



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0558/DE (Germany)

## Ordinance on Strengthening the Management of Commercial Municipal Waste and Construction and Demolition Waste

Date received : 04/10/2024

End of Standstill : 07/01/2025

### Message

Message 001

Communication from the Commission - TRIS/(2024) 2715

Directive (EU) 2015/1535

Notification: 2024/0558/DE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20242715.EN

1. MSG 001 IND 2024 0558 DE EN 04-10-2024 DE NOTIF

2. Germany

3A. Bundesministerium für Wirtschaft und Klimaschutz, Nationale Kontaktstelle im Ref. EB3

3B. Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz, Ref. T II 2

4. 2024/0558/DE - S20E - Waste

5. Ordinance on Strengthening the Management of Commercial Municipal Waste and Construction and Demolition Waste

6. Commercial municipal waste and construction and demolition waste

7.

8. Article 1 contains the amendments to the Trade Waste Ordinance (GewAbfV). Key content includes:



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### a) Improvement of separate collection

In order to improve separate collection, the obligation to label the collection containers for commercial municipal waste and construction and demolition waste is introduced. In addition, the competent authority may in future appoint an expert to verify compliance with the separate collection obligations. Finally, the new obligation to draw up official monitoring plans will contribute to a uniform and structured implementation.

### b) More stringent pre-treatment obligations

The main change in pre-treatment is the limitation of the possibility of dividing the pre-treatment among different plants (cascade use). In practice, this regulation has hampered investment in plant engineering and made it difficult to verify the proper pre-treatment of mixtures. Instead of being unlimited as before, commercial municipal waste may therefore only be pre-treated in two consecutively connected facilities in the future. The previous exemption from the pre-treatment obligation is deleted to simplify enforcement.

### c) Format requirements for documentation obligations

The existing documentation obligations for the separate collection and pre-treatment of waste are facilitated by uniform format requirements throughout Germany for the electronic transmission of documentation in enforcement.

### d) Requirements for pre-treatment plants

The present regulation provides for the establishment of a nationwide electronic register for all pre-treatment plants. This will increase legal certainty for producers and owners and facilitate the monitoring of installations for the competent authorities, including across countries. Furthermore, the documentation obligations for sorting and recycling quotas are standardised. The amendment reduces the possibility of cascade pretreatment, expands the requirements for pretreatment plants, and clarifies that the existing plant components must also be used during treatment. At the same time, the possibility is provided for the competent authority to establish exemptions from the mandatory components of pre-treatment plants.

### e) Inclusion of energy recovery plants

The inclusion of operators of energy recovery plants in the scope of application results in the obligation for these plant operators to conduct random checks of the delivered mixtures. This will create another instrument to prevent the energy recovery of recyclable waste.

Article 2 contains an amendment to the Landfill Ordinance (DepV). A definition of non-hazardous asbestos-containing waste is inserted. The amendment is closely linked to the development of the separate collection of construction and demolition waste in Article 1, which in future provides for the separate collection of non-hazardous asbestos-containing waste. Overall, the new regulations on non-hazardous asbestos-containing waste serve to implement Decision 55/2021 of the Conference of Environment Ministers.

Article 3 contains the provision on the entry into force of the Regulation.

9. The Trade Waste Ordinance was recast by the Ordinance of 18 April 2017 (Federal Law Gazette I, p. 896). The recast introduced stringent rules for the separate collection and treatment of commercial municipal waste and construction and demolition waste, as well as specific requirements for pre-treatment plants.

The achievement of the objectives through these amendments was verified over a period of three years by a research project entitled 'Development of the basis for the evaluation of the Industrial Waste Ordinance' (UBA-Texte 47/2023) on behalf of the Federal Environment Agency.

The results of this research project show that the new concept of obligations has proven itself in principle, but the Ordinance of 18 April 2017 (Federal Law Gazette I p. 896) was not able to fully achieve its intended effect. The aim of this Regulation is therefore to make the previous provisions of the Commercial Waste Ordinance even more stringent and enforceable and to strengthen the regulatory control of the separate collection of commercial municipal waste and of construction and demolition waste in order to improve separate collection and to ensure the achievement of the target recycling rate for the pre-treatment of mixtures. Better separate collection of individual waste fractions should also be



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enforced in the context of the collection of construction and demolition waste.

10. Reference to the basic texts: The basic texts were submitted as part of an earlier notification:

2016/0397/D

2001/0337/D

2011/0148/D

2010/0722/D

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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European Commission

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