



EU actions on Challenges arising from the CPW interface

5th European Resources Forum

Parallel session 6: Fostering the resource efficient and circular economy - How to manage the interface between chemical, product and waste legislation?

3 November 2020

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Legislative & policy context

Green Deal

Circular Economy Action Plan

Zero Pollution Action Plan

Sustainable Products Initiative

Interface Communication

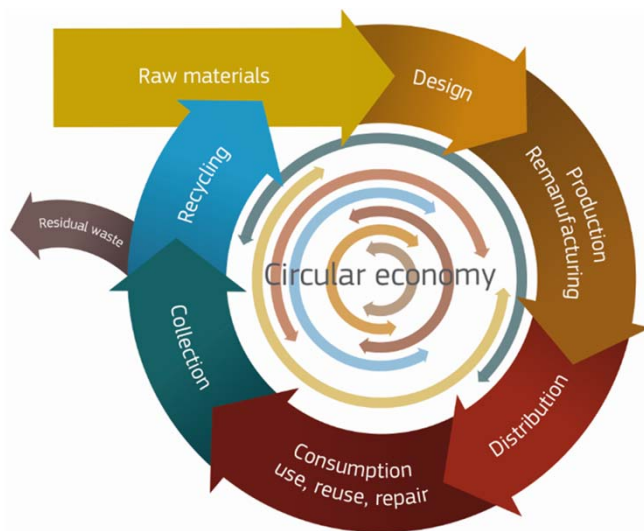
SCIP Database - traceability

Chemicals Strategy

POPs annex IV & V review



Circularity and the CPW



An economy where the value of products, materials and resources is maintained in the economy for as long as possible, and the generation of waste minimized.

In this context the borders between products and waste begin to lose their meaning – but different legal frameworks remain.

EGD objectives: Climate. Biodiversity. Circular Economy. Zero Pollution.

Which in the CPW context translate to:

- Waste prevention
- Safe, toxic-free material cycles
- Enhanced reuse and recycling
- Reduction in GHG emissions

Substances of Concern and the CE

- **Stabilisers and plasticisers** in PVC (cadmium, lead, DEHP...). **Coloured substances**.
- **Flame retardants** in ELV and WEEE plastics and textiles (PBDEs, organophosphorous FRs)
- **PAHs** and other substances in rubber infill - Microplastics.
- **Asbestos** fibres in C&D waste → Recycled aggregates, gypsum plasterboard.
- **Metals** in slags (ferrochrome slags, copper slags, etc) → construction, cement manufacture
- **Metal impurities** in scrap – Co in steel, Pb in Al and Cu, etc. **Bismuth in Copper**.
- **Titanium dioxide** in plastics, C&D waste, in bauxite residue
- **Primary amines**, metallic **pigments**, dermal sensitisers in textiles
- **PCDDs / PCDFs** in bottom and fly ashes
- **Metals and organics** in compost, digestate and sludges

Views of the co-legislator



- The EP has firmly advocated for **non-toxic material cycles**, where the presence of legacy substances should not be perpetuated.
- A recent resolution* on **legacy lead in recovered PVC** indicates a very clear position towards the prevalence of non-toxic cycles as a leading policy objective.
- *"prevention takes priority over recycling and that, accordingly, recycling should not justify the perpetuation of the use of hazardous legacy substances" ***



- The Council calls for minimising the presence of substances of concern in recovered materials but recognises **there may be a need for exceptions**.⁺
- **"*underlines*"** the importance of creating a **well-functioning single market for high-quality, non-toxic secondary raw materials** that are **safe** for human health and the environment".⁺⁺

* P9_TA-PROV(2020)0030
** P9_TA-PROV(2020)0201

+ 25 June 2018 - Delivering on the EU Action Plan for the Circular Economy
++ 4 October 2019 - More circularity - Transition to a sustainable society

CPW Interface

Interface
Waste
Products
Chemicals



Main Issues

Insufficient **information**

Presence of
substances of concern

Difficulties in applying
End of Waste criteria

Uncertain application of EU
waste **classification**

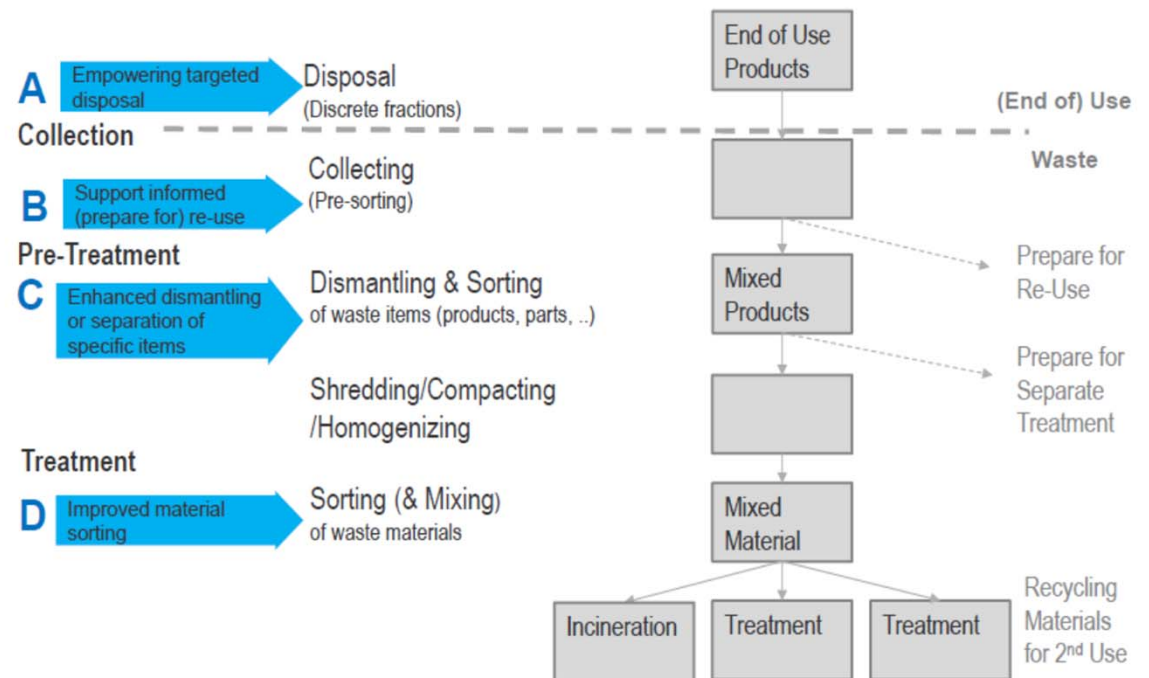
Challenges

- **Defining and tracking** substance of concern
- **Level playing field between:** secondary and primary material EU-produced and imported articles
- **Design for circularity**
- Improving **certainty** in implementation
- **Approximating** the rules
- Better **classification**

Learnings from the Communication have been taken up in the CEAP and in the Chemicals Strategy for Sustainability

“Study on information flows”

- Identify approaches and best practices in information flows
- 12 Case studies – different supply chain and product complexities
- Identification of needs – target on waste operators.
- Where do we need to act to allow information on SoCs in products to bring about changes in waste treatment?
- Sectorial vs generic solutions
- Sorting and treatment technologies
- Mechanisms leading to benefits



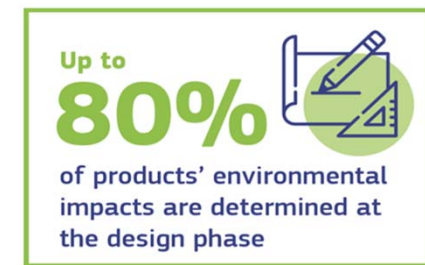
<https://data.europa.eu/doi/10.2873/873130>

Sustainable Product Policy

Legislative proposal to set principles for product policy and requirements on products placed on the EU market.

Widens the Ecodesign Directive beyond energy-related products

- Improve **durability, reusability, upgradability and reparability**
- Address presence of **hazardous chemicals** and **increasing recycled content**
- Restrict **single-use** and counter **premature obsolescence**
- Incentivise **product-as-a-service**
- **Digitalisation**, including digital product passport



Implementation in key product value chains is priority



Chemicals Strategy for Sustainability



- In a clean circular economy it is essential to **boost the production and uptake of secondary raw materials** and ensure that both **primary and secondary materials** and products are **always safe**.
- **Same limit values** for hazardous substances should apply for virgin and recycled material. There may be exceptional circumstances where a derogation to this principle may be necessary.
- **Subject to conditions**: use of the recycled material is limited to clearly defined applications with no negative impact on consumer health and the environment. Time limited → **Case-by-case assessment**.
- One substance – one assessment. Grouping approach.
- **Substances of concern** – primarily SVHCs and those with chronic effects and substances affecting recycling operations. No legal definition envisaged at this stage.

COM(2020) 667 final – adopted 14 October 2020

Investing in sorting and decontamination

Regulatory actions need to go **hand-in-hand** with increased **investments in innovative technologies** to address the presence of legacy substances in waste streams, which could in turn **allow to recycle more waste**. ...

Technologies such as **chemical recycling** could also have a role but only if they ensure an **overall positive environmental and climate performance**, from a full life cycle perspective. *(Chemical Strategy for Sustainability)*

The Commission will ...

support the development of **solutions for high-quality sorting and removing contaminants from waste**, including those resulting from incidental contamination.

(A new Circular Economy Action Plan - For a cleaner and more competitive Europe)



Thank you

Learn more here:

https://ec.europa.eu/environment/circular-economy/index_en.htm



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