Answer to the consultation

on the implementing decision of the Single-Use Plastic Directive (SUPD) defining the methodology for recycled content

ZERO WASTE EUROPE

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Zero Waste Europe welcomes the opportunity to provide feedback on the implementing decision laying down common rules for calculating, verifying and reporting on recycled plastic content in single-use plastic beverage bottles. Since the adopted methodology will be the first of this type, it will **create a precedent** for the upcoming legislative pieces. Therefore, it is of the utmost importance that it is done right to reduce plastic environmental impact, enhance plastic circularity, and respect the level playing field between recycling technologies.

We recommend the following for the introduction of the implementing decision defining rules related to recycled content in single-use plastic:

Definition of recycled content for plastic

We strongly support the criteria to only consider post-consumer plastic waste as eligible input materials for any recycled content claims as part of the SUPD, and that no virgin material can be claimed as recycled. Such a requirement will incentivise the collection and processing of waste into new materials. Furthermore, we endorse the reference unit of beverage bottles including their body, cap, lid, label and sleeve. It allows for all functional units composing the beverage bottles to fall under the same requirement.

However, we regret that inherent losses occurring during the recycling process can be accounted for as recycled material. This approach will allow for considering material that has been lost in the process and therefore does not exist anymore, as recycled. It does not align with the EU definition of recycling from the Waste Framework Directive 98/2008/EC and Annex I of Commission Implementing Decision (EU) 2019/1004. Accordingly, recycled plastic should be ready to be used in the final product, i.e. all recycling losses should have been discounted, including losses during purification processes. Such a situation is problematic for technologies with a low recycling yield, in which most waste input is lost during the process. In the case of pyrolysis, for example, inherent losses represent 30% of the waste input due to the high pressure and temperature required by the process.[1] Hence, the weight of recycled plastic in beverage bottles placed on the market defined in Article 4 shall be calculated by deducting all processing losses before they enter pelletisation, extrusion or moulding operations, and further losses before the plastic flakes are used in a final product. This would be in line with the recycling system boundaries defined in the recently published JRC

[1] Eunomia, *A Comparative Assessment of Standards and Certification Schemes for Verifying Recycled Content in Plastic Products*, 2021

study.[2] Indeed, the suggested final measurement point is after the polymerisation step, allowing to have comparable recycled outputs (product) from the different technologies (i.e. polymer) that do not need to undergo further processing before their use in a final product.

In addition, we would like to underline inconsistencies in the calculation baseline between the proposal under consultation and the SUPD. In articles 3(1) and 4(1), the weight of plastic is calculated based on the amount of plastic "collected from economic operators". The calculation shall actually be based on the amount of plastic beverage bottles placed on the market, which includes littering of plastic bottles in the calculation, as per the draft implementing decision article 1(1) and Annex I and in line with the SUPD article 6(5). As beverage containers are one of the main single-use products to be addressed by the implementing act under the current consultation, it is crucial to have litter taken into consideration. Indeed, beverage containers represent approximately 20% of litter by weight and 40% by volume.[3]

Verification and auditing schemes

It is positive that obligations to collect, verify and report data are set at Member States' level, but such requirements should also be set at economic operators' level. Such requirements should include mandatory independent third-party certification for economic operators as proof of traceability of recycled content since recycled plastic has similar properties to virgin plastics. This certification can be performed in the framework of the quality assurance systems required by article 6(3) of Regulation (EU) 2022/1616 on recycled plastic materials and articles intended to come into contact with foods. Introducing such a consistent third-party certification requirement will enable transparency and reliability of plastic recycled content reporting - as well as trust in subsequent operators' claims made on this basis - while minimising the administrative burden on economic operators and Member States. This requirement shall also apply to all recycled materials imported into the EU market, thereby ensuring a level-playing field between all operators in the EU single market. As an example, the trading code is the same for PET and rPET, which adds another layer of uncertainty to recycled content data reported by economic operators.

Allocation rules and chain of custody

The recital 10 leaves room for the European Commission to amend the implementing decision by introducing other chain of custody models, namely controlled blending and mass balance, to account for non-mechanically recycled PET. We would like to recall the hierarchy between these different chain of custody models with regards to the levels of transparency and strength for any environmental reporting and claims.[4]

[2] Joint Research Center, *Towards a better definition and calculation of recycling*, 2023

[3] Eunomia, *Impacts of a Deposit Refund System for One-way Beverage Packaging on Local Authority Waste Services*, 2017

[4] Eunomia, *A Comparative Assessment of Standards and Certification Schemes for Verifying Recycled Content in Plastic Products*, 2021

We thus call for **always prioritising segregation and controlled-blending models**, when feasible, as they ensure the highest traceability.

Regarding mass balance, we should recall many different approaches exist. We believe proportional allocation based on a batch-level assessment is the only mass balance model ensuring the physical and chemical traceability along the value chain, thus allowing for reliable and transparent environmental reporting and claims. This methodology requires that, when a mixing occurs at the production line, an assessment of the batch is done as per Regulation (EU) 2022/1616, and the recycled content input is allocated proportionally to the process outputs for each batch at the end of the recycling process. It guarantees the end-product contains at least a proportion of the recycled content as requested in Retical 2 with a calculation and verification system of recycled plastic content targets in single-use plastic beverage bottles, i.e. at the product level. Furthermore, proportional allocation is the only approach ensuring a level playing field between different recycling technologies, preventing the undermining of the European recycling landscape. Indeed, the dilution factor is the same for all technologies, allowing us to compare recycling technologies based on their capacity to keep plastic materials in the loop.

In addition, despite claims frequently made by the industry, most of the data concerning decontamination procedures has not been made public, and therefore cannot be properly assessed.[5] Indeed, the latest report from the European Chemical Agency underlines the discrepancy between recovery substances and safety aspect; one in four substances recovered from waste was non-compliant with REACH Regulation.[6] Therefore, it is key from a safety point of view that the traceability of recycled materials is ensured at the highest level possible also through the use of mass balance.

Finally, we notice in Recital 10 the mention of "feedstock recycling", which is not defined under the EU legislative framework and is still a controversial concept. Therefore, we recommend removing this reference from the text.

[5] ECHA, *Chemical Recycling of Polymeric Materials from Waste in the Circular Economy*, 2021
[6] ECHA, *Forum Report on the pilot project on recovered substances exempted from REACH registration*, 2022

Wording suggestions on the implementing decision of the *Single-Use Plastic Directive* (SUPD) defining the methodology for recycled content

Commission proposal	Suggestion for amendment
Article 1 (2) 'recycled plastic' means plastic which was post-consumer plastic waste before recycling as defined in Article 3(17) of Directive 2008/98/EC and which has been produced by recycling;	Article 1 (2) 'recycled plastic' means plastic which was post-consumer plastic waste before recycling as defined in Article 3(17) of Directive 2008/98/EC ~~***and***~~ which has been produced by recycling ***in a form to be directly reprocessed into new products and materials meeting the requirements of the Regulation (EC) No 1935/2004 for food contact materials, and which excludes the recycling process conversion losses***;
	(2a) - NEW - 'recycling process conversion losses' mean any losses in weight of materials or substances due to physical or chemical transformation processes inherent in the recycling operations as laid down in the recital (46) of the Directive (EU) 2018/851;

Commission proposal	Suggestion for amendment
Article 3 1. The weight of the plastic parts of beverage bottles placed on the market shall be calculated as the sum of the weight of the plastic parts of beverage bottles collected from economic operators.	Article 3 1. The weight of the plastic parts of beverage bottles placed on the market shall be calculated as the sum of the weight of the plastic parts of beverage bottles ***placed on the market*** ~~***collected from economic operators***~~.

Commission proposal	Suggestion for amendment
Article 4 1. The weight of recycled plastic in beverage bottles placed on the market shall be calculated as the sum of the weight of recycled plastic in beverage bottles collected from economic operators.	Article 4 1. The weight of recycled plastic in beverage bottles placed on the market shall be calculated as the sum of the weight of recycled plastic in beverage bottles ***placed on the market*** ~~***collected from economic operators***~~.

Commission proposal	Suggestion for amendment
Article 5 3. The percentage of recycled content in a bottle part shall be the percentage that is stated in the declaration of compliance in field 2.1.4 of part B of Annex III to Regulation (EU) 2022/1616.	Article 5 3. The percentage of recycled content in a bottle part shall be the percentage that is stated in the declaration of compliance in field 2.1.4 of part B of Annex III to Regulation (EU) 2022/1616***, and shall be certified by an independent third party***.

Commission proposal	Suggestion for amendment
Recital 10 (10) In order to take into account also recycled plastic in beverage bottles that has not been obtained by mechanical recycling of PET waste, the Commission plans to draft an amendment of this Decision to include a methodology to calculate, verify and report recycled plastic content in beverage bottles that is based on the application of certain chain of custody models as defined in ISO 22095-2020 (Chain of custody — General terminology and models). In particular, controlled blending, which allows to account also for non-mechanically recycled PET, is a possible chain of custody model. In addition, a mass balance approach may be included as an admissible chain of custody model to also account for plastic in non-PET bottles resulting from feedstock recycling.	Recital 10 (10) In order to take into account also recycled plastic in beverage bottles that has not been obtained by mechanical recycling of PET waste, the Commission plans to draft an amendment of this Decision to include a methodology to calculate, verify and report recycled plastic content in beverage bottles that is based on the application of certain chain of custody models as defined in ISO 22095-2020 (Chain of custody — General terminology and models). In particular, controlled blending, which allows to account also for non-mechanically recycled PET, is a possible chain of custody model. In addition, a ***proportional*** mass balance approach may be included as an admissible chain of custody model to also account for ***recycled*** plastic in non-PET bottles ~~***resulting from feedstock recycling***~~***, while acknowledging lower traceability than with the segregation and controlled blending models and lower priority.***

Zero Waste Europe is the European network of communities, local leaders, experts, and change agents working towards the elimination of waste in our society. We advocate for sustainable systems and the redesign of our relationship with resources, to accelerate a just transition towards zero waste for the benefit of people and the planet. www.zerowasteeurope.eu

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Authors: Veillard Lauriane, Rateau Fanny
Editors: Nanna Bille Cornelsen
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General information: hello@zerowasteeurope.eu
Media: news@zerowasteeurope.eu
Cities-related topics: cities@zerowasteeurope.eu

zerowasteeurope.eu
www.zerowastecities.eu
www.missionzeroacademy.eu