



CIRCULAR ECONOMY

Closing the loop

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Chemical, Product, Waste Interface – Communication & Staff Working Document

EURIC Conference – Closing Loops – Recepty for a truly Circular Economy – 6 March 2018

European Commission, DG GROW – Enrique Garcia John

Circular Economy Action Plan (2015)

- The Circular Economy Action plan defined these two-fold objectives:
 - Enabling recycling and improving the uptake of secondary raw materials, by limiting unnecessary burdens, and facilitating the cross-border circulation of secondary raw materials to ensure that they can be traded easily across the EU; and
 - Substituting substances of concern and, where this is not possible, reducing their presence and improving their tracking.

Circular Economy Action Plan (2015)

- The CEAP also indicated that the CPW Interface must be assessed "in order to:
 - Decide the right course of action at EU level to address the presence of substances of concern;
 - Facilitate the traceability and risk management of chemicals in the recycling process."

Development of CPW Interface – Milestones

- 27/01/2017 - Roadmap published for consultation.
- 9/03/2017 - Focused CPW Session in CE Conference
- 12/04/2017 - Targeted stakeholder consultation – extended COM paper
- 29/06/2017 - CPW Interface Joint Session- CARACAL & Waste Expert Group
- Jul-Dec 2017 - Analysis of feedback and preparation of options to address issues
- 16/01/18 - Adoption of the Communication by the Commission, accompanied by a Staff Working Document

CPW Interface- Communication

CONSULTATIVE COMMUNICATION WITH THE OBJECTIVE TO:

- Seek views on how to resolve conflicts between legislation governing chemicals, products and waste with a view to promoting the Circular Economy;
- Ensure Member State and stakeholder involvement and ownership of future action.

CPW Interface- Questions

The Communication focuses on a number of questions. Two of the most important ones are:

- How do we reconcile the idea that waste is a resource that we should recycle and, at the same time, ensure that waste that contains substances of concern is only recovered into materials which can be safely used?
- Should we allow recycled materials to contain chemicals that are no longer allowed in primary materials? If so, under what conditions?

CPW Issue 1 – Insufficient information about substances of concern in products and waste

- Flow of information on composition/substances of concern decreases during the lifecycle of a product
- Lack of information hinders transition from waste to product status:
 - Difficult for operators to provide details on composition of a material
 - Difficult for regulators to implement waste and product legislation
- Example: Insufficient information available to paper recycling mills
- Need to improve traceability and flow of information throughout all the different stages

CPW Issue 1 – Insufficient information about substances of concern in products and waste

- The Commission will:
 - Consider the increased use of REACH restrictions to ensure a level playing field between EU-produced and imported articles;
 - Simplify procedures for restricting the presence of substances that cause cancer, mutations or adverse effects on reproduction (CMR) in consumer articles.

CPW Issue 2 – Presence of substances of concern in recycled materials (and articles, including imports)

- Substances of concern may be present as constituents or impurities in recovered materials
- Their presence may constitute a risk, influence the classification of the material, hinder suitability for further use or may directly impede the placing on the market of the recovered material
- Example: Brominated flame retardants- persistent, bio-accumulative and toxic- found in recycled plastic products
- Need to enable recycling and improve the uptake of secondary raw materials by promoting non-toxic material cycles

CPW Issue 2 – Presence of substances of concern in recycled materials (and articles, including imports)

- The Commission will:
 - Take steps to develop a specific decision-making framework to deal with the presence of substances of concern in recycled materials.
 - Prepare guidelines to ensure that the presence of substances of concern in recovered materials is better addressed in preparing proposals to manage the risk of such substances.
 - Consider the need to enact implementing legislation to allow more effective control of the use of the existing exemption from REACH registration for recovered substances.

CPW Issue 3 – Uncertainties about how materials cease to be waste

- Article 6 (WFD) establishes general criteria that determine how waste ceases to be waste- implementation differs between Member States- creates legal uncertainty for operators
- Uncertain landscape leads to difficulties in application and enforcement of chemical and product legislation
- Example: Recycled PVC can contain DEHP- hazardous, endocrine disruptor- no EU harmonised or national end-of-waste criteria exist- yet treated by some operators as a product rather than waste
- Commission's assessment is designed to complement the ongoing discussions in the Council and Parliament concerning the amendments of the WFD
- Need to enable a more harmonised interpretation and implementation of end-of-waste rules across the EU

CPW Issue 3 – Uncertainties about how materials cease to be waste

- The Commission will:
 - prepare an on-line EU repository for all adopted national and EU end-of-waste and by-product criteria.
 - launch a study to gain a better understanding of the ways in which Member States implement end-of-waste provisions as a basis for possible guidelines.

CPW Issue 4 – Difficulties in application of waste classification rules- impact on recycling

- Classification can have important (environmental, human health and/or economic) impacts in terms of the collection, management and recycling of waste
- Rules to classify waste are not consistently applied and enforced- leads to misclassification, different treatment between Member States- uncertainty about legality of waste management practices
- Example: Lead metal- classified as non-hazardous under waste legislation but hazardous under chemical legislation due to harmful effects on reproduction
- Must ensure a more consistent approach between chemicals and waste classification rules

CPW Issue 4 – Difficulties in application of waste classification rules- impact on recycling

- The Commission will:
 - publish guidance on waste classification to assist waste operators and competent authorities in having a common approach to waste characterisation and classification.
 - promote the exchange of best practices with regard to test methods for the assessment of substances as concerns the hazardous property HP 14 ‘Ecotoxic’ with a view to their possible harmonisation.

CPW Interface

Main Issues

Challenges



Insufficient **information**



- **Defining and tracking**
substance of concern



Presence of
substances of concern



- **Level playing field between:**

secondary and primary material
EU-produced and imported articles



Difficulties in applying
End of Waste criteria



- **Design for circularity**

- Improving **certainty** in implementation



Uncertain application of EU
waste **classification**



- **Approximating** the rules

- Better **classification**



The Communication identified possible options to overcome the barriers

Views from stakeholders → public consultation

Next Steps

- The Commission looks forward to the feedback from the European Parliament, the Council and the other EU institutions.
- March-May 2018 - 12 week open public consultation to be held on the Communication and accompanying Staff Working Document.
- Any subsequent actions will be taken forward in line with Better Regulation principles.



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Thank you!