



Interpretation and Guidelines for self-declaration – addendum regarding the Flemish waste legislation and the Flemish fertilizer legislation

Version 1.0 - July 2025

1. Introduction

In June 2025, Better Biomass published version 1.0 of the 'Interpretation and Guidelines for Self-Declaration for Waste and Residue Disposers' (hereinafter: 'the Guidelines'). Section 4.1 of the Guidelines specifies that Better Biomass requirements in legislation and regulations for waste and residues can be recognised as equivalent if the legislation and regulations ensure compliance with Better Biomass requirements regarding self-declaration. For collectors subject to these laws and regulations, this means they do not need 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 recognizes the Flemish regulations regarding the registration and reporting of waste and animal manure as equivalent (paragraphs 2 and 3). It also explains that the self-declaration requirement does not apply to waste collected from Flemish households (paragraph 4).

This addendum should always be read in conjunction with the full Guidelines. When Better Biomass publishes a new version of the guidelines, the content of this addendum will be included.

2. Flemish legislation and regulations for registering and reporting waste

2.1 Background

Collectors, transporters, processors, and processors of waste materials must report these to OVAM via the MATIS platform (*Materialen Informatie Systeem* [Materials Information System]), as stipulated in the *Materialendecreet* [Materials Decree] and the *Vlaams Reglement betreffende het duurzaam beheer van Materiaalkringlopen en Afvalstoffen* (VLAREMA) [Flemish Regulation on the Sustainable Management of Material Cycles and Waste]. The notification must specify the type of waste (EURAL code), the quantity, the origin and destination of the waste, and who is transporting and processing the waste.

For notification purposes, the party disposing of the waste or having it disposed of, must create a unique identification code. In practice, the unique identification code is often arranged on behalf of the waste producer by a collector or waste processor, who does this as part of their standard service, or by an intermediary or consultant who manages waste flows for multiple companies. The unique identification number is assigned to a specific combination of: (1) type of waste, (2) origin of the waste, and (3) recipient or processor of the waste. The MATIS database records notifications of receipts and deliveries of waste. The notification data is collected and managed by OVAM and made available to government authorities for monitoring, enforcement, and policy purposes.

More information about the waste reporting obligation and MATIS can be found on the OVAM website (www.ovam.vlaanderen.be).

2.2 Application for the self-declaration requirement

After an analysis of the Flemish legal system for registering and reporting waste, Better Biomass has concluded that this system ensures that various requirements of Better Biomass are met. It provides, in particular:

- the traceability of waste from the disposer to the collector;
- the correct classification of the waste according to EURL 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, a 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 registrations and notifications to comply with the Better Biomass requirements for waste residues (especially in relation to the self-declaration).

NB: 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 *Vlaamse milieu-inspectie* [Flemish Environmental Inspectorate]. If the Environmental Inspectorate discovers errors in the registration and/or fraud, they will report this and, if necessary, impose sanctions on the collector.

It is undesirable that the Better Biomass auditor takes over the supervisory role of the environmental inspectorate. The starting point within Better Biomass is therefore that supervision of the legal requirements is carried out by the environmental inspectorate, and that the Better Biomass auditor checks whether the environmental inspectorate has identified structural errors and/or fraud in the registration and reporting. If this is the case, the requirements of Better Biomass are no longer met. When the Better Biomass auditor notes that the environmental inspection has not identified any structural errors and/or fraud in the registration of notifications, he can assume that on this point the Better Biomass requirements are met. The Better Biomass auditor must explain in his audit report what the findings of the environmental inspection were.

In concrete terms, the above means that the Better Biomass auditors are not required to conduct inspections at disposal sites unless they suspect that non-waste materials have been deliberately classified as waste (do not meet the non-modification requirement of the RED). However, the auditor must have access to environmental inspection reports held by the collector in question. It is also possible that during the Better Biomass audit, the auditor must have access to the waste transport number records and notifications in the MATIS system. Waste collectors must grant this access.

3. Flemish legislation and regulations for registering and reporting animal manure

3.1 Background

In Flanders, all parties involved in the transport of animal manure are required to report the transport, i.e., the disposer, the intermediary (transporter), and the recipient of the manure. Reporting must be done through the *Mest Transport Internet Loker (MTIL)* [Manure Transport Internet Counter] of the *Mestbankloket* [Manure Bank Counter] of VLM (Vlaamse Landmaatschappij), using the mandatory AGR-GPS system. Through MTIL, certified manure transporters must prepare manure disposal documents for each transport of animal and other fertilizers, and also report and deregister these. The data entered in MTIL is automatically included in the overview of manure transports.

This system ensures that for each load of manure, the quantity and type of animal manure involved, the date of transport, and the details of the disposer and recipient are recorded. More information is available at www.vlm.be.

3.2 Application for the self-declaration requirement

After an analysis of the legally prescribed system of VLM, Better Biomass has concluded that this system ensures that various requirements of Better Biomass are met. It provides, in particular:

- the traceability of the animal manure from the disposer to the collector of the animal manure;
- the correct classification of animal manure;
- the correct determination and documentation of the quantities of animal manure.

If the Better Biomass auditor can verify during the audit that the collector of the animal manure meets the legal requirements, they are not required to receive and manage self-declarations from the supplying disposers. Furthermore, a risk-based audit of the points of origin and the associated collection points as part of the collection point certification process is not required. This applies regardless of the amount of manure generated by the point of origin.

In the audit report, the auditor must indicate to what extent use has been made of the system of legally required animal manure registrations and notifications to comply with the Better Biomass requirements for waste and residues (especially in relation to the self-declaration).

NB: The legislation and regulations for registering and reporting animal manure ensure that data on waste materials and disposal sites are recorded correctly. This is monitored and enforced by the VLM. If VLM discovers errors in the registration and/or fraud, they will report this and, if necessary, impose sanctions on the collector.

It is undesirable that the Better Biomass auditor takes over the government's supervisory role. The starting point within Better Biomass is therefore that supervision of the legal requirements is carried out by VLM, and that the Better Biomass auditor checks whether VLM has identified structural errors and/or fraud in the registration and notifications. If this is the case, the requirements of Better Biomass are no longer met. If the Better Biomass auditor determines that VLM has not identified any structural errors and/or fraud in the registration of notifications, he can assume that on this point the Better Biomass requirements are met. The Better Biomass auditor must explain VLM's findings in his audit report.

In concrete terms, the above means that the Better Biomass auditors are not required to conduct inspections at disposal sites. However, the auditor must have access to VLM reports held by the collector in question. It is also possible that during the audit, the Better Biomass auditor must have access to the waste transport number records and the notifications in the MTIL. Collectors must grant this access.

4. The self-declaration for waste from households in Flanders

In Flanders, the region and municipalities are legally obligated to collect household waste and ensure its proper processing. This is regulated in Flanders through VLAREMA and coordinated by OVAM, with registration via MATIS.

This system ensures that:

- waste flows are collected selectively.
- waste types and quantities are clearly registered according to the EURL codes.

Having households sign a self-declaration would not offer any added value beyond this legal guarantee. Moreover, it would be practically impossible to have all households sign a self-declaration. Therefore, households within Better Biomass does not provide its own declaration for the waste it offers.

Selective collection and registration are monitored by OVAM and the intermunicipal waste management companies, which ensure proper compliance with sorting regulations and registration requirements. This systematic monitoring and enforcement eliminates the need for additional declarations.

More information can be found at www.ovam.vlaanderen.be.