

---

## Newsletter of the European Recycling Industries' Confederation (EuRIC)

---

Monthly, Issue n°20, 24 May 2017

### EuRIC top activities

#### **EuRIC represented recyclers in the European Economic and Social Committee (EESC)**

Emmanuel Katrakis, Secretary General of EuRIC participated to the event "[Waste to energy under the Circular Economy](#)" taking place on 15 May 2017, in Brussels. The event focused on the [Communication on waste to energy](#) published by the European Commission (the Commission) in January 2017. EuRIC supported a number of conclusions made in the Communication. "High rates of incineration are inconsistent with more ambitious recycling targets", commented EuRIC Secretary General while calling for a stricter implementation of the EU waste hierarchy and measures to incentivize recycling.

#### **EuRIC participation to the General Assemblies/Events of Member National Federations**

EuRIC Secretariat participated in May to the General Assemblies of Norsk Returnmetallforening (NR) organized back to back with a site visit and of Verband Deutscher Metallhändler (VDM). EuRIC is very grateful to both NR and VDM for these opportunities.

### European institutions activities

#### International Agreements

##### **DecaBDE / Listing in Annex A of the Stockholm Convention / POP / Geneva, 28.04.2017**

The Conference of Parties of the [Stockholm Convention](#) has reached an agreement on the listing of decaBDE as a persistent organic pollutant (POP), adding it to the Annex A of the Convention (Elimination), with several exemptions for, among others, the aerospace and automotive industry. Once the amendment of the Convention will enter into force, the [EU POP Regulation \(EC\) No 850/2004](#) will have to be amended within a year, triggering new requirements for waste management of materials containing decaBDE.

##### **Minamata convention / Entry into force / UN – New York, 18.05.2017**

The EU and seven of its Member States have ratified the [Minamata Convention](#) on mercury on May 18<sup>th</sup>, thus exceeding the number of parties required for the convention to enter into force. The [Convention](#), which will become legally binding on August 16<sup>th</sup>, will require the parties to set limitations on the mining of mercury, phase out mercury products, their use, trade, emissions and disposal.

#### Publications Office of the European Union

##### **Inland transport of dangerous goods / Lithium ion batteries/ Brussels, 13.04.2017**

The [Commission Implementing Decision \(EU\) 2017/695](#) authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC on the inland transport of dangerous goods has been published in the Official Journal of the European Union (the OJEU).

##### **WEEE / Calculation / EEE placed on the market / WEEE generated / Brussels, 19.04.2017**

The [Commission Implementing Regulation \(EU\) 2017/699](#) establishing a common methodology for the calculation of the weight of electrical and electronic equipment (EEE) placed on the market of each Member State and a common methodology for the calculation of the quantity of waste electrical and electronic equipment (WEEE) generated by weight in each Member State has been published in the OJEU.

### **Test methods / Determination of toxicity & ecotoxicity / Brussels, 28.04.2017**

The [Commission Regulation \(EU\) 2017/735](#) amending the Annex to Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) has been published in the OJEU.

### **CLP Regulation / Adaptation to scientific progress / Brussels, 05.05.2017**

The Commission Regulation (EU) 2017/776 [[10<sup>th</sup> adaptation to technical and scientific progress \(ATP\)](#)] amending the CLP Regulation has been published in the OJEU. It includes new harmonized acute toxicity estimates (ATE) values in Annex VI, and new or revised entries for the harmonized classification and labelling of 37 substances, among which are silver zinc zeolite, different cadmium compounds, dibutyltin dilaurate and anthraquinone. The adaptation will be applicable from 1 December 2018.

- The [9<sup>th</sup> ATP](#) was published on 19 July 2016 and will enter into force on 1 March 2018. It notably introduced M-factors for dicopper oxide (215-270-7).
- The [11<sup>th</sup> ATP](#) was voted by the REACH Committee on May 10<sup>th</sup>, and is expected to be adopted by the Commission if the European Parliament or the Council raise no objections.

### **Conflict Minerals Regulation / Tin, tantalum, tungsten & gold / Brussels, 19.05.2017**

The [Regulation \(EU\) 2017/821](#) laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold from conflict-affected and areas has been published in the OJEU. The publication was followed by a [statement](#) made by the Council and by the Commission.

### **Trade defence instruments / Brussels, April - May 2017**

The following measures concerning trade defence instruments have been published in the OJEU:

- (I) [Commission Implementing Regulation](#) (EU) 2017/679 terminating the absorption reinvestigation on imports of stainless steel cold-rolled flat products from Taiwan without amending the measures in force;
- (II) [Notice](#) concerning the anti-dumping measures in force in respect of imports to the EU of steel ropes and cables originating, inter alia, in China, as extended to imports of steel ropes and cables consigned from, inter alia, the Republic of Korea, whether declared as originating in the Republic of Korea or not;
- (III) [Commission Implementing Regulation](#) (EU) 2017/763 imposing anti-dumping duty and collecting the provisional duty imposed on imports of lightweight thermal paper from the Republic of Korea;
- (IV) [Notice](#) of the impending expiry of certain anti-dumping measures concerning tube and pipe fittings of iron or steel originating in Russia and Turkey;
- (V) [Commission Implementing Regulation](#) (EU) 2017/804 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron (other than cast iron) or steel (other than stainless steel), of circular cross-section, of an external diameter exceeding 406,4 mm, originating in China.

### Council

#### **Circular Economy Package / Mandate for negotiations in triadialogue / Brussels, 19.05.2017**

An agreement has been reached on a common text representing the Council's position on the revision of the EU waste legislation. The Council also agreed on a mandate to start negotiations with the European Parliament (with assistance from the Commission) in triadialogue. The aim of the negotiations, starting on May 30<sup>th</sup>, will be to find a common position on the final text of the revised waste legislation. EuRIC closely follows the current discussions due to their importance for the recycling sector.

#### **Environment Council / Meeting / Brussels, 19.06.2017**

The Environment Ministers of the EU Member States will come together at the [Environmental Council meeting](#) on June 19<sup>th</sup>, during the last days of the Maltese Presidency in the Council. It is expected that the circular economy package will be among the topics on the Agenda.

## European Commission

*\*\*\* Proposals – Communication & Action Plans – Statistics \*\*\**

### **Report / Review of the scope of the WEEE Directive / Brussels, 18.04.2017**

The Commission has published the [Report](#) on the review of the scope of the [WEEE Directive 2012/19/EU](#) and on the re-examination of the deadlines for reaching the collection targets referred to in the Art. 7(1) of the WEEE Directive. The Commission concludes that no changes to the scope are planned, other than the extension of the scope in 2018, already embedded in the WEEE Directive. Regarding the collection targets, the Commission concludes that there is no justification (i) for revising the deadlines for reaching the current collection target or (ii) for revising the collection target based on the amount of WEEE generated or (iii) to set individual collection targets in the WEEE Directive.

### **Report / WEEE recovery targets / Calculation / Brussels, 18.04.2017**

The Commission has published the [Report](#) on the re-examination of the WEEE recovery targets and on the re-examination of the method for the calculation of the recovery targets set out in Art. 11(6) of the WEEE Directive. The Commission concludes that (i) there is no justification for revising the recovery targets and (ii) it is not appropriate at this stage to set separate targets for WEEE to be prepared for re-use in the WEEE Directive. Regarding the calculation method of the recovery targets, the Commission concludes that there is no justification to replace the current one.

### **Report / WEEE Directive / Commission delegated acts/ Brussels, 18.04.2017**

The Commission has published the [Report](#) on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to the WEEE Directive. This report summarizes the fields where the Commission is entitled to adopt delegated acts such as: (i) to lay down transitional adjustments to address difficulties faced by Member States in adhering to the WEEE collection rates; (ii) to lay down criteria for the assessment of equivalent conditions for the treatment of WEEE taking place outside of the EU; or other fields enumerated in the Report.

### **Guidance / Access to justice in environmental matters / Brussels, 28.04.2017**

The Commission has published a [guidance document](#) on access to justice in environmental matters which clarifies how decisions, acts and omissions by public authorities related to EU environmental law can be challenged before national courts. More information is available in the Commission [press release](#).

### **Roadmap / Monitoring Framework for the Circular Economy / 03.05.2017**

EuRIC submitted its [comments](#) as a reaction on the roadmap “Monitoring Framework for the Circular Economy” (reported in Issue n°19 of EuRIC Newsletter). Subsequently, EuRIC participated to a meeting of the Raw Materials Supply Group on the monitoring framework for the circular economy, taking place on May 18<sup>th</sup>, where EuRIC comments have been further channeled to DG GROW of the Commission.

### **Waste Shipments / Guidelines No. 10 / Annex VII document / Brussels, 12.05.2017**

The [Correspondents' guidelines No. 10](#) on shipments of waste pursuant to Article 18 of the [Waste Shipment Regulation \(EC\) No 1013/2006](#) were agreed on by the Member States on May 12<sup>th</sup>. The Guidelines aim to provide a clarification on how to fill in the Annex VII document and will be applicable as from 12 July 2017. Although this document is not legally binding, it can have an impact on decisions of national authorities when enforcing the provision of the WSR, in particular regarding shipments of green-listed waste. [EuRIC provided a number of comments during the drafting process of the Guidelines.](#)

\*\*\*\* EU funding and non-financial support \*\*\*\*

**LIFE Programme / Funding for companies / Call for proposals / Brussels, 28.04.2017**

The Commission has launched the 2017 [call for proposals](#) under the LIFE programme. This programme provides financial funds for projects contributing to the environment, one section is specifically devoted to resource efficiency. Since 28 April 2017, it is possible to send applications introducing various projects and asking for funds. The deadline for applications is 12 September 2017 for traditional projects (this date may slightly vary for other types of projects). In case you are considering to apply for the funding, feel free to contact EuRIC Secretariat for support and coordination purposes, under the following e-mail address: [pcech@euric-aisbl.eu](mailto:pcech@euric-aisbl.eu).

**Publication / LIFE funding/ Circular Economy / Brussels, 06.04.2017**

The [publication](#) "LIFE and the Circular economy" has been published by the Commission, i.e. the relevant department responsible for LIFE ("The Financial Instrument for the Environment and Climate Action"). The publication focuses on the main topic "transition to a circular economy" while paying particular attention to specific areas of the circle such as: production, consumption, waste management and the market for secondary raw materials. The publication features a number of projects which have been funded by the EU, with the target to make the economy more resource efficient. Hence, it provides a source of inspiration for stakeholders interested in applying for funding under the LIFE programme.

**EU funds / Support for SMEs / April & May 2017**

- i) An InnovFin agreement has been [signed](#) by the European Investment Fund (EIF) and Alba Leasing S.p.A. providing €120 million of loans to innovative companies in **Italy**;
- ii) Four COSME agreements have been [signed](#) by the EIF and Alpha Bank & Piraeus Bank providing €420 million in loans to SMEs in **Greece**;
- iii) An SME Initiative guarantee agreement has been [signed](#) by the EIF and Nordea Bank providing €150 million in loans to SMEs in **Finland**;
- iv) An SME Initiative guarantee agreement has been [signed](#) by the EIF and Ibercaja Leasing y Financiación, S.A. providing €170 million in loans to SMEs in **Spain**;
- v) A guarantee agreement has been [signed](#) by the EIF and Československá obchodní banka providing €50 million in loans to innovative companies in the **Czech Republic** over the next two years;
- vi) A COSME agreement has been [signed](#) by the EIF and Raiffeisen Bank providing ca. €177 million in loans to SMEs in **Romania**;
- vii) An InnovFin agreement has been [signed](#) by the EIF and Banca Popolare Pugliese, assisted by Banca Akros, providing €80 million of loans to innovative companies in **Italy** over the next two years;

**Commission's Infringement procedures & Court of Justice of the European Union**

**Infringement procedure against Romania/ Waste management / Brussels, 27.04.2017**

The Commission is taking Romania to the Court of Justice of the EU (the CJEU) for the alleged failure to review and adopt its national waste management plan and waste prevention programme, in breach of the [Waste Framework Directive 2008/98/EC](#). This revision should have taken place at the latest by 2013. More information is available in the [April infringements' package](#).

**Infringement procedure against Slovenia/ Illegal landfills / Brussels, 27.04.2017**

The Commission is taking Slovenia to the CJEU for the alleged failure to close and rehabilitate 28 illegal landfills, in breach of the [Landfill Directive 1999/31/EC](#). Slovenia was obliged to close and rehabilitate those substandard municipal and industrial landfills by 16 July 2009. More information is available in the [April infringements' package](#).

### **Infringement procedure against Belgium / WEEE Directive / Brussels, 27.04.2017**

The Commission has sent a reasoned opinion to Belgium to ensure that EU rules on waste electrical and electronic equipment (the [WEEE Directive](#)) also become effective in the Walloon region. After a reasoned opinion, Member States have 2 months to report corrective measures taken. Otherwise, the Commission may refer the case to the CJEU. More information is available in the [April infringements' package](#).

### **Infringement procedure against Belgium / Batteries Directive / Brussels, 27.04.2017**

The Commission has sent a reasoned opinion to Belgium to ensure that EU rules stemming from the [Batteries Directive 2006/66/EC](#) as revised by the [Directive 2013/56/EU](#) also become effective in the Walloon region. Belgium has 2 months to report corrective measures taken. Otherwise, the Commission may refer the case to the CJEU. More information is available in the [April infringements' package](#).

### **Infringement procedure against Finland & Poland / Incineration / Brussels, 27.04.2017**

The Commission has sent a reasoned opinion to Finland & Poland to use the climate correction factor when calculating the energy efficiency of incineration facilities, in line with the [Waste Framework Directive 2008/98/EC](#) as amended by the [Directive \(EU\) 2015/1127](#). Finland & Poland have 2 months to report corrective measures taken. Otherwise, the Commission may refer the cases to the CJEU. More information is available in the [April infringements' package](#).

### **Infringement procedure against Spain/ Landfills / Luxembourg, 15.05.2017**

The CJEU declared, in its [judgement](#) of 15.03.2017 and [published](#) on 15.05.2017 in the OJEU, that Spain failed to fulfil its obligations under Art. 13 and 15(1) of the [Waste Framework Directive 2008/98/EC](#) by neglecting to ensure sound waste management of certain landfills enumerated in the judgement.

### **Infringement procedure against Italy/ Illegal landfills / Brussels, 17.05.2017**

The Commission is taking Italy to the CJEU for the alleged failure to close and rehabilitate 44 illegal landfills, in breach of the [Landfill Directive 1999/31/EC](#). Italy was obliged to close and rehabilitate those substandard municipal and industrial landfills by 16 July 2009. More information is available in the [May infringements' package \(part 1\)](#).

### **Infringement procedure against 14 Member States/ Reporting / Brussels, 17.05.2017**

The Commission has issued letters of formal notice to 14 Member States (Cyprus, Romania, France, Italy, the UK, Spain, Malta, Ireland, the Netherlands, Greece, Sweden, Denmark, Slovenia and Luxembourg) for the alleged failure to report on the implementation of several EU waste rules. By sending the letter of formal notice, the Commission formally opens the infringement proceeding. More information is available in the [May infringements' package \(part 2\)](#).

### **Preliminary question / Judgment / Polluter-pays principle / Luxembourg, 22.05.2017**

Following the request for a preliminary ruling from a Croatian Municipal Court, the CJEU delivered its [judgement](#) on 30.03.2017 and [published](#) on 22.05.2017 in the OJEU. The issue of the proceeding was the polluter-pays principle (Art. 14 and 15(1) of the [Waste Framework Directive 2008/98/EC](#)). The CJEU stated that it is not against the polluter-pays principle when Member States calculate a fee for the waste management and disposal service on the basis of an estimate of the volume of waste generated by users of that service, and not on the basis of the quantity of waste which they have actually produced and presented for collection.

## Other EU bodies

### **CLP / Harmonized Classification proposal/ Granulated copper/ Helsinki, 19.05.2017**

[France](#) submitted a [proposal](#), to the European Chemical Agency (ECHA), for a harmonized classification for granulated copper (also used as biocidal substance - wood preservative) with future hazardous entry: Eye irritation - Category 2 (H319) and Toxic to aquatic life with long-lasting effects - Category 2 (H411). ECHA held a [consultation](#) on the harmonized classification proposal which ended on 19.05.2017. After the views from stakeholders were collected, the French authorities will respond to the comments received before the proposal goes to the Committee for Risk Assessment (RAC). EuRIC responded to the ECHA consultation advocating against any new classification of copper as hazardous under the CLP Regulation and supporting the views of the European Copper Institute.

## **Studies**

### **JRC report/ Non-ferrous Metals Manufacturing / Brussels, 17.05.2017**

The European Joint Research Centre has published a [Report](#) "Non-ferrous Metals Manufacturing: Vision for 2050 and Actions Needed". This report, supported by the non-ferrous metals producers during the drafting process, focuses on challenges for the European non-ferrous metals manufacturing industry in the following areas: (i) Trade and competition, (ii) Innovation, (iii) Resources and (iv) Business integrity and skills. For each of these areas, suggestions for policy actions are being introduced.

## **Events**

### **Circular Economy in Visegrad Group (V4) Countries / Brussels, 1 June 2017**

An event focusing on "Circular Economy" and hence also on recycling in the Visegrad Group countries (CZ, HU, PL, SK) will take place in Brussels on 1 June 2017. The programme and further information is available on the event's [website](#).

### **Raw Materials Week / EIP Conference / Brussels, 6-10 November 2017**

The Commission will organize the 2<sup>nd</sup> edition of the "Raw Materials Week" in Brussels from 6-10 November 2017. This event focuses on wide range of issues relevant for raw materials sectors, such as policy, technology, international cooperation, framework conditions, etc. One part of the "Raw Materials Week" will be the 5<sup>th</sup> annual high level conference of the European Innovation Partnership (EIP) on raw materials. More information is available on [DG GROW website](#).