PLASTICS EUROPE
Enabling a sustainable future

Plastics Europe feedback on the European Commission proposal on criteria for an EU-wide end-of-waste status for plastic waste (draft Implementing Regulation)

Plastics Europe supports the Commission's goal of a harmonised EU framework for recycled plastics and secondary raw materials but regrets that it remains limited to certain recycling technologies and specific plastics and applications only. While end-of-waste criteria are essential for a circular economy and reducing administrative hurdles, we believe the current proposal risks hindering innovation and delaying meaningful change.

To ensure a level playing field across all recycling technologies and to support the EU's circularity and climate objectives, **we urge the European Commission to promptly initiate work in parallel on an implementing regulation covering additional recycling technologies and to clarify key elements of the current proposal.**

1. **Urgently launch, in parallel, of an implementing regulation covering the remaining plastics and recycling processes as per the Waste Framework Directive**

We support the current scope of this implementing regulation limited to mechanical and solvent based recycling but in parallel we urge the Commission to start working on a new implementing regulation for the remaining plastic waste streams, including thermosets and rubber, and recycling technologies, when outputs fulfil the End-of-Waste (EoW) criteria. Various chemical and organic recycling technologies are already operational across Europe and generate outputs (e.g., monomers, pyrolysis oils, etc.) that can meet stringent chemical safety requirements. To support greater legal certainty for investments in Europe, a new implementing regulation should promptly recognise all recycling technologies as eligible processes.

2. **Securing existing circular value chains and permits**

Once an EoW status is established, reclassifying a product as waste solely based on its subsequent use undermines the coherence and legal certainty of the End-of-Waste framework (Recital 4). Integrated value chains already exist in which mechanical recycling produces secondary raw materials that are then used in processes other than direct plastics manufacturing, including those aimed at chemical production, through permits granted by national authorities on a case-by-case basis. Consequently, we urge that chemical production is not excluded as an eligible end-use and for these value chains to be still recognised and supported. Additionally, for end-of-waste criteria that are not covered by this regulation, mutual recognition among EU Member States must be allowed.

3. **"Recycled polymers and recycled plastics in all forms" to be clearly recognised as output from recycling**

The draft links EoW status to "output recycled plastic" used for direct remelting into plastic products (Article 3). Given the technologies in scope, the output will be recycled polymers or recycled plastics in flake or pellet form, which may then undergo further processing such as standard compounding operations, or other physical modifications. We therefore request clarity that these outputs may reach EoW status under this Regulation where safety, quality, and compliance criteria are fulfilled, complying with Article 6 of the Waste Framework Directive.

4. **Replace input and output exclusions with risk-based acceptance criteria**

The draft limits the acceptance of certain waste streams (e.g. healthcare plastic waste) as inputs and restricts also certain outputs. We believe such blanket exclusions are unnecessary given the existence of robust EU chemical and sector-specific legislation already regulating hazardous constituents.

We recommend replacing categorical bans with risk-based controls, underpinned by:

- input characterisation,
- pre-treatment requirements,
- compliance of the output materials with CLP, REACH, POPs and sector-specific regulations (e.g., RoHS, Food Contact Regulation, etc.)

This existing legislation already ensures safety without unnecessarily restricting feedstock and material availability.

5. **Adjust foreign material thresholds and export rules**

The proposed <1.9% foreign material[1] threshold that also includes thermoplastic polymers not targeted by the recycling operation may unintentionally exclude outputs from recycling technologies, even when the outputs meet all relevant chemical and safety standards and end-product specifications. We recommend adopting application specific quality thresholds that maintain relevant compliance standards without creating unintended new barriers to market use or export.

It is also crucial that the definition of 'non-plastic materials'[2] is clearly implemented to exclude all additives, processing aids, and fillers across plastic applications, in particular for durable goods sectors.

Conclusion

We support the Commission's goal to enhance the use of secondary raw materials using harmonised, science-based criteria. Europe's future competitiveness depends on greater independence and innovation. Achieving this requires a supportive framework that encourages, rather than restricts, innovation. To ensure a robust and futureproof EoW framework, we kindly request the Commission to:

- urgently **parallel launch of an implementing regulation for chemical and organic recycling**
- safeguarding **existing circular value chains**, retaining chemical production as an eligible end-use, and applying mutual recognition to all EoW criteria beyond this regulation
- clearly recognise **EoW for recycled polymers and recycled plastics in all forms** meeting the criteria
- replace **input and output exclusions** with risk-based measures
- calibrate **foreign material thresholds and export rules**

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[1] Article 2 (18) 'Foreign materials' shall mean polymers other than thermoplastics, thermoplastic polymers not targeted by the recycling operation, and non-plastic materials;

[2] Article 2 (19) 'non-plastic materials' shall include, but not limited to, metals, paper, glass, earth, sand, ash, dust, wax, bitumen, ceramics and wood; they shall exclude materials that are bound to the polymer matrix as a result of being intentionally added to the polymer to enhance its properties.

We stand ready to support the Commission with further technical evidence, datasets, and process flow descriptions that illustrate how different recycling technologies can deliver safe, high-quality outputs contributing to the EU's circular economy and climate targets.