

Position (dated 06/05/2010) of the European Steel Industry on Steel Scrap & REACH

Steel scrap being a waste falls outside the scope of REACH. In case the substances in steel scrap are recovered, either in non-waste scrap (by scrap processing) or directly in steel products (by scrap melting), the legal entity operating the recovery process - for example EAF producers - can use Article 2(7)(d) of the REACH Regulation to claim an exemption from registration for the substances intentionally recovered from it. In order to use this exemption, all of the following **conditions** must be fulfilled

1. the recovered substance must already have been registered

- As soon as the Lead Registrants have made their joint submissions, the registration numbers issued by ECHA will confirm the registrations. So, the most straightforward way is to compare the recovered substance to the ECHA list of registered substances. *The exemption defined in Article 2(7)(d) does not require that the substance has been registered by an actor in the same supply chain.*

- *The constituents that will be registered by the primary producers, who are supported by the Iron Platform and the other metals consortia, are amongst others Fe, Cr, Ni, Mo*

2. the substance(s) is/are recovered¹ in the European Community

3. the recovered substance(s) is/are the same as the registered substance(s); i.e. have the same chemical identity and properties

- This should have been guaranteed via the sameness surveys conducted after pre-registration in order to form the SIEF(s).

- For single recovered substances (e.g. iron recovered from carbon steel scrap), it is recommended that, in accordance with the ECHA guidance for identification and naming of substances (sameness criterion), maximum of flexibility is applied to composition ranges taking into account any issues with regard to classification. Mono-constituent substances may contain up to 20% impurities (including the steriles).

- Where two or more substances are recovered, these recovered materials must be treated as a mixture. Thus, the legal entity performing the recovery operation must demonstrate the sameness of each recovered substance with the corresponding registered substance. For mixtures, it is impossible to meaningfully assign impurities to the individual metals intended for recovery. Especially, the substances in the steriles. Therefore, it is recommended that the mixture as a whole contains a maximum 20% impurities (including the steriles) and taking into account any issues with regard to classification.

- The recoverer has to demonstrate the sameness of the recovered and registered substance(s). This may be achieved by chemical analysis.

- *It is commonly known that single metals do not change their chemical identity neither during scrap processing nor during the scrap melting.*

4. the information in the supply chain required by Articles 31 (in case of Safety Data Sheets) or 32 (in case no Safety Data Sheet is required) relating to the substance that has been registered is available to the establishment undertaking the recovery

¹ Recital 22 of the Waste Framework Directive states that for „the purposes of reaching end-of-waste status, a recovery operation may be as simple as the checking of waste to verify that it fulfills the end-of-waste criteria.“

- The steel industry, in close co-operation with the non-ferrous metals sector, will describe the uses of the recovered substances in steel in the dossiers for the metals used in steel production. In order to comply with this requirement of Article 2(7)(d), the scrap recovery industry needs information about the substances it recovers and that information will be provided by the European steel and non-ferrous metals industry.

Notwithstanding all this, the recoverer is the legal entity responsible for placing the recovered substance(s) on the market, for its/their safe use throughout its/their new lifecycle.