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## **Guidance document on the implementation of the labelling obligation related to the use of recycle in PVC products in line with regulation EU 494/2011**

Regulation (EU) N° 494/2011 of 20 May 2011<sup>1</sup> modifies annex XVII of the Regulation on the Registration, Evaluation, Authorization and Restriction of chemicals (EC) N° 1907/2006 (REACH)<sup>2</sup> and introduces a restriction of the use on Cd in **all** mixtures and articles made out of **plastics**. It applies as of 10 December 2011<sup>3</sup>.

“Mixtures and articles produced from plastic materials shall not be placed on the market if the concentration of cadmium (expressed as Cd metal) is equal to or greater than 0,01 % by weight of the plastic material.”

Moreover, paragraph 4 now foresees derogations for

“- mixtures produced from PVC waste, hereinafter referred to as “recovered PVC”,  
- mixtures and articles containing recovered PVC if their concentration of cadmium (expressed as Cd metal) does not exceed 0,1 % by weight of the plastic material in the following rigid PVC applications:

- (a) profiles and rigid sheets for building applications;
- (b) doors, windows, shutters, walls, blinds, fences, and roof gutters;
- (c) decks and terraces;
- (d) cable ducts;
- (e) pipes for non-drinking water if the recovered PVC is used in the middle layer of a multilayer pipe and is entirely covered with a layer of newly produced PVC in compliance with paragraph 1 above

**Suppliers shall ensure, before the placing on the market of mixtures and articles containing recovered PVC for the first time, that these are visibly, legibly and indelibly marked** as follows:

**“Contains recovered PVC” or with the following pictogram:**



<sup>1</sup> COMMISSION REGULATION (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium) (Text with EEA relevance), O.J. 21 May 2011; and its corrigendum : Corrigendum to Commission Regulation (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium), O.J. ,24 May 2011

<sup>2</sup> REGULATION (EC) No 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (Text with EEA relevance) (OJ L 396, 30.12.2006, p. 1)

<sup>3</sup> Corrigendum to Commission Regulation (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium)

(Official Journal of the European Union L 134 of 21 May 2011)

## **Guidance to EuPC members**

Following the extraordinary meetings of 10/11/2011 and 28/11/2011 where the EuPC member associations TEPPFA (The European Pipes and Fittings Association), EPPA (The European PVC windows and related profiles association) and ERPA (The European Rigid PVC film association) were represented, EuPC and ECVM advise the following.

The sentence “contains recovered PVC”, if used alone, should be printed in the language of the country where the product is placed on the market. In view of the technical constraints of doing so, we advise, PVC converters placing on the market articles containing recycle to mark their products with the pictogram



2. We are conscious that this pictogram could be misleading

Indeed, the pictogram is the same as to the one defined by standards ISO 14021: Environmental Labels and Declarations-Self-declared Environmental Claims and the Society of Plastics Industry codes published by the American Chemistry Council . The symbol indicates that the product “can be recycled”. With the adjunction of a percentage within or below it defines the recycle content.

Labelling with this symbol could confuse the user of the product if it is used as prescribed by the regulation to mean that the product contains recycle.

We therefore advise to add on a voluntary basis next to the pictogram in one language chosen by the converter supplying the article the sentence “*Contains recovered PVC*”. Since the legal obligation is fulfilled by the application of the pictogram, this sentence is there for informative purpose only. It could in principle be acceptable to use another explanation than the sentence provided in the legal text, but we discourage this as this would lead to a non harmonized way of declaring recycled content for PVC. There should therefore be at least an agreement across the whole PVC chain in one country in order to deviate from the official translation.

3. In case the converter does not have the necessary equipment to print the pictogram on a product he is placing on the market, it is mandatory to print the sentence provided in the legislation in the language of the country where the product is placed on the market.

We here below reproduce the sentence as mentioned in the different language versions of the regulation EC N 494/2011<sup>4</sup>.

BG	Съдържа рециклиран PVC
CZ	Obsahuje recyklovaný PVC
DA	Indeholder genanvendt PVC
DE	Enthält Recycling-PVC
Greek	Περιέχει ανακτημένο PVC
ES	Contiene PVC valorizado
Estonian	Sisaldab taaskasutusse võetud PVCd
FI	sisältää kierrätettyä PVC:tä
FR	Contient du PVC valorisé
HU	Hasznosított PVC-t tartalmaz
IT	Contiene PVC riciclato
LT	Sudėtyje yra perdirbto PVC
LV	Satur pārstrādātu PVC
MT	Fih PVC irkuprat
NL	Bevat nuttig toegepast pvc
PL	Zawiera PCW z odzysku
PT	Contém PVC reciclado
RO	Conține PVC recuperat
SK	Obsahuje recyklovaný PVC
SL	Vsebuje predelani PVC
SV	Innehåller återvunnen PVC

4. We would like to highlight that the legal obligation to mark products either with the pictogram or the sentence “contains recovered PVC” only relates to those recycles that contain Cd. We however advise to extend this practice on a voluntary basis in order to denote recycling content in an harmonized way across industry.

## 5. Specific problems and solutions

**5.1 stock produced before 10<sup>th</sup> December 2011** containing the pictogram fulfills the obligation of the Derogation. If no pictogram has been printed the stock has to be labeled with a sticker containing either the triangle or the text or both.

**5.2 products for export to another EU Member State** containing the pictogram next to a local language text fulfill the obligation of the Derogation but may also carry an extra text in the language of the importing country.

<sup>4</sup> The Translation provided in this document are for informative purpose only. We advice the user to always refer to the legal text of the REACH legislation. EuPC does not warrant or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of the information provided.

**5.3 In case a product has been labeled with a sentence in a language differing from the one of the importing country but has no pictogram affixed on it**, this product has to be labeled with a sticker containing either the triangle or the text or both.

**5.4 When windows assembled from profiles are carrying the pictogram** these windows fulfill the legal requirement provided the pictogram is visible on the window. When the pictogram is not visible anymore after the window has been installed in a building, the legal obligation is still fulfilled.



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**ECVM** ( The European Council of Vinyl Manufacturers ) represents the European PVC resin producing companies and is a division of **PlasticsEurope**. Its membership includes the 14 European PVC resin producers which together account for 100% of EU 27 production. ECVM is also a leading partner of **VinylPlus** - the organisation implementing the Voluntary Commitment of the PVC Industry - together with ESPA - representing the stabiliser producers, ECPI - representing the plasticiser producers and EuPC - representing the PVC converters.

**EuPC** is the leading EU-level Trade Association, based in Brussels, representing European Plastics Converters. Its powerful European Plastics Network exists to support the beneficial use of plastics worldwide, especially providing plastics converting companies with a voice in European legislation.

EuPC now totals about 51 European Plastics Converting national and European industry associations, it represents close to 50,000 companies, producing over 45 millions tonnes of plastic products every year.

The European plastics industry makes a significant contribution to the welfare in Europe by enabling innovation, creating quality of life to citizens and facilitating resource efficiency and climate protection. More than 1.6 million people are working in about 50,000 companies (mainly small and medium sized companies in the converting sector) to create a turnover in excess of 280 billion € per year.