Interpretation and Guidance on Self-Declaration – Addendum to German Waste Management Regulations

Version 1.0 - November 2025

1. Introduction

In June 2025, Better Biomass published version 1.0 of the 'Interpretation and Guideline for Self-Declaration for Disposers of Waste and Residues' (hereinafter: 'the Guideline'). Section 4.1 of the Guideline specifies that Better Biomass may recognize requirements in legislation and regulations for waste and residues as equivalent if the legislation and regulations guarantee compliance with Better Biomass' requirements regarding the self-declaration. For collectors subject to these laws and regulations, this means they are not required to receive and manage self-declarations from the supplying disposers, and that risk-based auditing of the disposers as part of the collector's certification process is generally not required.

This addendum substantiates that Better Biomass recognises the German regulations regarding registration and reporting of waste as equivalent (paragraphs 2 and 3).

This addendum should always be read in conjunction with the full Guidance. When Better Biomass publishes a new version of the Guidance, the content of this addendum will be incorporated into it.

2. German legislation and regulations for the registration and reporting of waste

2.1 Background

Federal German waste regulations are laid down in the District Economic Act (Kreislaufwirtschaftsgesetz – KrWG) and its underlying regulations and decrees (lung.mv-regierung.de). The KrWG regulates waste management, including obligations for waste producers and collectors, permit and notification requirements for transporters and traders, and monitoring of the waste chain.

'ASYS – Abfallüberwachungssysteem' is the practical IT system that helps government bodies (and indirectly businesses) comply with the legal obligations under the KrWG and its associated regulations. The primary purpose of ASYS is to support government bodies in fulfilling their legal obligations regarding waste monitoring (transport, processing, permits, etc.).

ASYS ensures the traceability of waste materials through standardized electronic accompanying documents (eBS), digital signatures for each transfer, and central storage and validation of all data (including Eural codes, quantities, and parties involved). This creates an unbroken digital chain from the waste source to the final processor. The box below describes how ASYS registers, traces, and monitors waste flows.

Method of registering, tracing and monitoring waste flows in ASYS

1. Registration at the source

As soon as waste is generated at a producer/facility, it must be registered. The Eural code (European waste catalogue), description, quantity, physical form (solid, liquid, sludge, etc.), and sometimes hazard characteristics (H codes) are entered. This information is included in a "Begleitschein" (accompanying form) or a "Entsorgungsnachweis" (waste certificate).

2. Electronic accompanying forms
Each waste transfer receives an electronic accompanying form (eBS) that is confirmed by all parties in the chain (waste producer, transporter, and processor). All parties use the ZKS-Abfall ("Zentrale Koordinierungsstelle") as the national mailroom for electronic data exchange. These electronic signatures ensure that the document is legally binding.

3. Integration of data in ASYS
The data from the eBS is automatically loaded into ASYS. The key data for each waste transport is therefore available:
-Producer (company, location, permit number)
-Waste type (Eural code, hazard properties)
-Quantity (tons, m^3)
-Transporter (requiring a permit according to AbfAEV)
-Recipient/processor (approved, with proof of processing)
-Date and route of the transport

4. Automatic checks and closed chain
ASYS performs validations, for example, whether the transporter/receiver is authorized for the type of waste registered and whether reported waste quantities are consistent. Because all links are signed digitally, a closed chain of evidence is created.

5. Reporting and monitoring
Authorities can use ASYS to perform analyses per waste stream or per company. This meets the legal requirement of the 'Kreislaufwirtschaftsgesetz' (KrWG) for complete waste stream tracing.

Supervision and enforcement
In Germany, waste stream supervision and ASYS supervision are divided between different administrative levels:

1. The **Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz (BMUV)** establishes the frameworks and legislation (e.g. Kreislaufwirtschaftsgesetz, Verordnungen). The BMUV also manages the national 'Zentrale Koordinierungsstelle Abfall (ZKS-Abfall)', the 'electronic mailroom' with which companies submit their guidance documents (eBS/eANV).
2. The federal states (**Bundesländer**) are primarily responsible for implementation and supervisory tasks. Each federal state has one or more 'Landesbehörden' (e.g., the 'Landesumweltamt' or 'Regierungspräsidium'), which are responsible for:
    - Assessment and approval of 'Entsorgungsnachweise' (waste certificates);
    - Licensing and supervision of collectors, transporters, processors;
    - Checking the correctness of the registrations in ASYS.

   Each state manages its own ASYS database, which is linked to ZKS-Abfall and the other states.
3. Local competent authorities (**Untere Abfallbehörden**). Within the federal states, tasks may be delegated to 'Kreise' / 'kreisfreie Städte' or to specific 'Regierungspräsidien', for overseeing waste registration by companies and compliance with reporting and permit requirements, among other things.

4. Finally, the federal states are working together through GADSYS (**Gemeinsame Abfall-DV-Systeme der Länder**) to harmonize the use of ASYS nationwide. This prevents companies in each federal state from having to use a different system.

3. Application for the self-declaration requirement

After analyzing the German legal system for registering and reporting waste, Better Biomass concluded that this system ensures compliance with several Better Biomass requirements. In particular, it ensures:

- the traceability of waste from the disposer to the collector;
- the correct classification of the waste material in accordance with EURAL codes ;
- the correct determination and documentation of waste quantities.

If the Better Biomass auditor can verify during the audit that the waste collector meets the legal requirements, the collector is not required to receive and manage self-declarations from the supplying disposers. Furthermore, risk-based verification of the points of origin as part of the collection point certification process is not required. This applies regardless of the amount of waste generated by the point of origin.
If an auditor suspects or has evidence that the non-modification requirement of the RED is not being met, an audit of the points of origin is required. Failure to meet the RED non-modification requirement means that non-waste materials have been deliberately classified as waste to avoid meeting fewer sustainability requirements. Waste regulations do not prohibit modification, making additional oversight by the auditor necessary in this regard.

In the audit report, the auditor must indicate to what extent use has been made of the system of legally required waste registration and reporting to meet the Better Biomass requirements for waste residues (particularly in relation to the self-declaration).

NOTE: The legislation and regulations for registering and reporting waste materials ensure that data about waste materials and their disposal are recorded correctly. This is monitored and enforced by the aforementioned German government agencies. If these government agencies discover errors in the registration and/or fraud, they will report this and, if necessary, impose sanctions on the collector. It is undesirable for the Better Biomass auditor to "take over" the supervisory role of these government agencies. Therefore, the basic principle within Better Biomass is that the aforementioned government agencies supervise compliance with the legal requirements, and that the Better Biomass auditor verifies whether the government agencies have identified structural errors and/or fraud in the registration and notifications. If this is the case, the Better Biomass requirements are no longer met. If the Better Biomass auditor finds that the supervisory government agencies have not identified any structural errors and/or fraud in the registration of notifications, they can assume that the Better Biomass requirements are met in this regard. The Better Biomass auditor must explain the findings of the supervisory government agencies in their audit report.

In concrete terms, the above means that the Better Biomass auditor is not required to conduct audits at disposal sites unless the auditor suspects that waste materials have not been intentionally classified as waste (i.e., do not meet the non-modification requirement of the RED). However, the auditor must have access to reports from supervisory authorities held by the collector in question. The Better Biomass auditor may also need access to the records of waste transport numbers and notifications during the audit . Waste collectors must grant this access.