Message 201

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Notification: 2023/0482/HU

Forwarding of the response of the Member State notifying a draft (Hungary) to comments (5.2) of European Commission.

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1. MSG 201 IND 2023 0482 HU EN 03-11-2023 17-11-2023 HU ANSWER 03-11-2023

2. Hungary

3A. Európai Uniós Ügyek Minisztériuma
EU Jogi Megfelelésvizsgálati Főosztály - Műszaki Notifikációs Központ
H-1054 Budapest, Báthory u. 10.
E-mail: technicalnotification@eum.gov.hu

3B. Energiaügyi Minisztérium
Nemzeti Hulladékgazdálkodási Hatósági Főosztály, Jogi Főosztály
H-1117 Budapest, Október huszonharmadika u. 18.
E-mail: csaba.jozsef.petrus@em.gov.hu; jef@em.gov.hu

4. 2023/0482/HU - S20E - Waste

5.

6. The technical notification procedure for the draft Government Decree on activities to prevent the production of biodegradable waste, detailed rules on waste management activities related to biodegradable waste, and the classification of compost produced from bio-waste (hereinafter: Draft) started on 2 August 2023 and ended on 3 November 2023.

On 17 October 2023, the European Commission submitted a comment on the Draft, claiming that the definition of food waste in Section 2(8) of the Draft did not contain the definition of catering waste as specified in Annex I to Commission Regulation (EU) No 142/2011 of 25 February 2011 on animal by-products and derived products not intended for human consumption.

“22. catering waste means all waste food, including used cooking oil originating in restaurants, catering facilities and kitchens, including central kitchens and household kitchens.”

This reference has not been incorporated in the wording of the Draft, given that the definition of food waste also includes waste food and cooking oil from restaurants and catering establishments, which is regulated in Hungary in Decree No 45/2012 of the Ministry for Rural Development of 8 May 2012 laying down animal health rules for animal by-products not intended for human consumption.

In our view, it is sufficient to clarify the definition in the Draft in the following way, as is also recommended by the Commission: (“The Hungarian authorities are therefore invited to review the reference to the definition of Annex I to Regulation (EU) No 142/2011 in Article 2(8) of the draft and, if it is intended to refer to ‘catering waste’ as defined in Annex I to Regulation (EU) No 142/2011, to reformulate the wording of this provision accordingly.”)

“8. food waste: catering waste as defined in Annex 1 to Commission Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive, and foodstuff – within the meaning of Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety – which has become waste;”

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European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu