



EQAR-Comments on reclassification of recycled aggregates under REACH

The European Quality Association for Recycling e.V. (EQAR) is the European organisation representing the recycling industry in the construction sector. Our members are mainly national associations covering recycling companies and recycling activities in the mineral sector. EQAR endeavours to promote recycling in general at European level. EQAR's many years of existence and the wealth of experience from the EU member states allow us to make specific statements on planned European initiatives.

We are in contact with hundreds of enterprises, but also with many clients in different countries, also with official government agencies and non-profit organizations. EQAR has many countries as members that are highly developed in terms of recycling construction materials, but also some that do not yet have corresponding regulations, in particular an early end-of-waste date for recycled construction materials.

Based on the details explained below, the inclusion of **recycled construction materials as 'substances' is wrong and unacceptable**. Wrong, because the manufacturing process is only concerned with the particular form, surface or shape and the chemical composition in no way determines its function. Furthermore, only construction materials that have already complied with the REACH regime are subject to reprocessing. **The reclassification as a 'substance' leads to major problems** that make the recycling quotas demanded by the EU appear unachievable. The envisaged exemption provisions (Annex V) can be contested, which means that the requirements of the REACH Regulation will take full effect and **recycled construction materials will become uneconomical**.

The non-mineral content of recycled construction materials is **extremely low and is far below 1 per cent by mass**. These are predominantly organic construction materials, such as wood or plastics (thermal insulation), possibly also (non-ferrous) metals. In general, these are also components of (non-mineral) construction materials that are demolished. As mineral components typically make up 95% of the mass of a building (with the exception of wooden houses) and the remaining parts (windows, doors, floor coverings etc.) are removed BEFORE demolition, the proportion of mineral waste is insignificant. **Hazardous waste must not be included and is removed with the pre-demolition audit**.

The following pages explain in detail why recycled building materials should not be subject to the REACH system.



DETAILS CONCERNING

RECYCLED MINERAL CONSTRUCTION MATERIALS

Recycled construction materials are produced from mineral waste from building construction and civil engineering - in particular concrete, bricks and asphalt. These construction materials are incorporated into the building/construction and have to fulfil the necessary legal and technical requirements - including those of the REACH Regulation.

Recycled construction materials (recovered aggregates) represent the greatest potential for circular products in the EU. Depending on the member state and the statistics, mineral construction waste accounts for 15-20% of all waste. This huge volume or extremely large mass of waste represents a correspondingly large potential as a source material for products of the circular economy, namely as recycled construction materials.

Treatment plants that process recycled construction materials are very often operated by or as SMEs. Processing is carried out in particular by screening, crushing and classifying rock fractions. Processing is therefore subject to waste legislation and the Construction Products Regulation (CPR), as products for the construction industry are manufactured from waste.

In the production process, the key technical parameters are grain size, grain shape, crushability, compressive strength and the geometric shape of the grains. The chemical properties are generally not important for technical use in buildings. Chemical parameters are specified nationally by the member states for reasons of environmental compatibility. In most cases, the technical construction parameters are specified by harmonised European standards, e.g. EN 12524, which regulates 'aggregates' - both natural and recycled, as well as industrially produced ones.

Recycled mineral construction materials have been in use for over 30 years, have proven to be a good alternative to primary raw materials and allow up to 10% of primary raw materials to be saved each year. This saves landfill volumes and minimises the impact on natural rock deposits.

A good 20 years ago, it was recognised in detailed discussions that recycled construction materials are articles within the meaning of the REACH Regulation. **They are therefore not subject to REACH.** Since then, neither the manufacturing process nor the source materials nor other basic principles have changed in such a way that it is expedient or necessary to subject recycled construction materials to the REACH regime.

REACH REGISTRATION NOT NECESSARY FOR RECYCLED CONSTRUCTION MATERIALS

Recycled mineral construction materials are obtained from the dismantling of buildings and civil engineering structures. **The materials used there were subject to the REACH Regulation when they were first used.** This makes it clear that only substances authorised under REACH are degraded and, after appropriate processing, fed into a cycle that does not require further registration under REACH.



In many EU-memberstates recycling of construction materials is subject to a Recycling Construction Materials Regulation. In these memberstates specifies environmentally relevant chemical limit values of processed recycled construction materials, and on the other hand, **pre-demolition audits** are required in advance (acceptance), which must be carried out by specifically trained specialists (accredited specialist organisations or persons with dismantling expertise). These pre-demolition audits are used to recognise pollutants (hazardous substances) and contaminants (non-hazardous substances that interfere with the recycling process) and sort them out before demolition work is carried out. This also ensures that any substances that could have a harmful effect on the recycled product are screened out in advance. Even harmful substances introduced during the operation of a building are recognised and, as mentioned, removed before demolition work is carried out. This means that no harmful substances are introduced into the recycling process.

The EU-Waste Framework Directive also stipulates an (early) end-of-waste date for recycled construction material products: after comprehensive testing, the environmental compatibility of these recycled construction materials is certified – f.e. more than 90 per cent by mass of the recycled construction materials produced in Austria reach the end-of-waste date when they are sold/passed on and not only when they are installed/used. **According to the Waste Framework Directive, waste can only reach end-of-waste status if no negative effects on the environment or human health can occur.**

Recycled construction materials are therefore harmless and have no negative impact on the environment or human health.

EFFECTS IF RECYCLED CONSTRUCTION MATERIALS ARE SUBJECT TO REACH

Recycled construction materials have so far NOT been subject to the REACH regime as an article, and this is deliberate, as (see above) these articles do not have any harmful effects on the environment or human health.

Recycled construction materials are subject to competition with primary construction materials. Due to the necessary logistics, processing technology, storage requirements and transport, the processing costs of recycled construction materials are practically identical to those of primary construction materials. This calculation must also take into account the chemical analyses that are currently defined at national level, and which regularly certify environmental compatibility at close intervals.

Additional analyses, as could be required by REACH, mean that the EU target of increasing the recycling rates of mineral construction waste to well over 70% (note: the EU Taxonomy Regulation requires recycling rates of up to 100%) is unlikely to be achieved: On the one hand, because many processing companies will avoid the additional expense and turn to other economic agendas; on the other hand, because the prices of recycled construction materials will exceed those of primary construction materials, as the production costs will be too high.



The economic competitiveness of recycled construction materials will no longer exist. The market that has been built up over the last few decades will collapse or at least shrink considerably, which runs counter to the EU's intentions.

It is also pointed out that no European member states have problems that could be prevented by REACH arisen in recent decades, nor has there been a need for an investigation under REACH. As millions of tonnes of recycled mineral construction materials are produced and used in, there is a sufficient wealth of experience.

Furthermore, it is pointed out that waste treatment plants/processing plants for mineral construction materials are typically operated by SMEs. Such plants employ an average of 5-15 people. SMEs do not have the option of utilising legal departments or other administrative units, i.e. any new requirements under REACH will not be met by these SMEs - instead, they will cease operations and thus reduce the recycling rate.

SUMMARY

Recycled construction materials are obtained from non-hazardous, mineral building waste that already met the REACH criteria when it was used as a construction material. Prior to demolition, any harmful substances present are identified by specialists and removed from the recycling process. The incoming inspection of processing plants ensures that only suitable, high-quality raw materials are used. If the current practice, which has not led to any problems since its inception, of categorising recycled construction materials as products is deviated from and recycled construction materials are subjected to REACH, the recycling rate will immediately be greatly reduced, competitiveness will be diminished, and the number of processing plants will be drastically reduced.

The idea that recycled construction materials could not constitute a product within the meaning of the REACH Regulation leads to a massive administrative burden but does not benefit human health or the environment as a whole.

EQAR as European Representation of the recycling industry is therefore vehemently in favour of recycled construction materials being regarded - as before - as articles within the meaning of the REACH Regulation and rejects classification as a substance or subjection to the REACH system.