



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 position on the Revision of the Waste Framework Directive

General Remarks

UEAPME welcomes the decision of the European Commission to revise the Waste Framework Directive. Waste is an important environmental issue as all waste legislation has direct impacts and repercussions on SMEs.

The scope of the waste framework directive is broad. Moreover the concepts the directive describes are often vague leading to different interpretations.

The most problematic aspects in the field of waste legislation relate to:

- (i) the level of bureaucracy;
- (ii) the definition of waste;
- (iii) the possibility of imposing Best Available Techniques (BAT) to all activities covered by the Waste Framework Directive;
- (iv) the absence of competition in the field.

Level of bureaucracy

The amount of red tape linked to waste issues is in many Member States well above admissible levels.

For instance, in Italy there is a register for dangerous substances, non dangerous substances, a licence for transporting waste, etc. In most cases the information asked for is not centralised, which means that businesses have to supply similar information to different authorities, often in different formats. Moreover, the level of detail required is often not adapted to the size or the sector of the business.

Another example is in Austria where several sub-groups of excavated soil were introduced, along with requirements for testing excavated soil for compliance with any of these. This has made excavation operations considerably more difficult and often overstretches the capabilities of working parties.

The problem of red tape is more of a national issue. It occurs at the transposition and the implementation phases. While the EU is not in a position to prevent this “gold-plating”, it should encourage Member States not to over burden businesses in line with the recommendations of the European Charter for Small Enterprises. Otherwise this leads to discrimination between businesses in different Member States which goes against the principle of the internal market.

The role of the Commission should be to insist that all administrative requirements are adapted to the size of the business and the nature of the activity (high risk activities, low risk activities etc). This can in some cases result in the exclusion of smaller businesses from some administrative requirements. Generally the planned revision of the WFD should be used to create a framework enabling waste management with as little bureaucratic interference as possible. This involves lean required documentations.

Furthermore all the necessary facilities should therefore be foreseen and in place to ensure that businesses can comply with the law at a reasonable cost. For example, small businesses encounter difficulties with the disposal of dangerous waste. Dangerous waste needs to be regrouped and sent to sites specifically designed for this sort of waste. Yet, the number of sites is limited since they are subject to authorisations rarely delivered due to public opposition.

Businesses are then confronted to the following choice: either they store the substances under very strict terms which entails major investments, or they transport them to the treatment site, which is also costly if the distances are long and the quantities transported small.

Definition of waste

Waste and in particular the definition of waste is the oldest environmental issue at EU level. The number of court cases in matters relating to waste proves that there is clearly a problem with its definition. The first priority of the upcoming revision of the directive should therefore be to agree on a new definition of waste.

Furthermore agricultural waste should be treated equally and implemented in the scope of the directive.

The following terms should also be clarified: prevention; reuse; recycling; by-product; secondary raw material and disposal. The distinction between recovery and disposal should be addressed especially as regards energy recovery/incineration. The possibility of a harmonised definition of recycling across the WEEE, ELV and Packaging Directive should also be envisaged.

Imposing the use of Best Available Techniques (BAT) to all activities covered by the Waste Framework Directive

There is a proposal for all waste management facilities covered by the Waste Framework Directive to be made subject to BAT.

UEAPME is against this proposal. Applying IPPC requirements would be disproportionate to the environmental and human health risk presented by most waste management facilities. Furthermore, the difficulties linked to the application of the IPPC directive would discourage the recovery/recycling of waste. Any change to facilities, would require complex and long-winded approval procedures. This is not justifiable for small and medium-sized facilities.

Therefore, no further steps should be taken until a full impact assessment on the businesses that would be affected by this measure is carried out and that the recovery/recycling objectives of Article 3 of the Waste Framework Directive are assessed.

The absence of competition in the field of waste

Activities relating to waste disposal and in particular municipal waste disposal are currently run by public organisations leading to high costs for SMEs. This “monopoly” should cease and all activities should be opened to free competition.

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