

amfori comments on the European Commission public consultation addressing the interface between chemical, product and waste legislation. This document answers questions arising from the issues critical for the interface between chemicals, products and waste legislation, as identified in the Commission's Communication¹ and Staff Working Document.²

Introduction

amfori welcomes the opportunity to participate in the European Commission stakeholder consultation addressing the interface between chemical, product and waste legislation. amfori represents over 2,000 retailers, importers, brands and associations from more than 40 countries. amfori members strive to improve the social and environmental performance in their supply chain by promoting sustainable business practices in an international trade environment. The European Commission's work on the chemical, product and waste interface is important to amfori members, as it is likely to affect established corporate policies and tools that were out in place to comply with existing EU regulations, most notably REACH and a significant number of product specific regulations.

The consultation builds upon the European Commission's Communication published on 16 January 2018 and seeks feedback on the different options and questions put forward regarding the four main issues described in the Communication and accompanying Staff Working Document.

The main issues were identified as:

1. Insufficient information about substances of concern in products and waste;
2. Presence of substances of concern in recycled materials and in articles made thereof;
3. Difficulties in applying End of Waste criteria and
4. No clear application of EU waste classification methodologies.

In this position paper amfori comments primarily on questions related to issue #1 and #2.

Issue #1: Insufficient information about substances of concern in products and waste

amfori recognizes the benefits of providing better information on substances of concern to all actors in the supply chain, including waste management and recovery operators. Better information and greater transparency are key to facilitating the transition towards a circular economy and improving supply chain communication on substances of concern. However, before introducing a new compulsory information system it is crucial to clearly identify the information needs of different supply chain actors, such as waste operators. Waste streams are often comprised of complex chemical compositions, not least due to insufficient separation during the process of waste disposal, collection and sorting. Due to the highly heterogeneous nature of complex waste streams, detailed information on substances of concern for each waste product might not be very useful during waste treatment operations.

amfori sees clear advantages in pursuing an approach which would take into account existing communication systems on substances of concern in different industrial sectors and explore whether the integration of such systems in a new (enhanced) system would be feasible and suitable to close the information gap. Such an approach could provide insights into best practices, prove resource efficient and facilitate cross-sectoral learning. A compulsory system would add additional administrative burden for businesses and we remain unconvinced that such an approach would be

¹ COM (2018) 32

² SWD (2018) 20 final

proportional to the desired objective, not least given the uncertain added value and effectiveness of such a system.

Today's value chains are global, a vast number of products are imported into the EU. amfori members seek to ensure that goods coming from factories and farms worldwide are sourced from supply chains where workers' rights and the environment are respected by applying sustainable business practices and adhering to rules which ensure high quality standards for both EU produced and imported goods. Therefore, amfori members support the timely use of restriction procedure under REACH and other product legislation so that EU-produced and imported products are subject to the same rules. To maintain a level-playing field, it is vital to allow sufficient time to non-EU suppliers to adjust to new restrictions or to consider exemptions for the uses of substances of concern in imported products for substances for which an authorisation has been granted in the EU.

Issue #2: Substances of concern in recycled materials

amfori fully supports that all primary and secondary raw materials should be subject to the same rules. However, this should not lead to a situation where certain materials must be excluded from recycling due to the mere presence of a specific substance, which, as such, might not necessarily represent a risk, depending on the stability of its structure in the material matrix. Therefore, it would be preferable for product suppliers and recyclers to follow a risk-based approach during material recycling. The level of exposure to a substance of concern should be a decisive factor while considering recycling of materials into secondary material applications. An approach merely based on the presence of substances of concern would risk immediate discontinuation of recycling for various waste streams.

amfori emphasizes the need for an approach that takes into account the complexity and reality of global supply chains and takes stock of existing best practices in the context of reporting on substances of concern in different industries. The manufacturing restricted substances list, applied by a growing number of actors in the textile sector, represents an excellent example of such a voluntary approach. The list is applied by brands and retailers to proactively improve their supply chain communication on the presence of substances of concern.

Given the global nature of today's value chains, we also see it as critical to promote a better understanding of EU chemical policy and in particular REACH in sourcing countries. To ensure safe and circular product life cycles, sound management of chemicals is required globally, and additional capacity building measures can play an important part in achieving this aim.

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