

## Position of the European Recycling Industries' Confederation ECHA Database on Candidate List substances

EuRIC is the umbrella organisation of the recycling industry in Europe. Through its Member Federations, EuRIC represents companies recycling end-of-life vehicles (ELVs), waste electrical and electronic equipment (WEEE), paper, plastics and glass from industrial, commercial as well as household waste streams. Among these waste streams, we stress that mostly ELVs and WEEE can be identified as “articles” or “complex objects” in the sense of REACH, which makes these specific items the main focus of this document. ELVs and WEEE, unlike many other waste streams, are covered by specific Directives (Directive 2000/53/EC on end-of-life vehicles and Directive 2012/19/EU on waste electrical and electronic equipment).

**EuRIC welcomes the initiative to take measures helping recyclers to get information on the substances contained in articles reaching their facilities at end-of-life.**

Recyclers produce secondary raw materials that need to comply with the rules and concentration limits for restricted substances just like any other material put on the market. This can prove to be challenging when the full composition of a material is not known, and if the regulated substances potentially present in the materials are difficult to analyze or detect.

We have to stress however that several **specific features inherent to the recycling operations** need to be considered in the framework of the development of this database on Candidate List substances in articles. Facts and trends to consider:

- **Depollution requirements are set in both the ELV and WEEE Directives:** the parts and fluids containing hazardous substances (e.g. batteries, oils, etc.) are removed as a first treatment step. **Sectorial initiatives already exist to help the depollution/dismantling phase.** The recently launched I4R platform was developed so that manufacturers of energy related products can comply with their obligations set in the Article 15 of the WEEE Directive (2012/19/EU). The information contained on this platform mainly aims at helping recyclers to locate the components that need to be removed according to the Annex VII of the WEEE Directive. Concerning end-of-life vehicles (ELVs) the main tool that is used by recyclers is IDIS (**International Dismantling Information System**). This system was established to comply with the obligation for car manufacturers to provide information to dismantlers (**Article 8 of ELV Directive (2000/53/EC)**). IDIS is used widely among car dismantlers and there is a direct line of communication between them and the car manufacturers, who update the platform based on the requests for information from dismantlers.
- Manual labor is constantly reduced and the recycling industry will increasingly rely on automation in the future.
- Recycling can only be a viable activity if large quantities are treated in a short time: most end-of-life articles are treated by categories (vehicles, refrigerators, TV screens, etc.) and some of them as a bulk (e.g. small household appliances). There is no specific treatment process for each brand or model of appliances, which are treated as a bulk.

- Some articles reach the waste phase a long time after being put on the market (15-20 years on average for cars).
- Articles produced inside, but also outside the EU reach end of life and are treated in the EU recycling facilities. Products imported to the EU are more likely to contain SVHCs.
- The presence of SVHC in an article does not necessarily prevent its recycling (e.g. car batteries containing lead or screens containing cadmium) since specific processes are put in place to treat the fractions containing hazardous substances.

**Concerning the database on Candidate List substances that has to be set by ECHA according to the Article 9 of the revised Waste Framework Directive (2018/851):**

- ✓ EuRIC welcomes the fact that it will allow to **centralize the information** about substances in articles in one unique location. It would not be feasible for recyclers to gather this information from the technical documentation of each electric appliance.
- ✓ The database is a first step in the direction of **improving the traceability** of substances in material streams.
- ✓ The database could improve the safety of the workers in recycling plants, especially if it is taken into account that SVHCs are present in components or streams previously handled manually without any particular precautions.

**However, EuRIC wishes to express the following reservations concerning this new legal requirement:**

→ The requirement to set up the database **overlaps and bypasses with the larger reflection on the interface between chemicals, products and waste legislation**. The European Commission announced a “*feasibility study, addressing representative sectors, on the use of different information systems, innovative tracing technologies and strategies which could enable relevant information to flow along article supply chains and reach recyclers<sup>1</sup>*” by the end of 2019.

→ **The database will not be retroactive:** manufacturers will only declare the SVHC content of articles put on the market when the substance in question is formally identified as an SVHC. This means that:

- If a substance is identified as SVHC and is present in an article already placed on the market, recyclers **will not get any information on the presence of the SVHC in this article**. The database will therefore not solve the issues linked to the legacy substances in material flows.
- Once the substance is formally identified as an SVHC, we suppose that manufacturers will likely seek alternatives, given the administrative burden linked to the use of SVHCs, rendering the database less useful.

→ **The database will not contain information on the concentration of SVHCs in the articles.**

Article 9 of the revised Waste Framework Directive and Article 33 of REACH only mention the obligation to declare the presence and name of SVHCs, not the concentration. For recyclers this information would however be crucial to assess if there would be a real added value for the component or article containing the substance to be treated differently.

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<sup>1</sup> [https://ec.europa.eu/commission/publications/options-address-interface-between-chemical-product-and-waste-legislation\\_en](https://ec.europa.eu/commission/publications/options-address-interface-between-chemical-product-and-waste-legislation_en)

→ **The level of detail of the information contained in the database is likely to be overwhelming.**

“Complex objects” like cars or computers contain hundreds of components that are considered as “articles” as defined by REACH (i.e. “an *object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition*”). The amount of information that the database will contain is likely to be overwhelmingly high. The level of detail of the information needed by recyclers depends very much on the type of articles at stake and the treatment process for this article. What matters for treatment operators is to ensure that the data can easily be accessed *inter alia* by product and sub-product categories, so that the management of the treatment facilities can easily access the necessary information and adapt the treatment processes, if necessary.

→ **The existence of the database will not change the treatment processes of end-of-life articles covered by a sector-specific directive, nor will it have an impact on waste classification.**

As previously stated, the treatment of ELVs and WEEEs is already regulated by specific Directives, specifying requirements on the removal of components and fluids containing hazardous substances. The database will bring some additional information on substances contained in specific components and parts of complex articles but will not trigger any major change in the established complex treatment processes for these streams. The current rules for waste classification are very clear: the European List of Waste (Commission Decision 2014/955/EU) defines which streams are hazardous and which streams are not. For those streams where this distinction depends on the composition of the waste, the assessment is based on the concentration of some substances with harmonized classifications under the CLP Regulation, not on Candidate List substances.

→ **The database will be available to both consumers and waste treatment operators, but the information needs of these two types of audiences are fundamentally different.**

For consumers, the database will allow to compare different articles in terms of SVHCs content and make an informed purchase.

For recyclers, the information would need to be much more detailed than only information at article level, based on references available on the market at a certain point in time. The navigation through the database and the way of presenting the information will have to be different to the way the information will be presented for customers.

It is unclear how the database can be designed to respond to those different needs.

Nevertheless, the database on candidate list substances in articles is a positive development towards more traceability of substances in materials. To ensure its usefulness for recyclers, we suggest:

1. **To include data on the exemptions:** some substances are restricted, or banned for all uses, but very often some exemptions exist (for example under the RoHS Directive) and the substances are still included in certain products. Recyclers have nowadays no way to find out which products make use of the exemptions and which do not, which would be very useful information for them.
2. Once the architecture of the database and the tools to submit the information are running, **other categories of substances**, very relevant for recyclers, **should also be included**. This could be the case for example for persistent organic pollutants (POPs) or critical raw materials.

Through its Member Recycling Federations from 20 EU and EFTA countries, EuRIC represents today over:

- ✓ 5,500 companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;
- ✓ 300,000 local jobs which cannot be outsourced to third EU countries;
- ✓ Millions of tons of waste recycled per year (paper, metals, plastics, glass and beyond).

Recyclers play a key role in a circular economy. By turning wastes into resources, recycling is the link which reintroduces recycled materials into the value chains again and again.