Draft

Ympäristöministeriö
Miljöministeriet
Ministry of the Environment

PROPOSAL FOR GOVERNMENT DECREE ON END-OF-WASTE CRITERIA FOR MECHANICALLY RECYCLED SECONDARY PLASTIC RAW MATERIALS

MAIN CONTENT OF THE PROPOSAL

The Proposal proposes the adoption of a new Government Decree on the criteria for end-of-waste status of mechanically recycled secondary plastic raw materials. The Decree would lay down detailed criteria for determining when a secondary plastic raw material ceases to be waste and the uses for which a secondary plastic raw material meeting the criteria could be used. The Decree would allow secondary plastic raw material made from waste to be used as a product, and consequently, waste legislation would not apply to the use of secondary plastic raw material in accordance with the Decree.

The aim of the Decree is to streamline permit procedures and promote the use of waste-based materials. The Decree would establish uniform obligations and end-of-waste criteria for manufacturers of secondary plastic raw materials once the criteria of the Decree are introduced. The Decree would support the objectives of the circular economy and the sustainable use of natural resources. The use of secondary plastic raw material that meets the requirements of the Decree could replace the production of plastic raw material derived from crude oil.

The proposed Decree is intended to enter into force on x y 20.

EXPLANATORY MEMORANDUM

1 Introduction

Waste recovery on a professional basis or in a facility is an activity subject to an environmental permit and may also involve other administrative obligations. The classification of material as waste entails obligations that may contribute to the administrative burden and costs for operators using raw materials made from waste. Therefore, in addition to streamlining permit procedures, the regulation under which waste ceases to be classified as waste is seen as one of the means of reducing the regulatory burden associated with the recovery of waste and promoting the circular economy. EU waste legislation allows for the adoption of national end-of-waste legislation in the absence of equivalent legislation at the EU level.

Work on end-of-waste legislation started already during the previous government term. According to the government's 2016 action plan, the need for and effectiveness of national end-of-waste legislation, as well as the use of such regulations and results thereof in some EU countries, had to be explored. Under the action plan, national End-of-Waste (EoW) legislation on selected waste fractions should be prepared on the basis of the reports in order of priority. The advantages and disadvantages of national end-of-waste regulation are examined in the Ministry of the Environment report "Advantages and disadvantages of end-of-waste"[1]. The conclusions of the report stress the need to start preparing national regulations for commonly used and safe waste streams.

[1] Kauppila, J. et al. Advantages and disadvantages of end-of-waste regulation. Reports of the Ministry of the Environment 9/2018. URL: http://urn.fi/URN:ISBN:978-952-11-4786-9.

A memorandum on the potential and relevance of national EoW regulations for mechanical recycling of plastics was prepared in 2020.[2] The study found several existing applications and markets for secondary plastic raw materials, but currently, the actual manufacture of the secondary plastic raw material takes place in a 'grey area' without a case-by-case end-of-waste procedure. This means that the operation may, for example, have the approval of the supervisory authority in the form of a written statement, but is not covered by an administrative decision verifying compliance with EoW criteria and which could be appealed. In addition, the secondary plastic raw material was found to lack appropriate quality criteria and the inputs allowed for the recovery operation had not been defined. According to the preliminary assessment set out in the memorandum, the preparation of national EoW regulation on the mechanical recycling of plastic waste was considered justified and relevant.

There are six mechanical plastic recycling plants in Finland, three of which are supervised by the municipal environmental permit authority and three that are supervised by the Centres for Economic Development, Transport and the Environment. Two of the plants have decision issued on a case-by-case basis on the end-of-waste status of the secondary plastic raw material they manufacture.

Under section 5b of the Waste Act which entered into force on 19 July 2021, where criteria for the end-of-waste assessment of a certain specified waste are not laid down in European Union legislation or by government decree in accordance with section 5b, subsection 2 of the Waste Act, the environmental permit authority may decide, on a case-by-case basis, on end-of-waste status on the basis of the conditions laid down in section 5b, subsection 1 of the Waste Act. On the basis of the above-mentioned reports, there are grounds for laying down criteria for end-of-waste status of mechanically recycled secondary plastic material by means of a decree, as this would mean that decisions on end-of-waste status would no longer need to be made on a case-by-case basis.

2 Current situation and assessment thereof

2.1 Key EU legislation

Directive 2008/98/EC of the European Parliament and the Council on waste and repealing certain Directives (hereinafter the *Waste Directive*)

The Waste Directive provides for measures to protect the environment and human health by preventing or reducing the generation of waste and the adverse effects of waste generation and management and reducing the overall impact of resource use and improving the efficiency of such use. The measures provided for in the Waste Directive are crucial for the transition to a circular economy and for ensuring the long-term competitiveness of the EU. The Waste Directive lays down a definition of waste, including criteria for determining when a certain specified waste ceases to be waste (Article 6).

Directive (EU) 2018/851 of the European Parliament and of the Council amending Directive 2008/98/EC on waste (*Amending Directive*) partially amended Article 6 of the Waste Directive on end-of-waste. According to paragraph 1 of this Article, end-of-waste status must meet the following conditions: a) the substance or object is to be used for specific purposes, b) a market or demand exists for the substance or object, c) the substance or object fulfils the technical requirements for the specific purposes and

[2] Salminen, J. et al. 2020. Muistio kansallisten EoW-menettelyiden mahdollisuuksista mekaanisen muovinkierrätyksen edistämisessä [Memorandum on the potential of national EoW procedures to promote mechanical plastic recycling.]. URL: https://muovitiekartta.fi/userassets/uploads/2019/03/Muovien-mekaaninen-kierra%CC%88tys-Suomessa_muistio.pdf.

meets the existing legislation and standards applicable to products, and d) the use of the substance or object will not lead to overall adverse environmental or human health impacts. Paragraph 2 of the article allows the Commission, if appropriate, to adopt, by means of an implementing act, EU-wide detailed criteria on the application of those conditions to certain types of waste. These criteria must ensure a high level of protection of the environment and human health and facilitate the prudent and rational utilisation of natural resources. They must include the following information: (a) permissible waste input material for the recovery operation, (b) allowed treatment processes and techniques, (c) quality criteria for end-of-waste materials resulting from the recovery operation in line with the applicable product standards, including limit values for impurities where necessary, (d) requirements for management systems to demonstrate compliance with the end-of-waste criteria, including for quality control and self-monitoring, and accreditation, where appropriate, and (e) a requirement for a statement of conformity.

In the absence of detailed criteria at the Union level, paragraph 3 allows the Member States to draw up such criteria at the national level. The national criteria shall comply with the requirements laid down in paragraph 2 and shall take into account any possible adverse impacts of the substance or object on the environment and human health. The Member States shall notify the national criteria to the Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society Services. Paragraph 4 also allows the Member States to decide on the end-of-waste status on a case-by-case basis in the absence of detailed criteria at the Union or national level. Case-by-case decisions do not need to be notified to the Commission. The Member States may make this information publicly available by electronic means.

Paragraph 5 requires that those who use, for the first time, materials that have ceased to be a waste and which have not been placed on the market, and those who place materials on the market for the first time after they have ceased to be a waste, must ensure compliance of the materials with the applicable chemical and product legislation. The conditions laid down in paragraph 1 have to be met before the chemical and product legislation applies to such materials.

Development of EoW criteria launched by the European Commission

In spring 2022, the European Commission announced that it would start preparing Union-wide EoW criteria for plastic waste. The Joint Research Centre (JRC) is responsible for the preparation.

In line with the Circular Economy Action Plan, the Commission commissioned a scoping assessment[3] of waste streams for which the development of EU-wide EoW criteria or by-product criteria would be possible. The assessment proposes that EU-wide EoW regulation should be prepared for the most significant streams of plastic polymers. On the basis of these results, the European Commission announced that it will start preparing EU-wide EoW criteria for mechanically recycled plastic waste in April 2022. The preparatory work is based on the implementation appraisal report[4] published in 2014 on EU-wide EoW criteria. The kick-off meeting for the preparation took place on 31 May 2022.

Following the kick-off meeting, the JRC launched a stakeholder consultation process to gather the necessary information. In particular, the feedback questionnaire gathered views on the possible method for implementing the regulation as set out in the 2014 report. At a stakeholder event in spring 2023, the JRC presented the criteria it had

[3] Orveillon et al. 2021: Scoping possible further EU-wide end-of-waste and by-product criteria.
[4] Villanueva & Eder 2014: https://publications.jrc.ec.europa.eu/repository/handle/JRC91637

prepared on the recycling of plastic waste, which, unlike previous criteria, will be developed to include chemical recycling in addition to mechanical recycling. The JRC then launched a stakeholder consultation that ended in September 2023. The Ministry of the Environment, in cooperation with the Finnish Environment Institute, prepared Finland's responses to the JRC's requests for information. In addition, a bilateral meeting was held in August 2022 and June 2023 between the Ministry of the Environment, the Finnish Environment Institute and the JRC. The meetings included more detailed presentations of Finland's draft for a national decree and feedback on the JRC's preparatory work. The preparation of the national regulation continued due to significant uncertainties relating to the adoption of EU-wide EoW criteria; in the past, the preparation of the EU-wide EoW regulations on plastic waste and paper waste had been unproductive. In addition, corresponding national EoW regulations must be taken into account in the preparation of EU-wide EoW regulations. If Finland had a prepared national statute on EoW criteria, Finland could actively present its views and arguments and it is likely that they would be better taken into account as EU preparations continue, as only some other EU countries have national EoW regulations on plastic waste.

The REACH Regulation[5]

According to section 5b, subsection 4 of the Waste Act, those placing end-of-waste material on the market must ensure that the material complies with chemical and product legislation. If the material has not been placed on the market, the obligation to ensure compliance lies with the first user of the material.

When a substance or object ceases to be waste, it may have to be registered under REACH. Under REACH, manufacturers or importers of monomers, such as ethylene or propylene, must register them. Polymers, such as polyethylene or polypropylene, do not need to be registered separately under REACH. Substances used as monomers in the manufacture of polymers are not subject to the REACH authorisation procedure if they are intermediates. Polymers, on the other hand, may be subject to authorisation under REACH. Monomers, other substances used in the manufacture of polymers and polymers themselves may be subject to REACH restrictions. Restrictions on monomers only apply to polymers if the concentration of unreacted monomers in the polymer exceeds certain concentration limits listed for the monomer in Annex XVII to the Regulation.

Polymers are exempted from the registration requirement of REACH. However, according to Article 6(3) of the REACH Regulation, any manufacturer or importer of a polymer (in this case the recycler) shall submit a registration to the Agency for the monomer substance(s) or any other substance(s) that have not already been registered by an actor up the supply chain, both the following conditions are met:

(a) the polymer consists of 2 % weight by weight (w/w) or more of such monomer substance(s) or other substance(s) in the form of monomeric units and chemically bound substance(s);

(b) the total quantity of such monomer substance(s) or other substance(s) makes up one tonne or more per year (in this context, total quantity is the total quantity of the monomer or other substance which is chemically bound to the polymer).

In addition, monomer substances or other substances need not be registered if they have been previously registered and the data on the registered substances are available to the establishment undertaking the recovery (Article 2(7)(d), recovery exemption).

[5] Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

The recovery exemption does not require the substance to be registered by an operator in the same supply chain.

The POP Regulation[6]

The POPs Regulation provides for the placing on the market and waste management of persistent organic pollutants. The POPs Regulation prohibits waste disposal and recovery operations that may lead to the recovery, recycling, reclamation or re-use of the substances covered by the regulation, subject to individual exceptions. As a general rule, the placing on the market of substances covered by the POPs Regulation and products containing them is prohibited, except in the case of unintentional trace contaminants. Substances and objects that have ceased to be a waste are subject to the same concentration limits as other products. Therefore, the limit values and requirements of the Regulation for the manufacture, placing on the market and use of substances on their own, in mixtures or in objects also apply to recovered plastic raw materials that have ceased to be waste. The Ministry of the Environment has published a guide on POP waste: Guide for the identification of POPs waste – Institutional Repository for the Government Valto (Valtioneuvosto.fi).

The RoHS Directive[7]

The RoHS Directive aims to harmonise EU rules on the restriction of the use of certain hazardous substances in electrical and electronic equipment. In Finland, the RoHS Directive has been implemented by the Act on Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (387/2013) and the Decree of the Ministry of the Environment on Restrictions on the Use of Hazardous Substances in Electrical and Electronic Equipment (419/2013).

The regulation restricts the use of mercury and lead in electronic products, thereby protecting human health and the environment by reducing the use of hazardous substances in electrical and electronic equipment and promoting the environmentally sound recovery and disposal of waste electrical and electronic equipment (WEEE).

2.2 National legislation

The Waste Act

The Act (714/2021) amending the Waste Act (646/2011) entered into force on 19 July 2021. The amendment to the Waste Act added a new section 5b to the act, which provides for the end of classification as waste. The provisions of this section implemented Article 6 of the amended Waste Directive.

The proposed Decree would be adopted mainly under section 5b of the Waste Act. With regard to the notification and reporting obligation proposed in section 16 of the Decree, the Decree would be issued pursuant to section 9 of the Environmental Protection Act and section 10, point 4 of the Waste Act.

Section 5b(1) of the Waste Act provides for end-of-waste criteria, according to which waste that has been recycled or otherwise recovered ceases to be a waste if: (1) it is to be used for specific purposes; (2) a market or demand for it exists; (3) it fulfils the technical requirements for the specific purposes and complies with the provisions and standards applicable to similar products; and (4) its use will not, when assessed overall, endanger or harm human health or the environment.

Section 5b, subsection 2 of the Waste Act lays down the authorisation provisions under which the Government may issue further provisions on the detailed criteria for

[6] Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants

[7] Directive 2011/65/EU of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment

the application of the conditions referred to in subsection 1 to certain types of waste. The minimum substantive requirements for the criteria set out in this paragraph correspond to those laid down in Article 6(2) of the Waste Directive. The assessment criteria shall include, as a minimum: (1) permissible waste input materials for the recovery operation; (2) allowed treatment processes and techniques: (3) quality criteria for end-of-waste materials resulting from the recovery operation in line with the applicable product regulations and standards, including limit values for impurities where necessary; (4) requirements for management systems to demonstrate compliance with the end-of-waste criteria, including requirements for quality control and self-monitoring and, where appropriate, accreditation; and (5) a statement of conformity.

Under section 5b, subsection 3 of the Waste Act, where criteria for the end-of-waste status of a certain specified waste type are not laid down in European Union legislation or by government decree pursuant to subsection 2, the environmental permit authority may decide on a case-by-case basis on the end-of-waste status on the basis of the conditions laid down in subsection 1. Where necessary, decision-making must comply with the provisions of subsection 2 and take into account the limit values for impurities for the material and any hazard or harm to human health or the environment caused by the material. The procedure for handling the matter must comply with the provisions of the Environmental Protection Act on granting or amending an environmental permit.

Under section 9, subsection 1 of the Waste Act, in order to achieve the objectives of the Waste Act, the manufacturer of a product must ensure, inter alia, that in the manufacture 1) raw materials are used sparingly and that waste, raw materials made from waste, or used products or parts thereof are used as raw materials; 2) the use of raw materials containing substances hazardous to human health and the environment is avoided in production and these are replaced with less harmful raw materials. In addition, under subsection 2, the manufacturer of a product must, where appropriate, ensure that the product bears or is accompanied by labelling to clarify its characteristics and facilitate its use, sorting, reuse, waste management and attribution of producer responsibility.

The power to issue decrees concerning products is laid down in section 10 of the Waste Act, according to which further provisions on the requirements laid down in section 9, subsections 1 and 2 relating to production and products and aimed at, inter alia, those who manufacture, place on the market or distribute a product may be laid down by government decree in respect of providing to the authorities the information necessary for control purposes relating to an operation, product or waste resulting from it. According to section 10, subsection 1, paragraph 4 of the Waste Act, further provisions may be issued by decree on providing to the authorities the information necessary for control purposes relating to an operation, product or waste resulting from it.

Environmental Protection Act (527/2014)

Section 27 of the Environmental Protection Act lays down a general environmental permit obligation under which an environmental permit must be issued for activities posing a risk of environmental pollution. The activities subject to permit requirements are set out in more detail in Annex 1 to the Environmental Protection Act. For example, professional or facility-based waste treatment is subject to an environmental permit. The competent permit authorities are the national environmental permit authority and municipal environmental protection authorities in accordance with Section 34 of the Environmental Protection Act. Further provisions on the division of the powers of permit authorities are laid down in sections 1 and 2 of the Government Decree on Environmental Protection (713/2014).

Section 9 of the Environmental Protection Act provides for powers to issue decrees to prevent pollution of the environment. In order to specify the obligations relating to the prevention of environmental pollution laid down in sections 7 and 8, further provisions may be issued by government decree on the obligation of operators of activities subject to a permit, notification or registration to submit information on raw materials, fuels and other chemicals used in the operations, the waste generated by the operations and the waste processed in the operations to the authority specified in the Government Decree.

2.3 Legislation in other countries

Portugal

So far, the only country in the EU with national legislation on the end-of-waste status of recycled plastics is Portugal. In Portugal, Ordinance 245/2017 lays down national end-of-waste criteria for recovered plastics. It specifies end-of-waste criteria for recovered plastics, in particular chips, agglomerate and granules. According to the Ordinance, recovered plastic ceases to be waste when it is transferred from a plastic producer to another holder if it meets the boundary conditions set out in the Ordinance and Annex I thereto and is intended for use by the manufacturing industry.

According to the regulation, producers, importers and/or traders must submit a statement of conformity to the next holder of the consignment of recovered plastic. The regulation also lays down requirements for a management system. It requires producers to use a management system to demonstrate compliance with the end-of-waste criteria. The management system must include a detailed description of the entire plastic recovery process. The management system must also specify the specific self-monitoring requirements for each criterion specified in Annex I.

Spain

In Spain, a Ministerial Order has been issued, specifying rules for the end-of-waste status of mechanically recycled plastic waste. The Ministerial Order was notified in 2022, but is not yet in force.[8] The Ministerial Order specifies the requirements that must be met by thermoplastic waste suitable for mechanical processing, the requirements that must be met by the parties handling the waste, and the quality requirements that must be met by the resulting material in accordance with the product standards applicable after the recovery operation. The Ministerial Order also provides for a management system to ensure compliance with the end-of-waste criteria. The Ministerial Order applies generally to all thermoplastics.

The Ministerial Order distinguishes between two separate categories of plastics: (1) streams classified as safe according to their origin and plastics that have come into contact with food, and (2) waste streams that present a risk of POPs or other hazardous substances. The latter category includes e.g. electrical and electronic waste, end-of-life vehicles and plastics in construction and demolition waste. Recyclers must know the origin of the waste and the different categories of plastics must be kept separate. In addition, the reception of plastic waste (or fractions) must be visually controlled to identify inputs posing a risk. Hazardous waste or plastic waste exceeding the limit values of the POP Regulation will not be accepted for recycling within the meaning of the Ministerial Order.

Recycled plastic is considered to have ceased to be waste when it is sent to the next user. According to the Ministerial Order, recycled plastic waste must be used directly in the processing industry. Each consignment must be accompanied by a statement of conformity, the content of which is laid down in Annex III to the Regulation.

Ireland

[8] The Commission has submitted comments in the notification process:https://ec.europa.eu/growth/tools-databases/tris/fi/search/?trisaction=search.detail&year=2022&num=357&react=COMMENTS

Ireland has not issued national regulations on the end-of-waste status of recycled plastics, but several case-by-case guidelines have been issued. Case-by-case decisions include plastic flakes, recycled low-density polyethylene pellets (LDPE), recycled polyethylene terephthalate (PET) and recycled pellets of polyethylene and polypropylene. The decisions lay down provisions on, for example, waste types approved as input, their treatment and the quality and quality assurance of the final product. The decisions also lay down provisions for the management of end-of-waste information and the statement of conformity, as well as for approved and prohibited applications.

Utilising the regulations of other countries

National regulations on the end-of-waste status of plastics have been adopted in Portugal, while Spain has issued a proposal for such regulations. In Ireland, several case-by-case decisions have been issued whereby recycled plastic waste ceases to be waste. In addition, a Commission regulation on the end-of-waste status of recycled plastics is being prepared at EU level. Finland's national regulation could to some extent be modelled on the existing regulations. First, it is important to emphasise precise definitions in the Decree; it is necessary to define what is meant by, for example, plastic waste and secondary raw material. In addition, the Decree should at least provide for the input to the process, the recovery operation and the quality assurance of the material that has undergone the recovery operation, as well as the point at which the waste reaches end-of-waste status.

3 Regulatory proposal

3.1 Objectives of the Decree

The aim of the Decree is to streamline the practice and promote the use of material derived from waste by laying down end-of-waste requirements for secondary plastic raw material made from selected plastic waste. The Decree would support the objectives of the circular economy and the sustainable use of natural resources. The use of secondary plastic raw material that meets the requirements of the Decree could replace the production of plastic raw material derived from crude oil.

The end-of-waste criteria referred to in the Decree can contribute to a level playing field between operators active in the secondary raw materials market by creating certainty that a secondary plastic raw material that meets the criteria has ceased to be waste. The Decree promotes the processing and productisation of plastic waste and creates opportunities for new markets.

The Decree also aims to clarify the export of secondary plastic raw materials to another EU Member State. The procedures for international shipments of waste do not apply to shipments of materials classified as products. The exporter has an obligation to prove, where required, that the shipment does not involve waste. The Decree would clarify that a secondary plastic raw material meeting the criteria is a product that is not subject to the procedure for waste shipments. It should be noted that national EoW regulation is only effective in the country where it was adopted. In international waste shipments, operators must check the position of the authorities of all the countries concerned regarding end-of-waste classification.

3.2 Main content

The Decree would lay down criteria for determining when mechanically recycled plastic waste ceases to be waste. The Decree would also lay down the criteria for the recovery operation, the inputs allowed in the recovery operation and the permitted uses of the secondary plastic raw material resulting from the recovery operation for which the secondary plastic raw material meeting the criteria could be used, as well as the quality requirements and quality assurance of such secondary plastic raw material.

The adoption of the criteria laid down in the Decree would be optional for manufacturers of secondary plastic raw materials and the regulation would only apply if a manufacturer of a secondary plastic raw material declares that they will start using the criteria under the Decree. In this case, mechanically recycled secondary plastic raw material meeting the criteria must comply with the Decree, while waste legislation would continue to apply to the recovery of other mechanically recycled plastics. A secondary plastic raw material that meets the criteria would not be considered to be waste, but the manufactured secondary plastic raw material would be a product and would consequently be required to comply with the requirements of product legislation covering products used for the relevant intended purpose, any standards and regulations on hazardous substances, the REACH and POP Regulations and the RoHS Directive. Information on objects containing substances of very high concern (SVHC) can be found in the SCIP database maintained by the European Chemicals Agency: https://echa.europa.eu/fi/scip. It would be the responsibility of the producer of the secondary plastic raw material to check the requirements relating to hazardous substances. If the required criteria were not to be fully met, the secondary plastic raw material should continue to be considered to be waste.

The scope, definitions and general principles and technical requirements of end-of-waste status would be laid down in the sections of the Decree. Precise information on the types of plastic waste allowed in a recovery operation and their waste codes, the hazard classes and categories of hazardous substances and the requirements for the determination of the melt flow index would be compiled in the annexes to the Decree.

The end-of-waste criteria for secondary plastic raw material would apply to a plastic raw material that would have undergone a recovery operation within the meaning of the Decree. For recovery operations, it would be required that the secondary plastic raw material meeting the criteria is manufactured in an establishment with an appropriate environmental permit for the treatment of plastic waste types covered by the Decree for the production of secondary plastic raw material.

Risk management would be implemented through precise boundaries for allowable inputs and requirements for the recovery operation, which would include additional limitations on the plastic waste to be received. The permissible inputs would be waste types with a quick turnaround that, in principle, do not present a significant risk of harmful substances. This would include plastic waste from the plastic raw materials and products industry, plastic waste from construction and separately collected plastic waste from households, agriculture, horticulture, forestry, trade and industry. Plastic waste with a low risk of harmful substances covered by the Decree would also include plastic film waste from demolition activities and plastic packaging waste sorted from energy waste from industry, trade and services. For example, plastic waste from electrical and electronic equipment and vehicles, non-film plastic waste from construction and demolition, and all polyvinyl chloride plastic waste would be excluded from the scope of the Decree. Additional restrictions would be directed at separately collected plastic waste, and these would ensure that higher-risk plastics among separately collected plastic waste, such as plastic made of softened polyvinyl chloride, are not used as inputs once they have been separated or sorted as part of a recovery operation. In addition, plastic packaging used for the packaging or storage of hazardous substances belonging to the hazard classes and categories defined in Annex 2 should not be used as input for recovery operations.

The restrictions on the allowable inputs and the requirements for the recovery operation would aim to establish an alternative and economically sustainable risk management route for secondary plastic raw material manufacturers, avoiding testing obligations for each batch of homogeneous secondary plastic raw material for the determination of harmful substances, while nonetheless ensuring that the secondary plastic raw material meeting the Decree criteria does not cause harm to human health or the environment. Manufacturers adopting the criteria laid down in this Decree would be subject to other legislation on chemicals and hazardous substances and their concentrations as regards the secondary plastic raw material they produce, as well as to the requirements laid down in product legislation which oblige the manufacturers to take into account the risks associated with the secondary raw material they manufacture.

The Decree would allow the use of secondary plastic raw material meeting the criteria in accordance with section 12 of the Decree for the manufacture of plastic products or products containing plastic. In addition, secondary plastic raw material meeting the criteria that comes into contact with food must meet the safety and traceability requirements arising from other legislation. This refers in particular to the 'Framework Regulation'[9], the Plastics Regulation[10], the Recycled Plastics Regulation[11] and the requirements of Commission Regulation (EC) 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food. It would be the responsibility of the manufacturer of the secondary plastic raw material to ensure this. The final use of secondary plastic raw material intended for non-food contact would be determined by the allowed input used, the material characteristics and market demand. The melt flow index of secondary plastic raw material should be determined either by continuous measurement or on up to 1 500 kg per production batch. Purchasers of the secondary plastic raw material could use the melt flow index data to assess the technical suitability of the secondary plastic raw material for the manufacture and manufacturing processes of different plastic products. Manufacturing processes would refer to the production methods of plastic products, such as injection moulding, rotation casting or blow moulding.

Compliance with the requirements of the Decree would be ensured by criteria for the receiving inspection, pre-treatment, recovery and storage of plastic waste, as well as for the quality and demonstration thereof of the finished secondary plastic raw material. The manufacturer of the secondary plastic raw material should have a quality assurance system, the conformity of which should be verified by an independent party.

Manufacturers would be obliged to draw up a statement of conformity for the secondary plastic raw material they manufacture. The statement of conformity should be provided to the recipient in either paper or electronic form for each batch of secondary plastic raw material supplied. Manufacturers would be obliged to submit a declaration of compliance for secondary plastic raw material to the Finnish Safety and Chemicals Agency upon request.

The supervisory authority would check the declaration and the related documents at the time of receipt of the declaration. The check would ensure that the quality assurance system and the treatment of recycled plastics at the plant comply with the requirements of the Decree and that the documentation takes sufficient account of the requirements of the Decree. The verification of the compliance of the quality assurance system with the Decree would fall within the competence of the supervisory authority, because plastic not treated in accordance with the Decree would still be considered waste.

[9] Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/509/EEC and 89/109/EEC

[10] Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food

[11] Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008

The introduction of the criteria referred to in the Decree at a plastic waste treatment plant should be notified in writing in advance to the environmental protection [illegible] tions permit. A diagram illustrating the steps involved in adopting the criteria is shown in Figure 1.

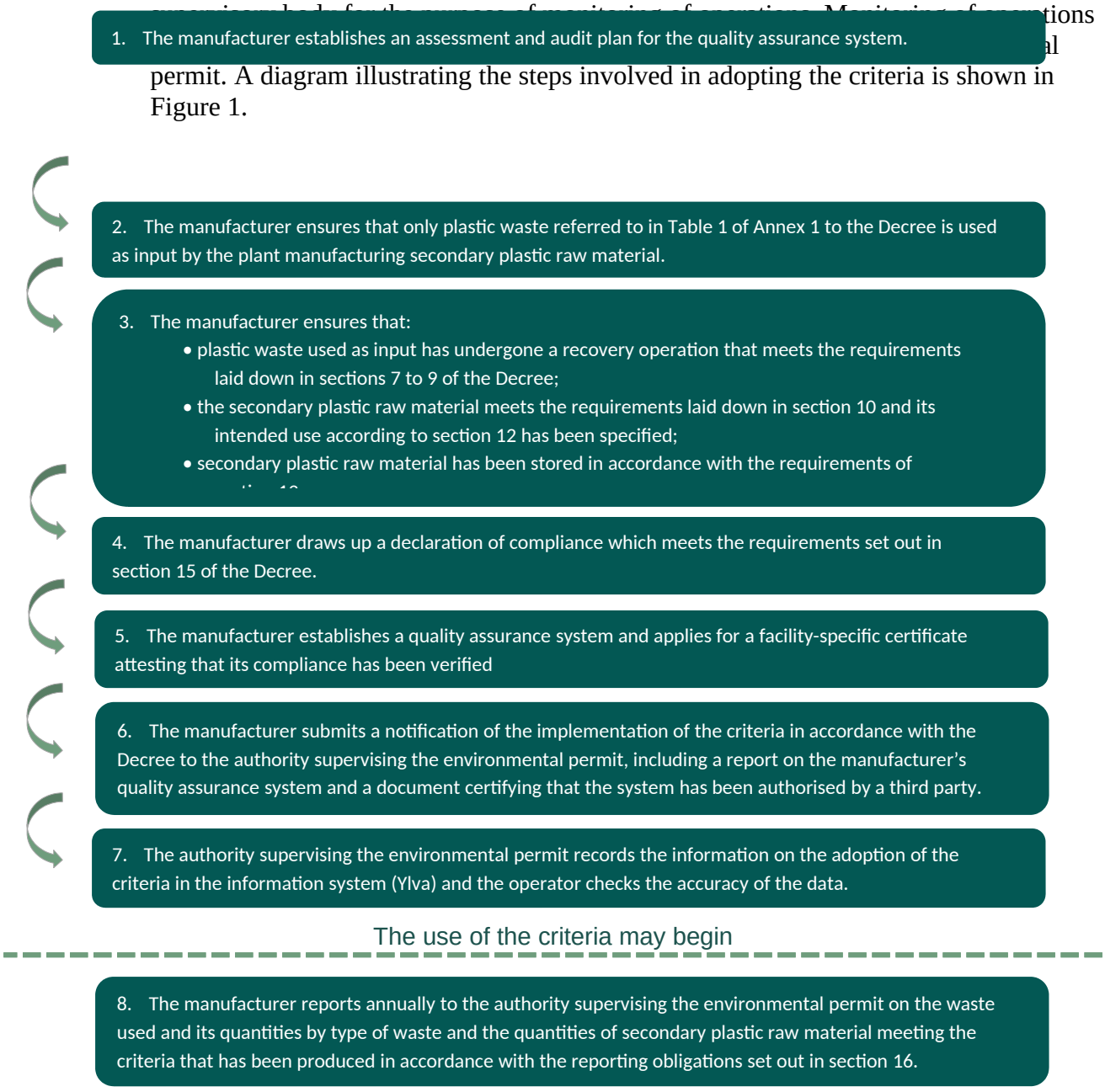

Figure 1. Steps in the adoption of the criteria.

4 Impacts of the proposal

4.1 Economic effects

In 2018, approximately 25 000 tonnes of secondary plastic raw material[12] were produced in Finland, which corresponds to approximately 4 per cent of the amount of virgin plastic raw material[13] used annually in Finland. The figure includes the share of domestic production remaining for domestic use and imported plastic raw materials.

The end-of-waste criteria referred to in the Decree can contribute to a level playing field between operators active in the secondary raw materials market by creating certainty that a secondary plastic raw material that meets the criteria has ceased to be waste. The

[12] Hurskainen et al. 2021. Novel methods for the accounting of forest ecosystems and circular materials (2019-FI-ENVECO) Methodological report/January 2021

[13] Fjäder et al. 2022. Muovien haitalliset ympäristö- ja terveysvaikutukset [Adverse effects of plastics on the environment and human health]. MYSTEERI project Final report

Decree promotes the processing and productisation of plastic waste and creates opportunities for new markets.

By laying down criteria, opportunities can also be created for innovative projects and objects where secondary plastic raw materials that meet the requirements of the Decree can be used. Regulation can have positive economic effects by lowering raw material costs in applications of secondary plastic raw material. In contrast, the production of secondary plastic raw material meeting the criteria in a waste treatment plant requires an environmental permit for the treatment of plastic waste falling within the scope of the Decree, as well as quality assurance in accordance with the Decree, which incurs costs for the operator. However, these costs are not expected to increase significantly as a result of the Decree compared with what would in any case be required for activities subject to an environmental permit.

4.2 Effect on the activities of authorities

The operation of a plant manufacturing secondary plastic raw material that meets the criteria from plastic waste would require an environmental permit in accordance with section 27 of the Environmental Protection Act, and the supervision of plastic waste processing plants in respect of the operation and its environmental impacts would continue to be the responsibility of the supervisory authorities under the Environmental Protection Act (Figure 1). No administrative procedure is proposed for the adoption of the criteria laid down in the Decree and therefore it would not require prior administrative measures from the environmental protection authorities. However, the Decree would result in some new tasks for the supervisory authority under the Environmental Protection Act; however, these are not expected to increase the need for personnel. Upon receipt of a notification from the operator on the adoption of the criteria, the authority should verify that the notified facility has an environmental permit for the recovery of plastic waste referred to in the Decree for the production of secondary plastic raw material. The authority should also check that the facility has a quality assurance system authorised (certified) by a third party within the meaning of the Decree (Figure 1). The supervisory authority should record the facility-specific data in the environmental protection information system (YLVA). The environmental protection authority should inform the market surveillance authority, i.e. the Finnish Safety and Chemicals Agency, of the adoption of the criteria.

The environmental protection authorities would monitor compliance with the Decree as part of the operation of the facility subject to the permit, and, if necessary, the authority would have at its disposal the means of supervision provided for in chapter 18 of the Environmental Protection Act. If the report on the quality assurance system attached to the notification is incomplete or does not comply with the requirements of the Decree, the authority should, by means of administrative measures, direct the manufacturer to complete the quality assurance documentation or to correct any deficiencies found therein. If the manufacturer fails to do so voluntarily, the authority would have at its disposal the procedures of request, order and, ultimately, administrative enforcement.

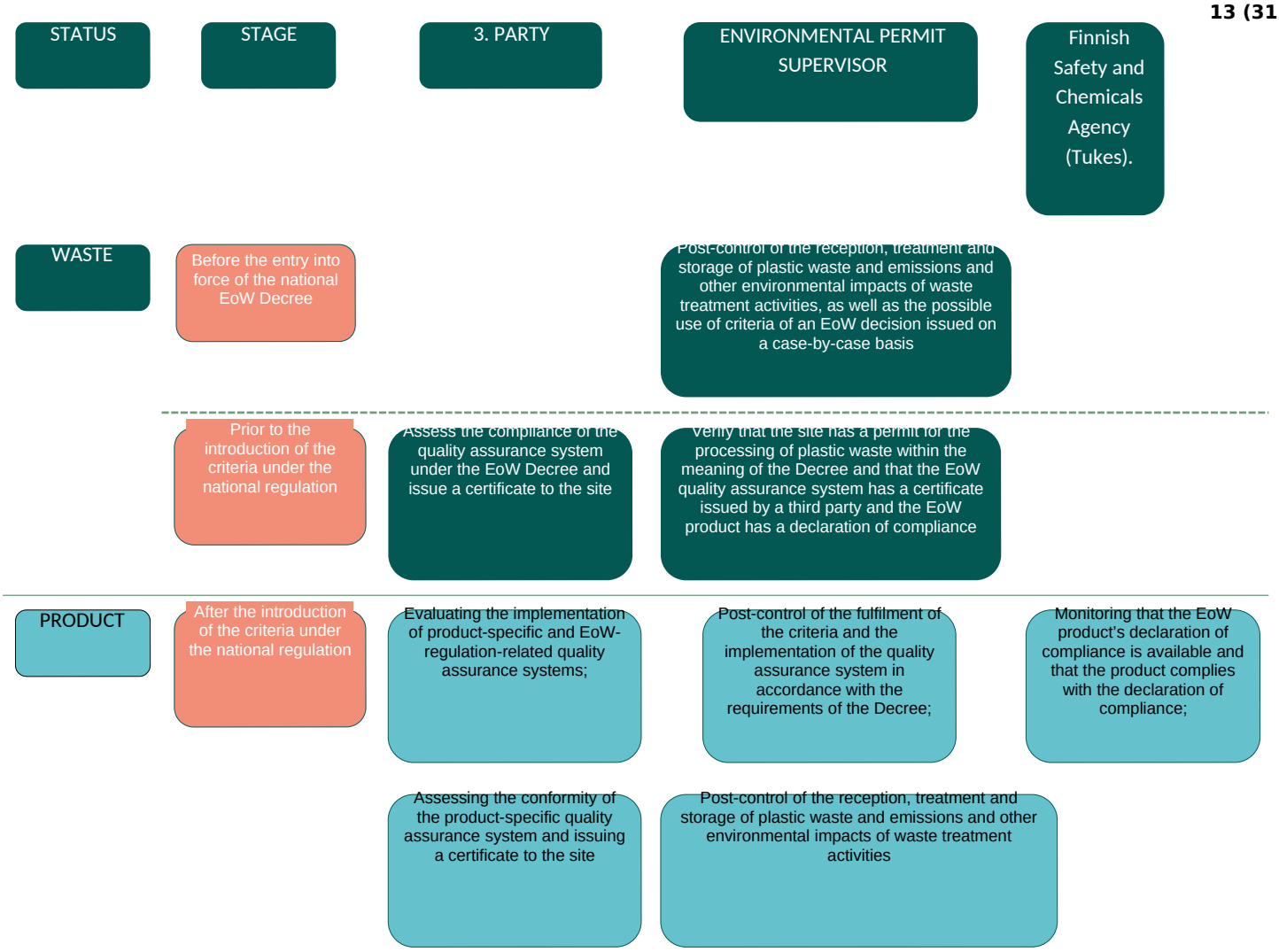

Figure 2. The division of responsibilities between the environmental protection authority, the Finnish Safety and Chemicals Agency (TUKES) and the third party assessing the compliance of the quality assurance system at the different stages of the application of the national EoW procedure and at the product-waste interface.

The environmental protection authority would also undertake post-control tasks related to the Decree (Figure 1). The environmental protection authority would verify that:

1) the facility has a permit for the treatment of plastic waste referred to in the Decree;

2) the notification of the adoption of the criteria and the related documents are in accordance with the Decree;

3) the EoW quality assurance system is certified by a third party;

4) the EoW product has a declaration of compliance.

The authority should also ensure that the end-of-waste criteria for secondary plastic raw material are met by the facility manufacturing it. Supervision could focus on inputs, the recovery operation, the secondary plastic raw material, the declaration of compliance and the quality assurance system.

As a result of the Decree, the workload of the environmental protection supervisory authorities could increase if a facility were to have operated without a case-by-case decision on the end-of-waste status of secondary plastic raw material and the criteria defined on the case-by-case basis would not have been monitored. The above-

mentioned workload or increase therein would be reduced by assigning the verification of compliance and assessment of the quality assurance system to a third party.

Downstream use of a secondary plastic raw material meeting the criteria would not require a case-by-case authorisation or registration notification, meaning that the regulatory impact in this respect would be a slight reduction in the workload of the authorities. Downstream use of secondary plastic raw material meeting the criteria of the Decree would therefore not be subject to procedures under the Environmental Protection Act, but to the appropriate product regulation. This would reduce the workload of environmental protection supervisory authorities as case-by-case decisions would no longer be necessary, and it would clarify that the supervision of downstream use of secondary plastic raw material would form part of market surveillance under the responsibility of the Finnish Safety and Chemicals Agency.

In accordance with section 24a of the Waste Act, the control of secondary plastic raw materials is the responsibility of the market surveillance authority even before this Decree is adopted. After the entry into force of the Decree, market surveillance would focus on monitoring the compliance of the secondary plastic raw material, i.e. whether the product complies with the declaration of compliance and whether the declaration of compliance of the product is available and has been submitted to the recipient in accordance with the requirements of the regulation (Figure 1). The task is not expected to increase the need for personnel. In addition, supervision would focus on the control of existing requirements for the product in chemicals and product legislation relating to plastic raw materials and would not be different from other product control. Market surveillance would not focus on other criteria for secondary plastic raw material, the control of which would fall within the remit of the environmental protection authority.

The supervision of the Finnish Food Authority would focus on facilities that manufacture secondary plastic raw materials intended to come into contact with food, as referred to in the Recycled Plastics Regulation. In this respect, the regulation would not increase the responsibilities of the authorities, as the facilities must in all situations have installation-by-installation approval in accordance with the Recycled Plastics Regulation.

In summary of the effects on the authorities, it is expected that the regulation will not increase the need for personnel for the different authorities and the changes to tasks will be realised within the limits of existing resources.

4.3 Environmental effects

The use of secondary plastic raw material that meets the criteria of the Regulation can contribute to reducing the use of crude oil and direct and indirect emissions of CO2 and other substances from the production of virgin plastics. The Decree would reduce the amount of waste generated and ensure compliance with the principles of the circular economy and implementation of the order of priority under the Waste Act. The adverse effects of the use of waste-based materials on human health and the environment would be prevented by limiting the inputs allowed by the Decree and by requirements for quality assurance of the recovery operation and the plastic waste to be received.

Secondary plastic raw materials would be subject to the requirements laid down in product legislation, as well as restrictions from other legislation on maximum levels of hazardous substances in products.

4.4 Social effects

The Decree would allow secondary plastic raw material made from waste to be used as a product, and consequently, waste legislation would not apply to the use of secondary plastic raw material in accordance with the Decree. The Decree would create uniform end-of-waste obligations and criteria for manufacturers of secondary plastic raw material. The Decree would promote equal treatment of operators. The introduction of the criteria in the Decree would resolve the uncertainty on when a secondary plastic raw

material ceases to be waste and would therefore contribute to ensuring legal certainty for operators. In this case, the manufacturers of secondary plastic raw material could also obtain assurance that the secondary plastic raw material is a product and complies with the relevant requirements under this Decree and other legislation. If, on the basis of the proposal that may be published by the JRC at the beginning of 2024, preparation were to begin on EU regulation laying down uniform EoW criteria for recycled plastic waste in the EU, the EU regulation will also be taken into account in this national regulation now being prepared.

The restriction of allowable inputs for secondary plastic raw materials and the quality assurance of the recovery operation provided for in the Decree would aim to ensure that material originally of waste status could be used without concern about its adverse effects on the environment or human health.

Users of secondary plastic raw materials have called for a uniform interpretation and manufacturers for uniform licensing practices that would increase buyers' confidence in the producers of secondary plastic raw materials and ensure equal treatment of manufacturers. The requirements set out in the Decree correspond to the existing practices of operators. Companies involved in the mechanical recycling of plastics already conform well with the requirements of the proposed Decree. In addition, similar legislation and case-by-case decisions have been actively prepared in other EU countries prior to the completion of a legislative act at EU level, which is why the drafting of uniform national legislation aims to ensure that the functioning of the internal market is as flexible as possible. The position of both users and manufacturers of secondary plastic raw materials is thus seen to improve with the entry into force of the Decree.

5 Preparatory studies

The decree has been prepared by the Ministry of the Environment in cooperation with the Finnish Environment Institute. During the preparation, key operators in this sector have been consulted, including by organising stakeholder events and during site-specific visits. Comments on the draft Decree were invited from relevant stakeholders, and the draft Decree was available for comments in the online consultation service Lausuntopalvelu between 14 April 2023 and 31 May 2023.

Feedback and taking it into account

The draft Decree received 23 responses. The interested parties that submitted responses largely welcomed the adoption of the Decree under preparation, while also commenting on a number of details of the draft Decree. A number of amendments and clarifications were made to the proposed Decree and to the explanatory memorandum on the basis of the feedback.

Several responses pointed out that other provisions on plastics coming into contact with food should be adequately addressed in the Decree. The Decree should take particular account of the EU regulations on recycled plastic materials and articles intended to come into contact with food. Based on the feedback, the necessary references to EU regulations have been added to section 1. In addition, clarifying references to the Recycled Plastics Regulation and the Plastics Regulation have been added to the explanatory memorandum.

The definition of a hazardous substance in section 2 of the proposed Decree has been deleted, since the term is used only in section 5 of the Decree. The hazardous substances referred to in the Decree are identified in Annex 2 to the Decree. A mixture, as defined in Article 2(8) of the CLP Regulation has also been added to the hazard classes, not only the substance as such.

Several comments highlighted ambiguities relating to the stages of implementation of the criteria and to the role of the authorities in the different stages. As a result of the feedback, a new description was added to chapter 3, which describes step-by-step the implementation of the criteria (chapter 3, Figure 1). In addition, the tasks of both the environmental protection and market surveillance authorities were clarified in chapter 4.2 of the explanatory memorandum.

Several opinions indicated that the separation of different waste types from construction and demolition could be challenging, unnecessary or may make it more difficult to recycle high-quality plastic fractions. Based on the feedback, the requirement for the storage of plastic waste in section 7 was not changed, as the separation of plastic waste from construction and demolition has been assessed as the simplest way to include plastics from construction as an allowed input under the scope of the Decree without batch-specific chemicals testing obligations for secondary plastic raw materials made from plastics from construction.

The feedback also suggested that the specifications of the secondary plastic raw material in section 10 of the draft regulation should be amended in certain respects and that the determination of the melt flow index should be removed. In the further preparation, the requirement for determining the melt flow index was not removed, but the section on determination and Annex 3 were clarified. In the explanatory memorandum it was clarified that this concerned the minimum requirements whose determination is mandatory in all circumstances. Mandatory requirements do not prevent parties from agreeing on a stricter level.

Several respondents commented on the list in section 12 of permitted uses of secondary plastic raw material that has undergone a recovery operation. In stakeholders' view, the practical significance of the list remains unclear as to whether the list is intended to be a list of examples or an exhaustive list. The detailed list was also considered unnecessary and it was felt that it could limit the emergence of new circular economy innovations. In the further preparation, the section was amended so that the permitted use is the manufacture of plastic products or products containing plastic, and a more detailed list of uses is included in the section's detailed justifications.

On the basis of the feedback, Annex 1 to the Decree was further specified so that plastic packaging waste and other plastic waste separately collected from households or industry, trade and services referred to in 3b and 3d includes separately or jointly collected plastic packaging waste and other plastic waste. The purpose of the Decree is not to prevent the joint collection of plastic packaging waste and other plastic waste referred to in section 49a, subsection 1, paragraph 3 of the Waste Act.

Due to the technical provisions contained therein, the Decree had to be notified to the Commission and the other Member States in accordance with the notification procedure laid down in Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. Prior notification of the draft Decree to the EU Commission in accordance with the Directive was given xxx – xxx. ....(To be completed after prior notification.)

The draft decree has been scrutinised by the Ministry of Justice's legislative scrutiny unit.

The preparatory documents for this Decree can be found in the Government's internal project management service Hankeikkuna at Hankeikkuna (vnv.fi).

6 Provision-specific rationale

Section 1 *Purpose and scope*. The purpose of the Decree would be to lay down criteria for determining when a secondary plastic raw material ceases to be waste. The Decree would also lay down the authorised uses of secondary plastic raw material meeting the criteria.

This section would provide for the scope of the regulation. The requirements of the Decree would apply only to such manufacturers of secondary plastic raw material referred to in section 2, paragraph 6 of the Decree that have an environmental permit for mechanical recycling of plastic waste as referred to in section 27 of the Environmental Protection Act. Limiting the scope of the Decree to activities subject to authorisation would be necessary to ensure that the activities covered by the Decree continue to comply with the requirements of the Decree.

In addition, secondary plastic raw materials that come into contact with food must meet the safety and traceability requirements arising from other legislation. This refers in particular to the 'Framework Regulation'[14], the Plastics Regulation[15], the Recycled Plastics Regulation[16] and the requirements of Commission Regulation (EC) 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food. EU regulations are directly applicable regulations. For this reason, informative references to the Recycled Plastics Regulation, the Plastics Regulation, the Framework Regulation and Commission Regulation (EC) 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food are included in section 1.

The adoption of the criteria would be voluntary for the manufacturers of secondary plastic raw material. An operator that manufactures secondary plastic raw material from plastic waste in Annex 1 to the Regulation by means of mechanical recycling should notify the adoption of criteria to the environmental protection supervisory authority. Otherwise, the secondary plastic raw material should continue to be considered waste, the recovery of which requires an environmental permit.

For inputs excluded from the scope of the Decree, end-of-waste status could still be reached through case-by-case consideration. For inputs outside the scope of the Decree, such as plastic from mixed waste sorted and recycled on a facility-specific basis, the manufacturer's information on the quality and variety of waste, the recovery operation, quality assurance and risk management would be examined to assess the conditions for end-of-waste status of secondary plastic raw material produced from out-of-scope inputs.

Section 2. *Definitions*. The section would contain the definitions of key terms used in the Decree. *Input* would refer to plastic waste, as referred to in Annex 1, which is suitable for use as raw material in the manufacture of secondary plastic raw material within the meaning of this Decree.

Secondary plastic raw material would refer to material made from plastic waste that after a mechanical recycling operation is in the form of pellets, crushed plastic or flakes, and which is available as such without further processing for use as a raw material for the manufacture of new plastic products. Pellets would refer to secondary plastic raw material produced by extrusion, i.e. granulate. Crushed plastic would refer to plastic material made from sorted plastic waste reduced and decontaminated by a shredder. Flakes would refer to plastic material made from sorted plastic waste reduced and decontaminated by shredding. Crushed plastic or plastic flakes suitable for direct use in the manufacture of plastic products should be suitable for that purpose in terms of purity and quality without further processing, in which case they could cease to be

[14] Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/509/EEC and 89/109/EEC

[15] Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food

[16] Commission Regulation (EU) 2022/1616 of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008

classified as waste. Further processing would refer to treatments based on the removal of impurities, such as the melting of crushed plastic or flakes and the removal of impurities from the melt.

Recovery operation would refer to technical and other measures for the reception, pre-processing and recovery of inputs that are used to transform plastic waste into secondary plastic raw materials.

Manufacturer would mean the holder of the waste who adopts the end-of-waste criteria for secondary plastic raw material. Manufacturers include facilities that recycle plastic waste from primary production, industry, trade and services and/or households into secondary plastic raw material by means of mechanical recycling.

Independent party would refer to an entity, institution or other body providing compliance assessment services. These include, for example, certification and inspection bodies, regardless of the type of company.

Melt flow index would refer to a number indicating the fluidity of the melt of an untreated polymer at a given temperature and under a specified pressure.

Section 3 *End-of-waste criteria for secondary plastic raw material*. This section would lay down the requirements that a secondary plastic raw material placed on the market would need to meet to cease to be waste. A secondary plastic raw material would cease to be waste if it meets all the conditions laid down in points 1 to 5 of subsection 1 of the section. Point 1 would define the plastic waste allowed as input, which would be listed in Annex 1. The input should have undergone a qualifying recovery operation (2), further provisions on which would be laid down in sections 5 and 7 to 9 of the Decree. The secondary plastic raw material produced should meet the requirements laid down in section 10 for the final product (3) and its intended use should be determined in accordance with section 12 (4). The secondary plastic raw material should be stored in accordance with the requirements set out in section 13 and the manufacturer should have drawn up a declaration of compliance as referred to in section 14 for the secondary plastic raw material. This must meet the content requirements for the declaration of compliance laid down in section 15 (5).

In addition, secondary plastic raw material coming into contact with food and its manufacture must meet the requirements of the Recycled Plastics Regulation.

Section 4 *Manufacturer's quality assurance system*. The section would lay down requirements for quality management. The manufacturer should have a quality assurance system to demonstrate compliance with the quality assurance requirements of the recovery operation and the secondary plastic raw material that has undergone the recovery operation. Quality assurance should be continuous. Continuous quality assurance would mean that, at each stage of the production of secondary plastic raw material, the manufacturer ensures the use of uniform protocols and that the requirements laid down for the reception of plastic waste, the recovery operation and the secondary plastic raw material are met.

The manufacturer should designate the persons responsible for the quality assurance system, provide appropriate induction training to them and provide them with adequate information on the implementation of the quality assurance. The responsible persons should be designated in the quality assurance system.

The manufacturer should establish an assessment and audit plan for the quality assurance system. The compliance of the quality assurance system should be verified by an independent party. Independent party would refer to an entity that would verify the compliance of the quality assurance system and who has been granted accreditation for this task by the Finnish Safety and Chemicals Agency's Accreditation Service (FINAS). FINAS publishes all its accredited certifiers and verifiers and their areas of competence on its website.

The verification of the quality assurance system by an independent party would focus on the different stages of the recovery operation, namely the reception, storage, pre-processing and recovery of waste, and on the quality control of the secondary plastic raw material that has undergone the recovery operation and the storage of the secondary plastic raw material. Key areas of control would be accounting, sampling and performance, the responsibilities and competence of staff, as identified in the quality assurance system, and the adequacy and timeliness of the instructions for the different stages. Verification by an independent party would not mean an assessment of the end-of-waste status of secondary plastic raw material.

In addition, manufacturers of secondary plastic raw materials intended to come into contact with food must establish a quality management system in accordance with Commission Regulation (EU) 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food. In addition, the secondary plastic raw materials intended to come into contact with food and its manufacture must meet the quality assurance and independent third-party certification requirements for collection and pre-processing in accordance with Article 6 of the Recycled Plastics Regulation and for the operation of recycling schemes in accordance with Article 9.

Section 5 *Reception of plastic waste.* The section would lay down requirements for the receiving inspection of plastic waste. The purpose of the receiving inspection would be to prevent plastic waste types other than those listed in Annex 1 of the Decree and plastic packaging waste containing residues of hazardous substances from entering the recovery operation. The aim is also to contribute to ensuring the adequate quality of secondary plastic raw material resulting from the recovery operation by imposing acceptance restrictions on plastic waste containing significant amounts of dirt and impurities.

Subsection 1 of the section would lay down the obligation for the manufacturer to check each batch of plastic waste to be received before the plastic waste is submitted for pre-processing and the preparation of instructions for the receiving inspection and their inclusion in the quality assurance system. The manufacturer’s instructions would ensure that consignments of plastic waste received and their purity are uniformly checked and impurities and ineligible batches removed on the basis of uniform criteria, irrespective of the person performing the inspection. The manufacturer should record these instructions in the quality assurance system described in section 4.

Subsection 2 would lay down provisions on the manufacturer’s obligation to ensure, when receiving plastic waste, that the plastic waste is included in the plastic waste types referred to in Annex 1. In addition, the manufacturer should ensure that plastic waste is stored and transported in such a way that waste batches of the different waste codes defined in Annex 1 are not mixed with each other or with other waste types. This would help to ensure material traceability and that plastic waste not covered by the scope of the Decree would not be used as input.

Subsection 3 of the section would lay down the obligation for the manufacturer to refuse to accept plastic waste containing plastic packaging used for the packaging or storage of hazardous substances referred to in Annex 2 to the Decree. A hazardous substance would be defined in the proposed section 2, paragraph 3 and would be based on the hazard classes and categories set out in Annex I to the CLP Regulation and the criteria contained therein. The hazard classes and categories covered by the Decree would be listed in Annex 2 to the Decree. The reception and use of plastic packaging, such as sacks, canisters or containers, used for the packaging or storage of hazardous substances falling within the scope of the Degree in the manufacture of secondary plastic raw material would be prohibited.

The requirement would not apply to plastic waste collected separately from households. Imposing a restriction on plastic packaging other than that collected separately from households is justified, as the most hazardous substances are only used for professional use, especially in primary production. Furthermore, consumer pressure packaging or

packaging containing residues of hazardous substances is directed for recycling through hazardous waste reception points, which is why the quantity of, and risk posed by, plastic packaging used for the storage and packaging of hazardous substances in plastic waste collected separately from households is estimated to be small compared with the measures that would be imposed on the collectors and manufacturers if the above restriction were to be extended to plastic packaging collected separately from households. The exclusion from the restriction of plastic packaging collected separately from households does not mean that it is not the responsibility of the manufacturer, during pre-processing, to remove any packaging used for the storage and packaging of potentially hazardous substances and to prevent their access to the recovery operation.

Subsection 4 would lay down an obligation for the manufacturer to reject baches of plastic waste that, based on visual assessment, contain so much other material or dirt that it would not be possible to remove such materials or clean the waste sufficiently, taking into account the technical solutions of the facility. Therefore, specific criteria for purity would not be laid down in the section.

In the case of secondary plastic raw material intended to come into contact with food, the plastic waste received must also meet the requirements of Article 6 of the Recycled Plastics Regulation on collection and pre-processing.

Section 6 *Records of receipt of plastic waste.* The section would provide for acceptance records of plastic waste. The manufacturer should keep records of both the plastic waste accepted as input and the rejected plastic waste. The acceptance records should record the date and time of receipt of each batch of plastic waste received, the producer and supplier of the waste, the plastic waste type and waste code according to the breakdown in Annex 1 to the Decree, the quantity of plastic waste and the indication of acceptance. If the waste received is rejected, it should include the date of rejection, the producer and supplier of the waste, the type and code of the waste, the quantity of waste and the grounds for rejection.

Plastic waste would be allocated according to origin to four categories in accordance with Annex 1. Where pre-processed plastic waste is received in waste management, it should be possible to trace the origin of the waste up to the generation of untreated plastic waste and the first waste code of the waste should be recorded in the acceptance records. If a pre-processed waste code were to contain waste with multiple waste codes, all waste codes should be recorded in the acceptance records. Under section 17, the cumulative received quantities of waste types from different types of operations should be presented in the annual summary submitted to the supervisory authority in accordance with the environmental permit.

In addition, subsection 2 of the section would provide for the recording of instructions on the acceptance records in the quality assurance system referred to in section 4.

In addition, in the case of secondary plastic raw material intended to come into contact with food, plastic waste received must meet the collection and pre-processing requirements of Article 6 of the Recycled Plastics Regulation.

Section 7 *Storage of plastic wastes.* The section would lay down requirements for the storage of received plastic waste. Plastic waste intended for the manufacture of secondary plastic raw material intended to come into contact with food should be kept separate from other plastic wastes and wastes received.

In accordance with subsection 2 of the section, a manufacturer who uses plastic waste from construction as input for the recovery operation while also accepting waste from demolition should keep plastic waste from construction separate from plastic waste from demolition and other waste types. The specific challenge involved in plastics from demolition is their age, which means chemicals may have been used in the plastics that are no longer authorised or are subject to restrictions on the amounts used. It is the responsibility of the manufacturer of the secondary plastic raw material to ensure, by means of sampling where appropriate, that the plastic waste received does not contain

such substances that should not end up in the secondary plastic raw material produced. The segregation of plastic waste from construction and demolition has been deemed the simplest way to include plastics from construction as an authorised input in the scope of the Decree, without batch-specific chemical testing obligations for secondary plastic raw material made from construction plastics.

In the case of secondary plastic raw material intended to come into contact with food, storage must also meet the requirements of the Recycled Plastics Regulation.

Section 8 *Pre-processing of plastic waste.* The section provides that the received plastic waste should be pre-processed to remove any impurities contained in plastic waste before it is used as an input to the recovery operation. One purpose of pre-processing would be to remove other materials or plastic waste with high levels of impurities from the plastic waste used in such a way that the secondary plastic raw material obtained through the recovery operation would meet the criteria of the Decree. The impurities to be removed would include, for example, metals, bio-based material, wood, soil material and other similar materials.

The quality of pre-processed plastic waste should be continuously monitored and any detected impurities that could materially impair the quality of the secondary plastic raw material to be manufactured should be removed. Records should be kept of the quantities of materials removed during pre-processing (rejects), their handling and delivery destination. Under section 16, the annual summary of operations subject to an environmental permit to be submitted to the supervisory authority should include information on the rejected materials and impurities and their quantities.

In addition, in the case of secondary plastic raw material intended to come into contact with food, plastic waste received must meet the collection and pre-processing requirements of Article 6 of the Recycled Plastics Regulation.

Section 9. *Recovery of plastic waste.* The section would lay down requirements for the procedure for the recovery of plastic waste.

The correctness of the sorting of plastic waste sorted at source should be ensured prior to the use of plastic waste as input to the recovery operation. The relevance of the section would refer to the manufacturer’s obligation to check the correctness of the sorting and other characteristics that may affect the quality of the secondary plastic raw material being manufactured. Plastic waste not sorted at source should be sorted by type of plastic in such a way that other characteristics related to the quality and classification of the secondary plastic raw material, such as impurities contained in the plastic material and the technical characteristics of the material, are taken into account. Polyvinyl chloride plastic sorted from plastic waste should not be returned to the process, but should be delivered for appropriate treatment.

Pre-processed and sorted plastic waste should be treated to reduce the size of pieces, i.e. to convert the material into crushed plastic or flakes. Impurities should be removed from the plastic waste material processed as crushed plastic or flakes using an appropriate method so that the secondary plastic raw material that has undergone the recovery operation meets the requirements laid down in section 11 and the intended use specified in section 13 can be determined. The impurities to be removed would include, for example, metals, bio-based material, wood and other similar materials. Suitable methods for the removal of impurities would include, for example, floating and magnetic separation.

Contaminated plastic waste or plastic waste containing stickers or other similar materials to be removed should be treated, for example by washing, to remove dirt and other impurities. The number of treatments should be adequate in relation to the amount of impurities contained in the plastic to be treated: for example, plastic waste containing more dirt and impurities should be washed for longer or washing should be repeated more times than for plastic waste containing small amounts of dirt.

Any remaining impurities should be removed from plastic melt intended for pelletizing by extrusion or other means. This would mean, for example, filtering the plastic melt. The plastic melt could undergo decolourisation or colouring agents or additives necessary for the required properties of the finished product could be added to the plastic melt. The processing line used for the production of secondary plastic raw material intended to come into contact with food should only process separately collected or source-separated plastic waste originating from plastic products that have come into contact with food. Such plastic waste would include, for example, plastic beverage containers collected through a deposit-based return system. The recovery operation used in the manufacture of secondary plastic raw material intended to come into contact with food must meet the requirements of the Recycled Plastics Regulation. The requirements apply to appropriate recycling processes, authorised inputs, collection and pre-processing of plastic waste, cleaning, post-processing and use of recycled plastic materials and articles, operation of recycling systems and quality assurance systems.

In accordance with subsection 2 of the section, the manufacturer should define appropriate and adequate risk management measures, such as monitoring the quality of washing water, to identify and remove contaminated batches from the plastic waste material. Contamination refers to the quality or properties of plastic waste that could compromise the quality of the secondary plastic raw material resulting from the recovery operation and which have not been detected in the receiving inspection.

In addition, subsection 3 of the section would lay down provisions on the preparation of instructions on the operation, maintenance and manufacturing process of equipment used in the manufacture of secondary plastic raw material and on the recording of these instructions in the quality assurance system referred to in section 4.

Section 10. *Specifications for secondary plastic raw material.* The section would lay down provisions on the specifications of the secondary plastic raw material that has undergone the recovery operation, which would be necessary to ensure the quality of the secondary plastic raw material. The section would lay down minimum requirements, the determination of which would be mandatory. Care has been taken to avoid including factors for determination that are not necessary in every situation. The mandatory requirements laid down in the Decree do not prevent the imposition of additional specifications for secondary plastic raw materials in agreements between the parties. If they so wish, the manufacturer and the buyer may agree on additional specifications to describe the suitability of the secondary plastic raw material for different applications.

Point 1 of the section would provide for the disclosure of the material distribution of secondary plastic raw material. The manufacturer should determine the mass fractions of the main polymer and other polymers of the secondary plastic raw material, its suitability for the manufacturing methods of different plastic products, and the melt flow index, either as a continuous measurement or determined on a sample representative of a batch of secondary plastic raw material of up to 1 500 kg. The sampling to be carried out for the determination of the melt flow index and the method of analysis used to determine it would be further specified in Annex 3. The different production methods for plastic products would include blow moulding, rotation casting or injection moulding.

A melt flow index would be required because it can unequivocally indicate the quality and purity of the secondary plastic raw material and its suitability for different plastic products and manufacturing processes. The melt flow index can also indirectly ensure that the methods used in the recovery operation can produce usable secondary plastic raw material. For this reason, the melt flow index has been deemed as one of the most important and simplest means of ensuring compliance with the criteria for the recovery operation and secondary plastic raw material.

The purpose of the Decree would be to set minimum requirements for quality assurance of the recovery operation and the resulting secondary plastic raw material. Determination of the melt flow index is currently an integral part of the recovery operation of the manufacturers and therefore the requirement imposed is not expected to cause additional measures for manufacturers. As the only specification in the Decree requiring measurement, the melt flow index is not assessed as providing an exhaustive indication of the suitability of the secondary plastic raw material for different uses. Manufacturers must be aware of the suitability of the secondary plastic raw material they manufacture for different uses and production methods in order to be able to declare them in the declaration of compliance. To this end, manufacturers may carry out other determinations in addition to the melt flow index that they consider necessary and which reflect the quality of the secondary plastic raw material in such a way that manufacturers can declare a suitable use and production method for the secondary plastic raw material they manufacture.

Quality assurance of the secondary plastic raw material that has undergone the recovery operation based on the information mentioned in the section would be a key tool to demonstrate that the reception, pre-processing and recovery of plastic waste as a whole has been carried out in such a way that the finished secondary plastic raw material meets the criteria of the Decree. Therefore, the measures taken should also be documented in accordance with section 11.

If the manufacturer were to find that, at some point in time, a plastic waste recovery operation had not been carried out in accordance with the quality assurance system or the quality of the secondary plastic raw material that has undergone the recovery operation, based on the melt flow index and its material composition, did not comply with the criteria of the Decree, the conditions for the end-of-waste status of plastic waste would not exist and the secondary plastic raw material should continue to be classified as waste. The classification as waste would cover the batch of secondary plastic raw material for which deficiencies have been identified.

Section 11. *Documentation of sampling, analysis of samples and results.* The section would provide that the manufacturer of secondary plastic raw material should draw up instructions for sampling and pre-processing and testing of samples and record these in the quality assurance system referred to in section 4. The instructions should include information on (1) the person collecting the samples and their qualifications, the sampling point, method of sampling and date and time of sampling; (2) the methods used to determine the melt flow index and other characteristics; (3) deviations observed during sampling; (4) the use, calibration and maintenance of the sampling, measurement or testing equipment used by the manufacturer.

Subsection 2 of the section would provide that the methods and tools used in the pre-processing and analysis of samples and the results of the analysis must be documented as part of the quality assurance system referred to in section 4. The documentation should include information on the parameters and methods used for the analyses, the results of the analyses carried out on the samples, the observed quality deviations and the action taken as a result of these deviations, as well as the calibration and maintenance of the sampling, measurement or testing equipment used by the manufacturer. The documents referred to in subsection 2 of this section should be kept for a period of 10 years from the date on which the document was drawn up. Documents can be kept in electronic or paper form. In addition, real-time measurement data of the melt flow index produced as a continuous measurement should be kept for at least 2 months. Real-time means the moment when the measurement is actually carried out.

Section 12 *Permitted uses of secondary plastic raw material that has undergone the recovery operation.* The section would lay down provisions on the permitted uses of secondary plastic raw material that has undergone the recovery operation. The determination of permitted uses would meet the requirement of Article 6(1a) of the

Waste Framework Directive 2008/98/EC that the manufactured substance or objects should be used for specific purposes, i.e. the intended use of the secondary plastic raw material being manufactured has been specified. According to the section, secondary plastic raw materials could be used for the manufacture of plastic products or products containing plastic. In practice, the uses would be:

1) rods, bars, profiles;

2) pipes, hoses;

3) plates, sheets, foil, panel wrap and tape;

4) sacks, bags, pouches and cones;

5) cases, boxes, crates, containers and similar products for the transport or packing of goods;

6) carboys, bottles and similar products for the transport or packing of goods;

7) reservoirs, tanks, vats and similar containers;

8) household, hygiene and toilet products;

9) construction materials and parts for construction.

These uses are based on the PRODCOM classification, which is used for industrial production statistics in the European Union and its Member States.

When secondary plastic raw materials are used in the manufacture of products that are intended to come into contact with food, account should also be taken of the requirements of the legislation governing such products. In addition, product standards may prohibit the use of secondary plastic raw materials in products falling within their scope. At present, for example, the product standard for pressurised water pipes does not allow the use of secondary plastic raw material as a raw material for manufacturing.

Section 13. *Storage of secondary plastic raw material that has undergone the recovery operation.* The section would provide for the storage of secondary plastic raw material in such a way that raw materials intended for different uses would be stored separately according to the intended use. The secondary plastic raw material should be stored and handled in such a way that its quality does not deteriorate. Deterioration in quality would result, for example, from the presence of water, litter, animals or their wastes in the secondary plastic raw material, or by long-term exposure of the secondary plastic raw material to sunlight. If the manufacturer were to have reason to suspect that the quality of the secondary plastic raw material has deteriorated during storage so that it no longer meets the criteria laid down in the Decree, the manufacturer must examine the quality of the secondary plastic raw material and assess its suitability for the intended use. The manufacturer should return any secondary plastic raw material that does not meet the criteria laid down in the Decree to be treated as waste. Secondary plastic raw material that has reached end-of-waste status will once again become waste if it does not meet the criteria laid down in the Decree. In addition, the storage of secondary plastic raw material intended to come into contact with food must meet the requirements of the Recycled Plastics Regulation.

Section 14. *Manufacturer's declaration of compliance*. The section would lay down provisions on the obligation of manufacturers of secondary plastic raw materials to draw up a declaration of compliance for secondary plastic raw material they have manufactured and placed on the market. By providing a declaration of compliance to the recipient of the secondary plastic raw material, the manufacturer would declare that the secondary plastic raw material, crushed plastic, flakes or pellets complies with the requirements of the Degree. At the same time, the manufacturer would demonstrate that they had obtained assurance that the secondary plastic raw material placed on the market complies with the requirements of the applicable product legislation. Further provisions on the content requirements of the declaration of compliance would be laid down in section 15 of the Decree.

The declaration of compliance should be provided to the recipient of the secondary plastic raw material along with each batch of secondary plastic raw material. The declaration of compliance could also be in electronic form and could be available, for example, on the manufacturer's website. In this case, the recipient should be provided with the relevant URL where the notification can be found.

The manufacturer should keep a copy of the declaration of compliance for 10 years from its issuance. The length of the storage period would be the same as in the Government Decree on end-of-waste criteria for crushed concrete (466/2022). Pursuant to section 122 of the Waste Act, a declaration of compliance should upon request be presented to the market surveillance authority supervising the products, The Finnish Safety and Chemicals Agency.

In addition, a declaration of compliance in accordance with Article 29 of the Recycled Plastics Regulation must be prepared for secondary plastic raw materials intended to come into contact with food, which must also take into account the requirements of the Plastics Regulation for the declaration of compliance. That declaration of compliance may be combined with the declaration of compliance referred to in this Decree when the substantive requirements of all regulations are met, in which case the manufacturer avoids having to produce more than one declaration of compliance.

In addition, manufacturers must prepare a compliance monitoring summary sheet (CMSS) in accordance with Article 26 of the Recycled Plastics Regulation, using the template provided in Annex II of the Recycled Plastics Regulation or, in the case of a novel technology, the template provided by the developer. Manufacturers must submit the summary to the competent authority in its territory within one month of the start of production of recycled plastic with that installation.

Section 15. *Content of the declaration of compliance*. The section would lay down provisions on the content of the declaration of compliance issued by manufacturers of secondary plastic raw material. The content of the declaration of compliance would largely correspond to the requirements of EU end-of-waste legislation on the content of the declaration.[17] The declaration of compliance should indicate the manufacturer's information, the name of the manufacturing facility, the date of adoption of the criteria and the supervisory authority responsible for supervising the activities in accordance with the Environmental Protection Act. Date of adoption would refer to the date on which the authority that was notified of the adoption of the criteria recorded the adoption of the criteria in the YLVA information system. In addition, the declaration of compliance should include basic information on the secondary plastic raw material, the colour of the material, the origin of the material by waste code, the type of plastic and its identifier in accordance with the industry specification, and the intended use of the secondary plastic raw material in accordance with this Decree and its suitability for the production methods of plastic products and for contact with food. Type of plastic is a generic term used to refer to the name(s) of a polymer(s) of a plastic material. Industry identifier would refer to the name of the plastic type and its abbreviation, such as polyethylene (PE), polypropylene (PP) and polyethylene terephthalate (PET). Production method would refer to the production technologies for plastic products, such as blow moulding, rotation casting or injection moulding, for which the manufacturer's secondary plastic raw material is suitable for use. The declaration of compliance should include information on the melt flow index of the secondary plastic raw material and the standard used for its determination or, alternatively, a detailed description of the method used to determine the melt flow index and of material distribution as mass fractions of the main polymer and other polymers.

It would be the responsibility of the producer of the secondary plastic raw material to ensure that the consignment of secondary plastic raw material fully complies with the criteria laid down in the Decree and that the secondary plastic raw material complies with any relevant requirements under REACH, POP and other applicable chemicals and

[17] Directive (EU) 2018/851 of the European Parliament and of the Council amending Directive 2008/98/EC on waste.

product legislation, and that secondary plastic raw material intended to come into contact with food complies with the requirements of the Plastics Regulation.

In addition, the content of the declaration of compliance of secondary plastic raw material intended to come into contact with food must comply with the requirements for a declaration of compliance in accordance with Article 29 of the Recycled Plastics Regulation as set out in Annex III to the Regulation and in Annex IV to the Plastics Regulation.

In addition, a manufacturer who manufactures secondary plastic raw material intended to come into contact with food must inform the Commission and the competent authority of the territory, i.e. the Finnish Food Authority, of the start of the recycling scheme in accordance with the requirements of Article 9(1) of the Recycled Plastics Regulation.

Manufacturers responsible for the development of novel technology for the manufacture of secondary plastic raw material intended to come into contact with food must notify the Commission and the competent authority in the territory of the novel technology and relevant detailed information in accordance with Article 10(2) of the Recycled Plastics Regulation. The manufacturer must also notify the Commission and the competent authority in the territory of the registration of decontamination facilities in accordance with Article 25 of the Recycled Plastics Regulation.

Section 16. *Notification and reporting obligation*. The section would provide for an obligation for the manufacturer to notify the supervisory authority referred to in Section 23(1) of the Environmental Protection Act in writing of the introduction of the criteria laid down in the regulation. The notification should include a description of the manufacturer's quality assurance system and an indication of the date of adoption of the criteria. The notification of activities under the regulation would be made to the Centre for Economic Development, Transport and the Environment acting as the national supervisory authority, if the environmental permit is granted by the national environmental permit authority, and otherwise to the municipal environmental protection authority. The operator should submit the notification to the supervisory authority in writing not later than 30 days before the introduction of the criteria under the regulation. The notification could also be submitted electronically.

The notification would be informative and supervisory in nature and would not require approval or other processing operations by the public authority. In accordance with section 223 of the Environmental Protection Act, the authority receiving the notification would record in the environmental protection information system the adoption of the criteria laid down in the Decree at the relevant facility subject to a permit.

The supervisory authorities would monitor compliance with the Decree as part of the operations of the facility subject to a permit and, if necessary, the authority would have at its disposal the means of supervision provided for in chapter 18 of the Environmental Protection Act. If the report on the quality assurance system attached to the notification is incomplete or does not comply with the requirements of the Decree, the authority should, by means of administrative measures, direct the manufacturer to complete the quality assurance documentation or to correct any deficiencies found therein. If the manufacturer fails to do so voluntarily, the authority would have at its disposal the procedure of request and, ultimately, administrative enforcement.

The manufacturer should provide the supervisory authority with the information referred to in subsection 2 in connection with the annual reporting on activities subject to authorisation. In the absence of an annual reporting deadline in the environmental permit, the information should be submitted to the supervisory authority by the end of February of the following calendar year.

The plastic waste and waste codes referred to in subsection 2, paragraph 1 of the section would refer to plastic waste and waste codes in accordance with Annex 1. In order to fulfil the obligation on reporting on the quality assurance system laid down in

paragraph 2 of the subsection, it would be sufficient for the manufacturer to report annually on any changes to the quality assurance system. Paragraph 3 of the subsection would lay down a requirement for manufacturers to report the annual production volume of secondary plastic raw material meeting the criteria in connection with the annual report to the supervisory authority.

Subsection 3 of the section would lay down a requirement for manufacturers using plastic waste as an input to provide information on the cumulative received quantities of waste originating from different types of operations, as well as on the amounts of materials to be removed from the input in pre-processing and processing, and on post-processing. The quantities of waste received should be reported by type of plastic waste and waste code in accordance with Annex 1.

The information to be reported under this provision must be submitted to the supervisory authority's information system or in a manner agreed upon separately with the supervisory authority.

Under subsection 4 of the section, operators should also notify the supervisory authority in writing of if they stop using the criteria laid down in the Decree. In this case, the supervisory authority should record the end of the use of the criteria in the environmental protection information system.

6 Entry into force of the Decree

It is proposed that the Decree enters into force on XX month 202X. In view of the technical regulations contained in the Decree, before the adoption of the Decree it must be notified to the Commission and the other Member States in accordance with the notification procedure laid down in Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. Upon receipt of the notification, the Commission indicates a period of three months during which the regulation may not be adopted.

Since the end-of-waste criteria for mechanically recycled plastics laid down in the Decree contain requirements for the recovery operation (including requirements for receiving plastic waste), it would not be possible to apply those criteria to secondary plastic raw materials produced before the entry into force of the Decree. The previously manufactured secondary plastic raw material would be subject to the provisions of case-by-case EoW decisions. End-of-waste criteria for the manufacture of secondary plastic raw material falling within the scope of the Decree at the time of entry into force of the Decree would be introduced on the basis of a notification by the manufacturer.

Any case-by-case EoW decisions adopted prior to the adoption of the Decree would be revoked in so far as the decision concerns plastic waste falling within the scope of the Decree. In practice, in order to continue the operation, the manufacturer must issue a notification on the adoption of the criteria as referred to in the Decree.

If an application for a case-by-case authorisation for the manufacture of secondary plastic raw material was pending upon the entry into force of the Decree, its processing would end or lapse, depending on the processing status of the case-by-case application for authorisation. Cases pending before a court at the time of entry into force of the Decree would be processed and decided in accordance with the provisions in force at the time of the entry into force of the Decree.

Annex 1 Plastic wastes allowed as input for the recovery operation and their waste codes

Annex 1 would provide for the types of plastic waste that would be allowed to be used as input in the recovery operation. The Annex would present plastic waste allowed as input for the recovery operation according to origin and the related waste codes. The types of plastic waste mentioned in the Annex and the related waste codes would correspond, within certain limits, to the waste codes in the list of plastic wastes in Annex 3 to the Government Decree on Waste (978/2021). The classification of waste would correspond to the identification numbers relating to the origin of the wastes referred to in the list of wastes. In addition, the Decree would allow the waste types referred to in Annex 1 to be used as input for a recovery operation in waste management after pre-processing performed at another site. When waste undergoes pre-processing, the waste code changes, in which case a waste code differing from the original waste code is used for the waste supplied for the actual production of secondary plastic raw material.

Plastic waste covered by the Decree would be divided into four categories in accordance with the Annex as follows: point 1 would specify plastic waste resulting from the manufacture of plastics and plastic products; point 2 plastic waste resulting from construction; point 3 other separately collected plastic waste; and point 4 plastic waste separated from mixed waste. The limitation of allowable inputs would apply to the types of plastic waste mentioned above, the material composition of which is not subject to significant uncertainty and, in principle, does not involve a significant risk of harmful substances. The separation of plastic waste streams of different origin and different history of use would also enable the imposition of different and appropriate restrictions and quality requirements for further use of these waste streams.

In accordance with section 5, subsection 2 of the Decree, plastic packaging collected separately from sources other than households that have been used for packaging or storage of hazardous substances should not be used as input for recovery operations. Hazardous substance would refer to substances belonging to one or more of the hazard classes or categories presented in Annex 2 to this Decree, which correspond to the hazard classes or categories set out in Annex I to the CLP Regulation. The plastic waste received may include plastic containing POPs or hazardous substances. It is the responsibility of the manufacturer to ensure, by sampling where appropriate, that the input does not contain substances that should not end up in the secondary plastic raw material produced.

Waste code 19 12 04 shown in Annex 1 for manufacture of plastics and plastic products in point 1, plastic waste resulting from construction in point 2, and other separately collected plastic waste in point 3 would include pre-processed plastic fractions from the mechanical processing of plastic waste. These types of plastic waste have in common the fact that they originate from the processing of inputs allowed for the recovery operation under this Decree and have not been otherwise processed or delivered downstream after the recovery operation. In terms of their material composition these would therefore be assessed as corresponding to the material composition of the allowed plastic waste types in sections 1 to 3 of Annex 1.

The deposit system in point 3c of Annex 1 refers to the deposit-based return system for empty beverage containers maintained by Suomen Palautuspakkaus Oy, or Palpa.

In point 4 of Annex 1, waste code 19 12 04 would refer to plastic film waste separated from mixed construction and demolition waste (17 09 04) and plastic packaging waste separated from separately collected energy waste from industry, trade and services (20 01 99). The common feature of point 4 would be that these are quick turnaround plastic waste separated from predetermined sources containing mixed waste, which, in principle, do not present a significant risk of harmful substances and which in terms of their purity can be used to produce a secondary plastic raw material meeting the criteria. The specific challenge involved in demolition plastics is the age of the plastics, which is why plastic film waste from sources other than demolition are excluded from the scope of the Decree. Decades-old plastic products may have used chemicals the use of which

is no longer authorised or is subject to restrictions on authorised use levels. The premise of the Decree has been to ensure an economically sustainable risk management route for manufacturers by means of limiting inputs, which would avoid testing obligations for each batch of secondary plastic raw material for the determination of hazardous substances.

Plastic waste from the manufacture or moulding of plastics, as referred to in points (a) to (c) of Annex 1, would include unused plastic products originating from the production facilities where they were manufactured and that do not contain materials and additives other than those used in the manufacture of plastics. Unused plastic products would include, for example, unmarketable products or unused plastic products. Plastic waste from the use of plastics referred to in point (a) would include plastic waste that would contain or could contain other materials or impurities in addition to plastic material, but which would not be considered to impair the quality of the secondary plastic raw material produced from it.

Plastic waste resulting from construction, as referred to in point 2a of the Annex, would refer to unused plastic waste suitable for the recovery operation and from which manufacturers are able to manufacture secondary plastic raw materials meeting the quality requirements. Plastic waste resulting from construction that is not suitable for the recovery operation would include plastic waste containing high levels of dirt or other impurities. In point 2b, plastic insulation material waste resulting from construction would refer to unused plastic insulation material not originating from demolition and which would be used as input for the manufacture of secondary plastic raw material.

Plastic waste collected separately from agriculture, horticulture and forestry in point 3a of the Annex would refer to plastic waste that can be considered suitable for recycling in terms of quality and purity and which can be used to produce secondary plastic raw materials suitable for the manufacture of plastic products. This waste includes, for example, large sacks, fertiliser packaging, cover plastics and plastic films used to store fodder bales, provided that they are not soiled enough to prevent adequate removal of dirt and impurities in the recovery operation. In accordance with the proposed section 5, subsection 2, plastic packaging collected separately from sources other than households that would have been used for packaging or storing hazardous substances should not be used as input for the recovery operation. Plastic packaging originating from or separately collected from agriculture, horticulture or forestry that would have been used to pack or store a hazardous substance belonging to a hazard class or category in Annex 2 should not be used as input to the recovery operation. Such packaging would include plastic packaging used for the packaging or storage of pesticides, fuels, solvents and strong acids for professional use.

Plastic packaging waste collected separately from households in point 3b of the Annex would refer to plastic packaging and plastic waste from Rinki recycling points operated by Suomen Pakkauskierrätys RINKI Oy or directly from households. Plastic packaging waste and other plastic waste separately collected from households contains separately or jointly collected plastic packaging waste and other plastic waste. Other plastic waste separately collected from households would refer to plastic types suitable for the recovery operation which can be used as input for the recovery operation to produce secondary plastic raw material suitable for the manufacture of plastic products. Plastic packaging waste separately collected from households and other plastic waste would not refer to polyvinyl chloride plastic waste. Other plastic waste separately collected from households would not refer to plastic waste separated from mixed waste.

Plastic bottles collected separately through the deposit-based return system in point 3c of the Annex would refer to plastic bottles collected through the bottle return systems.

In point 3d of the Annex, plastic packaging waste or other waste separately collected or sorted at source from industry, trade and services would refer to types of plastic suitable for the recovery operation from which it is possible for manufacturers to produce

secondary plastic raw material suitable for the manufacture of plastic products. Plastic packaging waste and other plastic waste separately collected or sorted at source from industry, trade or services includes separately or jointly collected plastic packaging wastes and other plastic wastes.

In point 4a of the Annex, plastic film waste separated from mixed waste would refer to plastic types with a quick turnaround that are suitable for the recovery operation, and from which manufacturers are able to produce secondary plastic raw material suitable for the manufacture of plastic products. Plastic film waste separated from mixed waste from demolition of buildings would not refer to other plastic building elements originating from demolition of buildings, such as pipes, furnishings, insulation materials or cables. Plastic waste other than film-like plastic waste separated from mixed waste from demolition should not be used as input for a recovery operation.

Plastic packaging waste separated from energy waste separately collected from industry, trade and services (20 01 99) in point 4b of the Annex would refer to plastic types separated from energy waste from which it is possible for manufacturers to produce secondary plastic raw materials suitable for the manufacture of plastic products. Plastic packaging waste separated from energy waste separately collected from industry, trade and services (20 01 99) would not refer to plastic packaging used for the packaging or storage of hazardous substances in section 5(2) of the Decree.

Annex 2 Hazard classes and categories of hazardous substances

Annex 2 would provide for the hazard classes and categories of hazardous substances and mixtures referred to in section 2, subsection 3 of the Decree. The hazard classes and categories set out in the Annex would correspond to the hazard classes or categories set out in Annex I to the CLP Regulation and their assessment criteria. A substance or mixture belonging to one or more of the hazard classes or categories set out in points (a) to (u) of the Annex would be considered a hazardous substance for the purposes of the Decree. The European Commission has introduced new hazard classes to Regulation (EC) No 1272/2008 on classification, labelling and packaging of mixtures (the CLP Regulation) by Regulation (EU) 2023/707. The risk classes r to u will become effective for packers in 2025 and 2026.

The identification of substances falling within the concept of hazardous substance using the hazard classes and categories set out in the CLP Regulation would be an appropriate way to exclude from the inputs allowed for the recovery operation such plastic wastes that have been used for the packaging or storage of substances which based on the risk they present are genuinely classified as hazardous substances. Excluded from the scope are those hazard classes in which substances and mixtures are not considered to pose a significant risk to the personnel working in the recovery operation or to the quality of the secondary plastic raw material and its further use. In accordance with section 5, subsection 1, paragraph 2, the restriction on inputs would apply to plastic packaging collected separately from sources other than households, which would have been used for packaging or storing hazardous substances as defined in the Decree.

Annex 3 Determination of the melt flow index

Annex 3m would clarify the determination of the melt flow index of secondary plastic raw material and the sampling performed for determination.

Where the melt flow index is determined on a representative sample of not more than 1 500 kg, the determination must be carried out in accordance with standard SFS-EN ISO 1133-1 or by any other method which the user of the method has verified as adequate in respect of sensitivity, accuracy and reproducibility.

If an input from the same starting material is used to produce secondary plastic raw materials of uniform material quality, the quantity of which exceeds 1 500 kg, one sample taken per batch of secondary raw material is sufficient to determine the melt flow index.

One sample would represent one batch of raw material, such as a large sack or octabin, or another similar batch of secondary plastic raw material up to 1 500 kg. If the determination of the melt flow index for a batch of raw materials is carried out as a continuous measurement, a melt flow index should be determined for each batch on the basis of real-time measurement data. If plastic waste from the same starting material is used as input for the recovery operation, which is used to produce secondary plastic raw material of uniform material quality and the quantity of the batch is greater than 1 500 kg, one sample would be considered sufficient to determine the melt flow index of the batch of secondary plastic raw material.

Determination of the melt flow index should be performed using either a test indicating the ease of flow of the plastic melt according to standard SFS-EN ISO 1133 or any other method of sufficient analytical sensitivity, accuracy and reproducibility chosen by the manufacturer.

For quantitatively small batches with a well-known starting material and perfectly homogeneous material properties, the determination of the melt flow index could be replaced by a precise description of the input. A precise description would refer to information on the material distribution and melt flow index of the starting material.