

Mr James Currie
Director-General of DG XI
European Commission
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DFH/SR/12.2/1

20 May 1998

Dear Director-General,

re : Amendment of Hazardous Waste Directive

UNICE understands that the Commission intends to submit a proposal for an amendment of Council Directive 91/689/EEC on Hazardous Waste. This proposal would broaden the definition of hazardous municipal waste to include certain household waste items together with commercial, industrial and institutional waste, imposing separate collection and treatment and new labelling.

UNICE and its national members are involved in and committed to meeting significant environmental standards which improve the quality and reduce the quantity of household waste (e.g. packaging waste recovery and recycling targets). UNICE fully shares the Commission's objective of reducing the environmental risks associated with disposal of various hazardous wastes and of improving its treatment and recovery processes, at the same time as avoiding contamination of the main waste flow. However, the draft proposal would leave a number of issues unresolved; for example :

- The environmental benefits of the proposal have not been justified while its social impact will be far-reaching and collection and disposal costs significant. According to the draft proposal separate collection systems will need to be set-up in certain Member States which will undoubtedly be very costly.
- Most of the wastes added to Annex II by the proposed amendment are being safely and successfully collected and treated in several Member States. Their definition as “hazardous waste” would inevitably conflict with existing EU legislation which already covers these items and create further confusion in Europe as far as the definition of waste is concerned¹.

¹ for instance aerosols containers

- Consumers will be increasingly confused by further markings, which in turn will put at risk their tolerance for and participation in national recovery and recycling schemes. In particular, consumers will be uncertain whether the proposed logo applies to the content of the package, the package with contents or the emptied and cleaned packaging.

- The proposed mark will become a trade barrier since some of the products listed in Annex II already bear an international recyclability mark. The efficient removal of these existing marks may not be an option for manufacturers or importers whose products are sold on the global market.

Given these concerns, UNICE urges you to carefully review the draft amendment before its official tabling by the Commission. In particular, UNICE requests the Commission to :

- carry out a cost-benefit analysis of the proposal;
- reconsider the scope;
- examine consistency with existing and applicable EU legislation;
- consider seriously the implications for consumers of adding a new symbol, without proving its real value in terms of either environmental results or improving consumer participation in household waste recovery schemes;
- consider the potential barriers to trade and completion of the Single Market caused by adoption of a new internationally unrecognised mark.

UNICE and its members would welcome an opportunity to work with you in a constructive dialogue which would resolve these issues, and we thank you in advance for the consideration you may give to these concerns.

Yours sincerely,

Dirk F. Hudig
Secretary General

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