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Betreff: HP14

Dear all,

Last Friday we (FIR, CEWEP and Dutch Waste Management Association) have had a meeting with Mrs. Caprusu and Mr. Wolf of the Commission.

Background was the current study of ECN, commissioned by the mentioned parties, and the question how the findings of this study could be used for the upcoming decision making on HP14. The Commission has sent its proposal for legislative text concerning HP14 to member States for voting on 25 October in the TAC meeting. The Commission proposes method

1 of the 4 methods that have been subject to the recent impact assessment.

As it appeared, the Commission is very determined to close the issue of HP14. It does not at all consider changing anything to the proposal or to the timing of decision making. It points out that the proposal is anyhow on the table, it can not be changed for that matter. However, it has finally been achieved to make very clear to the Commission that using the current proposal will lead to serious problems in practice, not only to industry but to Member States as well.

Based on the ECN study the example of alternative methods using leaching testing was discussed with the Commission. It is agreed by the Commission that such alternative methods may be used by member States instead of using the proposed formula. In its proposal this option is already hinted at in recital 8:

"when a test is performed to assess waste for HP14 it is appropriate to apply the relevant methods established in Commission Regulation (EC) No 440/2008 or other internationally recognised test methods and guidelines. Furthermore, Article 12 of EC No 1272/2008, in particular article 12(b) and the methodologies for its application, should be taken into account".

Whereas this recital may not yet fully reflect the intended goal, the Commission invites us to come up with an amendment so that full clarity exists that national approaches are allowed. This must specifically be the case for heterogeneous waste of which the composition can not be determined. By the way, this will then also include C&DW. The amendment is now being worked on. Prior to presenting the amendment to Member States, we will verify it with the Commission in order to assure that we have a feasible proposal.

As a proposal for amendment needs to be sent in by a Member States, we will search for a representative willing to send in our views. So far we have said that the German representation could be a proper entry. We are also confident that the Dutch representation will be prepared to do so.

Kind regards,

Geert

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