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ECHA
Partner Expert Group (PEG) on waste
and recovered substances
– Mr. Johann Nouwen –

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Draft ECHA guidance on waste and recovered substances – ESRG request a written input to the ECHA PEG meeting of 22 January 2010

Introduction:

This note is intended to respectfully request an input to the Guidance being prepared by ECHA to assist those in the recovery sector of industries to manage within REACH legislation fully recovered substances post their use.

Specifically it is intended to address the issue of solvent recovery and recycling in pursuit of EU policy on resource management. It is estimated that approximately 5 million tonnes pa of virgin solvents are produced each year in a sector worth some € 2-3 billion and of which a considerable proportion are recyclable.

This request is made by the European Solvent Recycling Group (ESRG*), a trade body representing major solvent recyclers and registered within the Community.

We are requesting this direct input because we were not awarded a place in the PEG stakeholder group because our sector had been considered too small to warrant direct representation. This creates a concern in that other larger pan EU trade bodies are not necessarily able to represent our specialist interests. Indeed there is potential for conflict because a number, for example in the waste management arena, are required to represent alternative technologies for waste management, including energy recovery, which are positioned lower in the Waste Framework Directive (98/2008EC) hierarchy than substance recovery. Additionally, representation through chemical industry interests while welcomed may not provide sufficient focus or expertise for the recovery sector.



Proposed ESRG sector specific contribution to PEG Meeting 22 January 2010:

Recovered Solvents

In this context recovered solvents means those materials in the common classes of hydrocarbons, oxygenated hydrocarbons and halogenated hydrocarbons originally used in industrial applications. In this classification many solvents are single chemical substances e.g. acetone or toluene, though there are a number of UVCB substances including a range of petroleum distillates.

Article 2(7)(d) is both relevant and applicable to most recovered solvents according to the most common EINECS numbers used for pre-registering these substances. Potentially no exemption other than that addressed in Article 2(7)(d) may apply. Solvents cannot benefit from the exemptions listed in the Annexes IV or V. This type of recovery does usually not lead to an article.

The recovered or recycled solvents should be named exclusively as single or UVCB substances according to the Guidance for identification and naming of substances under REACH. The industry sectors dealing with the primary manufacture of these solvents are following this practice.

The sameness of the recovered substance with the registered substance is well established for a wide range of solvents. Normally there are no constituents that do not originate from the solvent itself due to the recovery processes used. If there are any such constituents they are at a level far below 20%. It is however possible to recover mixed substances together where the individual substances are well defined for sameness purposes and in this case the resultant is considered a mixture.

The identified uses for solvents are normally the same as those referred to in the substance original registrations but there may be restrictions on certain reuses, for example in the pharmaceutical industry.

**Other Comment:**

1. Section 2.1 on pre-registration now appears superfluous as the deadlines for this process have passed.
2. In the Introduction to the guidance on page 2 we seek to expand the guidance on End of Waste from the updated Waste Framework Directive 98/2008EC namely:

In respect of End of Waste the revised Waste Framework Directive 98/2008EC sets out under Article 6 the following:

Where (*End of Waste*) criteria have not been set at Community level under the procedure set out in paragraphs 1 and 2, Member States may decide case by case whether certain waste has ceased to be waste taking into account the applicable case law. They shall notify the Commission of such decisions in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (1) where so required by that Directive.

* **ESRG Website:** <http://www.esrg-online.eu>
