

## **Background information on REACH and actions by the Composting Association**

In the UK, quality composts may have recently escaped controlled waste regulations, through compliance with the Quality Compost Protocol but it seems that the REACH regulations could lasso and hold back developing markets for compost 'products', both in the UK and other European Union member states.

The REACH Regulation (Registration, Evaluation, Authorisation & Restriction of Chemicals) is being implemented across Europe during 2008. It does not apply to 'wastes', however, as soon as a 'substance' ceases to be waste (e.g. Quality Compost Protocol certified compost) then there is a possibility that the REACH regulation will apply. This would place onerous restrictions on compost producers regarding registration and information requirements to be supplied to end users, and could add significant cost per tonne to compost ex-works prices.

Apart from concerns about the cost burden, the additional paperwork may duplicate the QCP compost consignment paperwork. It has the potential to undermine the hard work that the Environment Agency, WRAP, TCA and other organisations have done on the QCP and the ongoing work to develop a Quality Protocol for anaerobic digestates.

In the early part of 2007, TCA obtained clarification from the UK's competent authority that non-waste compost would not be subject to the REACH regulations when implemented. However, by the end of November, discussions with the body currently undertaking the End of Waste study for the European Commission (the Joint Research Council) suggested that REACH probably would apply to non-waste compost.

Before Christmas 2007, TCA raised this issue as a matter of concern with Defra, the European Compost Network (ECN), the Joint Research Council (JRC) in Seville and Caroline Jackson MEP. It highlighted the implications of REACH for the composting sector and the adverse impact it would have on organics recycling. The Association also obtained advice on the EU process of finalising the End of Waste regulation Annexes, including the list of exempt substances, and has been working closely with the Environment Agency which is in direct discussions with Defra on this issue.

In view of the concerns raised by TCA, Defra appointed a desk officer to co-ordinate the UK's response to the EU. In particular, TCA has stressed that the UK needs to press for End of Waste compost to be included in the Annex V of the REACH Regulations (which lists exemptions to the Regulation).

In addition, the ECN have met with the JRC in Seville and highlighted the implications of REACH. The two bodies have co-ordinated a European response, including cost estimates and they have also worked in Brussels through the Recycling Coalition. They have also met with Caroline Jackson MEP. TCA has collaborated with the ECN to estimate the potential costs of REACH compliance, on a per compost tonne basis.