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Subject: Notification 2023/482/HU

Draft 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

Delivery of comments pursuant to Article 5(2) of Directive (EU) 2015/1535

Sir,

Within the framework of the notification procedure laid down under Directive (EU) 2015/1535 ⁽¹⁾, the Hungarian authorities notified to the Commission on 2 August 2023 the draft ‘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’, under the reference 2023/482/HU (hereafter, the ‘notified draft’).

According to the notification message, the notified draft contains detailed rules on activities related to preventing the production of biodegradable waste, waste management activities related to biodegradable waste, and the classification of compost produced from bio-waste. In particular, it regulates in detail the provisions on biodegradable waste collection, the separate collection of green waste, site composting, stabilisation, and biogas production.

¹ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

The examination of the notified draft has prompted the Commission to issue the following comments.

The notified draft defines ‘food waste’ in Article 2(8) as: *‘food 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’.*

In this regard, Commission Regulation (EU) No 142/2011 of 25 February 2011 on animal by-products and derived products not intended for human consumption⁽²⁾ does not contain a definition of food waste in its Annex I, however the Commission services understand that the notified draft may refer to ‘catering waste’ as defined in Annex I, point 22 of that Regulation.

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.

The Commission invites the Hungarian authorities to take the above-mentioned comments into account.

The Commission furthermore reminds the Hungarian authorities that once the definitive text has been adopted, they are required to communicate it to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.

Yours faithfully,

For the Commission

Kerstin Jorna
Director-General

Directorate-General for Internal
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² Commission Regulation (EU) No 142/2011 of 25 February 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, OJ L 054 26.2.2011, p. 1.