



## FESI feedback on non-toxic Roadmap

June 2020

The sporting goods industry supports efforts to transition to a circular economy. Our industry has been investing in resource efficient solutions for years and continues to invest in sustainable innovative solutions to reduce the environmental footprint of production and products throughout their lifecycle and promote the uptake of safer chemical alternatives where feasible and meaningful.

Thus, the Federation of the European Sporting Goods Industry welcomes the opportunity to provide feedback on the “Chemicals strategy for sustainability” roadmap published by the European Commission. Proactively identifying any legal, technical or practical issue linked to the interface between chemicals, products and waste legislation (hereafter CPW) provides the opportunity to address and explore solutions for the inevitable challenges that will arise as the Circular Economy Action Plan moves forward. FESI has already provided extensive input to the respective consultations mentioned as basis for the roadmap in particular the second REACH Review, the Fitness Check of the most relevant chemicals legislation (excluding REACH) and the Communication on options to address the interface between chemical, product and waste legislation - (see documents attached).

FESI is however concerned that the multiple regulatory projects currently in the pipeline could lead to additional areas where chemical restrictions are not aligned and could thus create confusion for the industry and implementing market authorities in members states. FESI and its members believe that the recovery in the wake of the COVID-19 crisis should be green. However, due to limited resources, compliance teams in member companies find it increasingly challenging to keep up with the on-going high rate of regulatory publications and as such provide meaningful input in challenging times. The Green Deal and Circular Economy Action Plan have the potential for wide-ranging impacts on the global apparel and footwear industry. Therefore, FESI and its members would like to share their concerns about the areas listed below which will need to be addressed for efficiencies' sake.

### **1. Insufficient information about substances of concern in products and waste**

This point affects the ability to monitor compliance of recovered materials making it challenging to understand if materials are safe and fit for purpose to be reintroduced on the market. REACH legislation only applies to a defined list of substances meeting strict criteria, thus, the limited information about substances of concern in the input waste to be treated could have negative impacts. Absence of information may delay the transition from waste to product status causing longer checking of compliance and delay the application of exemptions from REACH (the exemption to the obligation to register the same substance).

The CPW paper stated that the “flow of information about the presence of hazardous substances in mixtures is ENSURED and REGULATED by CLP and the REACH Regulations...”. We would agree that regulation is happening, but do not necessarily agree that the information is ensured, specifically in relation to determining whether the information reaches the correct, interested, and/or impacted parties. We agree that this should be a goal and believe that clear definitions of who is legally responsible for ensuring information flow at each stage is critical to achieving this goal. It is also important to evaluate whether the current flow of information is sufficient to achieve stated objectives and if the current mechanisms in place are adequate. Finally, it is important to understand how new information requirements or new sources of information will be incorporated into an overarching information flow scheme.

## **2. Presence of substances of concern in recycled materials and in articles made thereof**

In some cases, residual substances of concerns called “legacy substances” may be difficult or impossible to remove in a viable manner. Currently, there is neither a general framework to deal with this issue, nor a common methodology to determine the overall costs and benefits of the use of recycled materials containing those substances rather than the disposal/energy recovery of waste if recycling is prevented. Specific solutions have been implemented on an ad-hoc basis, but there is still widespread uncertainty.

In addition to the questions identified in the roadmap, specific challenges that need to be addressed are:

- Some criteria or restrictions only apply to certain articles. This will prove problematic when trying to reconcile articles that can be recycled into multiple other types of articles or used by industries with different restrictions (more limits; i.e. toys directive).
- Related to the above, how to handle competing regulations such as the skin sensitizers restriction proposal, which might hamper the potential uptake of secondary raw materials, needs to be addressed.
- Transition times for phase outs that could end up in waste stream or reuse cycles would need to be addressed upfront to enable operators to understand timelines for incorporation of “legacy substances” and the extent of regulatory obligations for re-using articles that may be deemed unusable in future years.

## **3. Uncertainties about how materials can cease to be waste**

Transparency is crucial in defining end-of-waste criteria and their methodology. This is particularly true considering that products will be coming from different sectors and, therefore, will have potentially different restrictions. Knowing what to test for without a transparent flow of product information would prove problematic to the recycling industry.

## **4. Conclusion**

Once more, we would like to thank the Commission for the opportunity to participate in this stakeholder feedback. We look forward to seeing our input incorporated into the next round of communication from the Commission on the legal, technical and practical issue of the interface of chemical, product and waste legislation that may be unnecessarily hindering the transition of recycled materials into fit-for-purpose products that can be reintroduced into the productive economy.

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**About FESI:**

Founded in 1960 FESI - the Federation of the European Sporting Goods Industry represents the interests of approximately 1.800 sporting goods manufacturers (85% of the European market) through its National Sporting Goods Industry Federations and its directly affiliated member companies. 70-75% of FESI's membership is made up of Small and Medium Sized Enterprises. In total, the European Sporting Goods Industry employs over 700.000 EU citizens and has an annual turnover of some 81 billion euro