



LIGHTINGEUROPE
THE VOICE OF THE LIGHTING INDUSTRY

LightingEurope Position on the Chemicals-to-Waste Interface

LightingEurope would like to respond to the European Commission public consultation addressing the interface between chemical, product and waste legislation with this statement.

Having reviewed the online questionnaire and attempted to respond based on the options available in this multiple-choice questionnaire, we have concluded that the questions and the response options are not phrased in a way that allows us to accurately reflect our views.

We trust the European Commission will take our views into account and to facilitate this exercise, we have maintained the structure of the online questionnaire. We agree that this statement is published and that LightingEurope is clearly cited.

Challenge 1 – Defining substances of concern

LightingEurope believes that substances of concern should be limited to those identified under REACH as substances of very high concern (candidate list).

The scope of substances needs to remain clear, with a single list and a clear predictable timetable for its updating, and it should also remain manageable.

This clearly delimited scope of substances will help ensure that all actors on the EU market, both EU and non-EU, can comply and that national market surveillance authorities can enforce substance-related requirements.

Challenge 2 – Tracking substances of concern

LightingEurope believes the current requirements are sufficient to facilitate the flow of information on substances to consumers and to recyclers (e.g. WEEE Article 15, REACH Article 33).

Individual sectors and companies have adopted specific systems for communicating with their global supply chains and work with their EPR schemes and recyclers to facilitate the two-way flow of information.

Any information provided to recyclers should be commensurate to what they need in order to manage their waste streams and optimize recycling and the recovery of materials.

Analytical testing or other quality assurance methods will be needed both for incoming waste materials and for outgoing secondary materials. This is particularly the case if the EU accepts different rules for primary vs. secondary materials, where additional efforts will be needed to ensure no loophole is created and the quality of the secondary materials is confirmed.

LightingEurope does not believe that mandatory information systems are a pragmatic and proportionate solution and we suggest that the resources of industry, national authorities

and the European Commission would be better invested to promote the objectives of the Circular Economy.

LightingEurope suggests that the interface consultation is now followed up with a more detailed discussion about how to reconcile the various elements of the EU circular economy policy, including increased reparability and durability of products, reuse of components, regulating an incrementally increasing number of substances with the objective of substituting them in products and eliminating them from waste streams and secondary materials. We recommend an open dialogue between material suppliers, product manufacturers, recyclers and national enforcement authorities on how to balance the implications of, among other issues, a global supply chain, various actors involved in repair/maintenance over a product's lifetime, legacy substances, recovery and reuse of materials and components.

> Information Systems at EU level

LightingEurope is against any additional compulsory information system in the EU, beyond the ECHA database, that covers additional substances. LightingEurope members already have substantial concerns about the feasibility, practicality, added value and impact on competitiveness and a level playing field of the Waste Framework Directive Article 9 database, that was not subject to any prior impact assessment nor consultation with the intended target audience and suppliers.

We believe the amount of resources required of national enforcement authorities to check compliance and of the industry to upload and update information would be disproportionate to the objectives to be achieved. LightingEurope believes these resources would be of more value if invested into R&D and the deployment of circular products and business models and in enforcing existing substance and product rules to ensure a level playing field.

The ECHA database introduced under Article 9 of the Waste Framework Directive requires further reflection on what it can achieve and how it can become a manageable and useful tool. LightingEurope encourages ECHA and the European Commission to first map user needs in a transparent and open process and to then draw up an impact assessment on what is the most effective way to provide the information of Article 33 REACH to the intended target audience. We further encourage the European Commission to liaise with and learn from the experience of other EU information databases that are currently being set up (e.g. the European Product Registry for Energy Labelling-EPREL).

> Goods imported in the EU

LightingEurope believes more resources should be allocated to national market surveillance authorities to enforce existing EU rules. We applaud the efforts of these authorities and acknowledge that their current level of staffing and finances is not sufficient to address the quantities of products and rules on the EU market.

LightingEurope calls on the EU to address online sales, where we note significant levels of non-compliance for lighting products. The current legal framework is not satisfactory, because liability for WEEE fees, product safety or even VAT is in many cases not clearly allocated to an economic actor with the EU jurisdiction, much less in the jurisdiction of the member state that is the product's end destination.

To create a level playing field, importers and imported goods should be subject to the same rules as EU suppliers and goods.

Challenge 3 - Level playing field between secondary and primary material

LightingEurope believes that secondary materials may be subject to different rules under certain conditions, in particular that there is no harm to consumers and that these rules are revised at fixed intervals.

The objective should be that within a fixed period of time both primary and secondary materials are subject to the same rules, in order to ensure a level playing field and achieve the objectives of the Circular Economy.

Challenge 4 - Level playing field between EU-produced and imported articles

LightingEurope mostly agrees with the proposals set out in the European Commission questionnaire.

Challenge 5 – Design for circularity

LightingEurope recommends that substance requirements should be contained in substance rules and that there is clarity as to what type of requirements can be expected to be found in each EU law. Currently substance requirements are being spread across various EU laws (RoHS/REACH, ecodesign), and this runs the risk of creating confusion over which or how many requirements apply and whether some laws and requirements take precedence over others.

Concluding comments

LightingEurope members view the Circular Economy as an opportunity not only for society and the planet, but also for our industry. LightingEurope remains committed to achieving the aims of the circular economy and calls on the EU to focus on pragmatic policies and rules that encourage innovation, reinforce competitiveness, acknowledge the global nature of supply chains and business and help ensure a level playing field among all actors on the EU market.

The LightingEurope 2025 Strategic Roadmap adopted in 2016 clearly identifies the Circular Economy as one of the four strategic pillars for generating value for users and growth in Europe. In 2017 LightingEurope published a [White Paper on Serviceable Luminaires in a Circular Economy](#). We are currently working on a study on the business potential of circular business models to support our 1000 member companies, 80% of which are SMEs, to identify new opportunities for innovation.

About LightingEurope

LightingEurope is an industry association of 33 European lighting manufacturers, national associations, and companies producing materials. LightingEurope members represent over 1,000 European companies, a majority of which are SMEs; a total workforce of over 100,000 people in Europe; and an annual turnover estimated to exceed 20 billion euros. LightingEurope is dedicated to promoting efficient lighting practices for the benefit of the global environment, human comfort, and the health and safety of consumers.

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