

# **Your Voice In Europe: ROADMAP feedback for Analysis of the interface between chemicals, products and waste legislation and identification of policy options**

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- Size: select
- Publication: can be published with your personal information

## **Related document: Analysis of the interface between chemicals, products and waste legislation and identification of policy options**

## **Feedback:**

*Health Care Without Harm Europe welcomes the Commission's Roadmap (Analysis of the interface between chemicals, products and waste legislation and identification of policy options). It is an important step in achieving a circular economy where resources are used in a more sustainable way. In promoting this policy it is imperative to continue guaranteeing a high level of protection to humans and the environment when recycled products are put on the market.*

*In keeping with REACH and with the recently adopted Medical Device Regulation which concerns more the healthcare sector, hazardous chemicals should therefore be replaced with safer alternative substances when they are available. We specifically wish to stress that recycled products should be held up to the same standards as those that are newly placed on the market.*

*This approach we believe should be the very rationale of the circular economy when considering the interface between chemicals, products and waste. For this reason we wish the Commission to be guided by the following considerations:*

- *Hazardous chemicals should not enter the material cycle in the first place, filtered by REACH or sectoral legislation. This is merely compliance and enforcement of existing legislation. It is only by building on this sound basis that the present initiative makes sense in seeking to protect human health and the environment the best. There is no point in recycling goods that contain hazardous substances for the circular economy.*
- *Legal certainty demands that economic operators have access to sufficient information on the presence, location, concentration of hazardous chemicals in*

*products and materials to be recovered from waste. Information on hazardous chemicals should be passed along the whole material cycle and potential subsequent life cycle. Otherwise the issue of liability will hamper efforts to promote a circular economy as economic operators will think twice before making products with recovered materials. A faulty legal framework will undermine protection of human health and the environment in a circular economy.*

- The final legal framework applicable to products made of recovered material should as matter of course be as protective of human health and the environment as that applicable to new products placed on the market. This should entail appropriate decontamination of waste before it can be recovered. As for hazardous chemicals in particular, the same restrictions should apply to both those present in recovered materials and those present newly marketed ones. In short, recycling should not allow the perpetuation of the use of hazardous substances.*

*The Roadmap identifies four issues that create obstacles for a smooth transition of recycled materials from waste to new products.*

#### ***1 – INSUFFICIENT INFORMATION ABOUT SUBSTANCES OF CONCERN IN PRODUCTS AND WASTE***

*Legal instruments such as REACH or sectoral tools, such as the Medical Devices Regulation, exist to prevent hazardous substances from entering the material cycle. In the case of REACH we stress the need to properly enforce it. In the case of the Medical Devices Regulation, one of our areas of concern, we insist on a consistent and proper implementation. Were this to be the case, the required data would be flushed out and available.*

#### ***2 – PRESENCE OF SUBSTANCES OF CONCERN IN RECYCLED MATERIALS AND IN ARTICLES MADE THEREOF***

*The potential future Communication on this topic should acknowledge and address the findings of the Roadmap: i.e. propose to work on the elaboration of a framework to deal with the presence of substances of concern in recycled materials. Such a framework should not allow recovered materials to enter the material cycle via the back door because they would enjoy a less constraining regime regarding the concentration of hazardous chemicals.*

#### ***3 – UNCERTAINTIES ABOUT HOW MATERIALS CAN CEASE TO BE WASTE***

*We are aware that this is a murky area where at times it is difficult to draw a clear cut distinction about end-of-waste status. In this respect we wish to highlight the fact that the circular economy is more than just recycling. Quid of the products that are shared, given to charity, fixed or – and where lies the distinction – reconstructed? When will a product be old or new? What will be the regime for spare parts? This is of particular relevance for medical devices.*

*The publicly available draft of the proposed Medical Devices Regulation allows for reprocessing (i.e. reusable medical devices are devices that health care providers can reprocess and reuse on multiple patients). How could future policy options help address the need to reduce the risk of exposure to improperly reprocessed medical devices?*

#### ***4 – DIFFICULTIES IN APPLYING EU WASTE CLASSIFICATION***

***METHODOLOGIES AND IMPACTS ON THE RECYCLABILITY OF MATERIALS***

*In light of the above, focussing on medical devices, we wish to draw the Commission's attention to additional criteria or guidance needed to determine which products, components and materials should not be re-injected into the circular economy.*

*More clarity is also required in the healthcare sector on the appropriate treatment routes for waste containing hazardous chemicals. There are still huge gaps and deficits in Europe, at times because the competence is that of Member States and as a result sometimes patchy.*

**Feedback file:**