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EuRIC - The European Recycling Industries' Confederation



EU recyclers' position on the REACH Revision

A guide for a chemicals legislation that would
support circularity



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Introduction

Chemicals are **present in nearly every product and process in modern life - from industrial manufacturing to everyday items like electronics, textiles, and furniture**. The EU's REACH Regulation (Registration, Evaluation, Authorisation and Restriction of Chemicals) plays a central role in ensuring that these substances are safely used, protecting both human health and the environment.

As **REACH applies to all chemical substances, including those found in recovered materials**, it has significant implications for the recycling industry. This means that recyclers, although not the original producers of the substances and usually not adding any new ones, are requested to navigate complex and costly obligations. Ahead of the upcoming REACH revision, it is crucial to ensure that EU regulation, in the quest of protecting human health and the environment, does not hinder the transition to a circular economy. **Overly restrictive or unclear chemical rules can unintentionally hinder recycling, limit the use of secondary raw materials, and ultimately undermine EU ambitions on resource efficiency, circularity, and strategic autonomy.**

As part of its first 100 days, the von der Leyen Commission launched the *Clean Industrial Deal* to strengthen Europe's industrial competitiveness while achieving climate neutrality by 2050 and making the EU a circular economy leader by 2030. A key part of this plan is the *Chemicals Industry Package*, which includes simplifying REACH and addressing "forever chemicals." During the April CARACAL meeting, the Commission clarified that the goal of revising REACH is not deregulation but reducing administrative burden.

To ensure the REACH revision supports both circularity and the protection of human health and the environment, EuRIC – the European Recycling Industries' Confederation – outlines key recommendations for a targeted and balanced revision.

EuRIC calls for:

Clear rules for recycled raw materials: Allow comprehensive and timely derogations (exemptions) for recycled materials, articles made from recycled materials and reused materials when restrictions are applied, to allow for the depuration of waste streams without scaling down circular economy ambitions.

No excessive burden for polymers registration: Avoid creating a mandatory list of polymers requiring registration (PRR), which would add unnecessary administrative burdens on recycled materials.

Avoid hazard-only approaches in favor of a risk-based approach: Grouping and banning substances based exclusively on hazard classes without considering potential exposure, limits their use in safe applications and reduces the potential of recycled materials without a significant impact in the protection of human health and environment. Moreover, expanding Generic Risk Management (GRM) to professional use risks overlapping with workplace safety legislation, leading to double regulation.

Standardisation of analytical methods in the EU: EU regulators should ensure that analytical methods are validated and standardised across the EU to guarantee their transferability between testing facilities.

Transparency requirements for digital information tools: The digitalisation of the tools to transmit information across the value chain will only achieve their intended purpose if the information they contain is complete and reliable.

The role of recycled materials in the future of circularity

The aim to achieve a decarbonised economy by 2050 set out in the Clean Industry Deal depends on the creation of a framework where European industries can reliably count on locally supplied materials. Recycled materials produced in Europe will play a vital role in the development of sustainable strategies. However, their production needs to be supported by a regulatory framework that provides certainty and predictability to companies and investors alike. The current chemicals legislation considers only a part of the value chain of the articles produced in Europe with a tendency to overlook the destiny of these articles once they have reached their end of life. Implementing chemicals legislation that restricts the presence of harmful substances in primary materials and products also ensures the removal of harmful substances from the waste streams. However, we believe that there is a need for derogation times for recycled materials and reused articles, considering the current technical challenges of sanitation and the service life of the articles in the waste stream. Considering that recyclers do not add substances when processing materials, this would promote a progressive reduction in concentration of these substances without compromising the circular economy.

Registration of polymers: a threat to polymers value chains

The implementation of a list of polymers requiring registration (PRR) would pose a threat to the value chain of any polymer included or at risk to be included in the list. In this case, the list may be especially detrimental by imposing a registration duty on already safe recycled materials that would be subject to yet another regulatory requirement that would not increase the safety of the materials or the protection to the environment and human health. Notably, the Waste Framework Directive states explicitly that the materials may only cease to be considered waste once it is demonstrated that they meet existing legislation and standards applicable to products and their use will not lead to overall adverse environmental or human health impacts.

The approach to hazardous materials in REACH

The European Commission has proposed a series of actions like classification of some substances by hazard classes and the extension of the generic risk assessment (GRA)

centered on the hazardous nature of the substances in articles. As a general trend, the implementation of legislation that exclusively considers the hazard classes of substances leads to overregulation based on the misconception that it will automatically prevent the exposure of these substances. The most immediate consequence of the GRA approach is a sharp increase in the quantities of waste that may not be recycled. This is because the final product may not be compliant based on the input material and would therefore be sent for incineration even if the risks of affecting human health and the environment are insignificant. The consequence being the loss of valuable and limited resources. We consider that an alternative approach, where targeted restrictions of substances are based on the exposure during use, would allow for the optimization in use of the resources and reduce impact to the environment. In particular, the manufacturer of a substance must be able to show that they have taken effective risk reduction measures that ensure that the substance can be used safely and that exposure for people and the environment has been reduced to a minimum.

Additionally, an extension of the GRA to professional use may lead to instances of double regulation conflicting with workplace safety legislation. Moreover, the approach of extending the GRA to professional use fails to consider that the use of regulated substances at industrial sites is executed by operators trained to perform tasks in a safe manner while using equipment to limit exposure.

Finally, a generic risk approach that exclusively considers the concentration of certain substances ignores the potential positive effects the chemical and physical properties of the material (matrix) may have in containing a hazardous substance and effectively avoiding releases to the environment. This leads to stringent restrictions on materials that could have safely been used for specific applications if an approach-based method on release was considered for the application.

Standardised testing methods for the enforcement of REACH

The restriction process under REACH begins with a notification of intention to submit a restriction proposal and leads in its final stages to the enforcement of the restriction. Within this process, the maximum content of the substance is discussed, and it is during this discussion that several factors are considered. Notably, the process must consider, and prioritise, the impact on human health and the environment. However, a common impediment for the enforcement of these restrictions is the lack of a standardised analytical method that guarantees representative, comparable and reproducible data. Although the approach that restriction drives innovation sometimes works, it loses efficiency as the restrictions approach the limits of detection for a substance (due to technological constraints), and the applications of a substance become wider (due to matrix effects that require adaptations of the testing strategies).

The development of standardised and harmonised testing methodologies, promoted and overseen by the Agency, with validation and applicability requirements, is important and would guarantee a level playing field for all economic actors. It would make sure that illegal operators cannot take advantage of the current situation by intentionally choosing or manipulating methods to obtain compliant results from samples that otherwise would not comply with regulations. Additionally, an approach to testing based on the quantity of a restricted substance that is able to escape the material, instead of the content, would impulse the circular economy. It would increase the applications where recycled materials

may be used, without risking harm to human health and the environment if it can be proven that they do not pose an increased risk of exposure.

The digitalisation of the information requirements in the value chains

The time between the production of an article and the end of their intended use cycle is variable and dependent on the application. Thus, new restrictions may apply for the substances used to produce said article (with higher risk of this happening as the service life of the article increases) that has now become waste and must be recycled, if possible. Nowadays, waste arrives in recycling facilities with little (if any) information of the substances it contains, and the recycler is tasked with determining if recycling these articles is possible and burdened with the costs of any additional testing necessary to determine the recyclability of the materials.

Should a digitalisation of the information requirements be implemented, especially if done through the implementation of a Digital Product Passport, a requirement for transparency about the materials and substances that comprise the article should be implemented with it. Moreover, transparency would be the best way to future-proof digitalisation and guarantee that the Ecodesign principles are maintained as it would guarantee that the downstream users of every article have access to composition information that remains relevant in a constantly changing regulatory landscape where substances may become restricted during the use cycle of an article. In this context, the availability of a transparent register the recyclers may access is key to support the phase out of hazardous substances from the material streams. Additionally, it would allow for a better sorting of the materials to be recycled and reducing the steep costs associated with extensive testing to demonstrate compliance.