

Setting the scene

23rd of September 2020

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Summary



- Waste Framework Directive
 - ✓ Implementation in Europe
 - ✓ Implementation in Luxembourg
- Interface chemicals, waste and products legislation
 - ✓ Main issues between chemicals, product and waste legislation
 - ✓ Examples of policies/initiatives in Europe
 - ✓ Examples of policies/initiatives in Luxembourg
- Obligations related to SVHCs in articles
 - ✓ Current obligations under REACH
 - ✓ Obligation under the Waste Framework Directive



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En partenariat avec le Ministère de l'Environnement, du Climat et du Développement durable
et le Ministère de l'Economie

Waste Framework Directive



Implementation in Europe

A little history

1

[Council Directive 75/442/EEC of 15 July 1975 on waste](#)

2

[Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste](#)

3

[Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste](#)

4

[Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives](#)

5

[Directive \(EU\) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste](#)

14.6.2018 EN Official Journal of the European Union L 150/109

DIRECTIVE (EU) 2018/851 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 30 May 2018
amending Directive 2008/98/EC on waste
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) Waste management in the Union should be improved and transformed into sustainable material management, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent, efficient and rational utilisation of natural resources, promoting the principles of the circular economy, enhancing the use of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and contributing to long-term competitiveness. In order to make the economy truly circular, it is necessary to take additional measures on sustainable production and consumption, by focusing on the whole life cycle of products in a way that preserves resources and closes the loop. The more efficient use of resources would also bring substantial net savings for Union businesses, public authorities and consumers, while reducing total annual greenhouse gas emissions.
- (2) Improving the efficiency of resource use and ensuring that waste is valued as a resource can contribute to reducing the Union's dependence on the import of raw materials and facilitate the transition to more sustainable material management and to a circular economy model. That transition should contribute to the smart, sustainable and inclusive growth goals set out in the Europe 2020 strategy and create important opportunities for local economies and stakeholders, while helping to increase synergies between the circular economy and energy, climate, agriculture, industry and research policies as well as bringing benefits to the environment in terms of greenhouse gas emission savings and to the economy.
- (3) The targets laid down in Directive 2008/98/EC of the European Parliament and of the Council ⁽⁴⁾ for preparing for re-use and recycling of waste should be increased to make them better reflect the Union's ambition to move to a circular economy.
- (4) The coherence between Directive 2008/98/EC and related Union legislative acts such as Directive 2009/28/EC of the European Parliament and of the Council ⁽⁵⁾ and Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁶⁾ needs to be ensured.

⁽¹⁾ OJ C 264, 20.7.2016, p. 98

⁽²⁾ OJ C 17, 18.1.2017, p. 46

⁽³⁾ Position of the European Parliament of 18 April 2018 (not yet published in the Official Journal) and decision of the Council of 22 May 2018

⁽⁴⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3)

⁽⁵⁾ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16)

⁽⁶⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/04 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1)

Implementation in Luxembourg

➤ **Current legal text:** [Loi modifiée du 21 mars 2012 relative à la gestion des déchets](#)

- ✓ Transposition of the Directive 2008/98/EC
- ✓ Modifies four previous law
- ✓ Modified four times

➤ **Field of application:** Establishment of measures to protect the environment and human health by preventing or reducing the harmful effects of the production and management of waste. It also aims to reduce the overall impact of resource use and improve the efficiency of that use.

669		670
MEMORIAL Journal Officiel du Grand-Duché de Luxembourg		MEMORIAL Amtsblatt des Großherzogtums Luxembourg
RECUEIL DE LEGISLATION		
A — N° 60		28 mars 2012
 Sommaire 		
GESTION DES DÉCHETS		
<p>Loi du 21 mars 2012 relative à la gestion des déchets, et modifiant</p> <ol style="list-style-type: none"> 1. la loi du 31 mai 1999 portant institution d'un fonds pour la protection de l'environnement; 2. la loi du 25 mars 2005 relative au fonctionnement et au financement de l'action SuperDrecksKësch; 3. la loi du 19 décembre 2008 a) relative aux piles et accumulateurs ainsi qu'aux déchets de piles et d'accumulateurs b) modifiant la loi modifiée du 17 juin 1994 relative à la prévention et à la gestion des déchets; 4. la loi du 24 mai 2011 relative aux services dans le marché intérieur page 670 		
<p>Règlement grand-ducal du 21 mars 2012 modifiant</p> <ol style="list-style-type: none"> 1. le règlement grand-ducal modifié du 31 octobre 1998 portant application de la directive 94/62/CE du Parlement européen et du Conseil du 20 décembre 1994 relative aux emballages et aux déchets d'emballages 2. le règlement grand-ducal modifié du 18 janvier 2005 relatif aux déchets des équipements électriques et électroniques ainsi qu'à la limitation d'emploi de certains de leurs composants dangereux et abrogeant <ol style="list-style-type: none"> 1. le règlement grand-ducal du 30 novembre 1989 relatif aux huiles usagées et 2. le règlement grand-ducal modifié du 11 décembre 1996 relatif aux déchets dangereux ... 698 		



WFD - Transposition au Luxembourg



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'Environnement, du Climat
et du Développement durable

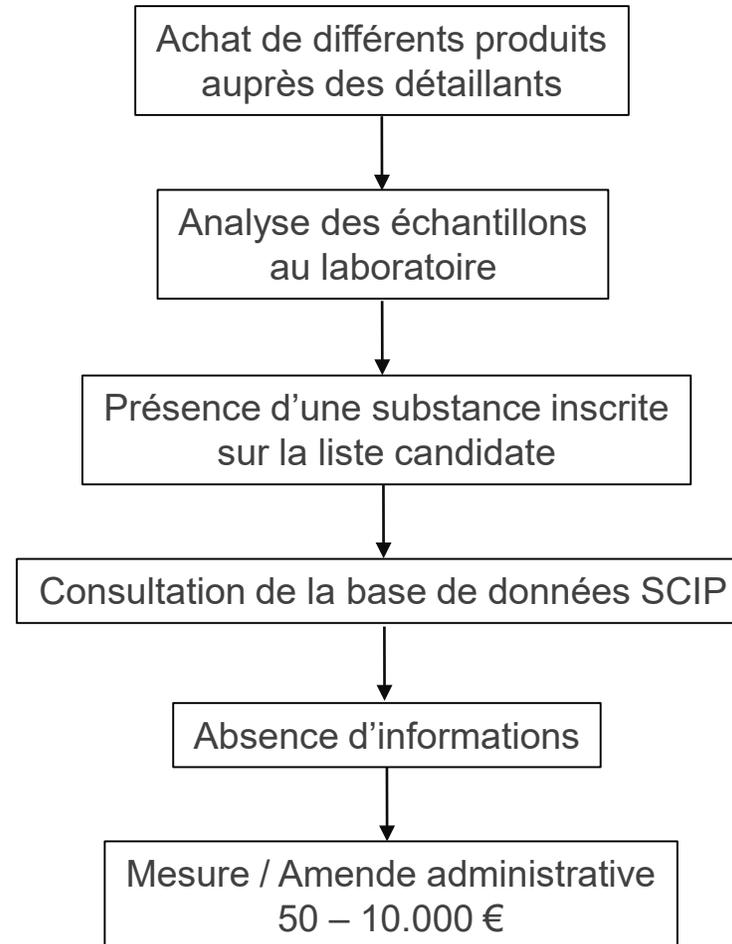
Administration de l'environnement



- La transposition de la directive 2018/851 relative aux déchets est en cours d'élaboration.
- L'Article 12 sur la prévention des déchets est complété par le paragraphe (5) suivant:
 - Les producteurs de produits doivent favoriser la réduction de la teneur en substances dangereuses des matériaux et des produits, sans préjudice des exigences légales harmonisées fixées au niveau de l'Union pour ces matériaux et produits. Tout fournisseur d'un article au sens de l'article 3, point 33), du Règlement (CE) n°1907/2006 (REACH) [...] communique les informations prévues à l'article 33, paragraphe 1er, dudit règlement à l'Agence européenne des produits chimiques à compter du 5 janvier 2021, en utilisant les formats et outils d'utilisation mis à disposition par ladite agence pour cette finalité.
 - « producteur de produit »: toute personne physique ou morale établie ou non au Grand-Duché de Luxembourg qui, à titre professionnel, fabrique, remplit, vend ou importe, quelle que soit la technique de vente utilisée, y compris par le biais de contrats à distance tels que définis à l'article L.222-1 du Code de Consommation, et place sur le marché luxembourgeois des produits.
- En cas de violation ou de non-respect: Mesures et/ou amendes administratives possibles.



- Fera partie des activités routinières de surveillance
- Contrôle des valeurs limites de concentration de substances restreintes dans les articles





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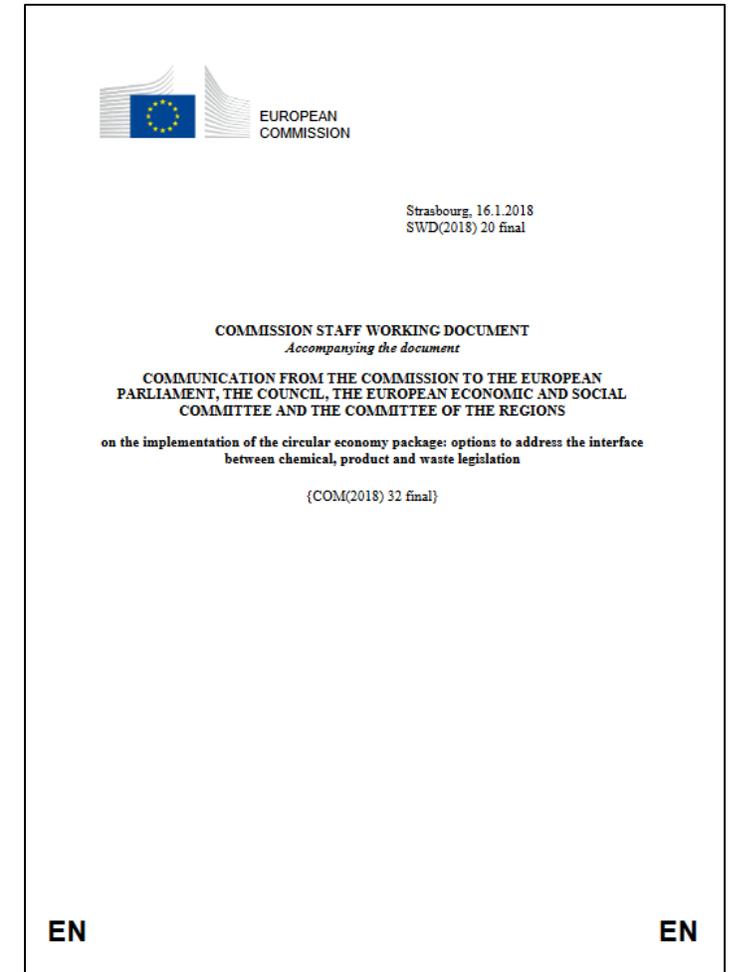
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Interface chemicals, waste and product legislation



Main issues between chemicals, product and waste legislation

- Communication by the European Commission in 2018 on options to address the interface between chemicals, product and waste legislation.
- Identification of four main issues:
 - ✓ Information on presence of substances of concern is not readily available to those who handle waste and prepare it for recovery;
 - ✓ Waste may contain substances that are no longer allowed in new products;
 - ✓ EU rules on end-of-waste are not fully harmonised (making it uncertain how waste becomes a new material and product);
 - ✓ Rules to decide which wastes and chemicals are hazardous are not well aligned and this affects the uptake of secondary raw materials.

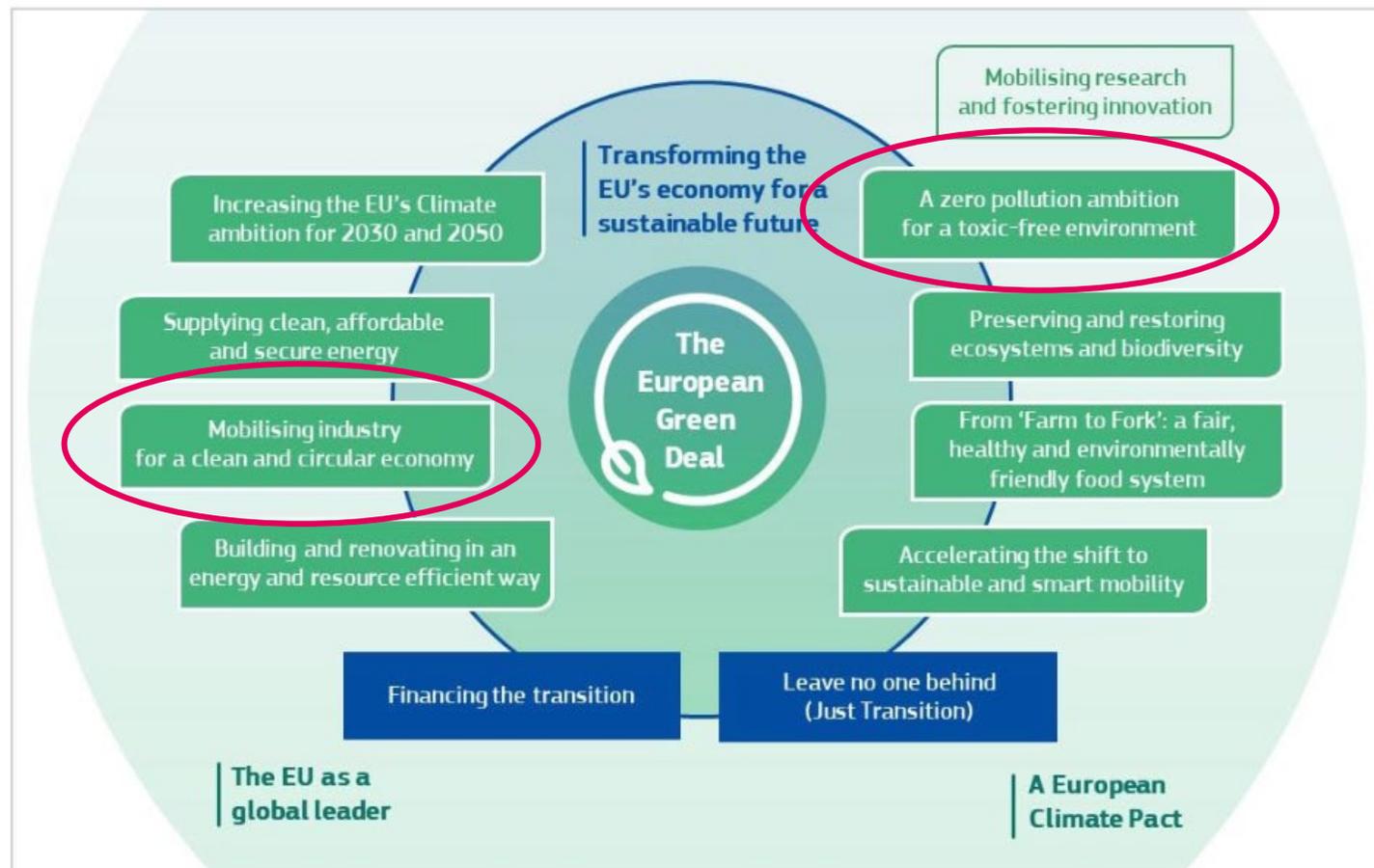


Examples of policies/initiatives in Europe

European Green Deal

- Published in December 2019
- The [European Green Deal](#) provides an action plan to
 - ✓ Boost the efficient use of resources by moving to a clean, circular economy
 - ✓ Restore biodiversity and cut pollution

➤ Elements of the Green Deal

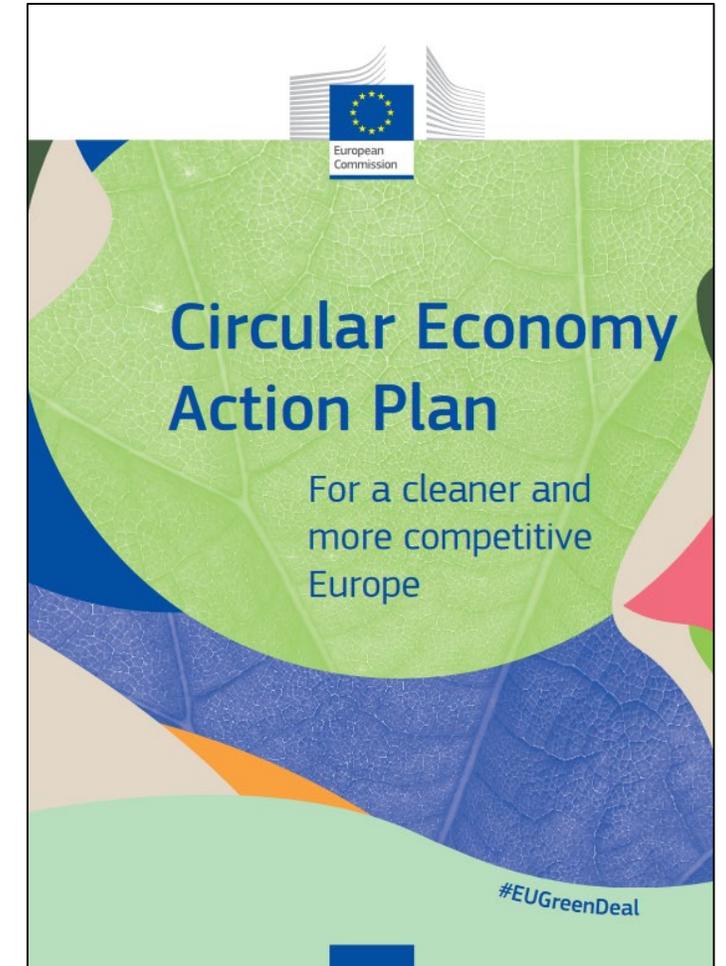


Source: European Green Deal

Examples of policies/initiatives in Europe

Circular Economy Action Plan

- Published in March 2020
- Represents one main block of the European Green Deal
- The new Circular Economy Action Plan presents measures to:
 - ✓ Make sustainable products the norm in the EU
 - ✓ Empower consumers and public buyers
 - ✓ Focus on the sectors that use most resources and where the potential for circularity is high such as: electronics and ICT batteries and vehicles; packaging; plastics; textiles construction and buildings; food; water and nutrients
 - ✓ Ensure less waste
 - ✓ Make circularity work for people, regions and cities
 - ✓ Lead global efforts on circular economy



Examples of policies/initiatives in Luxembourg

National plan of waste and resources management (PNGD)

- Adopted in June 2018
- **Main goal:** protection of the environment, cultural property and human health by preventing and reducing the harmful effects of waste.
- **What is PNGD?**
 - ✓ Operational tool that supports the implementation of the provisions and the achievement of the objectives of the Loi modifiée du 21 mars 2012 relative à la gestion des déchets.
 - ✓ Defines the main axes of the waste management policy
 - ✓ Sets long-term goals, particularly with regard to resource conservation, climate protection and the implications for future generations.
 - ✓ Presents the main objectives to achieve for 2022



Examples of policies/initiatives in Luxembourg

“Null Offall Lëtzebuerg” strategy

- In 2019: launched of the “Null Offall Lëtzebuerg” campaign
 - The idea is to collect citizens ideas with a view to preparing the draft law on waste management.
- July 2020: Agreement of the Ministers on the “Null Offall Lëtzebuerg” strategy
- **Goals:**
 - ✓ Provide a methodological bases and a toolbox to implement and support the transposition of the European directives of the "circular economy" package and of the single-use plastics directive into a new national waste and resource management law.
 - ✓ Provides a vision and a broader framework for responsible and sustainable management of resources and waste in the future, with the aim of eliminating the notion of waste itself. The strategy therefore constitutes the methodological framework for interconnecting and structuring the transition from waste management to resource management and ultimately to a circular economy.





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Obligations related to SVHCs in articles

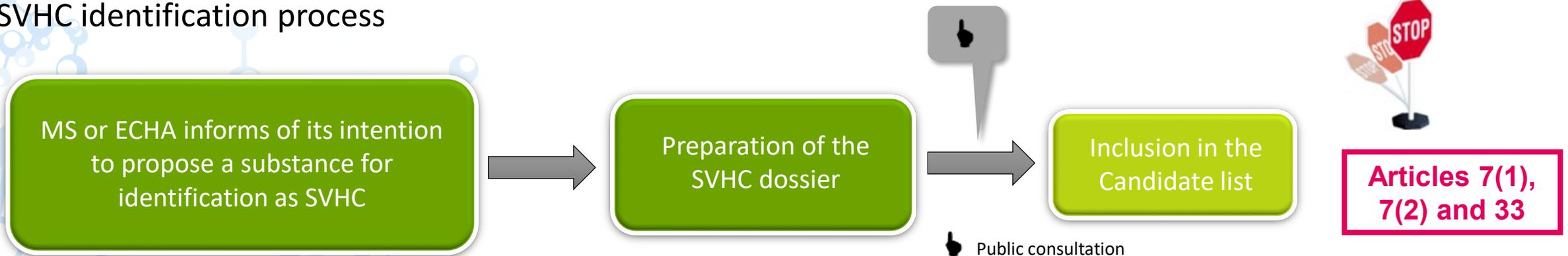


Current obligations under REACH

Substances of Very High Concern – SVHCs

- Identification of the SVHC is directly linked to the REACH authorisation process
 - ➔ **Goal:** ensure the control of the risks associated with the use of SVHCs and the progressive substitution of these substances
- The route to authorisation starts when a Member State (MS) or ECHA, at the request of the Commission, proposes a substance to be identified as a SVHC.
- Substances with the following hazard properties may be identified as SVHCs (Article 57):
 - ✓ Substances considered as carcinogen, mutagenic or reprotoxic, category 1A or 1B
 - ✓ Substances considered as PBT/vPvB
 - ✓ Substances which give rise to an equivalent level of concern (e.g.: endocrine disruptors) as CMR or PBT/vPvB substances

➤ SVHC identification process



Current obligations under REACH

What is an article?

- **Definition:** “means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition” - Article 3(3) REACH



Current obligations under REACH

Substances in articles' obligations

- **Actors concerned:** Article producers, importers, distributors, retailers
- **Obligations:**
 - ✓ Registration of the substances in articles by article producers or importers – Article 7(1) REACH
 - ✓ Notification of the substances of very high concern (SVHCs) by article producers and importers – Article 7(2) REACH
 - ✓ Communication on the SVHCs in articles (concentration > 0,1% w/w) → in minimum the name of the substance and information on the safe use – Article 33 REACH



Be careful to also take into account the **authorisation** (substances of the **annexe XIV**) and the **restriction** (substances of the **annexe XVII**) processes



Current obligations under REACH

Obligation of communication



**SVHC* in concentration > 0,1%
w/w in the article**

Available information on the safe
use



Downstream users

Mandatory

Consumers

On request

Obligation under the Waste Framework Directive

➤ Introduction of new requirements related to SVHCs:

✓ Art. 9(1)(i): Companies supplying articles containing substances on the Candidate List in a concentration above 0.1% weight by weight (w/w) on the EU market have to submit information on these articles to ECHA.

→ As from the **5th of January 2021**

→ Who is concerned?

- EU producers and importer;
- Assemblers
- EU distributors of articles and other actors in the supply chain placing articles on the market.

✓ Art. 9(2): Establishment and maintenance by ECHA of a database for the data that have to be submitted according to Art.9(1).

→ Development of the SCIP (**S**ubstances of **C**oncern **I**n articles as such or in complex objects (**P**roducts) database by ECHA



SCIP

Thank you for your attention

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