



Genesis of Reg. 997/2017 and its impact on European recycling industry and in cross-border waste shipments

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EuRIC at a glance

The European Recycling Industries Confederation (EuRIC) brings together [recycling federations](#) from 20 EU & EFTA Member States and represents:

- 5,500+ companies, many of them SMEs.
- 300,000 local jobs.
- 150 million tons of waste recycled/year.
- An annual turnover of about €95 billion.



EuRIC works to :

- Promote the benefits of recycling for the society & the economy
- Support European and National policies fostering recycling
- Strive for competitive European recycling industries



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Verband Deutscher
Metallhändler e.V.
Handel Recycling Produktion

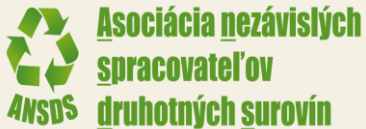


www.bar-bg.org

BMRA
www.recyclemetals.org



Återvinnings
industrierna





INTRODUCTION OF EuRIC OUR STRUCTURE

EuRIC us a multi-material recycling industry organisation

EuRIC ERA WG
Executive
Directors from
all Members

EuRIC
Umbrella Organization
Cross Material Issues

**Eur. Tyre
Recycling
Association**
ETRA



**Ferrous
Recycling
Branch**
(EFR)

EFR ESG



**Non-Ferrous
Recycling
Branch**
(EUROMETREC)

WEEE Group



**Paper
Recycling
Branch**
(ERPA)

**Plastics
Branch**

TF Waste & Chemicals



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Structure of the presentation

- Legislative background
 - ✓ Waste Framework Directive (WFD) – Annex III
 - ✓ List of Waste (LoW)
- Institutional aspects
- Study carried out by Bio by Deloitte & Ineris
- Concerns channelled by the recycling industry on the impacts of HP 14 on the classification of shredder residues
- Regulation 997/2017 of the European Commission...

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Genesis of Reg. 997/2017... Starting from the beginning

**DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 19 November 2008
on waste and repealing certain Directives
(Text with EEA relevance)**

ANNEX III

PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

HP 14 'Ecotoxic:' waste which presents or may present immediate or delayed risks for one or more sectors of the environment.

~~Hazardous Property (HP) 14 assessed on the basis of criteria set in Dir. 67/548/EEC replaced by CLP Regulation 1272/2008~~

Annex of the WFD amended by Reg. 1357 / 2014 excl. the definition of HP 14. (no valid criteria available) and its alignment with the CLP Reg.

- Study to be carried out...
- Served as a basis for the Commission proposed Regulation (2017/997)

COMMISSION DECISION

of 3 May 2000

19 10 03*

fluff-light fraction and dust containing hazardous substances

replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

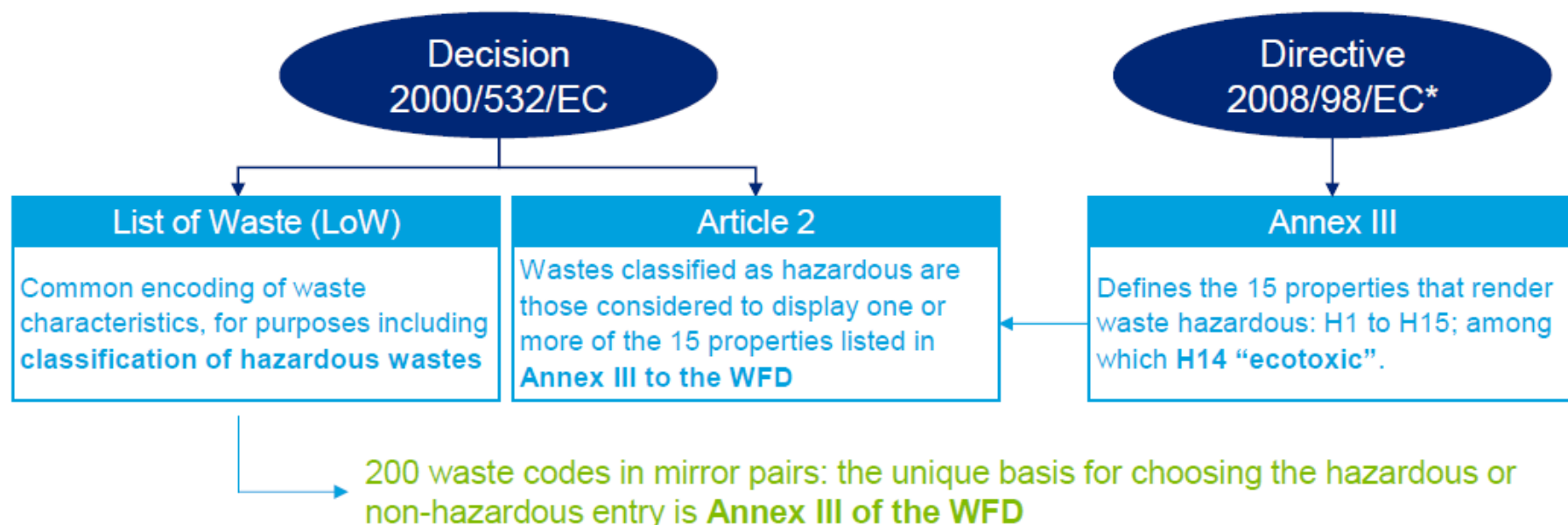
19 10 04

fluff-light fraction and dust other than those mentioned in 19 10 03

List based approach still prevailing in waste legislation, except for mirror entries* under the List of Waste (LoW)

Context of the project

Regulatory framework governing classification of waste in the EU



Definition of mirror pairs:

Pairs of entries of the LoW of which one waste may be classified as hazardous or non-hazardous depending on the type and concentration of the hazardous substances it contains.

Waste codes	Name of waste
19 01 11*	Bottom ash and slag containing dangerous substances
19 01 12	Bottom ash and slag other than those mentioned in 19 01 11

*The Waste Framework Directive (WFD)

Institutional aspects

- | | |
|---|--|
| <ul style="list-style-type: none">➤ Comitology procedure✓ Key role of the « TAC »
➤ « Non-essential elements of this Directive »
➤ After the completion of the Study, procedure offering little opportunities to provide comments reflecting the challenges identified by the industry | <ul style="list-style-type: none">➤ ≠ ordinary legislative procedure
➤ Relative concept = The devil is in the details
➤ The key: work as a network to provide robust inputs throughout the decision-making process to the Eur. Commission & Member States |
|---|--|

2. On the basis of the conditions laid down in paragraph 1, measures may be adopted to determine the criteria to be met for specific substances or objects to be regarded as a by-product and not as waste referred to in point (1) of Article 3. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 39(2).

Study carried out by Bio by Deloitte & Ineris



Study to assess the impacts of different classification approaches for hazard property "H 14" on selected waste streams

Workshop

Brussels, 20th April 2015



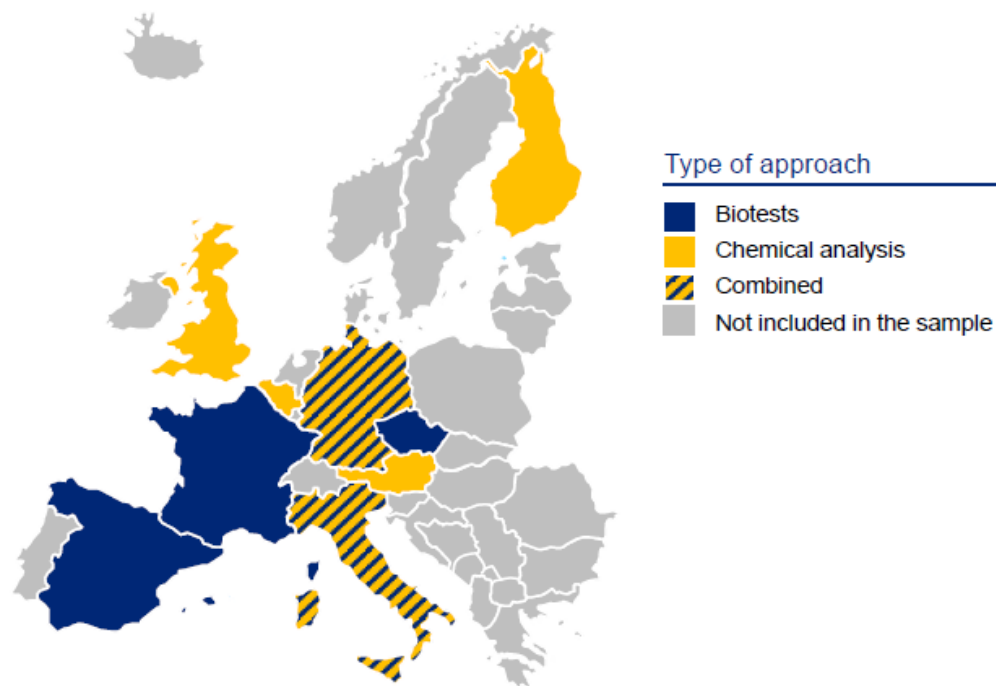
- Map the classification approaches for HP 14 in different M.S.
- Propose different calculation methods to assess HP 14
- Assess the impacts on different waste streams of the classification approaches suggested



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Study carried out by Bio by Deloitte & Ineris

Approaches for the assessment of HP 14 in the nine studied Member States



- No harmonised approaches to assess HP 14

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Overview of the four calculation methods

<p style="text-align: center;">Method 1</p> <p style="text-align: center;">IF: $c(H420) \geq 0.1\%$ OR $\Sigma c(H400) \geq 25\%$ OR $(100 \times \Sigma c(H410)) + (10 \times \Sigma c(H411)) + (\Sigma c(H412)) \geq 25\%$ OR $\Sigma c(H410) + \Sigma c(H411) + \Sigma c(H412) + \Sigma c(H413) \geq 25\%$</p> <p style="text-align: center;">→ waste hazardous</p>	<p style="text-align: center;">Method 2</p> <p style="text-align: center;">IF: $c(H420) \geq 0.1\%$ OR If $c(H400) \geq 0.1/M\%$ and $\Sigma(c(H400 \times M)) \geq 25\%$ OR If $c(H410) \geq 0.1/M\%$ and $c(H411) \geq 1\%$ and $\Sigma(M \times 10 \times c(H410)) + \Sigma c(H411) \geq 25\%$</p> <p style="text-align: center;">→ waste hazardous</p>
<p style="text-align: center;">Method 3</p> <p style="text-align: center;">IF: $c(H420) \geq 0.1\%$ OR $\Sigma(c(H410)) \geq 0.1\%$ OR $\Sigma(c(H411)) \geq 2.5\%$ OR $\Sigma(c(H412)) \geq 25\%$ OR $\Sigma(c(H413)) \geq 25\%$</p> <p style="text-align: center;">→ waste hazardous</p>	<p style="text-align: center;">Method 4</p> <p style="text-align: center;">IF: $c(H420) \geq 0.1\%$ OR $\Sigma(c(H410)) \geq 2.5/M\%$ OR $\Sigma(c(H411)) \geq 2.5\%$</p> <p style="text-align: center;">→ waste hazardous</p>

➤ Calculation methods based on chemicals analysis

- **Method 3 and 4 :**
Acute category 1 (H400) classification not considered
- **Method 2 and 4 :**
Chronic category 3 and 4 (H412/H413) not considered
Only method that allows M factor consideration: usually the most severe in case of factor M availability

Concerns shared by the recycling industry

Comments focusing on shredder-light fraction and dust from shredding of metal containing waste (19 10 03* / 19 10 04)

- ✓ Fluff-light fractions and dust from metal shredding is typically a highly complex solid waste stream including numerous fractions
- ✓ Acknowledged limits of “Approaches based on chemical analysis [which] are easy and satisfactory for well-defined samples” whilst “uncertainties regarding the composition of waste is the main limit of approaches based on chemical analysis”;
- ✓ Limited dataset for fluff-light fraction (11 samples)
- ✓ Far-reaching consequences of a reclassification of shredder residues based on a calculation method not suited to their intrinsic properties
- ✓ More suited “Biotests (...) are useful in assessing very complex matrices, having many constituents, which are very difficult or impossible to be determined by chemical analysis;”

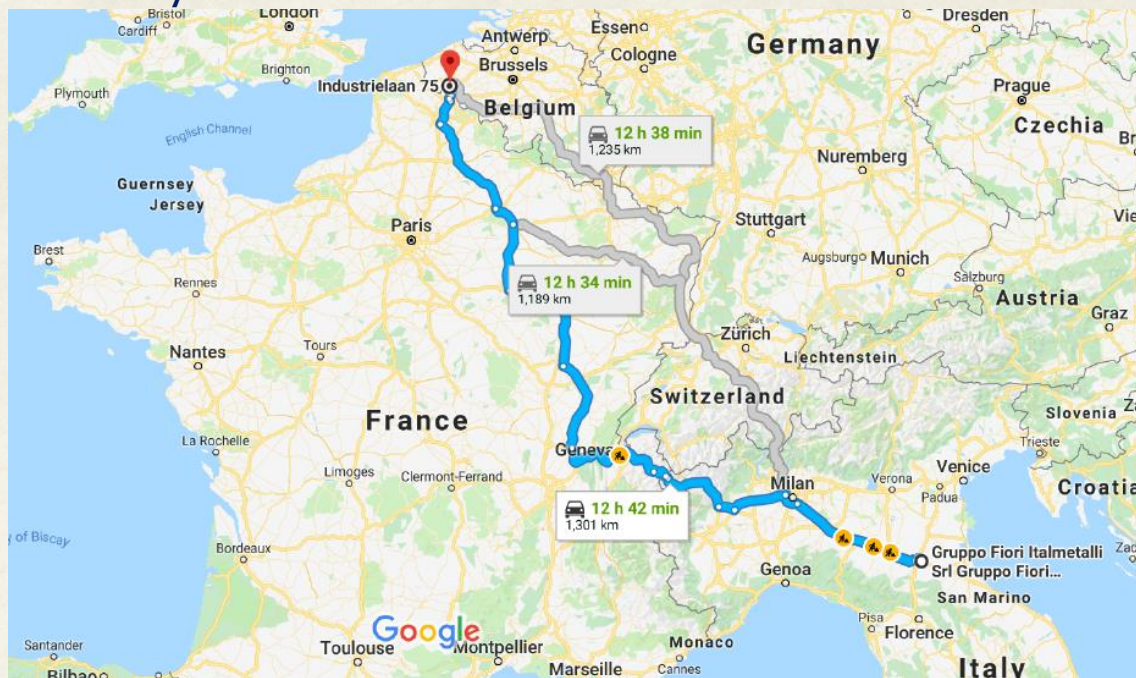
➤ **Key to ensure that tests can be used to assess HP 14 and will prevail in case of diverging results over chemical analysis as per the LoW**



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Impact on waste shipments

- Waste classification (Non-HZ / HZ) determines the type of procedures to ship waste (Annex VII / Notification procedure notably)
- Harmonised classification is key for recycling operators' legal certainty to move towards a genuine internal market for recycling which is indispensable to a circular economy



Instrumental to avoid diverging classifications of shredder light fractions across Europe

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The future...