



Fecc
EUROPEAN ASSOCIATION OF
CHEMICAL DISTRIBUTORS

EU Consultation: Decree on the identification of dangerous substances in waste- generating products

European Association of Chemical Distributors (Fecc)
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Fecc acknowledges the proposed French decree on [‘TRIS Notification 2020/833/F’](#) which aims to provide for the possibility of extending and strengthening the information requirements established at EU level on the presence of hazardous substances in products. In this context we would like to raise the following points on behalf of the European chemical distribution sector, above all on behalf of the many SMEs we represent:

1. The implications of this decree to REACH regulations must be considered.

According to REACH Art 33.2 ([link](#)), companies that market articles containing Candidate List substances in a concentration above 0.1 % weight by weight (SVHC) only have an obligation to inform a consumer about the content if asked. Furthermore, companies are not mandated to answer if the article does not contain above 0.1 % Candidate List substances. This decree however obligates companies to inform the presence of SVHC in products, regardless of concentration. Such an obligation requirement may result to additional administrative burdens to companies in France and is not in line with the regulatory harmonisation efforts as this obligation requirement will not be applied to other Member States.

2. A results-based legislation focused on proper waste management is paramount.

Fecc agrees that the gap between waste and product legislation may become less predominant should regulatory harmonisation between Member States be enforced. Waste can certainly be a tangible resource for safe products when managed well. However, the aim should be a European wide initiative to prevent waste, to promote reutilisation and feasible applications and recovery processes that results to resources being reintroduced to the loop at its highest possible value. The further use of the resource will be well covered under the product legislation, particularly through REACH with its focus on precisely safe use. Additionally, ECHA already foresees waste operators are supported to improve waste separation and recycling techniques through the information available in the SCIP database. Currently, a harmonised approach between Member States interpreting the SCIP database requirements already proves to be a challenge, considering that the [Directive 2018/851](#) on waste is still under evaluation both by ECHA and other EU and EEA states. To ensure that the EU-wide dissemination of data will be available in a harmonised way, we request that the decree first consider aligning it is on waste obligations requirements for suppliers pursuant to the SCIP notification Directive 2018/851, instead of pursuing the route of proposing a separate national requirement.

3. National regulatory provisions must incentivise innovation, not discourage it.

With the EU Green Deal being a game-changer, support from the community includes a wider part of the industry and its downstream users in order to ensure that these type of initiatives on integrating circular economy on packaging waste are well-implemented. For example, chemical distributors utilise various materials such as intermediate bulk containers (IBCs), drums and cans. In addition, the packaging material is used from recycling and recondition companies where possible. Chemical distributors promote the reusable packaging in accordance with the appropriate quality parameters and the sector finds ways to use the packaging multiple times based on the corresponding risk assessments as well as determine the cost benefit matrix to refurbish the packaging for additional use and environmental gains.

However, these innovations on extending chemical and material life cycles within the supply chain must involve all Member States. This decree defeats the purpose of adhering to European guidelines that seek to facilitate the exchange of ideas and innovation strategies when it comes to waste collection and sorting.

Fecc acknowledges that this decree, along with the other reviews on the EU Green Deal, signals a regulatory paradigm shift for the European chemical industry. We look forward to further working with the Commission to establish a coherent regulatory framework and ensure that sustainability is not only an option, but rather the norm.

To access the Fecc's response on the EU Commission's website, please [click here](#), and further click on the 'Consultations' tab.