

EP Public hearing on plastics – 25 February 2021 FEAD responds to MEPs' questions

On 25 February 2021, **FEAD - the European Waste Management Association**, represented by its **President, Mr. Peter Kurth**, participated in the **European Parliament ENVI and PETI Committees' Joint Public Hearing** entitled "**Plastics and waste management in the circular economy**".

Waste management activities are integral to circular industrial chains and have a crucial role to play to ensure the circularity of our economies. The European private waste management sector, represented by FEAD, has a clear understanding of the environmental, health, and economic impacts of plastics and microplastics. Plastic waste will remain a reality despite proposed measures to limit the relentless increase of plastic production and consumption. FEAD strongly advocates to have a regulatory framework at EU level that would result in a sound management of plastic waste. In particular, we emphasise the following:

- The current use of excessive virgin plastic needs to be replaced by a **circular model**, whereby plastics already introduced into the economy are reused through **recycling and recovery**;
- **Mandatory recycled content in priority sectors** (packaging, automotive, construction products), and **green public procurement rules** can ensure a strong and long-lasting demand and boost the **market for plastic recyclates**. The rules on **Eco-design** play a key role in the recyclability of plastic products, because they stipulate the avoidance or limitation of additives and hazardous substances from the very start of the product value chain;
- Closing the plastic loop within the EU is dependent on **safe and efficient intra-EU waste shipment rules** and on greater law enforcement efforts preventing illegal exports and waste crime;
- To stop the leakage of plastic waste and consequently of microplastics we need to have a **better collection and separation system and improve recycling rates**. **Biodegradable and bio-based plastics** are not necessarily a solution, depending upon their impact on the environment, as most plastics do not degrade, but cause litter and end up in smaller pieces.

Below there is a set of questions posed by MEPs during the European Parliament's public hearing, which remained unanswered during the discussions. With the present paper, **FEAD provides the relevant answers as follows**:

1. Christian Doleschal (EPP, DE)

- What voluntary instruments could manufacturers use to encourage people to recycle more?
 - What measures are needed for recyclates used for food-contact materials?
- Voluntary commitment by the industry can be seen as a good way to increase demand for secondary raw materials at a first step. However, past experiences have shown that voluntary commitments are only effective to the extent that they serve the interest of those who commit themselves. Voluntary commitments may vary according to conjunctural circumstances or volatility of prices for primary raw materials. Present developments reveal that the industry (Circular Plastics Alliance) is not willing to reach the targets to make 10 million tonnes of recycled plastic find their way into new products and packaging in Europe by 2025. In consideration thereof and in order to reach the 2030 climate targets, there is no alternative but setting a legal framework requiring the mandatory use of recycled raw materials.
- While extensive volumes of plastics' recyclates are available on the market, only the ones that originate from food-contact materials (Regulation 282/2008 and Regulation 10/2011) can be used in new food contact materials. New regulations that allow extended use with strict regard to health protection should be examined with the involvement of EFSA.

2. Gunther Sidl (S&D, AT)

- What is your view on Deposit-Return Schemes for plastic bottles?
- Deposit-Return-Schemes (DRS) are one of the available collection methods, leveraging on economic incentives to increase collection rates for selected items. Collection methods largely depend on national/local decisions on how to achieve certain collection and recycling targets.

The SUP Directive sets a collection target of 90% for plastic bottles by 2029 and an interim target of 77% by 2025. This obligation to be fulfilled by the Member States will create new collection systems in the Member States and guarantee cleaner waste streams ready for recycling. Deposit schemes can be an instrument which helps to facilitate separate collection of bottles on national and regional level. But DRS systems should not be made compulsory with EU level rules. The respective role of door-to-door selective collection systems, and DRS, as well as their functioning, needs to remain defined at local/national level, to avoid overlaps and double financing circuits.

In principle, we are opposed to regulations for DRS at the European level. However, we may still be in favor of DRS for specific waste streams, if justified by the characteristics in the respective waste flows. For instance, regarding the new Proposal for a Regulation on batteries (COM(2020) 798 final), we call for the introduction of a deposit obligation on the European level due to the high risk potential especially of lithium batteries.

3. Vlad Gheorghe (Renew, Romania)

- How do you suggest closing the knowledge gap between the scientific findings of FEAD and the role of local/regional authorities?
- **Combatting illegal shipments** is a crucial step to provide for a suitable treatment of waste. Despite some tools, such as the Regulation 660/2014 which aimed at strengthening waste shipment inspections¹, more action is needed to combat illegal trafficking.

Increased enforcement of the EU Waste Shipment Regulation (WSR) can strengthen the acceptance of shipments by authorities and private individuals. Digitalisation and the introduction of an electronic, EU-wide notification system can lead to better and faster exchange between the authorities involved, while ensuring the highest levels of environmental protection. The upcoming revision of the WSR should clearly address these issues.

4. Frederique Ries (Renew, BE)

- Which other plastic material streams do you believe should be addressed next in terms of mandatory recycled content? Packaging, automotive, construction.
 - What are your thoughts on the absence of norms on bio-based/ bio-degradable plastics?
- Mandatory recycled content is the way forward to intensify the use of recyclates in many plastics applications: in the **construction** sector (e.g. plastic pipes and door/window frames), in the **automotive** sector (bumpers, cable insulation, carpet fibres, foam seating, insulation panels, etc) and for **plastic packaging**. Traceability and verification of recycled content can be ensured through the development of reliable tools based on third-party assessment.

Regarding the European Commission's Proposal for a Regulation on batteries, we explicitly

¹ <https://www.impel.eu/tools/guidance-on-effective-waste-shipment-inspection-planning/>

welcome the great accomplishments with the introduction of EU-wide requirements for the mandatory integration of recycled content in industrial, electric vehicles, and automotive batteries (12% cobalt, 85% lead, 4% lithium, 4% nickel by 2030 and 20% cobalt, 85% lead, 10% lithium, 12% nickel by 2035). In this context, we would welcome even higher levels of mandatory recycled content with an earlier start and we call for the integration of portable batteries into the scope of mandatory recycled content.

- As far as **biodegradable plastics** are concerned, one has to understand that biodegradable plastics and so-called compostable plastics are **not necessarily compostable in the existing composting plants**.

There should be an assessment framework with clear criteria for analysing in which applications the use of biodegradable and compostable plastics is indeed beneficial to the environment. In other cases, the use of biodegradable and compostable plastics should be avoided.

Alternatives to conventional fossil-based plastics, such as biobased plastics, could offer environmental benefits, under the condition they are recyclable, as any other plastic, and provided that they have been developed in compliance with EN standards.

5. Eleonora Evi (Greens, IT)

- What is the CO₂ impact of waste-to-energy plants? Are they needed?
- Waste-to-energy activities play a key role in the waste management chain, in particular in **recycling activities** by treating **residual waste**. A recently published legal study conducted by PriceWaterhouseCoopers concludes that, pursuant to a clear distinction between incineration for disposal and incineration for R1 energy recovery, waste-to-energy activities (complying with WFD's R1 criterion) are (1) consistent with the circular economy and (2) fulfil other environmental objectives, as long as they comply with the waste hierarchy.
 - R1 waste-to-energy installations allow net reduction of CO₂ emissions by generating heat/electricity, which would be otherwise produced by fossil fuels' sources.
 - Existing waste incineration BREFs ensure that waste-to-energy activities operate under the lowest and safest levels of emissions of any pollutants.

- Another recent study (CEWEP, 2019²), projecting scenarios of ambitious targets for recycling **municipal waste** for 2035, and also for **industrial and commercial waste**, illustrates that the EU will face a capacity gap of approximately 41 Mt for the **treatment of residual (non-recyclable) waste**. FEAD would like to point out that, quantities of residual waste of industrial and commercial origin, are significant and must be taken into account when assessing waste-to-energy capacities within the EU.
- Waste-to-Energy is the no-regret option for residual waste, to divert those waste from landfilling.
- Taking into account the waste hierarchy set out in the Waste Framework Directive 2008/98/EC, landfilling is the ecologically and economically least desirable method of waste management. Diverting residual waste from landfills to waste-to-energy plants constitutes a more ecological waste management method by enhancing material utility of resources and contributes to further reducing GHG emissions.

6. Sara Matthieu (Greens, BE)

- How can we monitor illegal shipments?
 - Do we have the necessary capacities to control these volumes?
 - How can we reduce consumption?
- Waste trafficking has a negative impact on sustainable resource management and recycling efficiency. In order to secure sound and environmentally friendly waste handling globally, legislation such as the Basel Convention and the European Waste Shipments Regulation have been introduced.

Despite some tools, such as the Regulation 660/2014 aimed at strengthening waste shipment inspection³, a massive action is needed to combat illegal trafficking. The enforcement of waste trafficking is organisationally complex. Most enforcement activities today are reactive in nature and rely on the cooperation between environmental agencies, customs and police networks in a number of countries.

- **Coordination and allocation of resources**, including **training of staff** controlling waste shipments, between different national authorities are the key to ensure effective and efficient

² <https://www.cewep.eu/circular-economy-calculator/>

³ <https://www.impel.eu/tools/guidance-on-effective-waste-shipment-inspection-planning/>

enforcement of the waste shipment regulation. Controls should not only be focused on registered, legal waste shipping operators. In particular, the export of second-hand goods (e.g. vehicles and old electrical appliances) that are actually no longer functional must be better controlled on site in the ports. These goods have a high potential for being improperly disposed of in third countries. An extended use of electronic tools (EDI – Electronic Data Interchange) would help facilitate controls on professional operators, while allowing to focus efforts on illegal actors.

- On the question on how to reduce consumption: one should not only think in terms of reducing final consumption of products. Eco-design, recycling and, more generally, circular economy, bring an essential contribution to reducing the needs for materials and resources.

7. Alexandr Vondra (ECR, CZ)

- What potential problems do you foresee in the implementation of guidelines that are published too late?
- While in principle we agree that guidelines should be agreed on well before implementation, we would like to provide you with some contextual elements with regards to the above-mentioned guidance on the implementation of Directive 2019/904. It covers single-used plastic products which are listed in the Annex to the Directive. A close look at the Annex will allow you to realise that the element “cups for beverage” are included in the list of products covered by the SUP. Moreover, art. 3.2 (addressed in paragraph 2.2.1 of the guidelines) clearly states that single-use plastic products are within the scope of the Directive also if partly made from plastics. This is stated regardless of the amount of plastic contained, as the Directive does not envisage any *de minimis* thresholds for the plastic content in a product. In particular, paper and board-based single-use products which are comprised of a plastic coating and/or lining are to be included. In fact, when a plastic coating is applied to the surface of the paper/board material to provide for resistance against contamination (for instance), then the condition of “functioning as a main structural component” is met. De facto, the plastic coating qualifies the product as a multi-layer item, made of different materials – which also equals to be relatively hard to recycle.

For what relates to the legislative process, it is relevant to note that they have been in the work since 2018, and the same recital of the Directive addresses the issue of plastic lining / coating,

as a qualifying factor.

8. Mick Wallace (GUE, IE)

- What are the options to substitute these cheap materials made of plastics?

First of all, with **ecodesign**:

1. Design products and systems for longer lifetime

With only a few legislative tools sporadically including repairability and durability requirements, there is a need for a coherent policy framework to ensure that products and parts are made durable, repairable, and reusable, and that the appropriate circular infrastructure is created to support demand for reuse, repair, and recycling/remanufacturing. The European Commission, with its Products Policy to be adopted in 2022, should cover this in an integrated approach.

2. Make products easier to recycle

Design for recycling is unevenly addressed by existing legislation. To allow for quality recycling and improved recycling rates, a comprehensive set of product requirements is needed: material formulation and combinations need to be simplified, eventual dismantling anticipated, and information on the location of key parts and components disclosed. Mandatory recycled content is a key part of ecodesign, to help planning new investments for the needed infrastructure for collection and recycling.

Secondly, with substitution of cheap materials made of plastics: the **taxation** could be a way forward, following the example of the recently adopted taxation on non-recycled plastic packaging. A further step should be to have a taxation on **virgin plastics**. More generally, single-use products should be avoided, either through a dedicated EU legislative instrument or with taxation instruments.

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