



# New Recycling Regulation

7-8 December 2021; SANTE E.2

FCM WG

## Objectives

- To Communicate on state of play and procedure
- To explain the draft:
  - basic approach (been explained before)
  - detailed implementation – new, the text is now there
- To answer and discuss your questions
- Following this meeting we will invite your written comments
  - Note, public feedback in parallel

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## New Regulation

- The new Regulation to repeal Regulation 282/2008
  - most parts will be new
  - Regulation 282/2008 will not be the basis for Authorisation Decisions
- Scope: **essentially all recycling processes**
- Objectives:
  - ensure recycled plastic is safe for food contact
  - require that plastic is decontaminated during recycling
  - regulate all recycling processes
  - ensure clear terminology
  - keep matters simple, including enforcement and evaluation
- Result: partially different approach

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## Some observations

- Let's be honest, this text is complex
  - we tried simplifying where we could
  - detail is needed in the many procedures
- We will do our best to explain it, and remain open for questions
- You will have time to provide comments until 11 January 2022, 08:30...
- Vote is foreseen 28/02
  - next WG 7-8 February
- Text is **public** since yesterday afternoon, please use that version

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## Your role as Member States

- Vote in favour of this text ;-)
  - or, to determine whether the text is acceptable to you
- Can you agree its main principles?
  - it allows novel technologies onto the market even if not assessed by EFSA
  - on the other hand it tries to create transparency
- Can you enforce it?
  - both novel technologies and authorised recycling processes
- Is it generally clear?
  - please spot obvious mistakes
  - but please only give detailed feedback on drafting if there is a major issue

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## Principles & Terminology

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## The problem

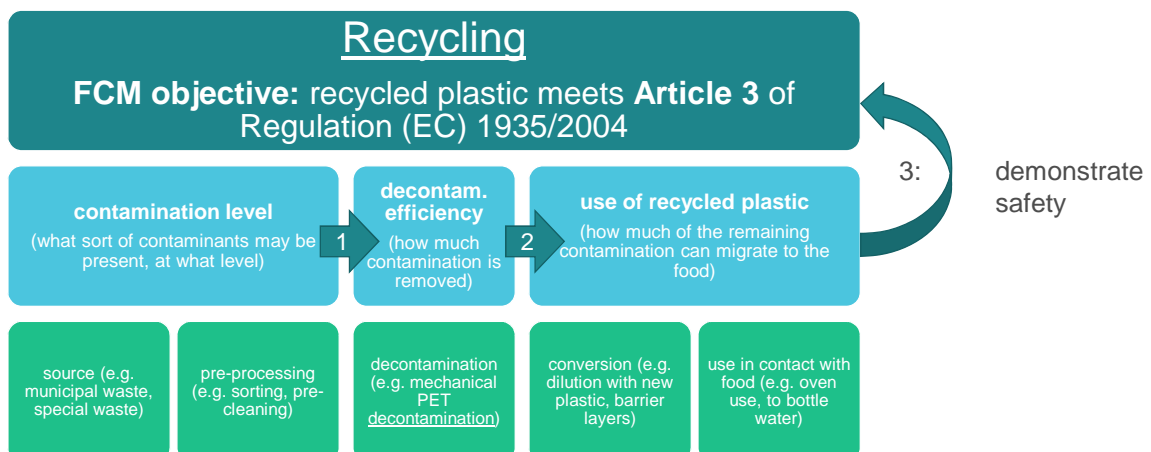
- Plastic originating from waste is always contaminated
  - It does not have the composition allowed by Regulation (EU) No 10/2011
- Too much contamination in plastic FCM adversely affects health
- Incidental contamination cannot be easily determined in final plastic materials
  - We cannot set a migration limit to ensure safe plastic
- Incidental contamination in any plastic input is variable and random
  - We can only characterise an input, not establish the actual occurrence of contaminants

*'incidental contamination'* means contamination present in plastic input originating from food, from plastic materials and articles intended and used for contact with food, from their use or misuse for non-food purposes, and from the unintentional presence of other substances, materials and articles due to waste management;

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## Central Principle



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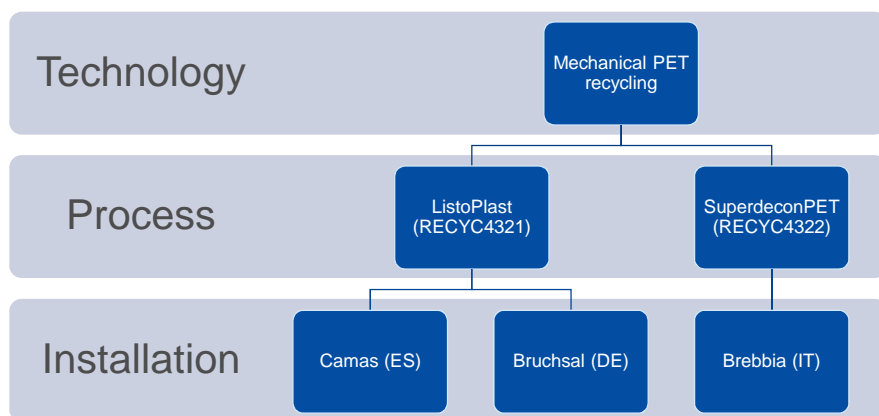
## Demonstration of safety occurs at three levels

- Recycling Technology
  - concepts and principles used to recycle an input into an output with defined use
- Recycling Process
  - specific sequential operations using a recycling technology
- Recycling Installation (applying a recycling process)
- Three associated procedures to establish safety
  - 'establish' suitable recycling technologies (EFSA + COM)
  - 'authorise' recycling processes (EFSA + COM)
  - 'control' recycling installations (audits) MS Competent Authorities

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## example



(Mechanical PET recycling is now the main technology; there are now over 200 applications, and a couple will be used in several installations)

any correspondence to reality is purely a coincidence

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## Focus on decontamination

- All recycling processes to include a decontamination process (as do the corresponding installations)
  - 3 stages, pre-processing, decontamination process, post-processing
- Main point of evaluation and enforcement is to be **decontamination process**
  - defined input: e.g. washed and shredded post-consumer waste max 5% non-food
  - the recycled plastic must be used in accordance with specifications
- regulate/audit
  - technical detail of the decontamination process, and,
  - quality of the input and output
  - orange blocks in example below



- Fully compatible with EFSA's present work

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## Structure of new Regulation

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## Structure of new Regulation

- 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

- Note:

- No 'part' headers in text
- In total 30 articles
- Chapter 4 and 5 longest

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## Part 1: basic rules

- Scope and definitions
  - scope: everything except the production of substances listed in Annex I to R 10/2011
- Recycled plastic materials and articles must be manufactured with
  - a suitable recycling technology, or a novel technology
- Article 6-8 general and default requirements for recycling
  - general because specific requirements may be made for technologies and processes
  - default because specific requirements may derogate from or supplement these Articles
- Article 9 alternative approach to article 6-8; schemes

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## Recycling Schemes

- Main purpose is to ensure a low contamination level to achieve easy decontamination
  - alternative to general rules in Article 6-8
- A recycling scheme organises use and collection to control contamination
  - 'closed-loop' is a recycling scheme
- A single legal entity must coordinate it – the manager; participants are:
  - Food business operators
  - recyclers / others handling the materials and articles
- Materials and Articles belonging to the scheme must be:
  - used in accordance with the scheme
  - be recognisable as belonging to the scheme
- Requires the use of specific quality control procedures
- Recycling schemes are a part of a recycling technology
  - no individual authorisation

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## Part 2, Chapter 4, Novel technologies

- Step 1: Business operator develops novel technology
  - allowed, even required, to place recycled plastic on the market
- Step 2: Business operator operates and monitors technology **to collect data**
  - monitoring reports are subject to publication requirement
- Step 3: Commission mandate to EFSA to consider the novel technology
  - flexibility regarding time and content
- Step 4: EFSA evaluates and publishes opinion on the novel technology
  - also indicates whether to authorise individual processes, if so, lays down criteria
- Step 5: Commission may establish new 'suitable technology'

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## Chapter 4 structure

- Article 10: general requirements + developer + notifications
- Article 11: conditions on the operation of recycling installations
- Article 12: supplementary information (required to keep under article 11)
- Article 13: monitoring and reporting of contamination levels
- Article 14: assessment of novel technologies (EFSA)
- Article 15: decision on suitability
- Article 16: safeguard clause

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## How to ensure safety of novel technologies

- Several provisions:
  - Before entering on the market, there must be scientific evidence (Article 10(3)(c))
  - Information requirements, high level of transparency to authorities
  - Dialogue between recyclers and developer
  - Monitoring and public reporting (contaminants, not technology)
- Enforcement + Safeguard clause

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## P2: C5: Authorisation of individual processes expected differences versus present procedure

- only for 'suitable technologies'
  - application **only** possible for technology that would require individual authorisation of processes
  - no legal basis for authorisation of any other process
- and, perhaps another difference:
  - only 'qualified business operators' to apply for authorisation
  - i.e. those operators that developed the process
- No other **major** change to the present procedure
  - some simplification, information requirements

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## Other matters

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## Registers

- Registers should ensure transparency and facilitate compliance
  - Register numbers on DoC
- Register to include
  - Recycling processes (authorisation holders)
  - Recyclers, Recycling installations, Recycling sites
  - Novel Technology under development (suitable technology in Annex)
  - Recycling schemes (who is responsible of the operation, what technology)
  - cross references
- In practice task for the Commission
  - business operators to timely inform in case of change

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## Other parts of the text

- General requirements for the operation of recycling processes
  - Article 5-7 for normal recycling process, Article 8 for schemes
- Other mechanism still in place
  - compliance Monitoring Summary Sheet
  - official control (specification of control techniques, but simplified procedures)
  - compliance documentation
- Transitional provisions
  - Processes applied for before a date after entry into force may stay on the market until termination of the application procedure
  - Processes applying other technologies must register as 'under-development' to continue

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## Summary

- New text in preparation, to replace Regulation (EC) 282/2008
- More comprehensive, technology, process, installation
- To cover all recycling technologies
- Facilitates rapid but subsequent authorisation of mechanical PET recycling processes subject to a favourable EFSA opinion, also closed-loop
- Webinar to explain full detail as soon as text is ready

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# Thank you

