

Circular Economy & Recovered Substance

WEBINAR - ENEA e Ministero dello
Sviluppo Economico

**“Obblighi per i recuperatori: come
identificare le sostanze nei rifiuti?”**

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Rossella Demi
Chemistry



Recovered substances



A “heads up” from DG ENV

- The waste/substance interface is being under scrutiny as part of the circular economy work
- The REACH registration process may be a source of information for the problem definition
- Several substances containing the word “waste” at the frontline
- DG ENV consulting ECHA on these “substances”
 - Has waste been registered?
 - Is the interface between waste and substance misunderstood?
 - Or is the name of the registered substance wrong?

ECHA Feedback

- The reference to “waste” in the chemical name of a substance can be explained (see naming conventions for UVCBs)
- A recovery activity is often mentioned in the registrations where the substance identifiers includes “waste”
- This does not mean that the recovered material has reached the criteria for no-longer being waste
 - EU harmonised criteria (end-of-waste criteria or equivalent EU legislation) to be taken into account.
 - EU harmonised criteria do not cover the whole spectrum of wastes
 - National end-of-waste criteria might have been set in a Member State.

Recovered Substance and end-of waste criteria

- In the recovered process **the waste** must be legally entailed to cease to be a waste

Identification of recovered substances



The Guidance



Guidance on recovery

- Provides guidance on how to identify the substance(s) resulting from a recovery process
 - Acknowledges that mixtures can result from the recovery process
 - Highlights the need to consider the intention behind the presence of a chemical in the recovered material and its function
 - Pushes the responsibility back to the recyclers to decide on the status of the recovered material

“A recovery may result in the generation of one or several substances as such or in a mixture. It is up to the recovery operator to consider whether the material is a substance as such or contained in a mixture”

Guidance on recovery

- The “20%” rule provides guiding principles to find out whether a chemical in a recovered material is a substance or an “impurity”
 - If the chemical is present at $>20\%$, it should not be treated as an impurity
 - If the recovered material is intentionally selected for the presence of that chemical, it should not be treated as an impurity regardless of its concentration
 - If the chemical is present at $<20\%$, is unintended and does not provide any function, it can be treated as an impurity

Intention of the recovery

- Financial interest of operators undertaking recovery operations is mainly in processing waste
 - Recovering substances is typically a secondary revenue to processing waste (with some exceptions)
- Defining the substance(s) intended to be recovered can be arbitrary
 - The EWC only define the list of wastes (general description) and do not define the list of substances intended to be recovered
 - Substances providing a function (an added value?) to the recovered material are not necessarily described as being intended to be recovered

Substance identification is key for the exemption

How to do and to which extent, it depends on the steps/streams from wastes to (recovered) substances [case by case]

- The recovery operator can document/compile a report with:
 - Origin and type/composition/other properties/features of the treated wastes including analytical data
 - the main and relevant features of the recovery process, that may influence the identity of the recovered substance
 - identifiers, composition and its variability, analytical information about the recovered substance
- Relevant information regarding the identity of the substance already registered with information regarding the source of those data

Substance identification is key for the exemption

The **scientific report** should provide an **expert assessment** of how and why the recover operator could conclude on the substance sameness based on acquired information of the recovered substance, process applied and source (wastes) and on the information collected on the registered substance

KEY PRINCIPLES:

Guidance for identification and naming of substances under REACH and CLP

December 2016
Version 2.0

Take home messages on circular economy

- A reality for which the Commission has designed an ambitious implementation plan
 - Management of chemicals plays a central role
 - Opens also the doors to changes in business models
- > Building & Facilities management will change with the circular economy!

Thank you!

rossella.demi@echa.europa.eu

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