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Att of Mr Casella Giuseppe, Head of Unit  
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**Subject: Valorpneu input to Draft Ministerial Implementing Order establishing the criteria for the assignment of end-of-waste status to rubber material derived from used tyres**

Dear Mr. Casella,

Valorpneu, the Portuguese Used Tyres Management Company, likes to make the following statements under the notification procedure for technical standards on the impediment to the free movement of goods in the Single Market due to the Draft Ministerial Implementing Order establishing the criteria for the assignment of end-of-waste status to rubber material derived from used tyres, notified to the European Commission by the Portuguese Ministry of Economy.

The above-mentioned document introduces in Annex 1 a criteria that refers the need for compliance with the provisions in Restriction 50 (point 1.3) laid down in Annex XVII of Regulation (EC) No 1907/2006, of the European Parliament and of the Council of 18 December 2006 (REACH). It also refers that the monitoring of this criteria should be made through laboratory tests.

However, this restriction is incorrect and should be deleted because according to the legal text (Paragraph 5 of entry 50 of Annex XVII of REACH), this restriction only applies to articles placed on the market for supply to the general public:

As far as we understand, rubber tiles/synthetic turfs are placed on the market as a construction material, for supply to professional users and/or Municipalities and Local authorities.

In this sense, although this kind of materials are ultimately in contact with the general population, we consider they are not intended to be supplied to the general public, and, consequently, not included in the scope of this restriction entry.

Therefore Annex I Criteria 1.3 and the above-mentioned self-monitoring criteria should be deleted from the Portuguese Draft Ministerial Order.

Valorpneu believes that the Commission will take in good account all of these observations.

Yours sincerely,

Climénia Silva  
General Manager