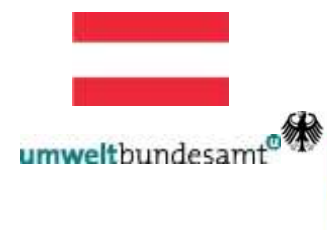




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By-laws on by-products and end-of-waste

- ✓ By-law on C&D waste, including end-of-waste status for specific qualities of recovered aggregates (interlink to the WMP on C&D wastes)
- ✓ General regulation on the end-of-waste status of (partly) recovered wastes
- ✓ Regulation on by-products

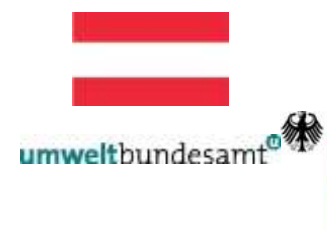
30 May 2017



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European Union

Intention: promote direct use of

- production residues (by-product)
- recovered material (end-of-waste)

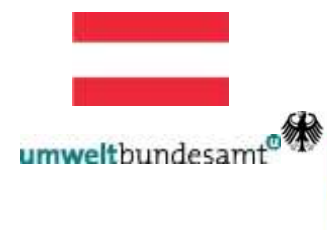
as a raw material, while at the same time keep the safeguards for the environment and standards introduced by waste legislation.



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Legal Background

European Union

Article 5 of Directive 98/2008/EG

Definition of a by-product

- No framework, to be regulated on a national level (regulation, case by case decision,

Serbia

Article 8a/8b of the Law on Waste Management

- Criteria to be decided in a by-law
- Register of by-products/end-of-waste (Article 8g)
- Interlink with other legal areas (e.g. law on chemicals)



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Legal Background

European Union

Article 6 of Directive 98/2008/EG
End-of-Waste status for (partly) recycled waste

- Union Regulations (Al-scrap, Cu-scrap, Fe-scrap, glass)
- National regulation allowed for “unregulated” waste streams

Serbia

Articles 8v of the Law on Waste Management

- Criteria to be decided in a by-law (specific/general)
- Register of by-products/end-of -waste (Article 8g)
- Interlink with other legal areas (e.g. law on chemicals)



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Criteria for a by-product

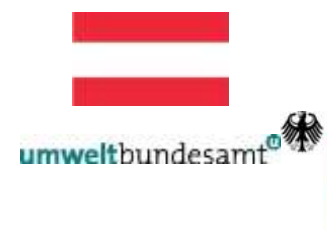
- Originating from a production process
- Can be introduced as a raw material into another production process without specific pre-treatment
- The further use is certain
- Posses no higher risk to environment and human health than the material that was substituted



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Criteria for end-of-waste

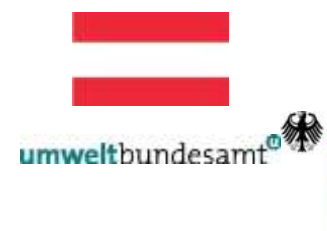
- Processed to an extent, that it can substitute a raw material/product
- No waste-specific risk
- (Market demand)
- Complies with relevant applicable product standards
- Posses no higher risk to environment and human health than the material that was substituted



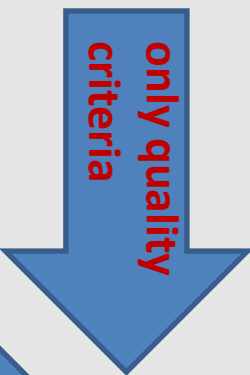
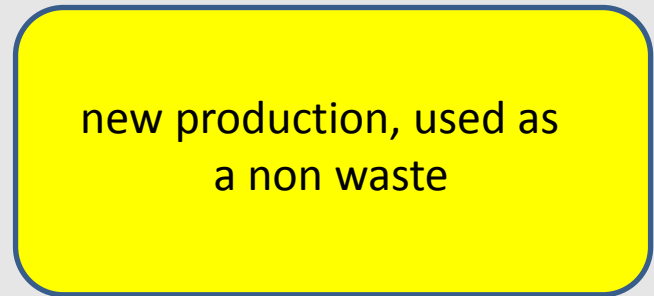
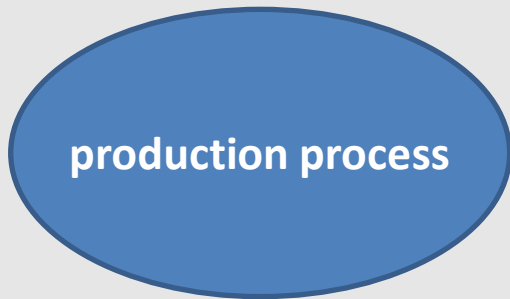
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Non-Waste



WASTE





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Differences between waste and by-product/end-of-waste

waste

- specific licensing requests
- reporting obligations
- no product liability
- no direct application of chemical legislation (EU: REACH)

non-waste

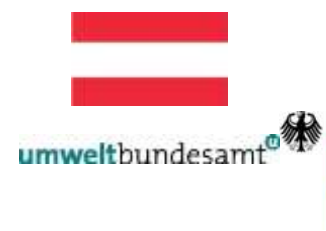
- no specific (waste) license
- reduced or none reporting obligations
- “normal” liability rules for products apply
- chemical legislation applies fully



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Status of the proposals

Always two “versions”:

- a) “Clean text” - however this text may contain alternative text in bracket (e.g reference to an board of experts for the assessment of applications)
- b) “Commented Version” – containing explanations, references, etc.



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Proposed by-law on C&D waste

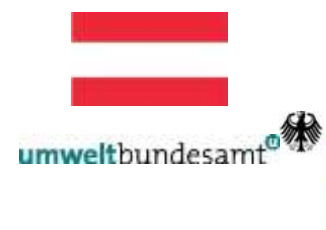
- Important waste stream – low recycling rate (see WMP on C&D wastes)
- Substance orientated dismantling – reduction of amount of hazardous C&D waste (BAT)
- Quality criteria for environmental performance (criteria depending on intended use)
- Other quality criteria shall follow applicable CEN standards for construction material
- Covers use as waste and as recovered product



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Proposed quality criteria

- Use orientated environmental parameters
- Based on
 - a) international applied limit values (Eikmann-Kloke list, LAGA M20, Austrian and Swiss regulations, UK recycling protocol et. al.)
 - b) natural occurring soil quality (geological survey)
- Reference to CEN standards for construction material



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Proposed by-law on C&D waste

Structure:

- Articles 1 and 2 – scope and definitions
- Articles 3 – recycling orientated dismantling
- Article 4 – separate collection
- Articles 5 and 6 – storage and transport
- Articles 7 to 9 – permitting, mobile and stationary recycling installation
- Article 10 – quality criteria (certification)
- Article 11 – (optional) end-of-waste status



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Proposed by-law on C&D waste

Structure:

- Article 12 – (optional) liability
- Article 13 – waste balance (reporting obligation)
- Article 14 – (optional) excavated soil
- Annex 1:
 - a) thresholds for separate collection
 - b) quality criteria (4 classes of env. performance)
 - c) acceptable uses



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By-law on by-products

Structure:

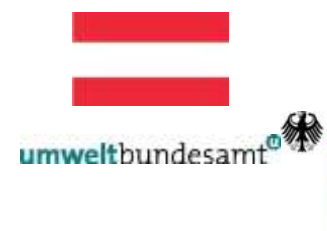
- Article 1 – scope
- Articles 2 to 3 – application and documentation
- Article 4 – registration (including registration as substance in the chemical register, if applicable)
- Article 5 – renewal and withdraw of certification
- Article 6 – off-specification batches (waste)
- Article 7 – transmission of information (to downstream users)
- Article 8 – misconduct and penalties



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By-law on by-products

A declaration as by-product can be issued only by the generator (if the material was treated as waste an end-of-waste declaration may apply)

A by-product application shall contain:

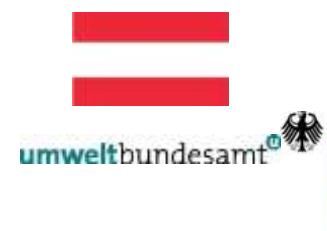
- Description of the production process
- Description of the material and its intended use
- Restrictions for use



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By-law on by-products

A by-product application shall contain:

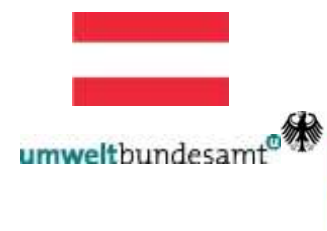
- Relevant information (applicable standards, MSDS and information for registering as a substance/chemical where applicable)
- Applied quality management system
- Intended production per year
- Proof of market demand or contracts with downstream users



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By-law on by-products

Safeguards

- Clear rules for renewal/withdraw of the certification
- Rules for off-specification batches
- Reporting obligations
- Public accessible register
- Specific penalties for violations



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By-law on end-of-waste status

Structure

- Article 1 - scope
- Articles 2 to 10 (chapter A)
 - “Implementation” of EU Regulations on the end-of waste status (EU Regulation as BAT)
 - Quality criteria, QM-system
 - Reporting
 - Certification (EU certificate)



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By-law on end-of-waste status

Structure

➤ Articles 10 – 12 (chapter B)

End-of-waste in accordance with a specific by-law
(e.g. by-law on C&D wastes)

- Requests for application
- Reporting obligations
- Certification, renewal and withdraw

Quality criteria are subject to the specific by-law.



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By-law on end-of-waste status

Structure

➤ Articles 13 – 15 (chapter C)

General application for the end-of-waste status of
recovered wastes

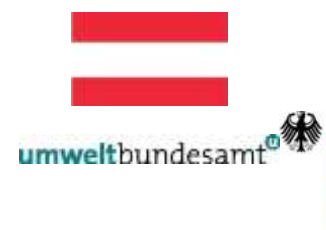
- Criteria and requests for application
- Reporting obligations, notification (downstream user)
- Certification, renewal and withdraw



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By-law on end-of-waste status

In accordance with chapter C an application for the end-of-waste status shall contain:

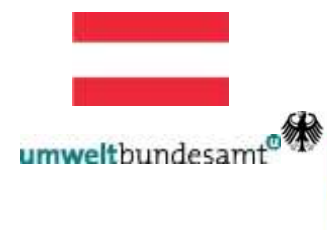
- Proof of compliance with applicable technical standards.
- Necessary information for the registration as a substance in the chemical register (if applicable)
- Proof of a market demand or contracts with downstream users
- Amount of recovered material per year



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By-law on end-of-waste status

Structure

- Articles 16 – 19 (chapter D - optional)

Criteria for the preparation for re-use

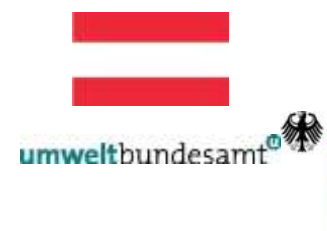
- Minimum criteria for WEEE – second hand goods (based on WEEE directive)
- Criteria for refurbishing
- Spare parts (ELV recycling)
- Registration as “refurbisher”



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By-law on end-of-waste status

Safeguards:

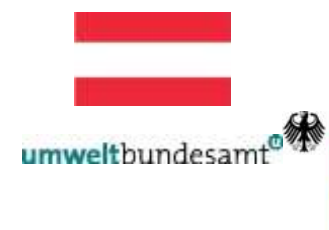
- Clear rules for renewal/withdraw of the certification
- Rules for off-specification batches (reporting)
- Reporting obligations
- Public accessible register
- Specific penalties for violations



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Thank you for your attention