

## Statement of the European Recycling Industries' Confederation (EuRIC) to the hazard property HP14 – ecotoxicity and the classification of waste

The European Recycling Industries' Confederation (EuRIC) supports the efforts of the European Commission to harmonise classification approaches for hazard property 'HP 14'.

Nevertheless, EuRIC is very much concerned that the findings made in the [final report](#) made by Bio by Deloitte and INERIS of the "Study to assess the impacts of different classification approaches for hazard property "HP 14" on selected waste streams" to be used as a basis for amending Annex III of the Waste Framework Directive (WFD), will adversely impact recycling.

EuRIC is particularly but not only concerned by the classification of fluff-light fraction and dust from shredding of metal-containing waste (19 10 03\*/19 10 04) according to which 91% of the samples collected for the calculation exercise would be classified as hazardous, while a majority of these fractions are currently classified and reported as non-hazardous (see section 6.3.4. of the study on pp.115-116, Table 45).

EuRIC, be it in its comments to Bio by Deloitte and INERIS following the stakeholder workshop on 20 April 2015, or in its positions in the framework of the much supported shift towards a circular economy has steadily called for improving the interplay between EU's waste and chemical legislation.

It is important to recall that depolluting and sorting end-of-life products (e.g. ELVs or WEEE), to take out hazardous substances and components (e.g. batteries) which are then recycled in dedicated installations, are standard practice for recyclers. Once depolluted, the remaining waste fractions, including residues, are considered as non-hazardous and treated accordingly. This safeguards both legal certainty and environmentally sound treatment throughout the process.

**EuRIC is opposed to the generalisation of the use of the chemical analysis as the main route characterise waste properties for the following reasons:**

- The chemical analysis is perfectly suited for assessing **homogeneous** substances and **well-defined mixtures** commonly found in virgin materials and substances but absolutely not adapted to the characterisation of solid waste which by nature is **heterogeneous** and **complex**.  
In practice, sampling solid waste coupled a chemical lixiviation of the sample to obtain a homogeneous liquid and exhibit its chemical properties would provide only a very poor indication of the non-hazardous/hazardous properties of the waste sample analysed:  
It would neither be representative of complex materials found in solid waste nor would it be indicative of the bioavailability of hazardous substances in water as only a very small fraction of what is recycled in scrap can be soluble in water, hence limiting risks to be ecotoxic.  
Applying solely chemical test-based methods which were developed for the assessment of completely different substances and mixtures, arising mainly from linear material flows, to the characterisation of waste would thus give biased results.

- Given the heterogeneity of solid waste, it would be difficult to identify which waste samples have to be analysed. The costs of the test methods assessed for recycling companies, many of them SMEs, would be disproportionately high, especially when linked to the systemic uncertain results, in particular when applying M-factors, that chemical testing would bring to characterise waste. This would put recycling companies in constant legal uncertainty inherently detrimental to long term investments in recycling. The uncertainty is acknowledged by the study itself which references in a number of instances the underestimation or overestimation of the waste classification linked to the composition of complex waste, “the lack of availability of characterisation data from chemical analyses” or shortcomings linked to the use of methods solely based on chemical testing.
- The potential re-classification as hazardous of several waste streams on the basis of chemical testing which is not fit for the purpose of waste characterisation can significantly disrupt the recycling activities at the very moment when i) the circular economy should encourage recycling and ii) record-low commodity prices have negatively impacted the economic viability of a number of recycling businesses.

EuRIC insists on the need to implement a holistic and technically sound approach to waste classification aiming at:

- **Reducing, whenever technically feasible, hazardous substances at the design stage, in particular for domestic appliances;**
- Better enforcing rules on **product labelling** to ease depollution at the recycling stage;
- **Keeping a predictable and clear list-based approach for classifying non-hazardous and hazardous waste**, to minimise room for interpretation and bring legal certainty;
- **Implementing a risk-based approach** which optimises requirements stemming from different legislations to avoid disproportionate obligations hampering recycling and which takes into consideration both the matrix in which substances are present and the destination of recycled materials. For example, plastics recycled by car recyclers are obviously not used for manufacturing food packaging products. From a practical viewpoint, a policy framework which assess potential impacts on human health and the environment of recycled materials based on the uses and application of recycled materials would certainly deliver a regulatory framework, which will be predictable and fit for the purpose of a safe use of recycled raw materials, than a framework entirely relying on chemical testing for waste classification;
- **Gearing up whenever needed EU’s chemical laws**, mainly based on a linear economy model, to address practical challenges arising from material flows in a circular economy.

#### \*About EuRIC

The European Recycling Industries’ Confederation, EuRIC AISBL, is the umbrella organisation for recycling industries in Europe. Through its Member Federations from **19 EU and EFTA countries**, EuRIC represents today **across Europe** 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;
- **An average of 150 million tons of waste recycled per year** (metals, paper and beyond);