



# End-of-waste and By-products: compliance with REACH Regulation

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# EURIC AT A GLANCE

The European Recycling Industries' Confederation brings together recycling federations from 23 EU and EFTA Member States and represents:

5,500+ companies including small and medium-sized enterprises  
300,000 local jobs

Millions of tons of waste recycling every year  
(metals, ELVs, WEEE incl. batteries, paper, plastics, packaging, tyres, textiles, glass etc.)

An annual turnover of about €95 billion

Ferrous and non ferrous metals  
(e.g., steel, aluminium, copper, etc.)



Tyres

Plastics (e.g., packaging, construction, engineering plastics, etc.)



End of life vehicles

Paper



Electrical and electronic waste

Textiles



Batteries recovery & fire prevention

# REACH & End-of-Waste

## *REACH guidance on waste and recovered substances:*

*The Article 2(2) of REACH provides that "waste as defined in Directive 2006/12/EC4 of the European Parliament and of the Council is not a substance, preparation or article within the meaning of Article 3 of this Regulation." Therefore, REACH requirements for substances, mixtures and articles do not apply to waste*

## *However*

As soon as a material 'ceases to be waste', REACH requirements apply in principle in the same way as to any other material, with a number of exceptions granted conditionally.



# Waste Framework Directive – Article 6(1) and (2)

Certain waste shall cease to be waste when it has undergone a **recovery operation** and **complies with specific criteria to be developed in line with certain legal conditions.**

## Legal Conditions

- a) the substance or object is commonly used for specific purposes;
- b) a market or demand exists for such a substance or object;
- c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

The Commission shall monitor the development of national end-of-waste criteria in Member States, and assess the need to develop Union-wide criteria on this basis. To that end, and where appropriate, the Commission shall adopt implementing acts in order to establish detailed criteria on the uniform application of the conditions laid down in paragraph 1 to certain types of waste.

# Circumstances under which recovery operations are exempted from REACH

## Article 2(7)(d) of REACH:

*“2.7. The following shall be exempted from Titles II, V and VI:*

*[...]*

*(d) Substances, on their own, in mixtures or in articles, which have been registered in accordance with Title II and which are recovered in the Community if:*

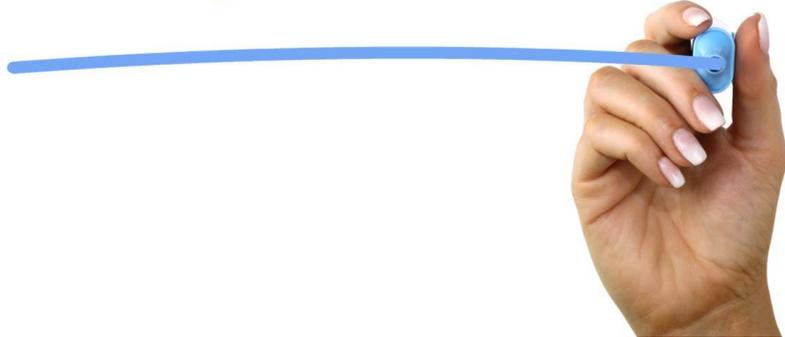
*(i) the substance that results from the recovery process is the same as the substance that has been registered in accordance with Title II; and*

*(ii) the information required by Articles 31 or 32 relating to the substance that has been registered in accordance with Title II is available to the establishment undertaking the recovery.”<sup>12</sup>*

# Problems with REACH Article 2(7)

In order recyclers to be benefited by this exemption they need to show **REACH sameness**

PROBLEM



Lead registrant needs to approve and share the data already registered which is not always the case as they often argue that the molecule is not the same as it comes from waste.

Problem which needs to be addressed as recyclers very often have to re- register the substance which is very time consuming and extremely burdensome from a financial standpoint.

➤ [EuRIC Position for the IIA on the revision of REACH](#)

# EURIC PUBLICATIONS

## TOP 5 PRIORITIES OF THE RECYCLING INDUSTRY FOR THE PERIOD 2019-2024

Realising the internal market for recycling to boost the circular economy and combat climate change



## Metal Recycling Factsheet



## Plastic Recycling Factsheet



## SOUND MANAGEMENT OF WASTE & CHEMICALS REQUIREMENTS BY THE RECYCLING INDUSTRY



## Mechanical Tyre Recycling Fact Sheet



## Annual Report 2020 Highlights





Thank you for listening!

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