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Joint industry position paper regarding the Waste Framework Directive Database

The Circular Economy (CE) strategy and its related measures, such as the recent European Commission communication on the interface between chemicals, products and waste, is an important initiative, for both society and industry. Its ultimate aim is the sustainable use of resources through the entire product lifecycle, which is an aim the above signatory industries fully support.

For the reasons explained in this paper, the signatory industries strongly believe that the database (DB) will not achieve its intended objectives to support the CE. In addition, the ECHA proposal will not be workable for industry nor enforceable by authorities. Instead we call for an approach that allows different, flexible and effective CE solutions tailored to the specific circumstances of each industry sector, depending on the complexity and durability of their products.

These industries represent the majority of EU article manufacturers, assemblers, importers and distributors, with wide variety in size, use base and complexity of processes and products. Due to this wide variety and diversity a tailored approach is required not only for technical solutions but also regarding legislative measures.

This fundamental principle also applies to the DB on REACH Article 33 information which now has become a legal requirement under Art.9 of the Waste Framework Directive (WFD). Both the legal text of the WFD and the recent proposals made by ECHA on content, function and structure of the DB however imply the idea of a 'one-size-fits-all' solution.

It is the strong belief of the signing associations that such approach is too unspecific and will turn out being both not target-oriented and impracticable and thus cannot be expected to fulfill the objectives of the CE.

Instead, an alternative and focused approach is needed, allowing individual sector-specific solutions, which should take into account the complexity and durability of products.

In summary, the signatory industries are generally concerned that the WFD DB, based on the recent proposals made by ECHA on content, function and structure:

- Became mandatory without any impact assessment considering other – and potentially better – alternatives to achieve the same CE goals, contravening the EU Better Regulation agenda.
- Will not help the recycling business as the highly detailed level of information is deemed to be overwhelming.
- Is impractical, especially for complex products.
- Will cause serious Confidential Business Information (CBI) concerns by generating full transparency of supply chains as well as parts structures, resulting in a high risk of future misuse. The protection of European Intellectual Rights is crucial for the competitiveness of European companies.
- Will lead to disproportionate burden across all industry sectors without contributing to the objectives of the CE.
- Will make redundant many existing processes and tools to collect information on substances in articles, due to significant incompatibilities, wasting significant industry investments made to date.
- Will increase costs and impair the competitiveness of EU industry as a whole, most especially for EU-based Small and Medium-sized Enterprises (SMEs).
- Will not provide accurate substance information to waste operators since maintenance and repair activities, third party parts (accessorizing), and product use will change a product from its original state throughout the use phase.

In addition, we are concerned that the proposed additional information, notably the unique identifiers, or the reporting of certain materials and concentration bands:

- Is too detailed and goes far beyond the legal provisions of Article 9.1 of the revised WFD in combination with Articles 7(2) and 33(1) of the REACH Regulation.
- Would anyway add only small benefit to waste operators using the WFD DB.
- Places unnecessary burdens on industry in order to manage the new unique identifiers which are proposed only to solve minor issues in data evaluation (i.e. to avoid multiple notifications).
- Puts supply chains at risk of non-compliance because these additional, not legally required data are very difficult to collect, especially from non-EU suppliers and in particular for SMEs.
- Will require very costly updated configuration of parts data management systems, supply chain management systems, inventory management systems, and quality management systems, across the worldwide supply chain, which is likely to endanger ongoing compliance and competitiveness.
- Will lead to collection of extensive data in new formats that has already been collected over many years in such current Substance-in-Articles (SiA) systems, and which will become obsolete.

The above arguments are of particular relevance for the group of complex and durable products, since the efforts for data generation are disproportionate and the usefulness of the information is limited.

This also is backed by several comments made by the recycling sector saying that too much and too detailed information, especially on complex products, is overwhelming and will not be used in practice. As a matter of fact, the waste sector cannot economically manage the increased level of data that ECHA proposes¹; it is not consistent with their business processes. Should they be expected to manage and respond to the level of details proposed, then recycled materials will be economically unviable, contrary to the interests of the CE.

Our industries are confident that the aims of the Circular Economy will most efficiently be achieved through investment in research and further development of recycling technologies and analytical/testing methods, as well as with new partnerships in the value chain to enable new circular production models, rather than into the proposed database. This innovative way forward will provide ecological and socio-economic benefits.

In addition, rather than developing new approaches we suggest making use and optimize already existing solutions such as the Waste Catalogue and specific sectorial approaches.

We would be happy to elaborate further on each of the above points in detail. We are looking forward to an open discussion to jointly achieve the objectives of CE for the sake of the environment and a sustainable EU business.

¹ https://www.euric-aisbl.eu/images/PDF/EuRIC-Position_ECHA-Database-18.09.2018.pdf