).</p> <p>This would ensure the compatibility between IPPC and other directives.</p> <p>As in this new draft directive, the provisions for waste incineration do not foresee a general minimum threshold (de minimis-clause) very small plants are covered by requirements which</p>

			avoided.	often do not fit their technical characteristics. Therefore further relief is needed and environmentally justifiable.
		<p>Article 14</p> <p>Compliance with permit conditions</p> <p>Member States shall take the necessary measures to ensure that:</p> <ul style="list-style-type: none"> - the conditions of the permit are complied with by the operator when operating the installation, - the operator regularly informs the competent authority of the results of the monitoring of releases and without delay of any incident or accident significantly affecting the environment, - operators of installations afford the representatives of the competent authority all necessary assistance to enable them to carry out any inspections within the installation, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive. 	<p>IPPC Directive and SEVESO Directive imply obligatory inspections in respective companies. Adherence to the conditions of permits and protection of the environment is controlled.</p> <p>Coordination and combination of both inspections would be advisable. There is currently no coordination of the inspections; if this were introduced the administrative burden from separately conducted inspections would be reduced. The costs for implementation of these inspections would be significantly reduced as well.</p>	
3.	Directive 96/82/EC on the control of	<p>Article 6, par 1</p> <p>Member States shall</p>	It would be advisable to consider the	

	<p>major-accident hazards involving dangerous substances (SEVESO)</p>	<p>require the operator to send the competent authority a notification within the following time-limits:</p> <ul style="list-style-type: none"> - for new establishments, a reasonable period of time prior to the start of construction or operation, - for existing establishments, one year from the date laid down in Article 24 (1). 	<p>possibility of the creation of an online administration system where the individual operators could send the required notifications (both for the purpose of compulsory submitted notifications and for notification of changes). A database would be thereby created for the evaluation of establishments considered by the Directive.</p>	
		<p>Article 18, par 1</p> <p>Member States shall ensure that the competent authorities organize a system of inspections, or other measures of control appropriate to the type of establishment concerned. Those inspections or control measures shall not be dependent upon receipt of the safety report or any other report submitted. Such inspections or other control measures shall be sufficient for a planned and systematic examination of the systems being employed at the establishment</p> <p>.....</p>	<p>It would be very favourable to connect these obligatory inspections with similar ones in the respective establishment in order to reduce both the cost and the administrative burden.</p> <p>The obligatory inspections result from several directives and they are a duty coming from several sources for the respective establishment while not mutually coordinated. (see above comment on IPPC).</p>	
4.	<p>Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete</p>	<p>Article 12, par. 1 and 3</p> <p>1. Exports from the Community of controlled substances shall be subject to authorisation. Such export authorisation shall be issued by the</p>	<p>The Commission for each year must issue export authorisations and at the same time, it is necessary to report any change occurred during the period of validity of the authorisation.</p>	

	<p>the ozone layer</p>	<p>Commission to undertakings for the period 1 January to 31 December 2001 and for each 12-month period thereafter after verification of compliance with Article 11. The Commission shall forward a copy of each export authorisation to the competent authority of the Member State concerned.</p> <p>3. Each exporter shall notify the Commission of any changes which might occur during the period of validity of the authorisation in relation to the data notified under paragraph 2. Each exporter shall report to the Commission in accordance with Article 19.</p>	<p>The authorisations could be issued for a longer period, e.g. 3 years, and in case of inadmissible notified change the Commission could withdraw the authorisation. This would bring a reduction of the administrative burdens as well as costs.</p>	
		<p>Article 19, par 1</p> <p>Every year before 31 March, each producer, importer and exporter of controlled substances shall communicate to the Commission, sending a copy to the competent authority of the Member State concerned, data as specified below for each controlled substance in respect of the period 1 January to 31 December of the previous year.</p>	<p>It is necessary to streamline and simplify the whole system of sending reports and required information.</p>	
<p>5.</p>	<p>Regulation (EC) N° 1013/2006 on shipments of waste</p>	<p>Article 4</p> <p>Where the notifier intends to ship waste as referred to in Article 3(1)(a) or (b), he/she shall submit a prior written notification to</p>	<p>The whole system of notification contained in the Directive is complicated and time consuming. For intended shipping of waste a written</p>	

		<p>and through the competent authority of dispatch and, if submitting a general notification, comply with Article 13.</p>	<p>notification or general notification for several shipments at once is required. The notifier sends the written notification to appropriate authorities, who subsequently send it to the competent authorities in the shipment destination, etc. The process is very time consuming and complex.</p> <p>The system should be simplified and the administrative burden reduced.</p>	
		<p>Article 15, paragraph a) Where a shipment of waste is destined for an interim recovery or disposal operation, all the facilities where subsequent interim as well as non-interim recovery and disposal operations are envisaged shall also be indicated in the notification document in addition to the initial interim recovery or disposal operation.</p>	<p>This obligatory document presents administrative burden for both the notifiers and the operators. To indicate all facilities is an excessive burden.</p>	
		<p>Article 16 After consent has been given to a notified shipment by the competent authorities involved, all undertakings involved shall complete the movement document, or, in the case of a general notification, the movement documents at the points indicated, sign it or them and retain a copy or copies. The following requirements shall be fulfilled: (a) Completion of the</p>	<p>It would be advisable to introduce an electronic system in all the MS avoiding obligatory sending of written documents, as the confirmation of receipt of the waste.</p> <p>This measure would dramatically reduce the administrative burden.</p>	

movement document by the notifier: once the notifier has received consent from the competent authorities of dispatch, destination and transit or, in relation to the competent authority of transit, can assume tacit consent, he/she shall insert the actual date of shipment and otherwise complete the movement document to the extent possible.

(b) Prior information regarding actual start of shipment: the notifier shall send signed copies of the then completed movement document, as described in point (a), to the competent authorities concerned and to the consignee at least three working days before the shipment starts.

(c) Documents to accompany each transport: the notifier shall retain a copy of the movement document. The movement document and copies of the notification document containing the written consents and the conditions of the competent authorities concerned shall accompany each transport. The movement document shall be retained by the facility which receives the waste.

(d) Written confirmation of receipt of the waste by the facility: within three days of receipt of the waste, the facility shall

	<p>provide confirmation in writing that the waste has been received.</p> <p>.....</p>	
	<p>Article 18, par 1 and 4</p> <p>1. Waste as referred to in Article 3(2) and (4) that is intended to be shipped shall be subject to the following procedural requirements:</p> <p>(a) In order to assist the tracking of shipments of such waste, the person under the jurisdiction of the country of dispatch who arranges the shipment shall ensure that the waste is accompanied by the document contained in Annex VII.</p> <p>(b) The document contained in Annex VII shall be signed by the person who arranges the shipment before the shipment takes place and shall be signed by the recovery facility or the laboratory and the consignee when the waste in question is received.</p> <p>4. The information referred to in paragraph 1 shall be treated as confidential where this is required by Community and national legislation.</p>	<p>When applied, the requirements of confidentiality included with the document contained in Annex VII are quite problematic.</p> <p>This regulation of confidentiality represents big administrative burden and costs.</p>

6.	Directive 2000/53/EC on end-of life vehicles	<p>Article 5, par 3</p> <p>Member States shall set up a system according to which the presentation of a certificate of destruction is a condition for deregistration of the end-of life vehicle. This certificate shall be issued to the holder and/or owner when the end-of life vehicle is transferred to a treatment facility. Treatment facilities, which have obtained a permit in accordance with Article 6, shall be permitted to issue a certificate of destruction. Member States may permit producers, dealers and collectors on behalf of an authorised treatment facility to issue certificates of destruction provided that they guarantee that the end-of life vehicle is transferred to an authorised treatment facility and provided that they are registered with public authorities.</p> <p>.....</p>	<p>The recommendation applies to the issuing of a certificate of destruction, or introduction of the so far non existing on-line system for this certification of destruction at the authorised offices:</p> <p>The system could be connected with all the MS in order to enable verification of destruction of the vehicle abroad.</p> <p>This recommendation results in a reduction of the administrative burdens and in the possibility of direct certification by authorised offices without a physical form of the certificate of destruction.</p>	
7.	Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)	<p>Article 12, par 1</p> <p>1. Member States shall draw up a register of producers and collect information, including substantiated estimates, on an annual basis on the quantities and categories of electrical and electronic equipment put on their market, collected through all routes, reused, recycled and recovered within the Member States, and on collected waste</p>	<p>If there was an on-line system introduced for collecting this information, the majority of the reporting duties could be simply done and the system of transfer of information would become automatic.</p> <p>It would be at the same time simplification and reduction of the administrative burden.</p>	<p>This directive is currently being recast.</p> <p>SMEs put relatively small amounts of electronic devices on the market. The current WEEE-law is burdensome, in particular with regard to registration and to financing of the disposal of waste</p>

		<p>exported, by weight or, if this is not possible, by numbers.....</p>		<p>electronic equipment. As a result, small enterprises back out of the market and potential founders of new business refrain from entering it. Especially the mandatory guarantee (in Germany called “insolvenz sicherer Garantienachweis”) is burdensome and deteriorates SMEs’ liquidity in the current economic and financial crisis. The revision should introduce a minimum threshold (related to small amount of products put on the market) or an exemption. A similar approach was taken in article 18 of the directive on batteries and accumulators (directive 2006/66/EC).</p>
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Comments on other pieces of legislation, which should be discussed during the stakeholder event in September

Recast of the Energy Performance of Buildings directive

The European Commission’s proposal stipulates in art. 17 that Member States shall establish an independent control system in accordance with the specifications of annex 2 of the same proposal. However, the establishment of such a control system would run counter to the EU’s and Member States’ efforts to cut red tape. It would increase costs, without necessarily creating tangible benefits.

If the EU made energy demand-based certificates mandatory (opposed to those based on energy consumption as it is at the moment), it would contribute to the energy efficiency goals without creating more administrative burden.

Renewable energies directive

The renewable energies directive provides for the training of installers (Art. 14 and annex IV). Given the highly diverse structure of educational systems in the Member States, the implementation of the “European approach” tends to create serious administrative burdens. The EU should refrain from regulating qualification. Instead it should enhance the quality of training in the areas of renewable energies and energy efficiency by promoting peer learning, for instance in the context of the Intelligent Energy Europe Programme.

Regulation on certain fluorinated greenhouse gases

Art. 5 of Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases commits Member States to establish training and certification schemes.

In practice, those certification schemes involve considerable administrative burden. In Germany skilled crafts enterprises as well as chambers of skilled crafts are concerned. Chambers of skilled craft are in charge of attesting / recognizing the expertise/qualification. Regional authorities issue the certificate.

For the last months, in cooperation with professional associations, chambers have established a training infrastructure and procedures for recognizing qualifications. However, given that the relevant authorities have not yet established a coherent administrative practice, it can occur that certificates have to be issued several times, increasing time and effort.

Business owners are bound to verify who of the employees possesses the relevant qualification to apply for certification and who needs additional training before application. In many instances business owners will need to consult a study commissioned by the German skilled crafts sector. This study analyses and compares the content of the relevant “educational contents” of the relevant initial and continuous vocational training courses. The assessment made, the business owner has to choose a training operator recognized by the regional authorities. (So far it remains unclear, how many persons without any prior qualification in the relevant area will be trained.)

To participate in the trainings, employees have to be released from work. In average, the courses take one to two weeks. Professional associations specify the loss of earnings with 800 EUR per person per day. Training fees amount to between 500 and 1.000 EUR. Additionally, business owners have to do the paperwork for the recognition of qualifications and the issuing of the certificate (at least 3-4 hours work). Both procedures are subject to charges.

The law provides that in the following, business owners have to comply with further reporting requirements every time employees enter or leave the company.

Waste classification

UEAPME suggests harmonizing the different waste classifications in the European Waste List, the Waste Statistics Regulation and the Waste shipment Regulation. We understand in fact, that the suggestions of the High Level group only concern so far the European Waste list.

REACH

UEAPME supports the extension of the registration relief for the recycled substances under the REACH Regulation as well as improvements of REACH-IT (e.g. technical improvements, better guidance for users, language) and of the data access to the system. As registration fees are part of administrative burdens they should also be reviewed in light of the outcomes of the first registration wave. In general there is potential to ameliorate the REACH governance (such as the involvement of SME organizations in the elaboration of guidance documents) and reduce administrative burdens consequently. There should be a stronger pressure on Member States for a more harmonized approach of national REACH enforcement schemes and the avoidance of national provisions, which go beyond the Community requirements and giving raise to additional administrative burdens.

Regulation on classification, labelling and packaging ("CLP Regulation")

UEAPME pleads for the introduction of a reasonable threshold (e.g. 500Kg) in the CLP legal framework as for the notification of substances placed on the market.

Brussels, July 2009