

**Federal Ministry for the Environment, Nature Conservation and Nuclear Safety**

**Guideline  
for the Work and Recognition of  
Waste Management Associations  
(Entsorgergemeinschaftenrichtlinie)**

**from 9 September 1996**

The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety has enacted the following Guideline pursuant to Article 52 (3) of the Act for Promoting Closed Substance Cycle Waste Management and Ensuring Environmentally Compatible Waste Disposal (Federal Law Gazette I, p. 2705):

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**Section 1**  
**General Provisions**

**Article 1**  
**Application**

This Guideline lays down requirements for the work of waste management associations and their recognition by the supreme Land authority responsible for waste management or an authority appointed by it.

**Article 2**  
**Waste Management Association**

For the purposes of this Guideline, a "waste management association" shall mean an association of waste management companies within the meaning of Article 2 (1) of the Ordinance on Specialised Waste Management Companies, or of companies with operating units within the meaning of Article 2 (2) of the Ordinance on Specialised Waste Management Companies in which such activities are carried out, that

1. lays down requirements for the organisation, resources and activities of its member companies and for the required reliability, competence and skills of the owners of, and persons employed by, these companies;
2. monitors compliance with these requirements; and
3. issues supervision certificates and supervision seals to those member companies which as specialised waste management companies fulfil its requirements.

**Section 2**  
**Requirements for the Work of a Waste Management Association**  
**Article 3**

**Specification of Requirements in By-laws**

- (1) A waste management association shall lay down in its by-laws or by means of other provisions binding requirements for the activities listed in Articles 4 to 10.
- (2) A waste management association may stipulate further-reaching or supplementary rules insofar that they do not counter the requirements of this Guideline and, particularly, a restraint of competition is not to be feared.

**Article 4**  
**Membership in a Waste Management Association**

(1) Any waste management company or any company having operating units in which waste management activities are carried out may become a member of a waste management association pursuant to Article 2 (1) and (2) of the Ordinance on Specialised Waste Management Companies, irrespective of any membership in an association or another organisation, if it

1. undertakes to fulfil the requirements laid down by the waste management association;
2. recognises the by-laws, and in particular the regulations on supervision and the issuance of supervision certificates and supervision seals; and
3. ensures fulfilment of these obligations.

(2) A waste management association shall expel any member company

1. which has not been issued a supervision certificate and supervision seal within two years of its admission to membership in the waste management association or
2. whose supervision certificate and supervision seal have been revoked.

## **Article 5**

### **Requirements for Member Companies**

- (1) A waste management association shall lay down
1. organisational, personnel and other requirements, and requirements for the work of member companies and
  2. requirements for the reliability, competence and skills of the company's owners, the persons responsible for the company's management and supervision, and other personnel.
- (2) These requirements shall at least correspond to the relevant requirements contained in the Ordinance on Specialised Waste Management Companies. The waste management association may, in particular, stipulate special or supplementary requirements for certain fields of waste management as defined by Article 2 (1) No. 1 and (2) second sentence Nos. 1 and 2 of the Ordinance on Specialised Waste Management Companies. These requirements shall not be inconsistent with the requirements specified in the Ordinance on Specialised Waste Management Companies.

## **Article 6**

### **Supervision of Member Companies**

- (1) A waste management association shall check compliance with the requirements it imposes on its member companies upon their joining the association, following any significant changes concerning operation, or otherwise on an annual basis.
- (2) For these checks, it shall deploy experts who possess the reliability, independence and technical competence necessary to carry out such supervisory tasks. Those persons charged with conducting such inspections shall treat all documents and information, including the content and results of discussions, investigations and checks which come to their attention in the course of their inspection, as confidential and shall not make them available to third parties. Its obligation to submit experts' reports to the Supervisory Committee (Article 10 (1) second sentence) and its obligations under public law to inform the competent authorities shall remain unaffected.
- (3) The expert shall document in writing the course and results of his inspection for the member company. Where the inspection reveals that the requirements laid down by the waste management association have not been fulfilled, the deficiencies that were ascertained shall be specified.
- (4) Member companies shall be required to make available to the persons charged by the waste management association to conduct an inspection all information and documents necessary for checking compliance with the stipulated requirements and, to the extent necessary for checking compliance with the stipulated requirements, to allow entrance to the offices and premises, the inspection of documents and the performance of technical investigations and inspections, and to provide personnel and tools.
- (5) Member companies shall also be required to notify the waste management association immediately of any changes concerning operation which are material to the fulfilment of the requirements laid down by the waste management association.
- (6) During its inspections, the waste management association shall take into account not only relevant legislation but also the administrative regulations of the Federation and the *Länder* that have been promulgated in this connection.
- (7) When checking compliance with its requirements, the waste management association should draw upon the results of inspections conducted by
1. an independent environmental verifier or an environmental verification body within the meaning of Article 4 (3) of the Council Regulation (EEC) No. 1836/93 of 29 June 1993 on allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme (Official Journal of the European Communities No. L 168, p. 1) or
  2. an accredited body under DIN EN ISO 45 012 in the course of obtaining certification of a quality management system under DIN EN ISO 9001, 9002, 9003 or 9004.

## **Article 7**

### **Issue of Supervision Certificates and Supervision Seals**

(1) Insofar as the inspection in accordance with Article 10 (3) has determined that the requirements laid down by the waste management association have been met, and the competent authority has recognised the waste management association, the waste management association shall issue the member company a written supervision certificate containing the following information:

1. name and seat of the company and its certified sites;
2. a description of the company's certified activities with specification of its sites and facilities, and, in the case of a corresponding application of Article 2 (2) second sentence of the Ordinance on Specialised Waste Management Companies, with specification of the types of waste, areas of origin, recovery and disposal operations that are involved;
3. the name of the expert, the date of the inspection and the expert's signature;
4. the name of the waste management association, the date of issue and the signatures of the chairman of the supervisory committee, and of the management board of the waste management association or their representatives.

(2) The supervision certificate shall be subject to a time limit. Its period of validity shall not exceed 18 months.

(3) A supervision seal shall be issued along with the supervision certificate to the member company. The supervision seal shall display the designation "specialised waste management company" together with a reference to the certified activity and the waste management association issuing the supervision seal.

## **Article 8**

### **Revocation of Supervision Certificates and Supervision Seals**

(1) A waste management association shall revoke its supervision certificate and the permission to use the supervision seal if

1. a member company has not fulfilled the requirements laid down by the waste management association even after expiry of a period of no longer than three months set by the association;
2. it is required to do so as a result of an administrative act on the part of the competent authority;
3. a member company has permanently ceased the certified activity; or
4. a company's membership in the waste management association has ended.

(2) In the cases referred to in paragraph (1), the member company shall lose its permission to use the supervision seal and shall return the supervision certificate to the waste management association upon demand.

## **Article 9**

### **Register of Specialised Waste Management Companies**

A waste management association shall maintain an up-to-date register of those member companies which have received a supervision certificate and supervision seal from it.

## **Article 10**

### **Supervisory Committee**

(1) A waste management association shall set up a supervisory committee. The supervisory committee shall have the task of ensuring the supervision of the member companies. It shall decide in particular on the issue and revocation of supervision certificates and supervision seals on the basis of reports issued by the experts charged with supervision and punish any violations of provisions governing the supervisory procedure or the use of the supervision seal.

(2) The committee shall consist of at least three and no more than ten members. The composition of the committee should be representative of the fields of activity of the waste management association's member companies. In the event that any persons who have management responsibilities within the waste management association are also members of its supervisory committee, the remaining members shall account for the majority in the committee. Supervisory committee members shall be owners of a specialised waste management company belonging to the waste management association or be in charge of the management and supervision of such a company. They shall possess the reliability and technical competence necessary for the management and supervision of a specialised waste management company.

(3) The supervisory committee shall take its decisions with a two-thirds majority of the voting members. A quorum shall be constituted by half of the committee members participating in the vote.

(4) With respect to decisions taken within the supervisory committee, its members shall not be bound by instructions. If the impartiality of any committee members is in doubt, they shall be excluded from voting. Committee members shall observe secrecy regarding any facts which have become known to them in the course of their work.

(5) The supervisory committee may delegate its duties to sub-committees for certain regions or certain waste management activities. In this case, paragraphs (1) to (4) shall apply *mutatis mutandis* to the sub-committees.

### **Section 3**

## **Recognition and Dissolution of a Waste Management Association**

### **Article 11**

#### **Recognition of a Waste Management Association**

(1) A waste management association shall be recognised by the supreme Land authority of the Land in which the head office of the waste management association is located, or by an authority appointed by it. In the case of a regional waste management association, the competent authority pursuant to sentence 1 shall decide on granting recognition in consultation with the responsible authorities in the *Länder* in which the member companies have their seat or site. Recognition shall be valid for the Federal Republic of Germany. Recognition shall be granted if

1. a waste management association has fulfilled the requirements for its work as specified in this Guideline and
2. a restraint of competition is not to be feared.

(2) Recognition may be granted on conditions or be subject to obligations and provisos to the extent that this is necessary to ensure fulfilment of the requirements for recognition specified in paragraph (1). The competent authority may, in particular, require the waste management association to report to it in particular instances or at regular intervals on its supervisory activities and on the issue and revocation of supervision certificates and supervision seals.

(3) Recognition of the waste management association may be revoked

1. if such recognition is subject to condition and the waste management association has not fulfilled it or has not fulfilled it in within a specified period;
2. if, on the basis of facts which have subsequently arisen, the competent authority pursuant to paragraph (1) would be entitled not to grant such recognition; or
3. in order to prevent or remedy serious disadvantage to the public interest.

### **Article 12**

#### **Dissolution of a Waste Management Association, Ineffectiveness of Recognition**

If a waste management association is dissolved or the recognition of the waste management association ceases to be effective, its member companies shall lose their permission to use the waste management association's supervision certificate and supervision seal. If the ineffectiveness of the waste management association's recognition is due to reasons which are beyond a member company's con-

trol, the authority responsible for granting the recognition may allow the member company to continue using the supervision certificate and supervision seal for a reasonable transitional period.

**Section 4**  
**Final Provisions**  
**Article 13**  
**Entry into Force**

This Guideline shall take effect on 7 October 1996.

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The *Bundesrat* has given its consent.

Bonn, 9 September 1996  
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The Federal Minister  
for the Environment, Nature Conservation and Nuclear Safety  
Angela Merkel