



End-of-Waste criteria for plastics

Establishing an EU-wide framework

Response to the public consultation

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Zero Waste Europe (ZWE) welcomes the opportunity to provide feedback on the implementing regulation establishing EU-wide End-of-Waste (EoW) criteria for plastic waste.

The introduction of an EU-wide EoW framework for plastics is a positive and necessary step towards the development of a market for plastic recyclates in the EU. Currently, the low cost of primary fossil-based plastics and the variable quality of recyclates hinder such a development. Establishing EU-wide criteria can help address the situation. However, for the proposal to deliver meaningfully, it needs to be reinforced with stronger measures on chemicals, while supporting a broader vision for the circular economy that goes beyond recycling alone. Only by aligning waste, product, and chemicals legislation can Europe manage its resources strategically, close the loop, and ensure it remains closed and safe.

Input requirements for plastics waste materials

In the proposed Implementing Regulation, the European Commission emphasises the need to pay particular attention to the treatment of hazardous waste. However, the proposed criteria for waste input eligibility are limited and are therefore insufficient to prevent contaminated outputs. It is **key to strengthen criteria regarding eligible input, and provide operators with more information on the composition of products.**

This should not only include hazardous substances, but also materials and substances of concern that interfere with the recycling process, as well as recyclable or valuable materials.¹

Under the current proposed EoW criteria for plastics, nearly all inputs are eligible for EoW status, including waste containing hazardous substances or persistent organic pollutants (POPs) at concentrations above the regulatory limit values, provided that the output materials comply with EU chemical and product legislation. Due to the different natures of chemicals and their related properties and hazards, defining a general principle on input appears insufficient and does not reflect the chemicals' respective properties and behaviour during its end-of-life stage. In the case of POPs, particular caution must be taken, and additional and reinforced controls shall be carried out, due to their persistence and bioaccumulation in the environment. We therefore encourage the European Commission to **develop specific decision-making methodology to support decisions on the recyclability of waste containing substances of concern, as promised in 2018.**² This methodology should

¹ Friege, Henning, et al., [How Should We Deal with the Interfaces Between Chemicals, Product and Waste Legislation?](#) Environmental Sciences Europe, 2019

² ZWE, [Building a healthy circular economy: Integrating chemicals, products, and waste under the Circular Economy Act](#), 2026

include guidelines that address the presence of substances of concern in recovered materials during the early stages of proposal preparation, in order to better manage their risks.³

Many plastic waste streams are heterogeneous and contain additives that become contaminants during recycling. The current scope of the proposal covers mechanical and solvent-based recycling, however, these processes cannot fully remove contaminants, and output testing is costly. Allowing all inputs and focusing only on output compliance would undermine toxic-free recycling and pose risks to human health and the environment. Doubts on the quality of the outputs will also impact trust in recycled plastics and are already undermining their uptake.⁴

Input eligibility could be strengthened by introducing a positive list, as already done in some Member States (Estonia, Finland, Portugal and Spain), and /or by establishing a negative list, clearly excluding certain inputs. Clearer and stricter input criteria would not only ensure safer outputs, but also facilitate monitoring and enforcement by authorities, including in the context of trade.

Treatment processes and technical requirements

We welcome the **proposal's scope to limit eligibility for EoW status to outputs from mechanical and solvent-based recycling processes**, as the purpose of establishing such criteria for plastics is to support the uptake of waste-derived materials and circularity in the plastics sector. Thus, **EoW status should only apply to outputs from plastic-to-plastic recycling**, without chemical modifications that are used to manufacture new plastic products. This meets the requirement of Article 6(1)(a) of the Waste Framework Directive (WFD), which requires that *"the substance or object is to be used for specific purposes"*. Therefore, we support limiting EoW status to pellets and flakes destined for the production of new plastic products.

We also strongly support the proposal's statement that *"If the output plastic is used for other purposes than for the production of new plastic products or articles containing plastic parts, such as for energy recovery, as input material for chemical or fuel production, or for backfilling operations, it should not be granted end-of-waste status"*. The EU legal framework on recycling is very broad and does not distinguish among different types of recycling activities. It does, however, clearly exclude certain activities, such as the production of fuel and energy recovery. Additionally, it is important to recall that there is no agreement among stakeholders on the definition of 'chemical recycling', which is a broad term covering very different processes with varying environmental impacts and efficiency rates. **Zero Waste Europe classifies pyrolysis and**

³ European Commission. [Communication on the Implementation of the Circular Economy Package: Options to Address the Interface Between Chemical, Product and Waste Legislation](#). 2018

⁴ EEA, [Investigating Europe's secondary raw material markets](#), 2023

gasification as chemical recovery operations, and not recycling.⁵ Part of these processes convert waste into a mixture (i.e., pyrolysis oil and syngas), a large portion of which is used for fuel production. This goes directly against the definition of recycling from the WFD.

In line with the commitment to enhance circularity within the plastics sector, it is key that the framework ensures that **recycling actually take place; hence, the EoW criteria should be granted only after the recycling process** (i.e. when the output is ready for re-melting and use in the direct production of plastic products or objects made of plastic). This way:

- The system boundary ensures that **genuine recycling happens, rather than merely preparatory or pre-treatment activities and that plastics are not diverted to non-plastic uses** (i.e., fuel production or energy recovery), which risks legitimising practices incompatible with the sector's circularity goals. In this line, we welcome that the draft Regulation clearly states that *“preliminary sorting operation or visual checking of the input plastic should not be considered sufficient to meet the end-of-waste criteria”*.
- From a comparative perspective, such an approach enables **consistent comparison between different technologies by focusing on the functional equivalence of outputs** rather than the different processes used, thus enabling a more holistic comparison of the quality and quantity of recyclate delivered. This is critical for regulatory enforcement.
- The **recyclate produced meets the customers' requirements for its intended end-applications**. It enables a rather flexible framing, which does not limit the use of recycled plastics to a specific sector or type of plastic product. This will help support market uptake, while maintaining safeguards against the circulation of low-quality or contaminated materials.

Product quality requirements

It is essential that the output materials comply with EU product legislation and that the **same quality standards should apply to virgin and recycled material**. This will protect both human health and the environment, and ensure trust in recycled materials. Product quality should be a priority along the value chain, therefore, emphasis should be put on **detoxifying materials and products from the design and primary production stages**. This is a prerequisite to ensure a high level of protection, while being much more (cost) effective than decontamination at a later stage (assuming decontamination is technically possible).

Transparency should be considered the backbone of any transition to a safe, circular economy. In this way, we **support the proposal that each batch is controlled and traceable from input to output**. Traceability mechanisms like the Digital Product Passport, could be used and complemented to prevent duplication.

⁵ DUH, ECOS, ZWE, [Chemical Recycling and Recovery – Recommendation to Categorise Thermal Decomposition of Plastic Waste to Molecular Level Feedstock as Chemical Recovery](#), 2021

Additionally, **the requirement for certification of quality management systems should be supported**, as self-monitoring cannot be the sole control mechanism. To ensure the integrity of the European market, similar quality management systems should apply to all plastic recyclates, regardless of their origin. In this sense, the quality of materials imported from third countries must be quality-controlled to ensure a high level of protection and a level playing field between European and non-European recyclers, as well as to avoid free rider behaviour. For the system to remain robust long-term, the verification and renewal of certifications should take place on a regular basis (maximum every 3 years).

EoW, waste trade and other EU legislation

Plastics and plastic waste are widely traded commodities, making robust mechanisms essential to ensure the quality and traceability of outputs granted EoW status, and to prevent circumvention of plastic waste trade rules. In this regard, it is positive that the proposal states that *"end-of-waste criteria for plastic waste [...] do not undermine those export restrictions"*. It is essential that the EoW criteria for plastics, and more generally any EoW policy framework, is aligned with the Waste Shipment Regulation. In recognition of the significant environmental and social impacts of plastic waste trade, the EU has banned exports of plastic waste to non-OECD countries, and imposed strict conditions on exports to OECD countries. This requires a particularly cautious approach to granting EoW status for plastics, to ensure that EoW policies do not create loopholes in EU or international waste shipment rules. Additionally, EoW framework should be integrated as part of trade and enforcement systems, including through the continued participation in EoW IMPEL with customs authorities and environmental inspectors.

The EoW framework acts as an interface between different pieces of legislation, making it a key element in establishing greater visibility along the value chain, and achieving the EU's toxic-free circular economy objectives. It should therefore be included in **a wider sustainability and safety policy framework supporting the implementation of other legislations**.

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Zero Waste Europe (ZWE) is the European network of communities, local leaders, experts, and change agents working towards a better use of resources and the elimination of waste in our society. We advocate for sustainable systems; for the redesign of our relationship with resources; and for a global shift towards environmental justice, accelerating a just transition towards zero waste for the benefit of people and the planet.

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