



State of Play

- Draft text available and consulted (DL 18 January)
 - comments from MS + EFSA (available on CircaBC)
 - 96 responses from citizens (mostly business associations and recyclers, some NGOs)
 - 14 bilateral meetings 1-1.5 hr (5 businesses, 9 associations)
 - in total about 600 written comments on individual provisions
- Updated text discussed in SC – updated version distributed yesterday
- Discussion here in WG today on intermediate draft

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Changes to the text following the consultation

- Many small clarifications and editorials
- Main changes:
 - **improved articulation of relation between legislation on primary and secondary plastics (i.e. between Regulation (EU) No 10/2011 and the new recycling Regulation)**
 - **requirements under Chapter IV, Novel Technologies**
 - provision to address missing Authorities outside the Union (to fully register a recycling process)
 - **provision to address plastic behind a functional barrier**
- Important clarifications
 - Article 4: Article 6-8 can be supplemented/derogated from
 - labelling
 - **recycling schemes is agreement between business operators; changed some provisions**
 - Annex I (closed loop → Recycling from product loops which are in a closed and controlled chain)

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Relationship R 10/2011 and Recycled plastic

- Complete separation between both acts – as if two different materials
 - Regulation (EU) No **10/2011**: Regulates intended **composition** of plastics
 - **Recycling Regulation**: Regulates **contaminants** originating from use
 - Recycled plastic materials may not differ in composition from primary plastics
- Separation made more absolute
 - clarifications in recitals, Article 1(3), Article 4(2)
 - Now include Article 6 of R 10/2011, paragraph 1-3 (i.e. neither pre-polymers nor NIAS)
 - amendment to R 10/2011 under consideration/analysis to complete alignment
 - rules for scraps and off-cuts, if by-products
 - migration under chapter III

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Changes to chapter 4

- Changes to Article 10; strengthen pre-market requirements
 - improved wording regarding required scientific evidence to demonstrating safety
 - better articulated required compliance with R 10/2011
 - publication of evidence
- Changes to Article 13; monitoring
 - frequency
 - level of detection
 - participation in proficiency tests

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Recycling Schemes

- Recycling scheme is an agreement between business operators
 - Objective: to lower contamination in order to facilitate recycling
 - Procedure: only via chapter IV – recycling scheme is part of a technology
- Changes:
 - definition / labelling / derogation in paragraph 8
- To note:
 - a deposit return system (DRS) is NOT a recycling scheme
 - it can be, if accepted as part of a suitable recycling technology

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Functional Barriers

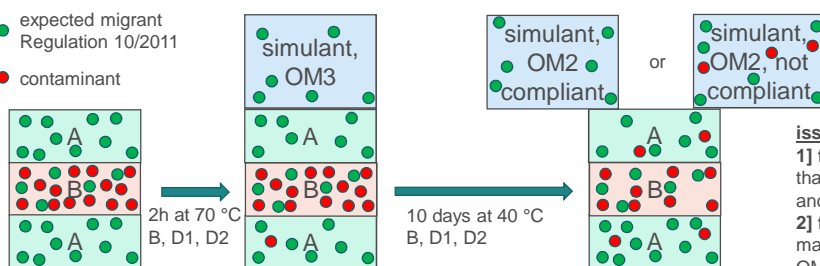
- Feedback:
 - 278 rPET processes + 400M€ rPS capacity ('over 5 converters') on the market today
- Doubts over safety of those materials, issue with mechanical PET recycling
- One option – in present draft – is transitional provision
 - organise developers (only a few)
 - let them slightly reduce monitoring
 - risk of too many applications
 - extra test – (note, to be better described in annex, note: flaw in present criterion)
- Other options approaches possible as well

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Test for materials behind functional barrier aka 'ABA' materials, A=barrier layer, B=recovered from waste

- expected migrant Regulation 10/2011
- contaminant



main criterion:
OM2 test shall not show substances not in OM3 test

issues with main criterion:

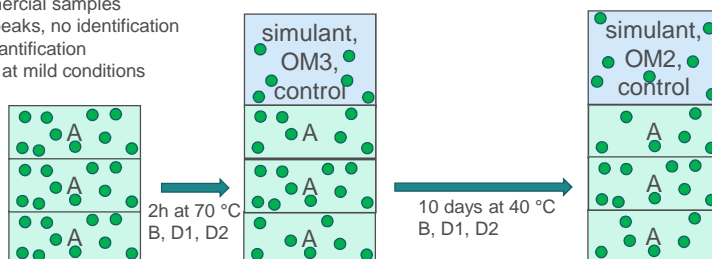
- 1] **false negative:** If barrier is so bad that OM3 test has contaminants, OM3 and OM2 result may be the same
- 2] **false positive:** substances from A may exceed detection limit following OM2, causing new peaks, but from A

→ use control sample

additional criteria:

- 1] (to exclude false negative) OM3 test shall not show substances not in OM3 control
- 2] (if false positive suspected) if OM2 test is the same as OM2 control, it is still OK

- commercial samples
- only peaks, no identification
- no quantification
- aging at mild conditions



On-going activities

- Finalisation of draft text
 - Consolidation of recent comments
 - Testing procedures (e.g. Annex IV), some legal issues regarding EFSA
- Amendment to R 10/2011 being considered
 - recycled plastic to be a different material
 - clarifications to chapter III
 - off-cuts and scraps if by-product
- Amendment to R 2023/2006
 - addition of quality assessment stages
 - handling of off-cuts and scraps
- Guideline

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Thank you

