

European Steel Industry approach on Steel Scrap and REACH

Summary and conclusion

As the waste/non-waste status of steel scrap differs amongst EU Member States as well as within third countries involved in the global trade of steel scrap, the European Steel Industry has to agree a harmonised approach to the treatment of steel scrap under REACH regardless of its origin and its waste/non-waste status.

This paper establishes a coherent treatment of scrap under REACH, regardless of its legal status as determined by whatever current or future waste-related legislation, by focusing on the substances to be recovered from scrap in accordance with Article 2(7)(d) of 1907/2006/EC (REACH Regulation). Thus, the substances recovered from the steel scrap (whether it be imported or produced in the EU) would be exempted from registration. The sector will pre-register recovered substances for which the scrap is traded (see disclaimer at the end of this document).

Explanatory text

The revised Waste Framework Directive will include criteria under which metal scrap in the recovery chain could cease to be waste and, thus, become non-waste subject to REACH. Therefore scrap might coexist with different legal status and yet the substances within it will nevertheless be recovered for reuse in steel.

Thus, at the end of the recovery chain, the different scrap categories, irrespective of its waste/non-waste status and its origin, are recycled into new steel products that are produced via both the Electric Arc Furnace and the Integrated steel (Blast furnace) route. The same international standards specifying chemical composition and mechanical properties and adapted to the uses apply to all steel products irrespectively of the route.

On the assumption that the following provisions of Article 2(7)(d) are fulfilled, the recovered substances from the *steel scrap (whether it be imported or produced in the EU)* used to make recycled steel would be exempted from registration:

1. the substances recovered from the steel scrap will have already been registered;
2. the substances are not chemically modified during the recovery treatments; and
3. the information following Articles 31 or 32 on the registered substances will be available to the establishment undertaking the recovery

However, in order to take advantage of the provisions of Article 2(7)(d) and the transition periods for registration of phase-in substances, both *ECHA and the European Commission advises those involved in the recovery chain to pre-register their substances*. This is because requirement 1 above of Article 2(7)(d) has yet to be fulfilled (see disclaimer).

Steel Companies will pre-register the recovered substances¹ for which the steel scrap is traded even when knowing that the three provisions for the exemption from registration will be met (see disclaimer). Furthermore, the substances recovered from the steel scrap ultimately would be assessed within the technical dossiers for steel's various alloying elements.

The European Steel Industry undertakes to assist those responsible within the recovery chain to characterise the composition of the steel scrap (including impurities/residuals). Potential environmental and health impacts will be assessed where substances fulfil the requirements of 67/548/ECC (Dangerous Substances Directive), recommendations for safe use will be provided through suitable exposure scenarios within the registration dossiers for iron and other relevant substances. This task will be carried out regardless of the legal status of the scrap, avoiding any confusion for scrap recovery industries (especially as most of them are small and medium enterprises).

The steel industry and this in close co-operation with the non-ferrous metals sector will describe the uses of the recovered substances in recycled steel in the dossiers for the metals used in steel production. In order to comply with requirement 3 above of Articles 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 industry.

Disclaimer:

The European Steel Companies will pre-register the recovered substances for which the steel scrap is traded (regardless of its legal status and its origin) and this because of the recommendations made by DG Enterprise (Commission) and the European Chemicals Agency (ECHA). However, the EU steel sector does not share the opinion from the Commission/ECHA on the necessity for pre-registration of the recovered substances as the conditions for the exemption from registration will be met. Pre-registration of the recovered substances might confuse and complicate the next steps especially for Small and Medium sized Enterprises (often active in the recovery chain).

"Important Notice: This position paper is intended as a supplement to the REACH Regulation and the official REACH Technical Guidance Documents published by the European Chemicals Agency (ECHA). It is provided as an advisory document and, as such, has no legal standing. Therefore, in conjunction with this position paper, users are advised to consult Regulation EC 1907/2006 (for the legally binding requirements of REACH) and the official REACH Technical Guidance Documents (for detailed information on REACH implementation). It may also be appropriate to seek independent legal advice on matters related to pre-registration and registration. While every effort has been made to ensure the accuracy of this document, neither Eurofer nor the authors of this document accept liability for its content or for the use which might be made of the information herein."

¹ Examples: Iron for the scrap used in the carbon steel route and the integrated route; As a minimum, Iron, Chromium, (and Nickel, Molybdenum depending of grades) for the scrap used in the stainless steel route. Generally spoken, for all these routes, there could be exceptions to this