

Waste Framework Directive database

WFD database workshop

22 October 2018



Agenda

- 13.00-13.15 Opening words (Bjorn Hansen, Executive Director)
- 13.15-14.15 Presentation of draft scenario and outcome of call for input
 - Role of the ECHA database in the circular economy (Ms. Silvija Aile, DG ENV, Commission)
 - Draft scenario for the database and outcome of the public call for input (Mr Rémi Lefèvre, ECHA)
- 14.15-15.00 Questions and answers
- 15.00-15.30 Coffee break

Agenda (2)

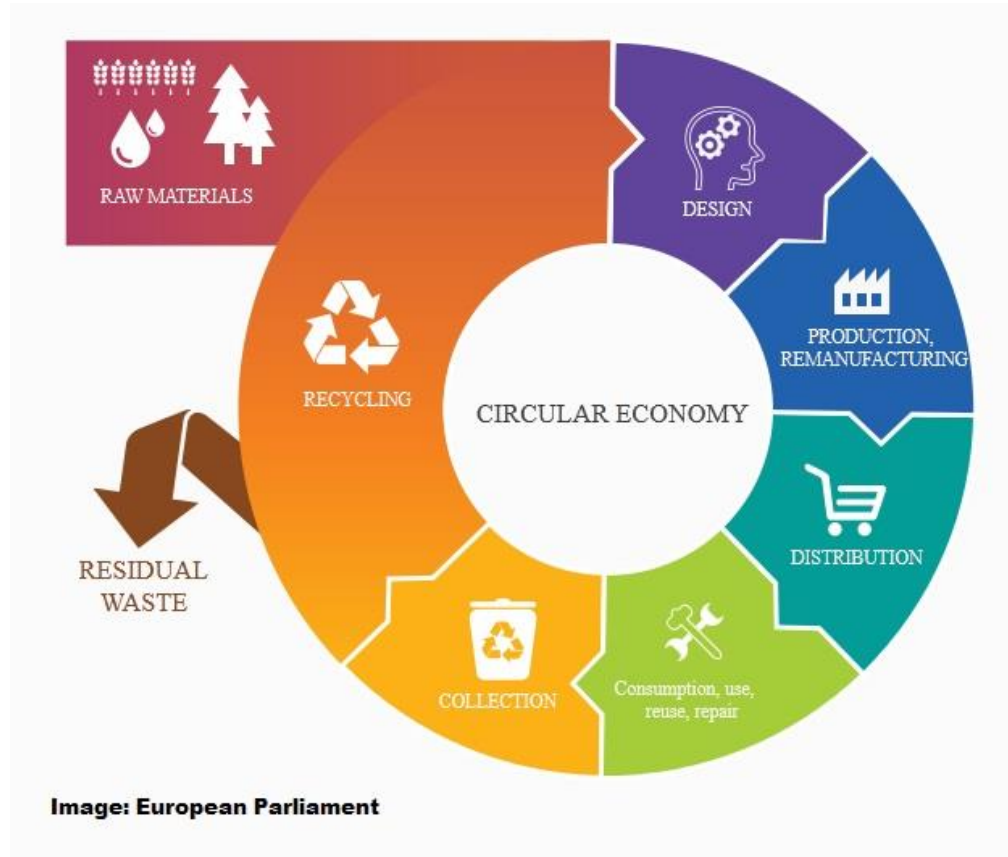
- 15.30-17.00 Break-out discussions on:
 - How to ensure the information flows
 - Dissemination: how to make the database useful for consumers and waste operators
 - How could the data be submitted
- 17.00-17.30 Report from the breakout groups by the chairs
- 17.30-18.00 Next steps
- 18.00-19.00 Reception



ECHA database and the circular economy

*European Commission
DG Environment, Waste Unit*

Policy context



- 7th EAP
- Circular economy Action Plan
- Communication on the Interface between chemicals, waste and products legislation
- EU Plastics Strategy
- REACH
- EU waste legislation

Legal context

- Directive (EU) 2018/851 amending the Waste Framework Directive
 - Reinforce the waste hierarchy
 - Facilitate recovery through decontamination
 - New Article 9 on waste prevention objectives/measures, including a new ECHA database
 - Extended producer responsibility – modulation of fees
- Outcome of the Interface between chemicals, waste and products legislation analysis & options
- Upcoming reviews of the Packaging and Packaging Waste Directive, the End-of-life vehicles Directive, the Batteries Directive. Ecodesign Directive



European
Commission

CIRCULAR ECONOMY

Closing the loop

CIRCULAR ECONOMY

Thank you!

Scenario for the WFD database and outcome of the call for input

WFD database workshop

22 October 2018

Rémi Lefèvre

Draft scenario on ECHA's database on articles under the Waste Framework Directive

Workshop on Waste Framework
Directive database

22 October 2018



Today's workshop: content and objectives

- Content:
 - Introduction
 - Key concepts in REACH
 - Public call for input (overview)
 - ECHA's draft scenario and input received
- Objectives:
 - to discuss the proposed scenario from **a practical point of view**: how to design and implement the new database in the most useful and efficient way, by the set deadlines?
 - **NOT** to discuss the policy issues and concerns

Introduction



Art. 9(2) of revised Waste Framework Directive (WFD):

1. To establish and maintain a database for information down in the supply chain on substances in articles



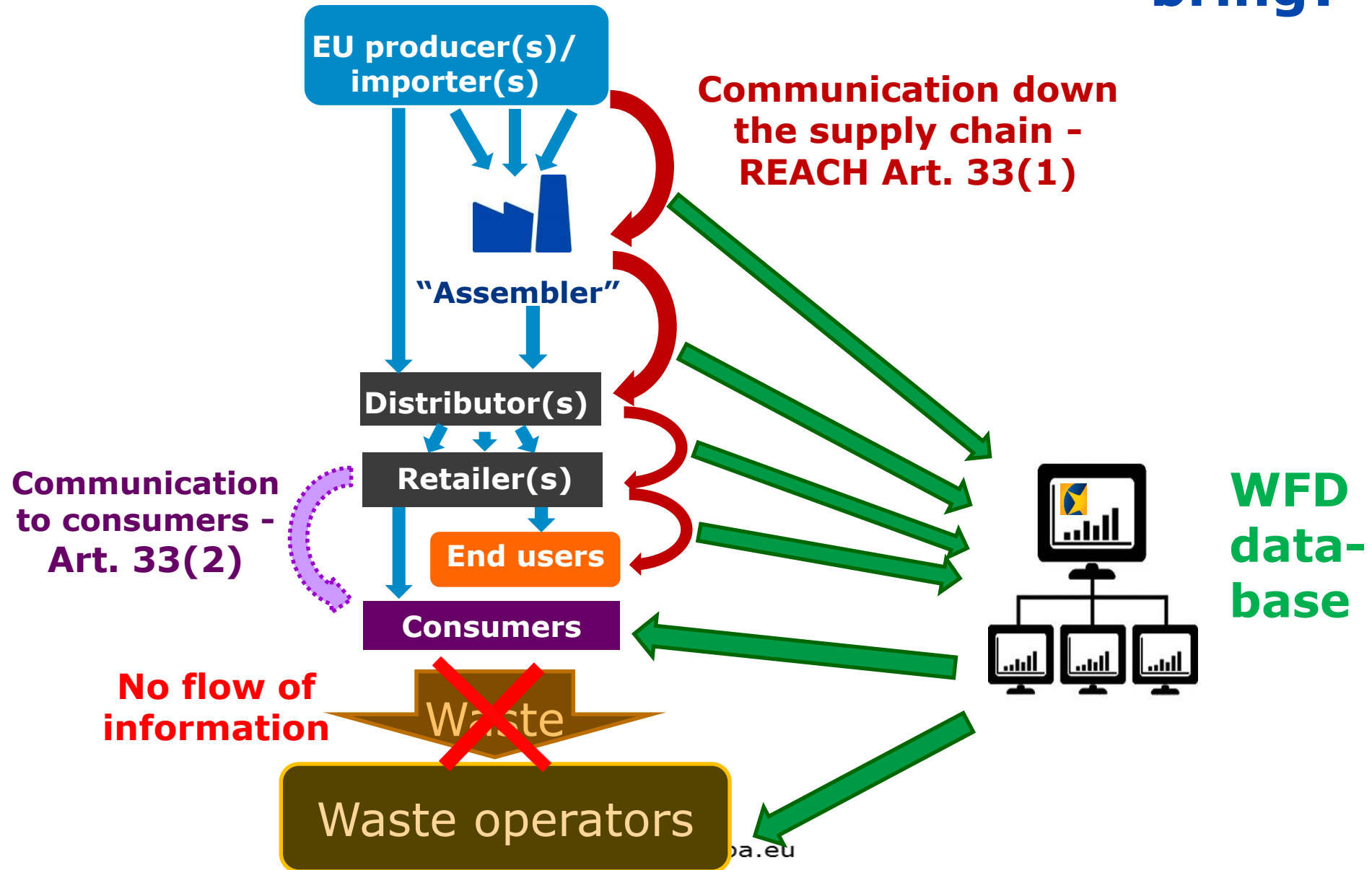
To **enable submission** of information by EU suppliers of articles

2. To provide access to the database to “waste treatment operators”, and to consumers (upon request)



To **make information available** to potential users

What will the WFD database bring?



- Legal:
 - **Article 9 of the revised WFD (Prevention of waste)**, which calls Member States to “1. (i) promote the reduction of the content of hazardous substances in materials and products”

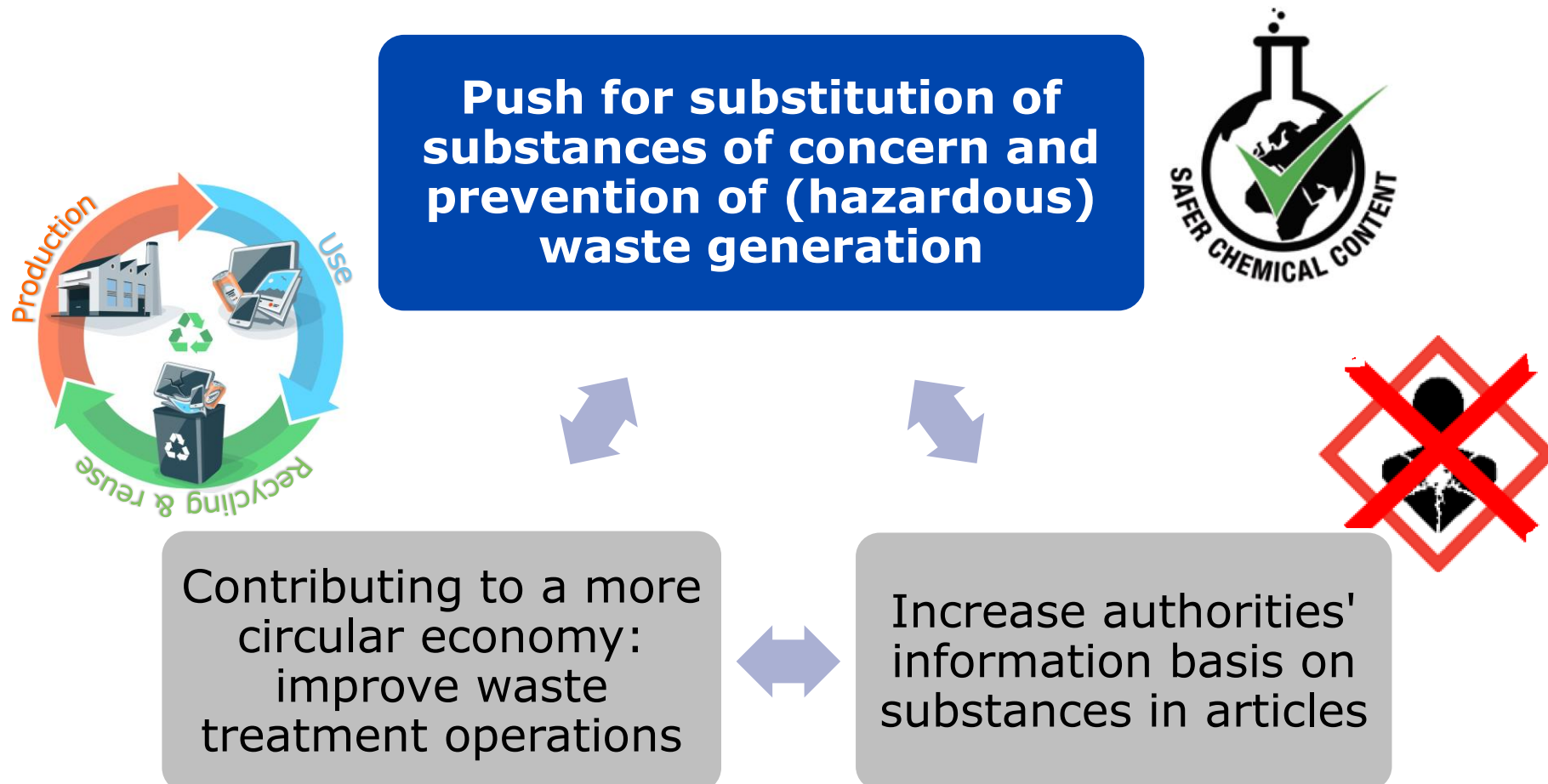
and

- **Art. 33 of REACH**, which is about **supply chain communication** on articles containing **Candidate List substances**, themselves defined under “Authorisation” which aim is to ensure the good functioning of the internal market while assuring that **the risks** from substances of very high concern **are properly controlled and that these substances are progressively replaced** by suitable alternative substances or technologies

- Initial consultations:
 - European Commission
 - Member States Competent Authorities for REACH and for Waste (June/July 2018 meetings + written contributions)
 - Targeted consultations with some stakeholders (written contributions, face-to-face meetings, phone conferences)
 - Public call for input

Objectives of the database

Reduce the content of hazardous substances in materials and products, including recycled materials



Potential users

Waste operators in

- collection
- dismantling/separating
- preparing for reuse, sorting and recycling
- disposal (landfill/incineration)



Consumers - as buyers and “waste producers”

But also:

- **Article suppliers:** importers, producers, distributors, retailers
- **Public authorities:** MSCAs, Commission, agencies (ECHA, EFSA, ...) dealing with chemicals, articles and waste

Key concepts from REACH



What is an article? (1)

Article (REACH, Art. 3(3)): an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition.



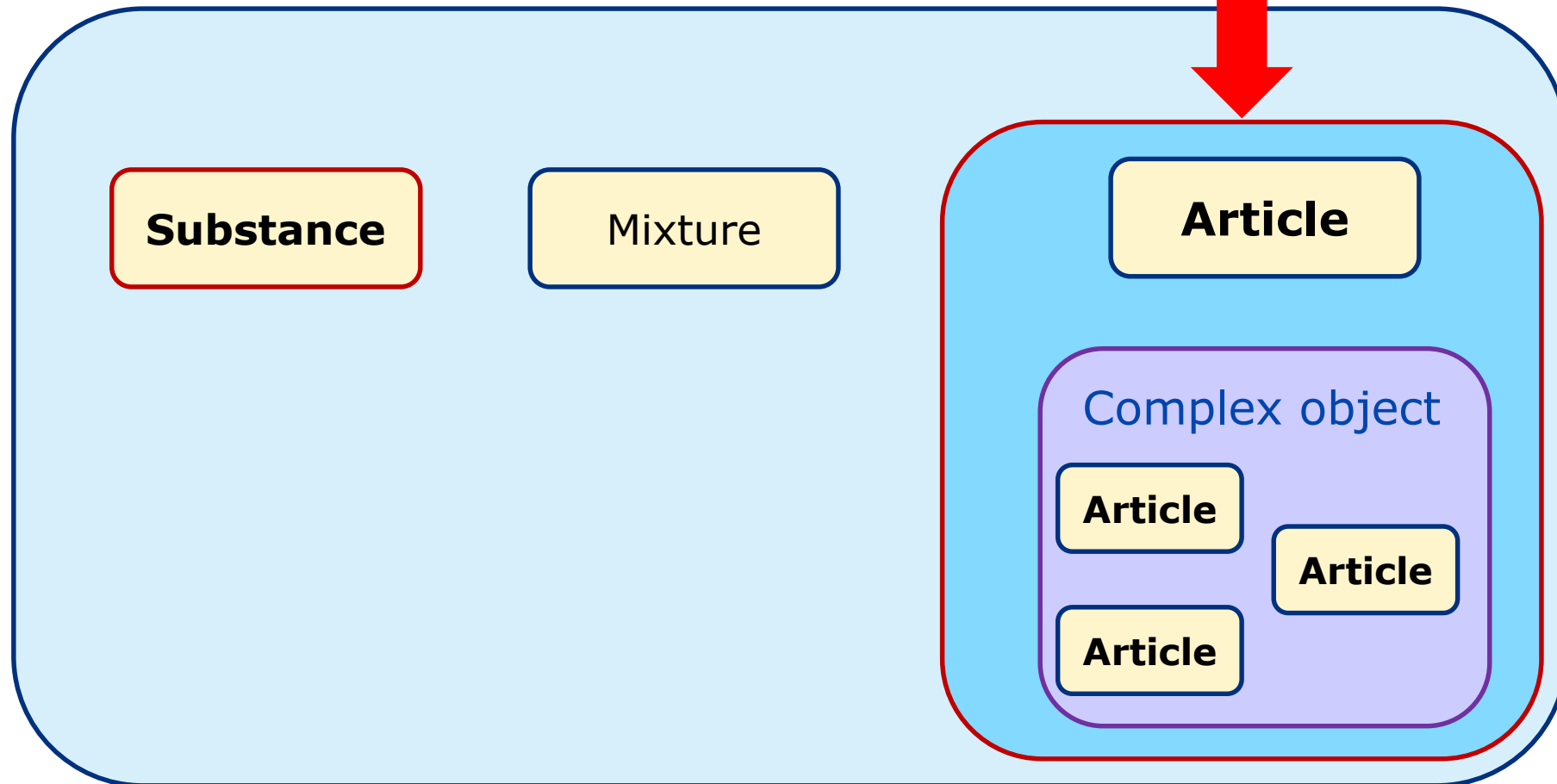
Objects may be made of two or more articles, which can be very complex... [**complex object**]



What is an article? (2) - terminology

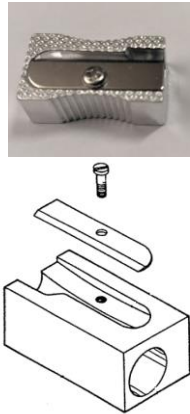
“product”

“Item”



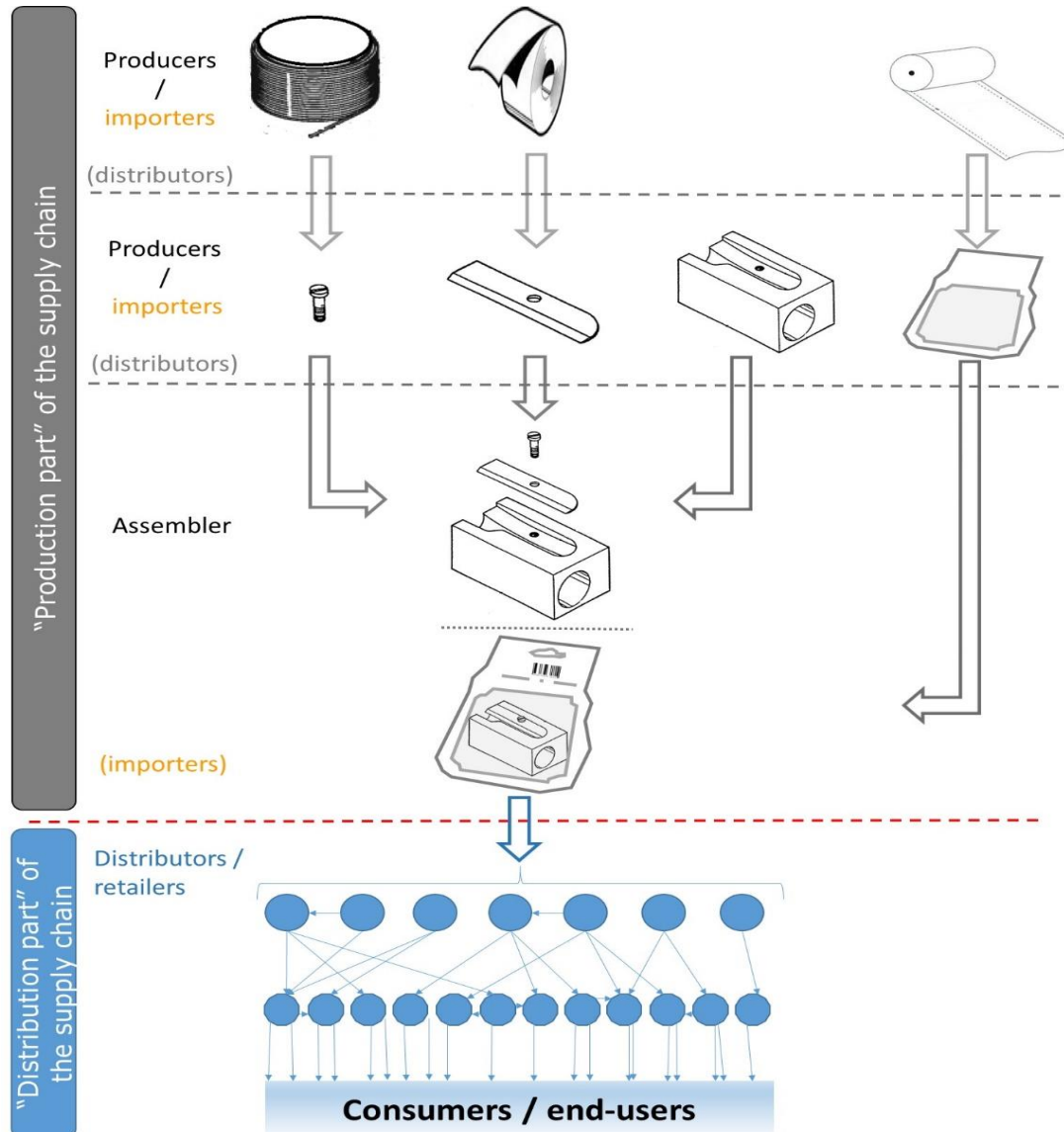
What is an article? (3) – Consequences on communication duties

Articles remain articles when incorporated in
“complex objects” (“O5A principle”)



 Communication obligations on Candidate List
substances in articles apply to every article
incorporated in a complex object

Duty holders: who are “suppliers of articles”?



- **importers** of articles/complex objects

- **EU producers** of articles

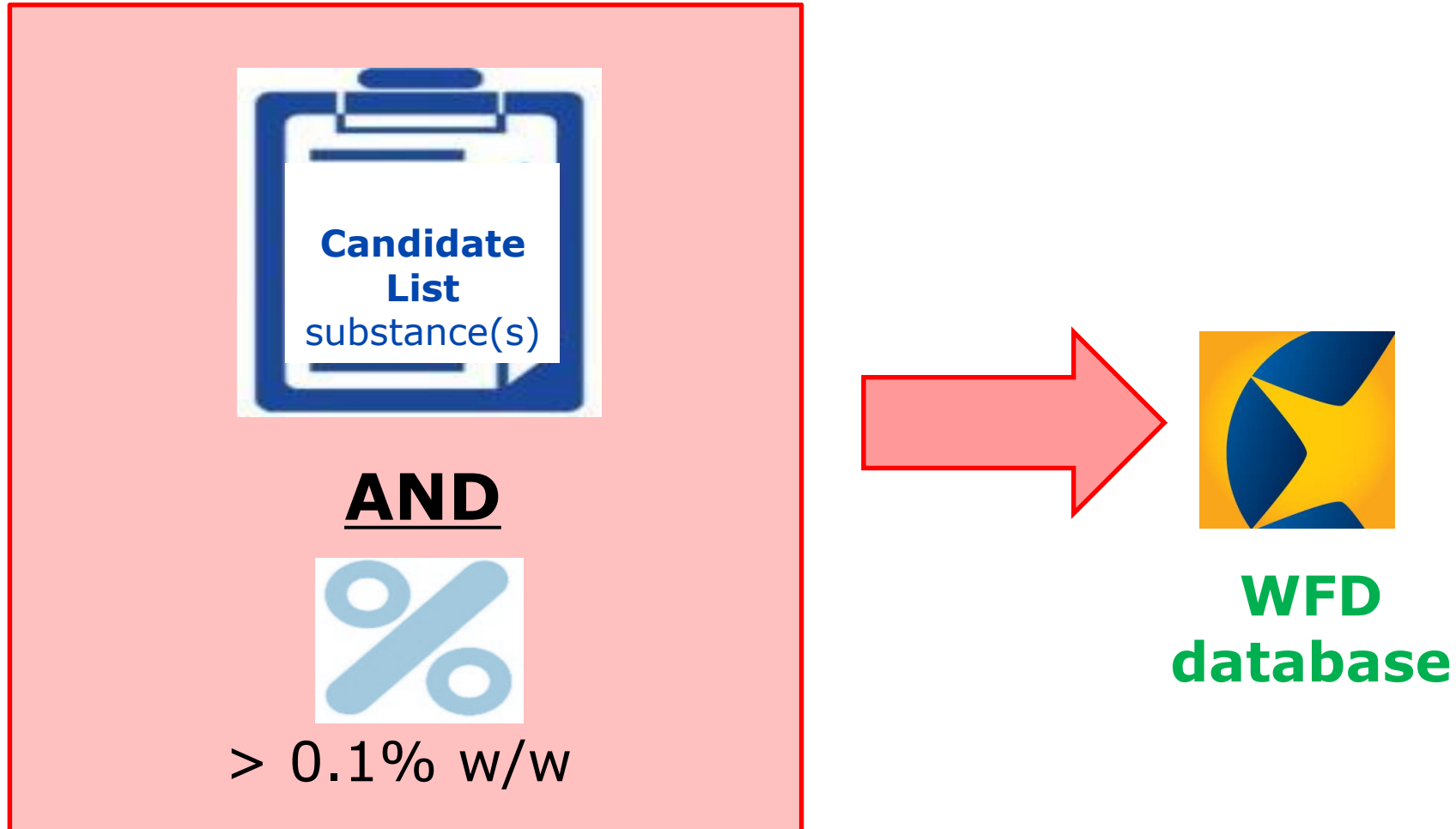
- **EU assemblers** of complex objects

- **EU distributors** of articles/complex objects

- **EU retailers** of articles/complex objects

When do duties apply under REACH (and WFD)?

Article



Public call for input



Overview

- Call for input via ECHA website between 20 September and 9 October 2018
- 116 answers received from 112 contributors in 12 EU MS, Norway, US, Japan, Canada, Mexico from different stakeholder groups, e.g.:
 - Industry (associations + individual companies)
 - Waste operators (associations + individual companies)
 - NGOs, academia
 - Providers of IT tools
 - Public authorities

General feedback

- There was no impact assessment
- Overlaps with other EU legislation (e.g. General Product Safety Directive, RoHS, WEEE, Ecodesign) and it does not follow Better Regulation Policy principles

- Enforcement & guarantee of a level playing field: difficult task in ensuring compliance of imported goods; lack of expertise and shortage of resources in Member States

- Keep it simple, flexible and easy to use, in particular for SMEs
- Should be available in all languages

- WFD database should be a simple repository of declarations, to be consulted by consumers and recyclers

ECHA's draft scenario & feedback received



6 elements of ECHA's draft scenario

1. Article-centric approach
2. Duty holders are any suppliers of articles
3. Use of a unique identifier
4. Information requirements
5. All the data received should be publicly available
6. Streamlined data submission and format

Element #1: Article-centric approach

Information

to be submitted to ECHA

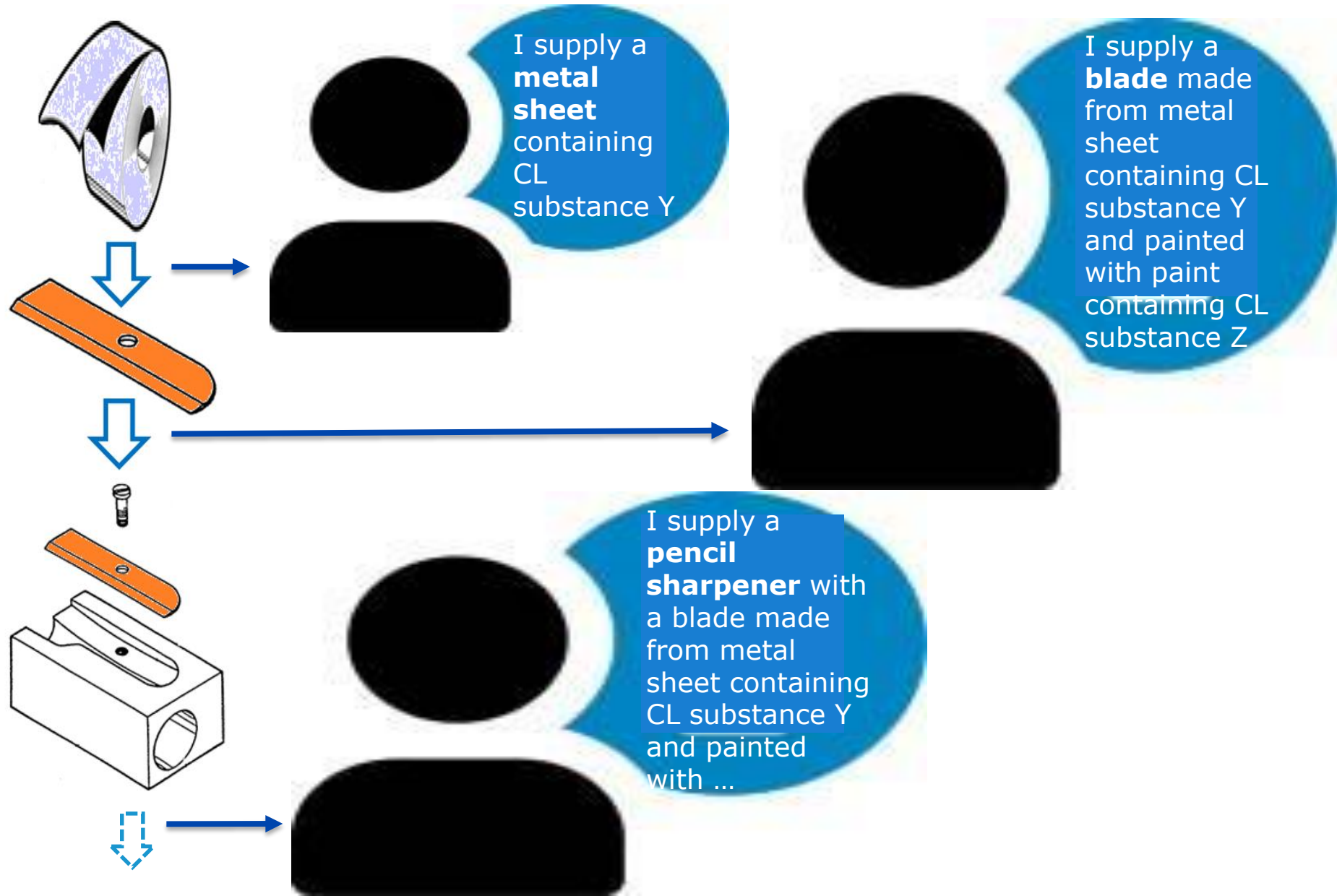
is structured around articles/complex objects

that are supplied in EU



REACH art. 7(2) notifications echa.europa.eu

Article-centric approach



- Principle: information on articles, as such or in a complex object (item), is generated - if needed, and submitted:
 - at each stage (composition / description / safe use instructions)
 - downstream actors **add-on** to the information communicated to them by their suppliers
- At the end of the supply chain, specific articles can be associated with the contained Candidate List substances and the specific complex object(s) they are part of

Feedback received

- Article-centric approach: mostly supported, but in very generic terms
- However, some:
 - disagree on the principle to collect information at article level, arguing it should be at product (item) level, or even at category/family level → *not in line with ECJ judgement*
 - challenge the usefulness of the information at article-level for consumers, waste operators, public authorities, including for substitution purposes
 - support the substance-centric approach, based on current practice

Element #2: duty holders are any supplier of articles

As based on the REACH definition and provisions, the new obligation to submit information to ECHA applies to any supplier of articles, i.e.:

- EU producers and importers of articles, separately or as part of complex objects, who then place them on the market
- “assemblers” that incorporate articles in complex objects and place them on the market
- distributors (including retailers, internet sellers)
- any other actors

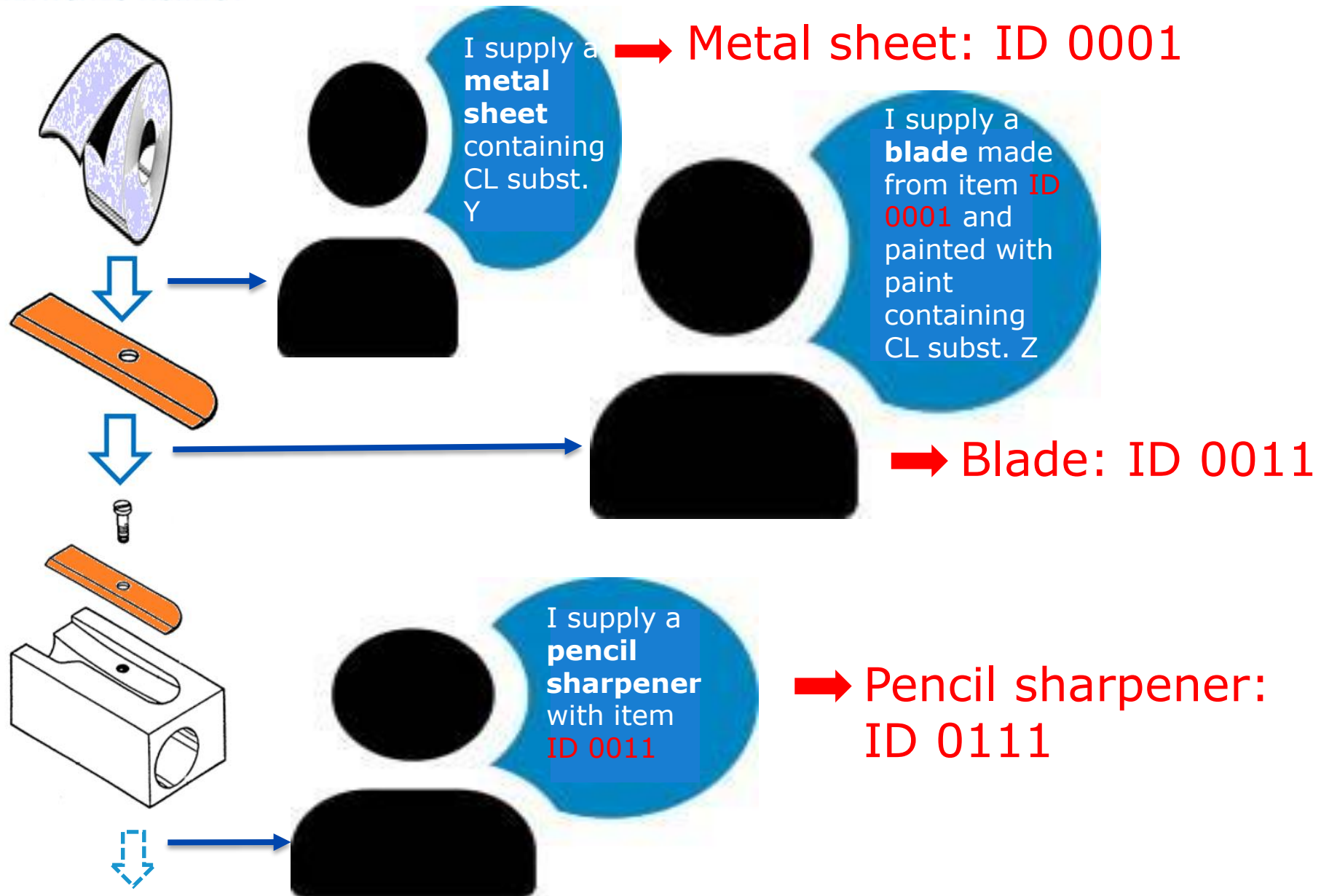
Feedback received

- Alternative suggestions, beyond the legal text:
 - The obligation should be restricted to producers/importers of articles – i.e. it should not apply to assemblers
 - The obligation should apply to suppliers of products as defined in Waste legislation (i.e. importer or producer of the final products – e.g. electrical and electronic equipment, batteries, vehicles)
- Allow non-EU suppliers of articles/complex objects to submit data
- Data submitted should not be duplicated

Element #3: use of a unique identifier

- Principle: a unique identifier is allocated to each item (article or complex object) and used in any further supply chain communication and submission to ECHA
- A **unique identifier generated by ECHA could be combined with other identifiers already** used by actors in the same supply chain

Unique identifier



Element #3: use of a unique identifier

The use of a unique identifier is expected to:

- **facilitate the communication** in the supply chain under REACH Art. 33 (easier referencing)
- enable the **access and referring to the information already submitted** by actors upwards in the supply chain and **add on** to it → lighter submissions / less duplications in the ECHA database
- enable **easier dissemination**
- contribute to increasing compliance

CONFIRMATION

- Unique ID could be a solution to avoid duplication of information

CHALLENGE

- How to avoid suppliers lower in the supply chain being blocked by previous actors not having entered their information?

CONCRETE PROPOSALS

- Proposals for generating the unique identifier, incl. (combination with) other identifiers:
 - Bar codes are only used for consumer items, not used for B2B communication (only component/part number)
 - Use existing identifiers rather than a new one


Element #4: Information requirements

Information required for Art. 33(1) purposes (from ECHA Guidance):


- **Name** of the Candidate List substance
- **Identification of the article** containing it
- Other information to enable **safe use** of articles at all life-cycle stages, including waste stage

Information requirements

What information is needed to each actor at the different stages of the supply chain to:

1. identify the article 
(in supply chains / in database)?

- identifiers
- description and categorisation (material / item)

2. ensure its safe use, incl. at waste stage? 

- concentration range
- "location" into complex objects
- instructions (i.p. for dismantling)

Feedback received

Waste operators (1)

- Feedback on waste operators needs:
 - to be able to find in the database aggregated data on **articles** as such **or** in **complex objects**, **by group**/waste stream (e.g. vehicles, electrical/electronic equipment, batteries, textiles)
 - to know the **basic material**/waste stream articles are made of/intended to enter in (e.g. plastic, metal, paper, fibre)
 - **instructions** for (safe) disassembly and proper treatment

Feedback received

Waste operators (2)

- Information may also help improving or developing **"cleaning" technologies** to **remove Candidate List substances** (contaminants) from waste to be recycled
- General feedback from Industry on waste operators' needs: no need for detailed data

Feedback received – Consumers

Feedback on consumer (and end-users) needs:

- to identify exactly which articles as such or in complex objects contain Candidate List substances to make informed purchasing choices
- separation and adequate disposal of the waste resulting from articles

NGOs and national authorities can use aggregated data to raise awareness and advise consumers (i.e. which type of articles – e.g. sofas, clothing,... - can contain what type of substances of concern)

Information requirements - Summary

Information needs:

- to be useful to **waste operators**, the data should allow aggregation by e.g. item and material categories
- for **consumers** a clear identification of the exact item placed on the market is needed
 - ⇒ through a recognisable identifier (e.g. bar code)
[development of consumer-directed tools (e.g. apps)]
 - ⇒ **search in the database by e.g. item category**, including brand name

However, feedback shows **concerns about the burden to adapt existing tools** to cover material- and item-based categorisations

Element #5: all the data received is made publicly available

Feedback received: **many concerns** about confidential business information



Clarifications on ECHA's draft scenario:

- **Links between actors** in the same supply chain **will not be made publicly available**
- We **strive not to request confidential information**
- Publication of the information as received
 - Quality of the data: the **responsibility for** submitting **accurate data** remains with **each duty holder**

Element #6: streamlined data submission and format

- The data will be submitted in a structured and standardised way.
- ECHA will make available harmonised EU-wide format and submission tools.

Data flow

Data submission

Manual
upload of
file

Manual
preparation
online



System to
System



Data storage



Dissemination



Waste
operators



Consumers

Discussion



Today's aim

- The main focus of today's workshop should be on **practical next steps and solutions**. This is a unique opportunity for all of us to be on the same room to discuss how to make it.
- Not all can be discussed and solved during this workshop... but it should pave the way for the next steps. We will come back to this later today.
- All the feedback received so far and during this workshop will feed into our further development of the database.

Thank you!

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Breakout groups

- After coffee break, go straight to your chosen breakout group
- Group 1A in room K176
- Other groups in this meeting room



Report from the breakout groups

By breakout group moderator/rapporteur



Next steps

WFD database workshop

22 October 2018

Jack de Bruijn

Finalise the database requirements

- An updated scenario for the database will be developed, based on:
 - Workshop outcome
 - Comments received during the public call for input
 - Further discussions with Member States and Commission
- Regular reporting to CARACAL and Waste Expert Group
- Discussion on ways to secure resources to develop and maintain the database are ongoing

Expression of interest for further input

- Strong need to further develop article identification and article categorisation: expression of interest to join technical focus group
- From concepting to IT development: expression of interest to join an IT user group
- If interested, write to wfd@echa.europa.eu by 9 November 2018

Thank you!

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