





## recycled content

Comment
<p>It should be clarified what is understood under 'consumer'. The definition in the Consumer Rights Directive excludes companies in general as well as natural persons that are acting as part of their trade, business, craft or profession. This would mean that the waste counting for recycled content would be restricted to household waste. In other words, if consumer is understood according to the definition of the Consumer Rights Directive, it would mean that the waste from companies (commercial and industrial waste) cannot be consider to count for recycled content. If we take the example of a laptop, there would be an incentive to recycle only laptops from households, but not laptops from offices (which represent the biggest part) because they are not 'materials that have been used and disposed by a consumer'. In addition, only waste coming from products that have been placed in the EU market should be considered. If consumer is not understood according to the definition of the Consumer Rights Directive, this should be clearly specified to provide legal certainty and avoid confusions in the future.</p> <p>It is in any case right that by-products from manufacturing processes shall not count for recycling targets for 2 main reasons: 1) they are not waste and therefore cannot be recycled according to the legal definition of the recycling activity, and 2) recycled content targets are there to incentivise waste management, which would be bypassed if waste can be replaced with by-products.</p>
<p>Forcing closed loop recycling as well as take-back schemes is an unjustified market restriction. A case-by-case analysis is needed to find the best option to stimulate the circular economy.</p>





