



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 POSITION PAPER ON THE REVISION OF THE WASTE FRAMEWORK
DIRECTIVE 75/442/EEC**

UEAPME, as already stated during the consultation phase, welcomes the decision of the European Commission to revise the Waste Framework Directive. Waste is an important environmental issue for SMEs as all waste legislation has a direct impact and repercussions on them.

We understand that one of the reasons for undertaking this revision was that a certain number of **definitions** were not sufficiently clear, leading to **variation** and **uncertainty** in the interpretation of these key provisions from Member State to Member State (often also with the intervention of the Court of Justice), i.e. the contrary of ensuring a level playing field in the EU market place.

The revised WFD is meant indeed to set the definitions and ground rules for all the other pieces of EU legislation relative to waste – it will therefore have a direct or indirect impact on all of them.

Therefore the revision is, as such, a step in the right direction in achieving a unique and consistent strategy on the prevention and recycling of waste.

However, the European Commission 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.

The recent draft report of the EP's Committee on Environment and the ECOSOC's Opinion do not refer to this issue either.

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.

SMEs need a definition that allows for more freedom for companies and a higher level of legal certainty. A problem with the current definition of waste in the Waste Framework Directive is that it has 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 current definition of waste must be restricted to moveable substances and objects, which can NOT once more be rendered economically useful in their existing form without pre-treatment.

Another essential element of the proposal is that the draft Directive clearly determines the point when waste ceases to be waste. Article 11 of the Waste framework directive proposal as revised by the EP's Environment Committee provides greater clarity.

An appropriate procedure should apply in order to establish that a specific waste has become a secondary product material or substance.

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.

We thank you for the consideration you may give to this UEAPME's position paper and remain at your disposal for any clarification you may need.

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