

EuChemS Note on the Circular Economy Consultation

The scope of this consultation is much broader than chemicals alone; however, there are regulatory implications for chemicals management. These relate to resolving potential tensions between chemicals regulation, specifically REACH, and EU waste legislation.

These tensions arise as a direct consequence of contaminants or impurities in recycled materials, which may be 'substances of high concern' (SVHCs). It is likely that recovered substances which contain SVHC contaminants, above a specified level, would require Authorisation under REACH. This, many believe, would drive formulators and manufacturers to use virgin or materials extracted from primary sources rather than to use substances recovered from waste because of the additional costs associated with Authorisation.

The use of recycled material may also have the potential disadvantage of keeping SVHCs in circulation. Depending on the concentration and nature of a specific SVHC in an existing product, recycling and material recovery may not be appropriate or advisable. However, where recycling is an appropriate option, it must be noted that a hazard-based approach to chemical control regulation could impact negatively on the environment and economic development. This is because any products or articles that contain even trace amounts of SVHCs, irrespective of the potential value of the recovered material, would be excluded from the circular economy. A hazard-based approach to controlling impurities in recycle could increase the demand for virgin material and extraction of primary material. It would also drive an increase in the need for incineration and landfill, processes currently used to deal with such waste streams.

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