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| **EuRIC position on supporting a comprehensive mechanism for end-of-waste criteria at EU and national levels** |

Turning waste into new resources to re-introduce them into new cycles is a key cornerstone of a circular economy. Legal certainty as regards when waste ceases to be waste is instrumental when turning waste into new resources for many reasons:

* First, in terms of legal certainty for operators across the value chain, since the waste or product status determines the entire legal status applicable to recycled materials (permits and authorisations of facilities, shipment rules, chemical legislations, etc.);
* Second, because end-of-waste (EoW) criteria set at European level (best option) or at national level (second best option in the absence of EU-wide EoW), provided that conditions for recognition are laid down to ensure they can be applicable in other European countries, are instrumental to complete a well-functioning internal market for recycling which does not exist today.

The lack of end-of-waste criteria for paper, despite the existence of a European quality standard for recovered paper (EN 643), or particularly for newer streams (be it plastics, batteries, etc.) poses a genuine problem in daily business activities for recyclers. The lack of end-of-waste criteria significantly hampers the shift towards a circular economy while giving a regulatory and business advantage to linear value chains which are not facing such legal uncertainties.

End-of-waste criteria set at national level

EU-wide EoW criteria remain by far the best option since it is the only approach which guarantees that they apply throughout the EU, on the basis of the same criteria, whenever operators decide to use the opportunity to use these criteria.

EuRIC supports national end-of-waste set at national level only if there is no EU-wide end of waste and provided that they are:

* Notified to the European Commission;
* Publicly available via a database enabling all stakeholders to swiftly identify the end of waste already adopted in Member States by resource stream;
* A simple mechanism is set up to ensure that national EoW criteria fulfilling minimum requirements can be recognised in other Member States so as to guarantee an efficient functioning of an internal market for recycling;

**EuRIC opposes a case-by-case mechanisms to check whether a waste has ceased to be waste if such decisions are only valid within the boundaries of one Member State with no readily available possibility to ensure they can be recognised in another Member State.** As a matter of fact, such mechanisms even if they can bring benefits at local levels would cause fragmentation of the internal market for recycling since waste considered as end-of-waste in one country or region will remain waste in others, and will continue placing recyclers in a systemic legal uncertainty. In addition, as for any kind of national end-of-waste criteria, case-by-case mechanisms shall be notified to the European Commission so as to enable to judge the opportunity of enacting EU-wide criteria, which should remain the ultimate goal.

EuRIC would like to take this opportunity to recall its earlier and steady position on:

* The need for **EU guidance/rules for national single-case decisions** to clarify how recycled materials meeting these decisions shall be reclassified as products by competent authorities and be legally binding for all parties;
* Ensuring **that the regime for by-products is not more favourable than the regime for EoW criteria to prevent the creation of regulatory loopholes between these two regimes which have the same objective,** namely to define what is not a waste, be it in first instance (for by-products) or following a recovery process (for EoW criteria), and solely depend on the intention and qualification of the holder.

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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.* |