

8 October 2018

Subject: ETRMA reply to ECHA's Call for input on the task to develop a database on articles containing Candidate List substances under the Waste Framework Directive

Rubber is a versatile material flexible and resistant used for many applications. The industry producing rubber in Europe is organised in two main blocks. The most visible and known is Tyres present in vehicles. The other is the General Rubber Goods (GRG) sector, whose products are part of more complex products in mainly the automotive and transport sector 63%, the industrial appliances sector 10% and house applications 10% sector. The majority of the GRG sector are small medium size companies, SMEs. ETRMA, European Tyre and Rubber Manufacturers' Association, represents whole European rubber sector, with overall more than 6000 companies in EU28, employing 360.000 individuals and supports another 800000 jobs in related sectors.

In general, ETRMA supports the declaration of relevant information to recyclers about Substances of Concern and Substances of Very High Concern present in products above a defined concentration threshold.

According to the ECHA's Draft scenario for the database on articles containing candidate list substances, the objectives pursued are quoted "1. *Decrease hazardous waste generation by supporting the substitution of substances of concern in articles, placed on the EU market; 2. Allow authorities to monitor the use of substances of concern in articles and initiate appropriate actions over the whole life cycle of articles; 3. Provide information to further improve waste treatment operations.*"

On the one hand, it is not clear in the document by which mechanisms the institution of such a database will support substitution, and thus, decrease generation of hazardous waste. On the other hand, some aspects are extremely preoccupying:

- The *article-centric* approach proposed in the database would generate large amount of data article-by-article, part-by-part and there **is limited need for such highly detailed information**. In our experience, the information needed to guarantee a safe use of **well established recycling value chain**, does not necessary entails the presence or not of SHVC, but rather information is needed on the **risk any hazardous substance** may pose, for workers and users of the recycled material. To this end, the anticipated burden for the industries could be disproportionate and particularly challenging of SMEs. Sectors differ in their size, complexity and processes and recycling values chains differs too. The **information needed to offer an end-of-life solution for complex products goes beyond the presence of SVHC** is each spare part. We fail to see how the proposed data base, a '**one-size-fits-all**' solution, that it is addressed to all products, and all sectors, would be of any help to boost the decontamination of recycling chains, as stated on the ECHA's technical paper.
- ECHA's proposal will allow free access to the database to consumers and waste operators. This goes a step further than the request of Art. 9 of the Waste Framework Directive, WFD, that only requires to provide this information to consumers *up on request*. **The information needed in order to process end of life products is substantially different that the information consumers' need.** Consumers deserve information beyond obligations or Art 33 of REACH, that offers a holistic approach on whether the substances is accessible from the products, and whether this substance would pose a risk for users of the product. A *database entry* will lack of the overall picture and potentially create an unfounded societal concern.

It is then essential to perform an **impact assessment** that balances the cost and the benefits of the proposed database, never done nor proposed by regulators so far.

In closing, ETRMA supports the declaration of relevant information to recyclers about Substances of Concern and Substances of Very High Concern present in products above a defined concentration threshold. However, this approach should be aligned with Good Practices between suppliers and end use markets already implemented in our sector, and should use a structured reporting format. The information needed on good practices is beyond sharing information on content by weight of substances in a database.