

## **Legislative Provisions that Implement the Closed Substance Cycle and Waste Management Act (KrW-AbfG)**

### **Ordinance on the European Waste Catalogue (AVV)**

The catalogue defines the designations, coding and hazardousness (or requirement for special supervision) of wastes. It applies to wastes irrespective of whether they are destined for recovery or disposal.

In its annex, the ordinance lists a total of 839 waste categories, including 405 categories for wastes that are hazardous or require special supervision.

## **Ordinance on the Furnishing of Proof (NachwV)**

The Ordinance on the Furnishing of Proof regulates formalised supervision, via proofs of proper disposal, accompanying documents and certificates of acceptance, of disposal of waste requiring supervision and waste requiring special supervision. In the process for providing proof of proper disposal (Entsorgungsnachweis), the environmental compatibility of a given planned disposal process is reviewed in advance, with the participation of the waste producer, the waste-management agency and the competent authority. A proof of proper disposal is valid for five years. Once it has been issued, compliance with the approved disposal process is then documented, via a receipt procedure that makes use of accompanying documents (Begleitscheine) and certificates of acceptance (Übernahmescheine), for each individual waste transport.

The amended version of the Ordinance on the Furnishing of Proof, which came into force on 1 May 2002, is aimed at making supervision of waste disposal simpler and more efficient.

It has the following emphases:

- Specification of the areas in which general and special types of proof are required – for example, areas such as management of sewage sludges – in order to prevent duplication of work.
- Ensuring that proof documents are oriented to actual practice – for example, by permitting use of standard certificates of delivery or weighing, instead of authorities' own special forms, in waste management.
- Simplification of proper record-keeping for collection of small amounts of waste, which plays a particularly important role in actual waste-management practice.
- Elimination of proof instruments that have proven unsuccessful in enforcement – for example, elimination of notification obligations that have solely a formal function.
- Introduction of an "experimentation clause" for testing of electronic data transmission procedures, with the aim of eliminating use of paper in waste-management documentation, which currently accounts for tens of millions of paper documents per year.

## **Ordinance on Transport Licences (TgV)**

Wastes destined for disposal may be commercially collected or transported only with a transport licence issued by the competent authority (Art. 49 (1) 1st Sentence KrW-/AbfG).

The transport licence must be granted if no facts are known that justify reservations concerning the reliability of the applicant or of the persons responsible for managing and supervising operations, and if the collector, transporter and third parties commissioned by them possess the necessary technical competence and relevant skills. As a rule, this required technical competence is deemed, pursuant to the TgV, to include knowledge, acquired in two years of practical experience, about the collection or transport of waste as well as participation in one or more relevant training courses.

The Ordinance on Transport Licences also contains provisions on application documents, on the content and form of transport licences, on specification of actions subject to fees and on reimbursement of expenses.

Finally, the TgV, on the basis of Art. 50 (2) No. 1 KrW-/AbfG, extends transport-licensing requirements to include collection and transport of waste for recovery requiring special supervision.

## **Ordinance on Specialised Waste Management Companies (EfbV)**

Specialised waste management companies are companies working in the field of waste management that are entitled to bear the seal of approval of a recognised waste management association or that have concluded a supervision contract with a technical supervisory organisation that provides for inspection at intervals of no longer than 12 months.

A company or independent operating unit of an enterprise may become a specialised waste management company within the meaning of the Ordinance on Specialised Waste Management Companies and the Waste Management Associations Guideline if it collects, transports, stores, treats, recovers or disposes of waste, either commercially or within the framework of commercial enterprises or public institutions.

The EfbV contains special, stringent, quality-oriented requirements pertaining to such companies' organisation, personnel, operations logs, insurance coverage and execution of relevant activities.

## **Guideline for the Work and Recognition of Waste Management Associations (EgRI)**

A second way in which a company can acquire the status of a "specialised waste management company" is to become a member of a waste management association. The Guideline for the Work and Recognition of Waste Management Associations defines the requirements for the by-laws of such associations with regard to the certification of their member companies; these must at least fulfil the requirements referred to in the EfbV. The Guideline also includes minimum requirements for the organisation of such associations. It thus also ensures that specialised waste-management companies that are members of waste management associations conform to the requirements of the Ordinance on Specialised Waste Management Companies.

In each case, waste management associations are subject to formal recognition from the supreme *Land* authority responsible for waste management.