

Remissvar

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ECHA

Input on the task of ECHA to develop a database on articles containing Candidate List substances under the Waste Framework Directive

Summary

Jernkontoret welcomes the efforts the EU Commission is doing to close the information gaps along the recycling value chain. However, it is also important that any new system will be flexible and pragmatic enough not to create huge amount of administrative burdens for different stakeholders with unclear added value. For instance already existing legislation as REACH, RoHs, ELV and WEE Directives and voluntary measures for certain sectors should be considered. A thorough and detailed analysis of the impact of the suggested approach must be done before implementing the new database.

Article-centric approach

ECHA proposes a "article-centric approach" to implement the new notification obligations under the Waste Framework Directive. Do you find this as an appropriate way forward?

A "article-centric approach" will be very challenging for complex products. The recycling value chain depends on waste-origin and/or End-of-waste product type. The recycling value chain also consist of many steps including collecting and sorting different products and waste types. It is unlikely that waste treatment operators will have advantage from a huge database of all reported articles in complex products. Confirmation about no or very low concentration of some substances that should not be recycled should be sufficient. If that information is not available it would be more likely to make chemical analyses even if that also will depend on representativeness and often rather expensive analyses.

There is an unclear legal interaction between WFD and REACH which needs to be clarified. The proposed article-centric approach might counteract intellectual property rights and business confidentiality which must be considered.

Challenges

What would be, in your view, the main challenges to implement the proposed scenario?

To avoid very heavy administrative and bureaucratic burdens for industry and at the same time give real improvements for the recycling value chain. It will also be very challenging to both provide public information and at the same time fulfill requirements on intellectual property rights and business confidentiality.

Duty holders (article suppliers)

The legal text requires any supplier of an article containing a Candidate List substance to notify ECHA. Are there needs and practical means to tailor the notification system for the different roles in supply chains?

The system for submitting data and information should be user-friendly and flexible. Already existing voluntary systems in some sectors should be considered to reduce the risk for multiple register requirements. The ECHA system should be identical in different member states and the nomenclature and terminology should be global harmonized if possible.

Data submitter needs

Do data submitters have specific needs, which the Agency would have to take into account when designing the database and its submission interface?

It should be easy to transfer the data directly to the data base, with a user-friendly interface, compatible with most software solutions, possible to upload a very large number of different articles and to allow EU producers, importers and not EU-producers to register their data. The system must have a very robust and safe architecture, otherwise notifiers will probably choose to not use the system.

User needs

Do the expected users of the database have specific user needs, which the Agency would have to take into account when designing the database and its dissemination?

The database is meant to contribute to larger and higher quality recycling. But it is not clear whether the data base will support recyclers, manufactures, product designers etc. to reach this. Will the database for example be able to give information of a components' different life stages?

It already exists sector specific legal requirements in specific directives – e.g. EOLV and WEEE and it is unclear whether the database will contribute to a higher and safer recycling or for some sectors only become a duplication of systems.

Information requirements

Besides the substance name, which additional information should be submitted to support safe use and end-of-life stage of articles?

The substance name based on international standard nomenclature should be enough. Before introducing a binding SVHC database, waste management should be internationally standardized, so equal benefits for all involved stakeholders can be reached.

Any further comments?

The time schedule for the implementation of the new SVHC data base is very challenging and the impact of the new data base must be analyzed before implementing it.

The scope of the database should be limited to Candidate List substances only.

If the SVHC are bound in the articles and there is no risk of exposure for workers or consumers, the data base will give no additional benefit, or in the worst case be confusing.

The waste processors are bound to the specifications of the final recyclers. It means to be compliant to the requirements of the specifications of the final recyclers. In practice this means quality management systems including appropriate input and output quality controls. The database will not reduce these requirements and it is unclear if it will give any added value.

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