

Joint Statement on the Measurement of Recycling of Packaging Waste

EXPRA and PROsPA, alliances representing EPR Schemes for packaging and packaging waste recovery and recycling, and EPRO, the European Association of Plastics Recycling, are committed to continuing to increase the quality and efficiency of recycling of packaging waste within the framework of the on-going transposition of the recently-reviewed waste directives, in particular the Waste Framework Directive (WFD) and the Packaging and Packaging Waste Directive (PPWD).

While we welcome the need for better data from Members States regarding put-on-market amounts as well as for recycling, we would like to constructively share critical concerns about the most recent proposal of the European Commission for the Implementing Decision on measuring recycling of packaging waste¹, which has been submitted for discussion and possible agreement to the Member States on 18-19th February.

EXPRA, PROsPA and EPRO understand that in accordance with the revised calculation rules to measure recycling rates: recycling has to be measured at the stage within the recycler, where no further losses occur to the material that enters the recycling operation. If this is not possible to measure, output sorting can be measured under the condition that there is proof that the waste is recycled and the losses are made clear with sufficient evidence.

A non-exhaustive list in the annex should give clarity as to what has to be regarded as the calculation point, i.e. the stage where waste enters the recycling operation.

Our shared concerns relate to the following:

1. For materials with a **defined end of waste status**, such as glass and metals, and for materials **with agreed standards on the quality** (paper and cardboard), the proposed calculation point goes against both the applicable legislation and the practical functioning of the value chain. This means in practice that many recycling operations listed in the annex of the draft Implementing Decision are misinterpreted and placed one step down in the value chain. **The company where waste is reprocessed into end-of-waste or meets quality standards used to define end-of-waste is in fact and by law a recycler performing a recycling operation.** Thus, setting the point of calculation further down the value chain raises critical legal and technical concerns since it is impossible to measure recycling rates at production stage and to trace back at this point the origin of the waste. It will put both EPR Schemes responsible for reporting recycling rates in a position where no reliable data could be gathered and verified for the purpose of calculating recycling rates.

Instead, **recycling should be measured at the entrance of the legal recycling operation (input of the plants that produce glass cullet, clean metal scrap fractions, EN 643 compliant recovered paper using waste that is compliant with technical specifications for take-back), and plastic granulate or flakes, hence reprocessing waste into end-of-waste materials or products.**

2. Even then, **not all losses** occur for the reason that the **quality of the waste material** that is delivered to the recycling plant would be insufficient. This principle does not only apply to plastic packaging waste, but also to other packaging waste materials. Losses also occur as a result of how a recycler has **configured** its plant and how this plant is **operated**. Next to this, the choice of the **output material and quality** of the recycler also determines how much material is lost before the actual recycling operation. Any production process goes by the rule that the higher the output quality has to be (for example to produce flakers for new food applications), the higher the losses are. It is **impossible** for waste sorting facilities to deliver **as many sorting products** as there are **specific quality demands from recyclers**. Therefore, a given amount of technical **specifications** are used which regulate quality. With these specifications, one recycler may be able to use all waste, whereas another recycler (e.g. for the sake of a purer product) may have a different limitation regarding the incoming waste, using most of it but not all.

¹ Part of COMMISSION IMPLEMENTING DECISION of XXX on establishing rules for the calculation, verification and reporting of data for verifying compliance with the targets for recycling of packaging waste and laying down the formats for reporting of data and amending Commission Decision 2005/270/EC

More specifically, many **plastics recyclers** make **blends** from waste suppliers from **different origin, with different quality levels**. The losses that occur are a **weighted average**, and **very difficult if not impossible to trace back to the suppliers** (even after considering article 6.8 of the Commission's proposal). This leads to unfair results, where possibly the supplier with the **worst quality is rewarded** and the one with the **best quality is punished**.

Most **EPR systems**, especially in those countries where many of the **new minimum requirements for EPR systems** following Art 8a WFD are **already incorporated in national legislation** have a good track record of delivering waste to recyclers that is **in line with the technical specifications for take-back and recycling**. For the reason above, they should not be discounted in the weight that they are able to measure as recycled, apart from the impurities that still may be in the material (which is defined in these specifications).

Nevertheless, the **specifications for plastics** in particular should be **re-considered**, and a **solid transaction procedure** (specifying what will be done with the waste, sampling the quality according to specification, formal acceptance or rejection) should be made standard.

3. Further, the attempt to have **100% precise and accurate** reporting on what **materials were placed on the market and recycled is impossible and undesirable**. Some **substances** on or in packaging are either **present by nature** or have a **fundamental function and utility** in packaging. Examples are **moisture** (paper/cardboard and wood), **glue** (plastics, paper), and **ink** (all materials). Having to **correct** for these materials in the **calculation of recycling** would mean that **millions of producers and importers** of packed products would also have to **correct** for this when reporting their weight of **packaging on the market**. This is **not possible without tracking down all the details from packaging suppliers all over the world** (also for imported goods), and it would lead to a **more than substantial administrative burden** for all parties involved.
4. The **procedure** for developing the draft Implementing Decision has raised serious questions. To provide a practical example, the consultant selected by the European Commission, EUNOMIA, organised a workshop with specialists in September 2018 and promised to share the findings of this workshop. The **results were interpreted unilaterally** by the consultant, and in many instances, comments provided during the workshop or after were not taken into account. **For glass**, this has resulted in a situation where the entire value chain (EPR schemes, glass recyclers and glass producers) unanimously agreed on a calculation method and on a calculation point which is the only one meeting both the legal requirements set in the WFD and the PPWD as well as the practical reality of glass recycling but was ignored in the draft Implementing Decision for both the WFD and the PPWD as proposed by the European Commission.
5. It should be taken into account that the **rules**, which will be imposed by the above **Implementing Decision** have an **impact on the ability of EPR systems** to comply with both EU and national recycling targets, due to the complexity and misinterpretation of where recycling actually occurs. In some Member States, the legislation stipulates that **fines** will be issued to the EPR systems or their owners if the recycling targets are not met. In other member states, this is also done as a matter of strict enforcement.

Therefore, we call for proportional and realistic legislation to avoid unfair economic consequences.

Moreover, we understand that the final results of the EUNOMIA Study upon which the draft Commission Implementing Decisions are based will not be published before the Member States' experts vote on these decisions. We would like to express our deep concern regarding such an approach, which goes against the Commission's better regulation policy.

Many thanks for your consideration.
