

Thursday, 14 January 2021

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European Commission
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Plastics Recyclers Europe (PRE), representing the plastic recycling industry at European level, would like to add our contribution to the ones already submitted by the other industry associations.

The present document is to highlight that the draft legal act could cause market distortions for plastic recyclates as well as create burdens to the achievement of the recycling/recycled content targets in the EU. In particular, we would like to address the below points.

1. Exemption duty for plastic products made by Spanish recyclates

Firstly, the European market for plastic recycling relies on the functioning of intra-EU trade between the Member States (MS). This reality has been recognised and valued by the Waste Framework Directive¹ (WFD), where the amount of waste sent for recycling to another MS will count towards the achievement of the recycling rates of the MS where the waste originated. This means, that Spanish plastic waste sent for recycling to Germany will count towards the recycling rates of Spain.

Secondly, the market of plastic recycling in Europe is not uniform, not all MS have the same recycling capacity, nor all plastic waste streams (waste originating from PET bottles, PET tray, LDPE bags,...) are treated everywhere. It represents a market reality for the EU to have specialized recyclers treating WEEE or automotive plastic waste in one MS but not in another. All of this provides proof that the industry relies on intra-EU waste shipments, and that the outcome of plastic recyclers will be generated from waste arising in different MS.

These two conditions must be taken into account when assessing the impacts of duty exemptions awarding only products made with recyclates made in Spain as stated in Article 68 of the draft legislation. This measure indeed acts as a limiting factor for the industrial development of plastic recycling as well as for the end-application of recyclates depending on the capacity of Spain to treat its own waste.

Lastly, Articles 40 (2) and 40 (4) of the draft legislation create respectively a new tax on plastic products and a widening of the Single-Use Plastics Directive scope to a series of other single-use items. These two articles clearly go beyond the remit of the Single-Use Plastics Directive and as such should be reconsidered by Spain.

¹ OJ L 312, 22.11.2008.

2. R0305 Recycling of organic waste in the manufacture of new products

The establishment of a new R code for the recovery of plastic waste under the proposed legal draft creates an important burden for mechanical recyclers. By specifying that R0305 waste management operations applies only to pellets (the output of recyclers), it would exclude mechanical recyclers from that category,

This distinction does not exist in the WFD, nor in any other MS national legislation and would *de facto* categorize ‘converters’ as ‘waste management operators’ under the R0305 code. Plastic converters producing products from plastic pellets would then be the only responsible entity for the end-of-waste status for plastics, hence erroneously characterising them as waste management operators. In line with other contributions, we thus suggest to delete the words “granza de” from the below description in Annex II:

R0305 Reciclado de residuos orgánicos en la fabricación de nuevos productos	<p>Instalaciones que fabrican nuevos productos a partir de:</p> <ul style="list-style-type: none">- granza de residuos de plásticos- caucho procedente de neumáticos fuera de uso- residuos textiles- residuos de madera, etc.
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PRE remains at your disposal for further clarification on these points.

We look forward to hearing from you on this matter,



Antonino Furfari
Managing Director, Plastics Recyclers Europe

About

Plastics Recyclers Europe (PRE) is an organization representing the voice of the European plastics recyclers who reprocess plastic waste into high quality material destined for production of new articles. Recyclers are important facilitators of the circularity of plastics and the transition towards the circular economy.

Plastics recycling in Europe is a rapidly growing sector representing €3bn in turnover.

www.plasticsrecyclers.eu