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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Commission Regulation (EU) No .../.. of XXX replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives = Decision not to oppose adoption

STATEMENT BY THE AUSTRIAN DELEGATION

Declaration on the amendment of Annex III to the Waste Framework Directive and on the Decision amending Decision 2000/532/EC on a list of waste

Austria holds the view that the hazardous properties of waste determine whether or not it should be classified as hazardous in the list of waste. Any different understanding would make mirror entries redundant.

Austria therefore considers that the Commission Decision amending Decision 2000/532/EC on a list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (hereinafter "Waste Framework Directive") is not consistent with Article 7 of Directive 2008/98/EC.

According to the Annex to the list of waste referred to in Article 7 of the Waste Framework Directive, a waste entry should be included in the harmonised list if that waste contains relevant hazardous substances causing it to display one or more of the hazardous properties HP 1 to HP 8 and/or HP 10 to HP 15 as listed in Annex III to the Waste Framework Directive.

These hazardous properties are significant not only for the definition of hazardous wastes and the assignment of mirror entries, but also for the control procedure for green-listed wastes pursuant to Regulation (EC) No 1013/2006 on shipments of waste and for establishing quality criteria determining when scrap metal ceases to be waste, pursuant to Regulation (EU) No 333/2011.

Austria considers it imperative to adapt the list of waste both to the newly-defined hazardous properties and to the state of the art. For instance, based on the newly-defined hazardous property HP 15, the hazardous entries for batteries 16 06 07* and 16 06 08* should be added to the list.

Furthermore, Austria feels that it is vital that in the case of waste concrete and fly ash from the incineration of environmentally unproblematic treated wood, the carbonation process should be taken into account when defining hazardous property HP 4.

In addition, Austria takes a very critical view of the European Commission's decision at the meeting of the Technical Committee on the Waste Framework Directive on 5 June 2014 to hold one single vote on the Regulation replacing Annex III to the Waste Framework Directive and the Decision amending Decision 2000/532/EC, rather than allowing the Member States to exercise their right to vote separately on these two pieces of legislation.
