Resolution on implementation of the circular economy package: options to address the interface between chemical, product and waste legislation

2018/2589(RSP) - 13/09/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 414 votes to 213 with 8 abstentions a resolution tabled by the Committee on the Environment, Public Health and Food Safety on implementation of the circular economy package: options to address the interface between chemical, product and waste legislation.

General considerations: stating that it supported the overarching vision put forward by the Commission communication of 16 January 2018, as well as the consultation process, Parliament expected **swift action** in order to tackle the 'interface' problems. The Commission's **primary aims** should be to:

- prevent hazardous chemicals from entering the material cycle,
- achieve full consistency between the laws implementing waste and chemicals policies and to ensure better implementation of current legislation;
- address those regulatory gaps that could act as barriers to a sustainable EU circular economy including, in particular, with respect to imported articles.

Members stressed the need for a **strict application of the waste hierarchy** and **phasing out substances of concern.** Regulatory activities to **promote the substitution of substances of very high concern** and to **restrict substances** that pose unacceptable risks to human health in the context of REACH should be stepped up. The specific case of SME's should be taken into account when taking action.

Insufficient information about substances of concern in products and waste: Members underlined that **all substances of concern should be tracked** as soon as possible, and that information relating to these substances, should be made fully available to all those involved in the supply chain, to recyclers and to the public. The tracking system should also encompass **all products imported into the Union** that may contain substances of concern, with particular reference to non-registered substances in imported articles. Parliament stressed that deeper collaboration related to imported articles is needed at international level, with actors such as the United Nations Environment Programme (UNEP), third countries facing similar challenges with imported articles, and exporting countries. It called on the European Chemicals Agency (ECHA) to step up its efforts in the context of REACH (compliance check of registration), to ensure that no market access is granted to chemicals with noncompliant registration dossiers.

Parliament also wanted to ensure that by 2020, all relevant substances of very high concern, including substances that meet the equivalent level of concern criterion, such as **endocrine disruptors and sensitisers**, are placed on the REACH candidate list, as laid down in the 7th Environmental Action Programme (EAP).

Addressing the presence of substances of concern in recycled materials: Union rules should ensure that recycling of materials does not perpetuate the use of hazardous substances. Parliament was concerned, however, that legislation **preventing the presence of chemicals in products**, including imports, is scattered, is **neither systematic nor consistent** and applies only to very few substances, products and uses. It called for a Union strategy for a non-toxic environment with the aim, among other things, of reducing exposure to substances of concern in products. Members made the following points:

- recycling materials containing substances of concern should only be envisaged when there are **no substitute materials** without substances of concern;
- the issue of products containing **legacy substances** should be dealt with by means of an efficient registration, tracking and disposal system;
- since more than 80 % of the environmental impact of a product is determined at the design stage, the Ecodesign Directive and other productspecific legislation should be used in addition to REACH to introduce requirements to substitute substances of concern;
- the use of substances of a toxic nature or substances of concern, such as POPs and endocrine disrupters, should be specifically considered under the **broadened** ecodesign criteria;
- it is crucial to ensure a level playing field between EU-produced and **imported** articles.

Uncertainties about how materials can cease to be waste: Members called for clear EU rules specifying the conditions that must be met to exit the waste regime as well as harmonised end-of-waste criteria.

EU waste classification methodologies: Parliament stated that the rules for classifying waste as hazardous or non-hazardous should be **consistent with those for the classification of substances and mixtures** under the Classification, Labelling and Packaging (CLP) Regulation, taking into account the specifics of waste and the way in which it is handled. It asked for clarification of the correct interpretation of the CLP Regulation to prevent misclassification of waste containing substances of concern.

The classification framework for waste and chemicals should be further developed to include **hazard endpoints of high concern**, such as high persistence, endocrine disruption, bioaccumulation or neurotoxicity.

Lastly, Parliament considered that the **lack of enforcement** of EU waste legislation is unacceptable and must be addressed as a matter of priority.