TECHNICAL BULLETIN

Prepared by WG-5 Environment

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Lime and the Definition of Waste

EIGA has produced this Technical Bulletin to provide information to plant managers, directors, technical directors and environmental specialists in EIGA member companies on the applicability of the EU Commission's by product guidance to lime.

Background

In 2005, as part of the implementation of the thematic strategy on the prevention and recycling of waste, the European Commission proposed revising the Waste Framework Directive. This revision aimed to update the waste legislation and policy to recent developments and new knowledge and conditions. The revised Waste Framework Directive (Directive 2008/98/EC *on waste*) was adopted by the Council on 20 December 2008, and published in the Official Journal of the European Union on 22 November 2008 [1]. It entered into force on 12 December 2008.

NOTE The directive amended by 2018/851/EU in May 2018, without affecting lime and the definition of waste.

One of the main focuses of the review was by-products and the procedure used in order to assess the possibility for a waste to cease being a waste. In this case, the corresponding product should enter in the scope of REACH.

Lime is a by-product of our acetylene production activity. EIGA Doc 143, *Guide to Carbide Lime Applications* demonstrates that the lime can be used directly without further processing, should not be considered a waste and contains examples of its uses [2].

Lime as a by-product

Lime slurry is a suspension of calcium hydroxide in water produced when water is added to calcium carbide to make acetylene. The slurry is formed as a by-product of acetylene production and can be used directly in many applications, without the need for further reprocessing or purification of any sort.

The Commission guidance on by-products (COM/2007/0059) provides a series of criteria to show if a by-product is a waste or a non-waste by-product [3].

By applying the tests from EU waste jurisprudence and the Commission guidance on by-products it is demonstrated that lime is typically classified as a by-product. In fact:

- The intention is not to 'discard' the lime from the process but to market it; the lime is produced to a specification and has a safety data sheet according to product legislation and REACH registration.
- Lime can be used directly without further processing, which should mean it is not classified as a waste if it has a certain beneficial application. (Case C- 416/02 and Case C - 121/03).

The production process, physical characteristics and just some of potential beneficial applications of the lime are outlined in EIGA Doc 143 [2].

Lime as a waste

Practical situations where the lime would not be classified as a product but as a waste are if:

- lime produced as a by-product does not meet a defined specification (Case C- 416/02 and Case C - 121/03);
- there are no technically or commercially viable options for it as a product from a specific site;

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- there is no evidence of intent to market the lime, for example no REACH registration, specification and safety data sheet and active selling of the lime; or
- lime is stored for excessive or extended period on site (Palin Granit Case C 09/00 2002).

References

[1] Directive 2008/98/EC *on waste*, www.europa.eu

[2] Doc 143 *Guide to Lime Applications,* www.eiga.eu

[3] Communication on the Interpretative Communication on waste and by-products, COM/2007/0059, www.europa.eu

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