

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

Feedback:

The Confederation of Danish Enterprise welcomes the roadmap and the Commission's intention to analyse the interface between chemicals, products and waste legislation. Understanding and addressing the interfaces between these three fields of legislation is essential for the success of the circular economy. We have already seen unfortunate cases where substances of concern have been found in recycled materials, which have been used for toys or food contact materials. Cases like these endanger the circular economy, and should be avoided.

The Confederation of Danish Enterprise agree with the obstacles outlined in the roadmap and will comment on them in turn below.

Specific comments

#1: Insufficient information about substances of concern in products and waste

The Confederation of Danish Enterprise recognize this problem of tractability of substances of concern in articles, waste streams and recycled materials. REACH has improved the situation, however there is still a long way. In this connection we wish to underline the importance of developing training and guidance to SMEs, especially in advance of the 2018 registration deadline. Furthermore it is vital to tackle the lack of information on imported products.

#2: Presence of substances of concern in recycled materials and in articles made thereof

As outlined above, this is a real problem already causing much concern. The Confederation of Danish Enterprise recommend that other sectors, especially plastics, learn from the metal sector, where clear standards have been set for the quality of recycled material. This would give recyclers and producers clarity and help the market develop. For material streams

known to contain sub-stances of very high concern closed-loops should be facilitated, as it would be safe to reuse the materials for the same type of products, but not for, for instance toys. This would be more resource efficient than detoxing these materials. Furthermore we would welcome a clear methodology to compare the costs and benefits of different options. With regards to recycling of chemicals the current framework in REACH is not clear, and seems to allow a case-to-case assessment by member states. This is not a sufficient framework and create inconsistency and unpredictability. We would prefer that recycled chemicals had to be approved under REACH like virgin chemicals, in order to ensure safety and the functioning of the internal market.

#3: Uncertainties about how materials can cease to be waste

The inconsistent application and interpretation of the end of waste criteria in the Waste Framework Directive is a significant obstacle to the development of the internal market for waste, secondary materials and products intended for reuse, and hence to an effective circular economy. We welcome the elaborations and clarification made in this regard in the ongoing review of the Waste Framework Directive, but call for further clarity and preferably EU end-of-waste criteria. In addition, it has to be clarified, that once waste ceases to be waste, it is to be regarded a raw materials or products and be subject all relevant laws for its material or product category, including chemicals legislation.

#4: Difficulties in applying EU waste classification methodologies and impacts on the recyclability of materials

The Confederation of Danish Enterprise agrees with the problems described and their consequences. We call for a clearer methodology and better cooperation between the enforcement authorities in this area.

The Confederation of Danish Enterprise is at your disposal for further elaboration.

Feedback file:

[Comments on roadmap.docx](#)