

25 September 2024, Brussels

Feedback to JRC technical proposal for the EU-wide End-of-Waste criteria for plastic waste

FEAD, the European Waste Management Association representing the private sector waste and resource management industry across Europe, welcomes the JRC technical proposal for EU-wide end-of-waste criteria for plastic waste. The proposal is in line with the feedback already provided during the consultation process and should facilitate intra-EU trade of recycled plastics. However, FEAD points out that the proposed EoW criteria need some additional clarifications in order to ensure their practicability and effectiveness in achieving the purpose of the End-of-Waste and the objectives of the circular economy.

In particular, FEAD would like to raise the attention of the JRC and the Commission on the following points:

- **1.2 – Forbidden input – Healthcare waste**

While criterion 1.2 clearly excludes from possible input materials “*healthcare waste, except non-hazardous plastic healthcare waste that has been segregated at source*”, the industry questions this provision, which does not seem to be in line with the approach of this End-of-Waste criteria and which deliberately excludes an input that could otherwise be safely recovered. In fact, the approach of Criteria 1.1, 2.3 and 3.1 seems to indicate that a hazardous input can be used as long as it is treated in such a way that the hazardousness of the input is removed along the process, to produce a secondary raw material complying with the quality and safety standards and relevant legislation applicable to products.

In this context, while we understand that healthcare waste is excluded from the scope of this End-of-Waste criteria due to the possible presence of pathogens, whereas the hazards addressed in criteria 1.1, 2.3 and 3.1 are chemical hazards, we believe that the approach should be the same. We therefore propose **not to exclude healthcare waste from the scope as long as it can be properly treated to remove its inherent hazards** and produce a secondary raw material that complies with this End-of-Waste criteria and with relevant product legislation.

In addition, source separation of non-hazardous plastic healthcare waste is often not implemented in healthcare facilities due to lack of space and time, making this exemption difficult to apply. Projects are currently underway in Member States such as Belgium^{1 2} to

¹ [Select4Care](#) is a project financed by the open call circular Care of the Flemish government. The objective is to develop a logistical scheme that will enable better collection and recycling of plastic medical waste.

² [VinylPlus Med](#) focusses on collection and recycling of PVC medical waste, and is already working with several hospitals in Belgium. High-quality PVC recyclate is used for the manufacturing of PVC wallpaper.

safely recover plastics from mixed medical waste, including a specific treatment step to remove potential pathogens. Such an exclusion of healthcare waste from this End-of-Waste criteria would therefore undermine industry's efforts to recycle all types of plastic waste.

- **2.2 and 3.2 – Intended use of the material output**

Today, some mechanical recycling processes produce plastic materials that are used in certain specific applications in the construction sector (e.g. asphalt additives, bitumen membranes/sheaths) and manufacturing sector. However, in the current version of the End-of-Waste for plastics, criteria 2.2 and 3.2 which specify the requirements for treatment processes and techniques and for product quality, require that the output plastic should be "*used as input to the production of plastic products or objects containing plastics*". This requirement does not cover the specific applications mentioned above, as the end use cannot be considered as an object containing plastics, but rather as products containing plastics.

Whilst FEAD understands the need to restrict the application of End-of-Waste to output uses where the integrity of the plastic material is maintained, i.e. *without deliberately altering the molecular structure of the polymers*, the mechanical recycling industry believes that the specific applications in the construction and manufacturing sectors mentioned above should fall within the scope of the End-of-Waste.

In this regard, the **rewording of criteria 2.2 and 3.2 to include products containing plastics** seems necessary to broaden the scope and cover as many applications of mechanical recycling processes as possible in the End-of-Waste criteria. The definition of "recycling" in the Waste Framework Directive also mentions the reprocess into products, materials or substances whether for the original or other purposes. **We need to make sure that the wording is perceived as not only the traditional plastic products but also substituting other materials.**

Finally, FEAD welcomes the very clear restrictions on the plastics output uses as presented in the Introduction and in the point 8 of the Statement of Conformity, "*such as for energy recovery, as input material for chemicals or fuels production (e.g. via chemical recycling), or for backfilling operations*", and believes that opening up the intended plastic output uses to "products containing plastics" does not contradict these restrictions and is aligned with the needs of the plastics recycling industry. In addition, it would be very welcome if **these restrictions were also mentioned with the same wording in points 2.2 and 3.2** to ensure that they are indeed clearly stated in the criteria.

- **1.1, 2.3 and 3.1 – Monitoring and removal of substances of very high concern**

Criteria 1.1, 2.3 and 3.1, which set requirements on input materials, on treatment processes and techniques and on product quality, specify that the "*input materials shall not contain substances of very high concern (SVHC) or hazardous substances restricted under Regulation (EC) No 1907/2006, unless it can be treated to the extent that the output plastic does not contain substances fulfilling the criteria laid down in article 57 or substances restricted in Annex XVII to Regulation (EC) No 1907/2006, except if meeting the conditions of those restrictions*".

The Article 57 of the REACH Regulation sets out criteria for classifying a substance as SVHC, for example if it is persistent, bioaccumulative or classified as carcinogenic, mutagenic or toxic to reproduction under the CLP Regulation. While the classification of a substance as an SVHC imposes obligations on suppliers of the substance, such as providing a safety data sheet or communicating on safe use, it does not impose immediate restrictions on the use of the substance.

In this context, criteria 1.1, 2.3 and 3.1 place **requirements on the input and output of the plastics recycling process that do not even apply to the products from virgin materials** that are placed on the market. While the plastics recycling industry is committed to producing recycle that is as clean and safe as possible, such requirements do not seem feasible. FEAD calls on the JRC to **reconsider the wording by referring to the compliance with the REACH Regulation as a whole**, without mentioning specific articles out of their legislative context, in order to avoid imposing an obligation to monitor and eliminate substances in input and output materials that does not even apply to virgin materials.

- **3.3 – Amount of foreign materials in output plastic**

In the current version of the End-of-Waste for Plastics, Criterion 3.3, which specifies the product quality requirements, sets two different thresholds of 2% and 0.5% for the total amount of foreign materials in the plastic output, depending on whether it is used inside or outside the EU.

When asked about the reasons for such thresholds during the stakeholder event on 26 June 2024, the JRC mentioned the total amount of foreign materials thresholds set by certain non-EU countries under the Basel Convention. The Basel Convention sets out rules for the shipment of plastic waste '*destined for recycling in an environmentally sound manner and almost free from contamination and other types of wastes*', with the level of contamination being subject of national specification as point of reference. To date, the contamination levels allowed for shipments of plastic waste for recycling range from 0% for China to 0.5% for Hong Kong and 2% for EU operators trading outside the EU, as set out in the [Official Position from Correspondents' Guidelines No 12](#). In addition, the new Waste Shipment Regulation sets a threshold of 6% for foreign material in plastic waste shipped within the EU. It is important to note these legislations deal with plastic waste materials, that in certain cases have not undergone any treatment process, and that need a strict framework to ensure the environmentally sound management of these waste streams.

On the other hand, it is worth noting that the main objective of the EU-wide end-of-waste criteria is to improve the movement of recycled materials within the EU. If these materials were shipped outside the EU, the end-of-waste criteria might not be recognised and the materials would be considered as waste and would therefore need to be authorised for shipment by the country of destination. Therefore, there is **no need to unilaterally decide on a limit value for the amount of foreign materials in the output plastics to be exported, and thus to differentiate between the intra-EU and extra-EU markets.**

Additionally, FEAD points out that having two different thresholds for the total amount of foreign material in the plastics output creates some uncertainty in implementation. Indeed, FEAD questions the practicality of dealing with multi-grade batches for both plastics recyclers and their customers, and the impact of such a differentiation on prioritising the shipment of high quality material streams outside the EU.

The mechanical recycling industry shares the objective of providing high quality output material to meet the technical needs of producers and to comply with regulatory requirements within and outside the EU, and is therefore committed to removing as much foreign material as possible from recycled plastics output. However, for reasons of coherence and implementation, and as the EoW is primarily a tool designed for the European market, **FEAD calls for a unique limit of the total amount of foreign materials in output plastics of 2%, regardless of the final destination of these plastics** (internal or external EU market).

- **Proposal for a reciprocal regime for imports:**

Finally, while the Commission will establish rules for the internal market of plastic recyclates through this End-of-Waste, **FEAD proposes to consider the implementation of similar rules for the import of plastic recyclates**. Such rules on the import of plastic recyclates, in line with this EU-wide End-of-Waste proposal for plastics, would ensure the environmentally sound management of recycled plastics imported into the EU and maintain the competitiveness of plastics recycled within the EU by putting them on a level playing field with imports.

At a time when the Commission's agenda seems resolutely geared towards maintaining the competitiveness of the European industry, the **introduction of environmental rules on the import of recycled plastics**, such as a limit value for the amount of foreign materials in the recyclate, or the compliance with REACH and POPs standards on contaminants, accompanied by strict enforcement measures, would contribute to the competitiveness of the European mechanical recycling industry.