

## Mehrsprachige Info

# In-house waste management - General information on the Waste Management Act 2002

## Abfallwirtschaft im Betrieb - Allgemeine Informationen zum Abfallwirtschaftsgesetz 2002

The Waste Management Act 2002 lays down the principles for

- waste prevention
- preparation for reuse
- recycling
- other recovery (e.g. energy recovery) and
- waste disposal

In addition, the Waste Management Act regulates obligations for the collection, processing, storage, transportation as well as import, export and transit of waste. Target ordinances and measure ordinances are tools for implementing the principles of waste management (waste prevention - waste recovery - waste disposal).

## Definition of waste

Movable objects that the owner wants to dispose of or has disposed of constitute waste within the meaning of the Waste Management Act; or whose collection and processing as waste is necessary in the public interest.

[Link to the overview of all provisions under waste law](#)

## Reporting duties

For companies, the accumulation of hazardous waste (no limit in terms of quantity!) and waste oils (annual quantity of at least 200 l) is subject to mandatory reporting.

The accumulation of problematic substances is exempt from mandatory reporting. Problematic substances are hazardous waste or waste oils that usually accumulate in private households. Furthermore, all hazardous waste and waste oils of all other waste producers of a type and quantity comparable to private households are deemed problematic substances. These waste products are deemed problematic substances for as long as they are situated on the premises of the waste producers mentioned.

The Waste Registry Ordinance ([Federal Law Gazette \(BGBl.\) II no. 570/2003 as amended from time to time](#)) defines what types of waste constitute hazardous waste.

The electronic notification ([www.edm.gv.at](http://www.edm.gv.at) - access at: registration under "Registration application") must be made within one month after commencement of the activity. Changes and amendments to the registered data as well as the termination of the activity must likewise be reported electronically within one month.

Based on the first notification, the plant is given an identification number (GLN number) by e-mail from the Federal Environment Agency. The password for changing the master data is provided in a separate letter. The waste producer is obligated to update the master data on a regular basis.

Subsequently, the thirteen-digit identification number must always be quoted on dispatch notes (transfer document for hazardous waste) and reports (e.g. on the Ordinance Regulating the Handling of Waste Electrical Equipment, Packaging Ordinance).

Whether or not an identification number has been assigned to the plant can be ascertained at: [www.edm.gv.at](http://www.edm.gv.at) via the "Search and analysis" inquiry and then "Search for registered plants."

Other reporting duties arise from the Packaging Ordinance, Ordinance Regulating the Handling of Waste Electrical Equipment, Battery Ordinance, Ordinance on Old Vehicles and others. You can find a compilation of the relevant provisions under waste law at: "[Laws, Regulations and EU Standards.](#)"

## Mandatory dispatch notes

The owners of hazardous waste or waste oils must complete a dispatch note prior to every transfer of one type of waste to an authorised waste collector or waste processor. Copies must be identified as such. For the classification as hazardous waste, one of the hazard-relevant qualities must apply (see Attachment 3 Waste Registry Ordinance - [Federal Law Gazette \(BGBl.\) II no. 570/2003 as amended from time to time](#)).

The form for a dispatch note published in Attachment 2 Waste Proof Ordinance 2003 (copy from [Federal Law Gazette \(BGBl.\) II no. 618/2003](#)) can be used until 31 December 2013 at the latest. The dispatch note can also be downloaded electronically from the home page of the Federal Ministry of Agriculture, Forestry, Environment and Water Management (BMLFUW). (Path: [www.lebensministerium.at/umwelt](http://www.lebensministerium.at/umwelt) > Forms > Waste).

After that, an electronic notification (from the waste collector or waste processor) is obligatory, as specified in the transitional provisions of the [Waste Proof Ordinance 2012](#). As of 1 January 2014 at the latest, the new dispatch note (Attachment 1 Waste Proof Ordinance 2012) must be used. An instruction on how to handle the dispatch notes can be found in the "[Notes on the Waste Registry Ordinance, Assessment Ordinance on Hazardous Waste and the Waste Proof Ordinance 2003.](#)"

The person transferring the hazardous waste (owner of waste) is in any case required to check the correctness of the data on the dispatch note and to sign it by way of confirmation.

For problematic substances and less than 200 litres of waste oil in a calendar year, the dispatch note does not have to be filled in. General recording obligations, however, do apply.

The updated waste registry can be downloaded free of charge as a pdf file from the EDM server at: [www.edm.gv.at](http://www.edm.gv.at) > Law > Publications.

Note: The new Waste Proof Ordinance 2012 enters into legal force as of 1 July 2013. "Legacy" dispatch notes can still be used until 31 December 2013. Link to information on the new Waste Proof Ordinance 2012.

## Mandatory reporting for in-house waste treatment

If a waste producer treats hazardous waste himself in his plant, he must report the recorded data on the treatment to the state governor in writing on a quarterly basis. The report must be made at the latest on the 15th day of the calendar month following the reporting period.

(Dates: 15th January, 15th April, 15th July and 15th October)

[Information leaflet and notification form of the BMLFUW for in-house waste treatment](#)

The report must be submitted for the last time for the 2nd quarter 2013. The Waste Proof Ordinance 2012 no longer provides for mandatory reporting.

## General recording obligations

Every company is required as the owner of waste (waste producer) to keep records on the accumulated waste. With regard to non-hazardous waste, problematic substances and waste oil (less than 200 litres in a calendar year), records must be kept on the type (specifying the key number according to ÖNORM S 2100 - waste registry - issue date: 1 September 1997 and amendments in Attachment 5 of the Waste Registry Ordinance [Federal Law Gazette \(BGBl.\) II no. 570/2003 as amended from time to time](#)), quantity, origin, whereabouts and reference period. Attachment 4 (Allocation criteria) must be taken into consideration. Specifications break down the types of waste by further code digits and additional comments.

The type of recording can be freely chosen depending on the type of waste, e.g. as collection of copies of invoices, delivery slips, documents or in the form of electronic data. The records must be retained separately from other business documents for at least seven years and presented to the authorities upon request. You can meet your recording obligations, by separating the dispatch notes and general records by type of waste and keeping them in chronological order.

Sample for general records:

Waste record for non-hazardous waste	
Designation of waste	
Key number	Designation of waste (Appendix 5 AWWO)
17203	Wood wool, non-contaminated

Records for the 2010 calendar year						
Quantity in kg	Whereabouts			Origin	Reference time period	Comment
	Recipient	Handover date	Document and issuance date			
8600 kg	Own consumption	ongoing	-	Planing mill	1 Jan. 2010 to 1 March 2010	Own consumption in authorised plant
6500 kg	BCDE company	4 May 2010	LS 1213 – 4 May 2010	Planing mill	2 Feb. 2010 to 3 May 2010	Packaging in big bags

## Statutory disposal obligations

The Waste Management Act 2002 provides that waste must be transferred to an authorised collector or processor for disposal at least once within 12 months. Waste designated for recovery must be transferred to an authorised collector or processor for disposal only within 36 months.

The disposal obligation is met if the waste or waste oil (residues) are returned to the company from which they were originally bought as goods. In this case, general records must be kept instead of the mandatory dispatch note.

If only small amounts of waste oil and hazardous waste accumulate - comparable to the amounts of private households - they can be turned in at the municipality's collection point for problematic substances.

Section 15 paragraphs 5a and 5b of the Waste Management Act 2002 requires a heightened obligation for waste producers to exercise due diligence. The administrative penalty for the incorrect transfer of waste is a fine of up to €36,640.

The following steps are required for a transfer that is in compliance with the law:

- Owners of waste must ensure that the waste collector or waste processor who takes over the waste is in possession of the appropriate authorisation. To this end, must visit the EDM portal ([www.edm.gv.at](http://www.edm.gv.at) > Search/analysis > Search for registered plants) and enter the key number. Recommendation: The licenses of the entity that takes over the waste should be checked at least once a year. The analysis of the EDM portal should be stored as proof of compliance with due diligence.
- A proper declaration of the waste means that waste examinations may also have to be conducted. An authorised professional person or professional institute must be entrusted with the task.
- In addition, an explicit order must be given for environmentally sound recovery or disposal.
- To ensure everything is carried out properly, we recommend an agreement on the transmission of an execution confirmation.

## Waste management concept

The waste management concept must be updated pursuant to the Waste Management Act 2002 and/or the Austrian Trade Regulation Act of 1996, if the plant employs more than 20 persons (operator obligation). For plants under the Austrian Trade Regulation Act that already had to prepare a waste management concept, the waste management concept must be updated by 31 December 2003. For all other plants - as of the 21st employee - the updating date of 2 November 2003 applies. After that, the waste management concept must be adapted to current conditions every 5 years.

The preparation of a waste management concept is also mandatory under the following conditions (applicable to all plants):

- setup and commissioning of a plant (the waste management concept is an integral part of the licence application)
- change of a plant subject to licensing

[Additional information on the subject of the waste management concept](#)

## Waste representative

In companies with 100 or more employees, a qualified waste representative and deputy must be appointed and notified to the competent authority (district administrative authority or municipal authority). The waste representative administers informational tasks, consultancy tasks and organisational tasks regarding in-house waste. Several institutions offer courses for the attainment of a recognised qualification (e.g. Economic Educational Institution [WIFI, Wirtschaftsförderungsinstitut], Professional Educational Institution [BFI, Berufsförderungsinstitut]).

[More information on the topic of the waste representative](#)

[Link to an overview of all provisions of waste law](#)

## Mandatory registration for shippers

Shippers who execute waste transports must register on the website [www.dietransporteure.at](http://www.dietransporteure.at).

The shipper transports waste with the dispatch documents properly handed over on behalf of the waste owner. Under the law, he does not own the waste. His activity is different from that of an authorised waste collector or waste processor: no permission according to Section 24a and no electronic recording and balancing obligations are required.

Transportation of non-hazardous waste in Austria

Pursuant to [Section 15 paragraph 7 of the Waste Management Act](#), an informal document must be carried along for the commercial transportation of **non-hazardous waste** that shows

- the person transferring the waste
- the person taking over the waste
- the amount of waste in kilograms
- a short description of the transported waste

A completed CMR bill of lading meets the requirements of the Waste Management Act.

Intra-company transports are not affected by this. Adequate proof that intra-company transports take place may have to be presented.

## Transportation of hazardous waste in Austria

According to [Section 9 of the Waste Proof Ordinance](#), documents containing waste description, waste amount in kilogram, destination as well as the name, address and identification number have to be carried along for the **intra-company transport of hazardous waste**, e.g. from one plant location to another of the same waste owner.

Beside the usual transport documents, the dispatch note must be carried along with **transport of hazardous waste**. According to [Section 17 paragraph 1 of the Waste Management Act](#), the shipper must meet a recording obligation along with the recording obligations of the waste owner. With the collection and safekeeping (of a copy of) of the dispatch note or with the transmission of the dispatch note data by the person who is taking over the waste to the EDM register (note: subject to a time delay of up to 6 weeks!), the recording obligation is deemed as fulfilled.

[Further information on waste transportation](#)

This information leaflet is a joint product of all Chambers of Commerce.

[Home](#)

**Note:** Despite careful editing, no responsibility can be taken for the correctness of this information. Any liability of the Austrian Chambers of Commerce is excluded. The terms used for references to persons always apply to both genders!

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