



## **European Platform for Recycled Aggregates (EPRA)**

### **Comments on document CA/24/2008 from the 4<sup>th</sup> Meeting of the Competent Authorities for the implementation of Regulation (EC) 1907/2006 (REACH)**

The European Platform for Recycled Aggregates (EPRA) has been launched by the European Aggregates Association (UEPG) and the International Recycling Federation (FIR). UEPG represents 3 billion tons of aggregates production on 28,000 sites across Europe. FIR is the representative of the European Recycling Industry of Construction & Demolition Waste. The mission of EPRA is to achieve the best use of recycled aggregates for the highest applications possible.

#### **2. Recycled aggregates still considered as waste**

In several Member States recycled aggregates, meeting national requirements, are considered as a product and not as waste. The European Commission has also recognised the fact that recycled aggregates should be regarded as a product. In its proposal for a revised Waste Framework Directive (Proposal for a Directive of the European Parliament and the Council on Waste, COM(2005) 667 final) the Commission has put forward the development of end-of-waste criteria for recycled aggregates. The Joint Research Centre is currently developing a methodology for end-of-waste criteria.

At European legislative level and until the end-of-waste criteria are defined, recycled aggregates still constitute waste. The fact that some Member States consider it not as waste does not change this situation. Recycled aggregates are therefore per definition not submitted to the obligation of registration, according to art 2.2 of REACH. The European legislative status of recycled aggregates will finally become clear when end-of-waste criteria will be defined.

**EPRA urgently calls for clarity on the issue of the relation  
between the end-of-waste status and REACH.**

#### **3. Recycled aggregates constitute articles**

EPRA recognises that the European Commission, in its document as cited above does not consider recycled aggregates as articles. However, the following aspects have to be taken into account.

Aggregates (recycled included) are used because of their physical properties and not for their chemical properties. The production process (crushing, sieving and washing if relevant) has only one goal, namely production of material with specific shape, size and surface characteristics. Chemical composition is not an item of interest upon validating fitness for use.

The importance of form and size is emphasised in the requirements for the application of recycled aggregates:

- Aggregates are construction products as defined by the Construction Products Directive. It means they are intended to be incorporated in construction work for specific use. Therefore aggregates have to fulfil precise requirements. Those characteristics, according to the Mandate M125 issued by the Commission, are described in CEN TC 154 harmonised standard e.g. EN 13242: aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction, EN 12620 aggregates for concrete etc.
- CEN TC 154 Standards give the following definitions:
  - Aggregate granular material used in construction. Aggregates may be natural, manufactured or recycled
  - Natural aggregate: aggregate from mineral sources which have been subjected to nothing more than mechanical processing
  - Manufactured aggregate: aggregate of mineral origin resulting from an industrial process involving thermal or other modification.
  - Recycled aggregate: aggregate resulting from the processing of inorganic material previously used in construction
- The concept of “recovered aggregates” as mentioned in doc CA/24/2008 clause 3.1.5.2 is covering part of manufactured aggregate and all recycled aggregates
- The most important requirements on all types of aggregates and for all use as stated in TC 154 standards are the geometrical requirements concerning grading (dimension) and shape. Physical requirements are the second one aggregates have to fulfil and those include

Considering the above, aggregates are clearly articles according to article 3 (3) of REACH. Article 7 of REACH regulates the registration of substances in articles. Condition (b) of sub.1 is not met by recycled aggregates. They do not contain substances which are intended to be released. It is therefore concluded that recycled aggregates need not be registered.

**EPRA calls upon the European Commission to consider recycled aggregates as an article.**

#### **4. Recycled aggregates as recovered materials**

EPRA likes to inform the European Commission that recycled aggregates consist of the following constituents, either alone or mixed in certain cases:

- Concrete
- Natural stones
- Masonry
- Asphalt

These constituents make up almost 100% of the products. Impurities (e.g. gypsum or glass) may be contained in very small amounts. EPRA welcomes the view of the European Commission, that full knowledge of the exact composition of recovered substances is hard to acquire and that their presence is unintended. They therefore do not require separate registration.

The constituents mentioned above are all preparations or articles. These constituents and their contained substances are excluded from registration according to Annex V of REACH. Using the approach of art.2.7(d) we again conclude that recycled aggregates are exempted from registration.

For the application of article 2.7.(d) to recycled aggregates some clarification is needed:

- Substances in Construction & Demolition Waste are mostly older than the REACH obligations and have therefore never been registered. It is impossible to investigate all substances present in recycled aggregates. It would be practicable if those substances were exempted from registration or that 'sameness' is applied for those older materials.
- The interpretation of 'impurities' should be that any substance under 20% is regarded as such.

#### **5. Pre-registration**

There is much confusion amongst recycling companies whether they need to pre-register. From the above EPRA concludes that substances present in recycled aggregates do not have to be (pre-)registered by the recycling companies. If the European Commission does not share this view, we call upon the European Commission to make clear if companies need to (pre-)register recycled aggregates. This is an urgent request.

#### **6. Conclusion**

For the time being, recycled aggregates can be considered waste or article in relation to REACH. For that reason we assume that at this moment no (pre-)registration is required.