



Council of the
European Union

072189/EU XXVI. GP
Eingelangt am 18/07/19

Brussels, 18 July 2019
(OR. en)

11370/19

ENV 705

COVER NOTE

From:	European Commission
date of receipt:	18 July 2019
To:	General Secretariat of the Council

No. Cion doc.:	D062653/01
Subject:	COMMISSION DECISION (EU) .../... of XXX on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the waste management sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

Delegations will find attached document D062653/01.

Encl.: D062653/01



Brussels, **XXX**
D062653/01
[...](2019) **XXX** draft

COMMISSION DECISION (EU) .../...

of **XXX**

on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the waste management sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

(Text with EEA relevance)

COMMISSION DECISION (EU) .../...

of **XXX**

on the sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the waste management sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC¹, and in particular Article 46(1) thereof,

Whereas:

- (1) Regulation (EC) No 1221/2009 obliges the Commission to develop sectoral reference documents for specific economic sectors. The documents must include best environmental management practices, environmental performance indicators and, where appropriate, benchmarks of excellence and rating systems identifying environmental performance levels. Organisations registered or preparing to become registered under the eco-management and audit scheme established by Regulation (EC) No 1221/2009 are required to take those documents into account when developing their environmental management system and when assessing their environmental performance in their environmental statement, or updated environmental statement, prepared in accordance with Annex IV to that Regulation.
- (2) Regulation (EC) No 1221/2009 required the Commission to establish a working plan setting out an indicative list of sectors to be considered priority sectors for the adoption of sectoral and cross-sectoral reference documents. 'Communication from the Commission - Establishment of the working plan setting out an indicative list of sectors for the adoption of sectoral and cross-sectoral reference documents, under Regulation (EC) No 1221/2009 on the voluntary participation of organisations in a

¹ OJ L 342, 22.12.2009, p. 1.

Community eco-management and audit scheme (EMAS)² identified the waste management sector as a priority sector.

- (3) The sectoral reference document for the waste management sector should focus on best practices, indicators and benchmarks for waste management, addressing both public and private waste management companies, including companies implementing producer responsibility schemes, and public administrations in charge of waste management at local level. It should take into account and make reference to existing guidance for aspects covered by other Union policy tools, such as Directive 2008/98/EC of the European Parliament and of the Council³ and other specific relevant waste legislation and the Best Available Techniques (BAT) reference documents developed under Directive 2010/75/EU of the European Parliament and of the Council⁴.
- (4) Taking into consideration best environmental management practices⁵, the sectoral reference document for the waste management sector should identify specific environmental performance indicators, benchmarks of excellence and actions for waste authorities and other private or public waste management companies to improve their waste management performance, such as promoting waste prevention and reaching higher levels of re-use and recycling. These elements help organisations identify the most relevant areas where they can take action to address the most significant environmental aspects as well as provide a framework to track sustainability improvements.
- (5) In order to allow organisations, environmental verifiers and others, including national authorities, accreditation and licensing bodies and auditors who are involved in the internal audit, sufficient time to prepare for introduction of the sectoral reference document for the waste management sector, the date of application of this Decision should be deferred by a period of 120 days from the date of its publication in the *Official Journal of the European Union*.
- (6) In developing the sectoral reference document annexed to this Decision, the Commission has consulted with Member States and other stakeholders in accordance with Regulation (EC) No 1221/2009.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 49 of Regulation (EC) No 1221/2009,

² Communication from the Commission — Establishment of the working plan setting out an indicative list of sectors for the adoption of sectoral and cross-sectoral reference documents, under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), OJ C 358, 8.12.2011, p. 2.

³ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3–30).

⁴ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

⁵ Dri M., Canfora P., Antonopoulos I. S., Gaudillat P., Best Environmental Management Practice for the Waste Management Sector, JRC Science for Policy Report, EUR 29136 EN, Publications Office of the European Union, Luxembourg, 2018, ISBN 978-92-79-80361-1, doi:10.2760/50247, JRC111059; <http://susproc.jrc.ec.europa.eu/activities/emas/documents/WasteManagementBEMP.pdf>

HAS ADOPTED THIS DECISION:

Article 1

The sectoral reference document on best environmental management practices, sector environmental performance indicators and benchmarks of excellence for the waste management sector is set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [*Publications office: please insert date – 120 days following publication.*].

Done at Brussels,

*For the Commission
The President*