

AGENDA

WG 7-8 February 2022

Today

1. Welcome + AoB
2. Recycling
 - 10:20-13:00; 14:30 – 16:00
3. Substances amendments to Regulation 10/2011
 - new EFSA opinions; Styrene; Other substances

Tomorrow (9:30 -13:30)

1. State of play
2. Controls
3. AoB
 - List of labs / Risk from Straws
4. Recycling
 - if needed

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New Recycling Regulation

7-8 February 2022; SANTE E.2

FCM WG

State of Play

- Draft text available and consulted (DL 18 January)
 - 96 responses from citizens (mostly business associations and recyclers, some NGOs)
 - 14 bilateral meetings 1-1.5 hr (5 businesses, 9 associations)
 - comments from MS + EFSA
 - in total about 600 written comments on individual provisions
- Discussion here in WG today
- Legal check
- Go/No-Go decision for next SC early next week

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Agenda (changed)

- Presentation of Main Issues + proposed approach
 - Industry
 - NGOs
 - Member States
- Detailed presentation of text + discussion
- Functional Barrier issue
- Discussion of main issues

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Main issues raised by the industry

- Novel Technologies procedure restrictive and slow
 - publication of data on substances is considered problematic
 - total procedure perceived as 7 years
 - sampling procedure
- Scope of the Regulation – why not leave more to R 10/2011?
 - Functional Barriers and BEHT issue
- Administrative burden
 - Batch based DoC
- Coherence with waste legislation
- Lack of impact assessment
- However quite different views across the sectors

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Main issues raised by NGOs

- General worries on migration of substances from plastics
- Novel technology procedure too open/slow
- Relation with FCM revision

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Main issues raised by Member States

- Novel technologies allowed onto the market
 - missing EFSA check
 - long period
- Coherence with waste legislation
- Production outside of the EU

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Recitals (possible changes)

- Improved explanation interface between R 10/2011 and R 282/2008
 - R 10/2011 not developed with recycling in mind; cannot handle incidental contamination
 - therefore, if need for decontamination, R 282/2008 applies
- decontamination vs purification → synonymous for the purpose of the Regulation
- even a converter can be a recycler under the Regulation if they decontaminate
 - recycling facility
- Slight clarification of schemes

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Detailed discussion of text

- Part 1: basic rules
 - 1: subject matter, scope and definitions
 - 2: placing on the market of recycled plastic materials and articles
 - 3: general requirements for recycling
- Part 2: assessment and authorisation
 - 4: assessment of novel technologies and establishment of suitable technology
 - 5: evaluation and authorisation recycling processes
- Part 3: controls of recycling installations
 - 6: Union register
 - 7: Official controls
 - 8: Compliance documentation
- Part 4: Final provisions
 - 9: Final provisions
- Annex I - III

• Note:

- No 'part' headers in text
- In total 32 articles
- Chapter 4 and 5 longest

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Amendments to other FCM legislation

- Considered amendments to Regulation (EU) No 10/2011:
 - reprocessing of material (off-cuts and scraps that are not waste); compositional requirements
 - clarification of Article 8; purity requirements aimed at preventing incidental contamination
 - small updates to DoC if needed (but no template based DoC)
- Considered amendments to Regulation (EC) No 2023/2006
 - update recycling annex with a point 3 on quality assessment stages (allows to simplify the point which is now a bit wrongly at the beginning of Annex II)
 - new Annex C concerning the handling of plastic off-cuts and scraps under R 10/2011

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Issue with functional barriers

- Apparently 278 lines extruding sheets with ABA structure
 - quality of recycled B layer unknown, seems to be hardly cleaned
- No clarity over the actual risk of this material
 - risk assessment approach *'under development'*
 - *'in accordance with R 10/2011'* – R 10/2011 has no provisions for recycled material
 - R 282/2008 misleading – it points at R 10/2011
(indeed, in limited cases it could work under R 10/2011)
- Relevance for mechanical recycling
 - calls for ban from that sector, as it reduces cleaning efficiency
- Discussion

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overall Discussion

- Novel Technologies
 - only post-market authorisation
 - timing, sampling, analytics
 - ...
- Coherence with waste legislation
- Production outside the EU
- Enforcement
- Annex, CMSS
- Other matters
- Timing of vote in SC

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Possible approach ABA under new Regulation

- Transitional provision amending novel technology procedure Article 10
 - Only register via Commission (to coordinate)
 - Only allow applications from consortia/associations (which act as developer)
 - Require to group by technology (as describe on basis of Article 3(2))
 - Only allow limited number of applications, e.g. a maximum of 7 (therefore covering on average 40 installations or more)
 - Require list of installations
 - Consider to allow only 1 in 5 installations to monitor (i.e. 8 per group)
 - Require migration test based on aged material (EFSA/EURL to discuss test)
 - Require cleaning test in flake based mechanical recycling process in addition to Art. 10(3)
- Alternative is enforcement

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Thank you

