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| **EuRIC position on the revision of the R-Codes of the Basel Convention** |

EuRIC is very concerned about the recommendations as suggested by the Expert Working Group on the review of the Annexes for revisions to Annex IV and Annex IX (B1110) of the Basel Convention. The proposal as it currently is being recommended would lead to legal uncertainty and also negatively impact the classification of recycling activities.

Annex IV of the Basel Convention describes disposal and recovery operations which are then transposed in Annex I and II of the Waste Framework Directive (WFD). Ensuring a consistent revision of Annex IV of the Basel Convention is hence instrument for the European recycling industry.

These proposals by the Expert Working Group concern us the most and we therefore suggest the following:

**R3 Recycling/reclamation of organic substances which are not used as solvents**

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| **Current version** | **Proposed versions by Expert Working Group** | **Amendments proposed by EuRIC** |
| **R3** Recycling/reclamation of organic substances which are not used as solvents | **Option 0:** Status Quo  **Option 1:** Recycling of organic substances  **Option 2:** Recovery of organic substances which are not used as solvents | **Add an Option 3:** *Mechanical recycling operations of organic substances*  **Alternatively support**  **Option 0** Status Quo |
| **Justification**  It is important to specifically include mechanical recycling operations into the scope of R3. Mechanical recycling refers to the processing of wastes by physical means back to products. In many instances, waste which has undergone a recycling or other recovery operation using mechanical processing reaches end-of-waste status either on the basis of EU-wide (quality) criteria whenever established or on the basis of criteria set at national/regional levels.  It is therefore one of the main recycling processes and needs to be included.   * **EuRIC calls for the inclusion in R3 of an Option 3 *Mechanical recycling operations of organic substances* or alternatively to support Option 0 namely the status quo.** * The inclusion of Option 3 as proposed by EuRIC is all the more important if R12 options 2, 3 or 4 are adopted since they would lead to incorrect interpretations of recycling operations. | | |

**R4 Recycling/reclamation of metals and metal compounds**

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| **Current version** | **Proposed versions by Expert Working Group** | **Amendments proposed by EuRIC** |
| **R4** Recycling/reclamation of metals and metal compounds | **Option 0:** Status Quo  **Option 1:** Recycling of metals and metal compounds  **Option 2:** Recovery of metals and metal compounds  R4.01: precipitation  R4.02: pyrometallurgy  R4.03: hydrometallurgy  R4.05: unspecified metallurgical processes  R4.05: distillation  R4.06: decontamination  R4.07: metal casting | **Add an Option 3:** *Mechanical recycling operations of metals and metal compounds*  **Alternatively support**  **Option 0:** Status Quo |
| **Justification**  Mechanical processing of metal waste is one of the most - if not the most - used recycling operation to reprocess waste into materials. Whenever EU-wide criteria for metal waste, such as the criteria for iron, steel and aluminium scrap, are used, mechanically processed metal scrap meeting these criteria legally ceases to be waste under EU law. It is hence important to specifically include mechanical recycling operations into the scope of R4. The proposed change – in particular Option 2 – leaves no room for an inclusion of mechanical recycling as it includes pre-defined subgroups in a closed list which typically describe industrial processes used to produce metals.  Additionally, with subgroups in a closed list, it would be problematic to incorporate new technologies that are currently in development or will be in development in the future. This could lead to an innovation blockage and could consequently harm an effective implementation of a Circular Economy.   * **EuRIC calls for the inclusion in R4 of an Option 3 *Mechanical recycling operations of metals and metal compounds* or alternatively to support Option 0 namely the status quo.** | | |

**R5 Recycling/reclamation of other inorganic materials**

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| **Current Version** | **Proposed versions by Expert Working Group** | **Amendments proposed by EuRIC** |
| **R5** Recycling/reclamation of other inorganic materials | **Option 0:** Status Quo  **Option 1:** Recycling of other inorganic materials  **Option 2:** Recovery of other inorganic materials | **Add an Option 3:** *Mechanical recycling operations of other inorganic materials*  **Alternatively support**  **Option 0:** Status Quo |
| **Justification**  It is important to specifically include mechanical recycling operations into the scope of R5. Mechanical recycling refers to the processing of wastes by physical means back to products. In many instances, waste which has undergone a recycling or other recovery operation using mechanical processing reaches end-of-waste status either on the basis of EU-wide (quality) criteria whenever established or on the basis of criteria set at national/regional levels.  It is therefore one of the main recycling processes and needs to be included.   * **EuRIC calls for the inclusion in R5 of an Option 3 *Mechanical recycling operations of other inorganic materials* or alternatively to support Option 0 namely the status quo.** * The inclusion of Option 3 as proposed by EuRIC is all the more important if R12 options 2, 3 or 4 are adopted since they would lead to incorrect interpretations of recycling operations. | | |

**R12 Exchange of wastes for submission to any of the operations numbered R1-R11**

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| **Current version** | **Proposed versions by Expert Working Group** | **Amendments proposed by EuRIC** |
| **R12** Exchange of wastes for submission to any of the operations numbered R1-R11 | **Option 0:** Status quo  **Option 1:** Blending or mixing of wastes prior to submission to any of the operations numbered R1-R11  **Option 2:** Mechanical treatment other than blending and mixing of wastes prior to submission to any of the operations numbered R1-R11  **Option 3:** Split and replace by 4 new operations  R12 Biological treatment prior to submission to any of the operations in section B  R12 bis Physical/mechanical treatment (e.g. evaporation, drying), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, precipitation) prior to submission to any of the operations in section B  R12 ter Mechanical treatment (e.g. dismantling, sorting, crushing, compacting, pelletizing, shredding, conditioning, repackaging, separating, blending, mixing) prior to submission to any of the operations in section B  R12 quater Other treatment than covered by R12, R12bis and R12 ter above prior to submission to any of the operations in section B  **Option 4:** Physical, mechanical and / or chemical treatment  R12.01: evaporation, drying, dehydration  R12.02: precipitation, flotation, flocculation, coagulation, decantation  (…) | **Option 1:** Blending or mixing of wastes prior to submission to any of the operations numbered R1-R11  **Option 0:** Status Quo |
| **Justification**  Options 2, 3 and 4 wrongly describe mechanical treatment solely as a preliminary operation prior to submission to other operations specifically mentioned. In many instances, mechanical processing of waste enables to produce clean material fractions which cease to be waste and are directly used as a raw material, substituting primary material, in production processes. E.g.:  Mechanical processing of metal waste enables the reprocessing of such waste in metal scrap ceasing to be waste in accordance with Council Regulation EU/33/2011 on iron, steel and aluminium scrap or Council Regulation EU/715/2013 on copper scrap. Additionally, for glass, Council Regulation EU/1179/2012 sets end-of-waste (EoW) criteria.  Mechanical processing (typically shredding) that produces aggregates from construction and demolition waste (C&DW) could not sell their own end-of-waste materials on the market as products but would have to deliver them as waste to waste management licensed companies.  Another example comes from tyre recycling. There, granulation which is a mechanical treatment, is rather seen as a key treatment for final materials than a pre-treatment or preliminary operation.  However, the proposed Option 1 only discusses the blending and mixing of wastes prior to submission, which indeed is a preliminary operation which needs to be done prior to the main recycling operation.   * **EuRIC calls for the deletion of R12 Options 2, 3 and 4 and to support Option 1 or alternatively Option 0, namely the status quo.** | | |

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| [***EuRIC***](http://www.euric-aisbl.eu/) *-* ***The European Recycling Industries’ Confederation*** *is the umbrella organisation for recycling industries. Through its Member Federations from 20 EU & EFTA countries, EuRIC represents across Europe over:*   * *5,500+ companies generating an aggregated annual turnover of about 95 billion €, including*   *large companies and SMEs, involved in the recycling and trade of various resource streams;*   * *300,000 local jobs which cannot be outsourced to third EU countries;* * *An average of 150 million tons of waste recycled per year (paper, metals, glass, plastics and beyond);* * *Recyclers play a key role in a circular economy.* |