

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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Feedback:

The European Environmental Bureau (EEB) welcomes the Commission's roadmap and offers its expertise and support to the planned identification of policy options for protecting the circular economy from hazardous substances. Together with Client Earth, we published a study that includes two case studies on mattresses and LCD televisions illustrating strengths and shortcomings of the current legal framework (see attached and online <http://www.eeb.org/index.cfm/library/keeping-it-clean-how-to-protect-the-circular-economy-from-hazardous-substances/>).

From this analysis, we identified three strategic directions and encourage the Commission to cover those in their forthcoming work:

- *The need to limit hazardous chemicals from entering the material cycle in the first place: This would not only protect human health and the environment the best, but also facilitate the future use of recovered materials for economic operators and thus the circular economy.*
- *The need to ensure 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. This will reduce the burden on economic operators making products with recovered materials and improve protection of human health and the environment in a circular economy.*
- *The need to ensure that the legal framework is not less protective of human health and the environment when products are made of recovered materials. This means notably requiring appropriate decontamination of waste before it can be recovered*

and avoiding restrictions of hazardous chemicals that are less protective when applied to recovered materials.

In this respect the EEB agrees with the relevance of all four main issues that the Commission plans to look into as mentioned in the roadmap. However, we would like to emphasize the need to zoom into both more specific and additional problems with a view to gathering relevant information and/or assessing potential solutions:

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

- The Commission should investigate the consequences e.g. on potential exposures to workers in the reuse, repair and recycling sector and the issue of not being able to comply with safety requirements demanded by workplace legislation.*

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

- The Commission should collect and evaluate existing information and data from Member States on exposures due to contamination of recycled material streams in products available on the European market today (especially in sensitive areas such as toys, kitchen equipment, and/ or food contact materials).*

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

- Although we acknowledge the problems about end-of-waste status, we would like to stress the importance to also look at cases where products, components or materials are no longer being considered of becoming waste in the first place through increasing activities such as reuse, refurbishment, reconditioning or remanufacturing.*
- As an example: a generic exemption on spare parts risks the continued use of toxic chemicals in products already on the market, which we can only accept for a limited period to allow for their repair, reuse and update (i.e. limited lifetime extension for a product already being in use).*
- On the other hand, the Commission must ensure that those products entering a completely new life cycle, e.g. after major (technical) upgrade e.g. through remanufacturing, comply with the latest standards in chemicals legislation just like any new product.*
- This might require different legal clarifications depending on the sector or even the type of product.*

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

- Again, we acknowledge the relevance of this problem but urge the Commission to also look at additional criteria or guidance needed to determine which products, components and materials should not be re-injected into the circular economy.*
- Once this decision has been taken, we also need to ensure appropriate treatment routes for waste containing hazardous chemicals where there are still huge gaps and deficits in Europe.*

With regard to the identification of potential policy options, we urge the Commission to cover also the following questions:

- How to set up an EU harmonized product information system and which type of information should it contain?*

Please note that there are already different pieces of EU legislation, including the implementing measures under the Ecodesign and Energy Labelling Directives, Article 15 WEEE (Waste Electrical and Electronic Equipment) Directive and Article 33 of the REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation that demand for mandatory disclosure of specific information from manufacturers who want to sell their products and services on the European single market. An EU harmonized product information system could go one step further in combining these single bits of different environmental information in a standard (digital) format and making them more easily accessible for distinctly defined target groups.

- Which legal clarifications do we need to ensure that all 'new' products being placed on the European market comply with the latest restrictions of hazardous substances? Do we require a legal definition, in which cases remanufacturing needs to be considered as placing a new product on the market?*
- How can we implement the 'polluter pays principle' in order to fairly distribute the extra costs related to identification, separation and safe destruction of hazardous waste streams that should not enter any recycling stream? What does that mean for the operation of Extended Producer Responsibility Schemes?*

Feedback file:

[EEBHazardoussubstancesreport_w.pdf](#)