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EU ban on flame retardants upheld by 2022 European Court judgment, in a case of BSEF chemical industry group against European Commission

The judgment will set an important precedent, holding the door open for more systematic restrictions of substances hampering circular economy under the new revision of the Ecodesign Directive:

The Court backs the Commission line taken, recognising that the large disadvantage posed by the chemicals on recycling outweighed any benefits offered by the flame retardants to electronics. The court cites “the specific issue which the ban at issue is intended to remedy relates to the fact that it is not economically viable for recyclers to determine which specific HFRs are present in plastics, with the result that all plastics containing such substances are incinerated rather than recycled”. The court’s decision leaned therefore heavily on the recyclability of waste electronic displays and the economic advantage of a preventive grouped restriction.

EWA NEWS presents you the key elements of the Court judgment as well as links to the relevant background information.