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**XX April 2025**

**REACH Revision**

**Scope and Relevance of the Revision**

* The upcoming REACH revision is **highly targeted** and not intended as a deregulation exercise. Nonetheless, **practical impacts** of REACH on the waste management sector are significant.
* The sector has **limited familiarity with REACH**, as the regulation was **not originally designed** with secondary raw materials in mind.
* There is a pressing need to **better align REACH with the realities of waste management and recycling**, especially as the volume of materials transitioning from waste to product status continues to increase.

**Registration Exemptions and End-of-Waste (EoW)**

* Currently, recyclers benefit from a **registration exemption** if the recovered substance is the same as one already registered. However, **proving sameness in practice is often difficult**, particularly due to lack of access to upstream data.
* As **End-of-Waste criteria** are more systematically developed across the EU, **more recyclates will fall under the scope of REACH**. We call for a **better integration of chemical safety criteria within EoW processes** themselves, instead of duplicating efforts via REACH registration. This would be more proportionate and practical for recyclers.

**Polymers: Inclusion and Practical Limits**

* We welcome the **inclusion of polymers under REACH**, as this will support the **phase-out of the most hazardous variants** and help ensure that material cycles are clean and compatible with high-quality recycling.
* However, the proposed **notification step for all polymers >1 tonne/year should not apply to waste operators and recyclers**. With an **estimated 200,000 polymers** and countless combinations already in circulation, recyclers **often lack detailed information on polymer composition**, especially when dealing with legacy waste streams. Extending the **registration exemption** for recyclers to notification proceduresprocedure is therefore essential.
* Any future registration requirements should be **risk-based and proportionate**, targeting **hazardous polymers first**, always keeping in mind the entire value chain and downstream users in the prioritisation process.

**Supply Chain Communication and the Digital Product Passport (DPP)**

* There is **uncertainty around how Article 33 (SVHC communication) and Safety Data Sheet obligations apply to recyclates**. Further guidance is needed to clarify compliance pathways for recyclers who often lack upstream data.
* The proposed **integration of DPP with REACH** offers potential benefits for recyclers in theory, but in practice, it risks adding **burdens without delivering usability**:
	+ Recyclers are rarely the intended end-users of DPP systems.
	+ The **availability of information does not guarantee its usability**, especially when DPP standards and interoperability across platforms remain underdeveloped – see [FEAD’s position](https://fead.be/position/digital-product-passport-rules-for-service-providers-2/) on DPP for waste management sector.
* For recyclates, where **formulations are complex and variable**, **DPP-based compliance may not be realistic** without significant adjustments in design.

**Risk Management and Authorisation Processes**

* We **strongly support the introduction of the Essential Use Concept** in both restriction and authorisation processes.
* Authorisations should only be granted when **End-of-Life impacts have been properly assessed**, when standardised detection methods in waste matrix and **reasonable treatment solutions exist**.
* Without full phase-out in **primary production**, recyclers cannot be expected to deliver contamination-free secondary raw materials.
* The **Generic Risk Management Approach (GRA)** and **grouping of substances** (including for polymers) should become the **default mechanism**, enabling more streamlined regulatory action and **supporting non-toxic material cycles**.
* The **polluter pays principle** must be better reflected in authorisation decisions: **recyclers should not bear the financial burden** of removing contaminants introduced by upstream actors.

**Enforcement and Market Surveillance**

* We appreciate the Commission's focus on **enforcement** as a means to ensure a **level playing field** across the EU, particularly with regard to **imports and e-commerce**.
* The **integration of REACH with customs and DPP systems** is a welcome step forward, but it must be supported by **adequate physical checks**.
* The requirement to have a **responsible economic operator for compliance with REACH for importers** is a **positive development**. This could be aligned with **existing obligations under Extended Producer Responsibility (EPR)** schemes, creating coherence across EU legislation.
* We request for the development of **analytical methods** and call for a **clear roadmap for standardisation** of such methods.
* Enforcement mechanisms should ensure that the **cost of being non-compliant with REACH exceeds the cost of compliance**.

**Conclusion**

REACH, in its current form, **is not well suited to secondary raw materials**. It is designed for products with well-defined formulations and known substance data—criteria which are often **not met by recyclates**.

While we support the application of **REACH restrictions** to ensure chemical safety, we **urge the Commission to clarify the application of REACH to recyclates**, and to **develop dedicated and proportionate compliance pathways** for the circular economy.

***FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe****, including 20 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion of investments into the economy every year.*

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