



EuPR Newsletter

REACH and Plastic Recycling

The Regulation known as REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) is a European regulation which aims to control the use of chemicals and make them safer. The system relies on a flow of information through the supply chain to make this work, with manufacturers and importers (M/I) defining properties of the substances and preparations that they make and downstream users (DU) providing information on the use that they intend for the substance/preparation. Using this information the M/I prepares a registration dossier which includes a chemical safety assessment and the risk management measures necessary to ensure that the substance/preparation is safe for the intended use. Subsequently this information is used to prepare a safety data sheet which must include and Exposure Scenario if there are any substances of concern.

The problem for recyclers starts because waste is outside the scope of REACH. This means that recyclers are not downstream users, and therefore the flow of information does not extend to them. However, once the plastic has been recycled it comes back into the scope of REACH and its use must be supported by a chemical safety assessment to show it is safe to use.

There are two key issues for plastics recyclers that need to be resolved:

- How do they get the information needed to construct safety data sheets under REACH?
- Will they have to register the recycled material?

On the first issue **EuPR**, working in association with **EuPC** and **PlasticsEurope**, has proposed the use of generic information to enable the necessary safety assessment to be made for the recycled plastic, and has drafted a technical guidance note to support this. However, the European Commission has yet to rule on whether this will be acceptable. The alternative would be for a recycler to use technology to analyse the molecular structure of the material, but the cost of this could be ten times more than the value of the recycled pellet, so this would not be viable.

On the second issue, Article 2.7(d) of the legislation sets down some exemptions which could throw a lifeline to plastics recyclers. This states that recovered substances do not have to be registered if the "same" substance has been already registered by someone else and if the information is "available" to the recycler. The usefulness of this exemption depends on how the terms "same" and "available" will be interpreted by the Commission. For example, how "same" is same and can data from the internet count as "available" information?

For example, a reprocessor can demonstrate, that his PET pellets are safe to use because he knows what he has added during recycling and he can look on a website to find out what substances are used in the original manufacture of PET, but it is not clear if this approach will be supported by the Commission.

Even if generic safety data sheets are accepted and Article 2.7(d) is interpreted sufficiently broadly, the issue of registration presents another problem for recyclers. Some sub-

stances that have been used as additives in the past, e.g. for colouring and stabilization, may not be registered under REACH because they are no longer manufactured. However they will still be found in the recycled plastic where they are safely encapsulated. To deal with this the industry is asking for a specific exemption from registration. This is being sought under the amendment to Annex V of the regulation, which is currently being reviewed by the Commission.

If these initiatives fail to gain acceptance then this could have very serious consequences for plastics recycling. REACH is effectively conflicting with the various producer responsibility directives because it will stop a lot of recycling taking place. It is possible that plastics recycling across the UK and Europe will come to a stop and plastics will have to be shipped abroad for reprocessing, say to China, before being shipped back as manufactured articles.

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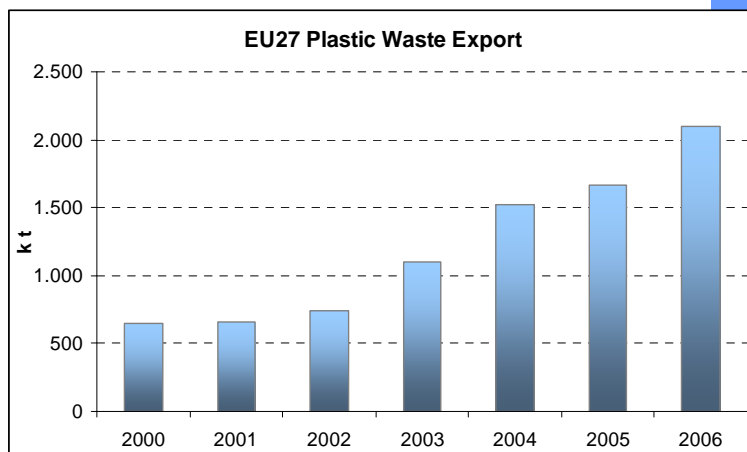
Mechanical Recycling Survey

EuPR, **PlasticsEurope** (Plastics producers) and **EuPC** (European plastics Converters) are undertaking an European survey on the whole plastic chain. **EuPR** is leading the mechanical recycling branch.

As difficult time for the industry (REACH for instance) are ahead, **EuPR** needs reliable data in order to voice strongly our industry towards the European Institutions.

This survey is of a primordial importance for the plastic industry and therefore **EuPR** counts on each single recycler to answer to it.

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EU27 Plastic Waste Export

Since 2000 the export of plastic waste from the EU has constantly increased. In 2006 the peak of 2.103 thousand tons has been reached. Most of this waste is directed to China (CH+HK) representing 88% of the waste export in 2006.

A forecast on the first five months of 2007 shows an increase of export. Nonetheless, the ban of export from the EU to China (Regulation (EC) No 801/2007) from July 2007 should modify the actual trend.

The European Commission published on 6 July 2007 the Regulation n° 801/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply. It has to be underlined that this regulation is in contradiction with the Note Verbale from China. The interpretation of the Note Verbale from China is that export of plastic scrap/waste is possible according to the procedure of prior written notification and consent. Following the above Regulation, export of most of the plastic waste to China is now forbidden.

The procedure laid down in the legislative text entailed a complete blockage of the export of large fractions of plastic waste in the EU.

Already after a few days of entry into force, this regulation caused enormous business losses for the European economic operator and loss of business for the EU. Because of this accidental mistake made, probably in the translation, plastics waste were being stored at harbors and piling up.

The new regulation that will substitute the July version was published in September/October 2007.

REACH Workshop for Plastics Recyclers

Date: 14 December 2007 - Time: from 10.30 till 15.30
Venue: *EuPC Centre*, Avenue de Cortenbergh 66, 1000 Bruxelles, BELGIUM

Further to the success of their first REACH workshop in Dublin on 27 May this year, the *EuPC Services REACHelpdesk* and the *European Plastics Recyclers Association (EuPR)* are organizing a second workshop aiming at answering all questions plastics recyclers may have related to the REACH Regulation.

This event taking place at the **EuPC Centre**, in **Brussels**, on **14 December 2007**, will focus on plastics **recyclers** concerns about the new **chemical regulation** which entered into force on 1 June this year.

EuPR President, Bernard Merx, will be chairing this workshop where EuPC Services REACHelpdesk top experts will clarify this complex piece of European legislation and give some **tips** and **advice** on how to **prepare for compliance**. The programme of this workshop is detailed as follows:

'Introduction to the REACH Regulation – Issues for Plastic Recyclers' by Walter Claes, HSE Director, EuPC

'Possible Solution to Overcome Recyclers Problems' by Mark Burstall, Chairman, BPF Recycling Council

'Lobbying Activities Update & Perspectives for Plastic Recycling' by Walter Claes and Mark Burstall

A parallel session including the following topics will also be organised for plastics converters:

'How Can Blow Moulders Prepare for REACH – Tasks and Time frame' by Elise Goedhart-van der Hout, SHE Manager, Federatie NRK

'REACH and the Food Contact Legislation' by Geoffroy Tillieux, Head of Technical Department, EuPC

To download the programme and registration form please EuPR's website <http://www.plasticsrecyclers.eu/news>.

When registering for this workshop, participants are invited to **send** all their **questions in advance** in order to have them **answered** by the speakers **during the workshop** either through their presentations or during the Questions & Answers sessions. All participants registered will be given **access to the list of questions** which have been asked as part of our workshops. Please **register before 7 December** to avoid disappointment.

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LabelAgriWaste

The EU funded project LabelAgriWaste, in which EuPC and **EuPR** are partners, has reached its first year and half of existence; the project will end in January 2009 with the aim to develop procedures to **label the agricultural plastic waste streams** in order to facilitate their routing to the best alternative processing and final disposal (in order to reach the best environmental friendly and economically); and to develop farming practices that will improve the quality of the waste.

In the interim meeting of June 2007, held in Montpellier, EuPC presented a legal analysis of the possible future labeling scheme; the analysis proposed a voluntary agreement in which on one hand the overall objective is to meet the needs of sustainable development, resource efficiency and environmental safety and on the other hand the specific objective is to meet the needs of the plastic chain and the users of plastic (i.e. farmers).

The parties of the proposed voluntary scheme are:

- Resin Producers, Additives producers, Plastic Converters, distributors, Farmers and recyclers
- External parties or controlling bodies:
 - European and National Public authorities and Audit companies

Based on the proposed agreement, the parties agree to reach certain levels (to be established) of collection and recycling of agriculture plastic waste; the collection of the agriculture plastic waste will be thoroughly analysed to meet the needs of the farmers and the recyclers; an annual report will be delivered every year, which will be made public; the technical specifications of the *agreement* system will be based on the results of LabelAgriWaste.

The next meeting of the consortium partners is foreseen in the month of January 2008 in Stuttgart.

For further information contact: antonino.furfari@eupr.org.

Calendar of events

- **13 December 2007, MC meeting, Brussels, Belgium**
- **13 December 2007, EuPR WGs meeting, Brussels**
- **14 December 2007, REACH Workshop for Recyclers, Brussels**
- **14 December 2007, General Assembly, Brussels**