

SYNTHESIS OF THE WORKINGPAPER

WASTE: TOWARDS A RECOGNITION OF “RECYCLATES”

Give a rightful place to secondary raw materials

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Everyone knows that our current development strategy, based on an exponential growth of the raw materials extraction, is not sustainable. Beyond justified efforts to limit the volume of waste, the use of raw materials produced from recycling constitutes one of the answers to such a situation. It embodies an essential component of circular economy and of the new ecological economy which is starting to rise.

Recent progress was recorded in preparation for the development of these new materials. This was seen in the draft bill for energy transition, recently adopted by the French National Assembly, which gives a definition and a legal sense to the concept of circular economy. Initiatives multiply on territories for developing the use of recovered waste.

However, several ongoing restrictions to the use of these secondary materials were not lifted by recent decisions and are still implemented. Among them, the legal status of these raw materials, which remain assimilated to waste even after being recovered, without distinction of their positive value, causes real difficulties. This legal status involves complying with complex regulations that are not always adapted. It contributes to give to these materials a negative image.

To answer this challenge, **this working paper offers to clarify and stabilize the notion of secondary raw materials on legal terms with two proposals:**

- 1) It first presents the opportunity for these **goods to be granted with their own and positive terminology – “recyclates”** –, which takes into account their double characteristics of real raw materials finding their origins in recovering. Without going as far as setting a new status between waste and product, which would be a source of complexity, recyclates would benefit from a precise legal definition.
- 2) Such recognition would imply consequences for organizing subsidiaries. Two *sine qua non* conditions must be met to confer a perennial and growing use of recyclates. The note suggests that **traceability requirements** must be adapted all along the processing chain, even the life cycle of the initial product. **Control tools** should enable to guarantee their conformity and quality as new materials. **This approach could fall within competitive clusters**, in order to ensure communication between the various players of each subsidiary, based on the spread of best practices.

This strong legal proposal would of course be confronted to a consensus on an European level, and maybe international, on the legal scope of this notion, in order to guarantee the perennial and economically viable development of these recyclates.

