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ANNEXES 1 to 2

ANNEXES

to the

Commission Implementing Regulation

on laying down rules for the application of Directive 2008/98/EC of the European Parliament and of the Council as regards criteria to determine when plastic waste ceases to be waste

ANNEX I

End-of-waste criteria for plastic waste

Criteria		Self-monitoring requirements
Section 1 – Requirements on plastic waste used as input plastic		
1.1	Input plastic shall not be classified as hazardous waste as defined in Article 3, point 2, of Directive 2008/98/EC or it shall be possible to remove hazardous substances, on their own or in mixtures, from the plastic waste before or during recycling, in compliance with Article 10(5) of Directive 2008/98/EC. Input plastic may contain substances classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008 only when such substances, on their own or in mixtures, are present in the output plastic (Table note (1) at concentrations: (a) below the thresholds that determine the classification of the output plastic as hazardous according to Article 3 of Regulation (EC) No 1272/2008, or (b) equal to or greater than the thresholds that may trigger the classification of the output plastic as hazardous according to Article 3 of Regulation (EC) No 1272/2008, provided that: (i) such substances constitute the output plastic; and (ii) the plastic recyclates are classified and labelled according to Regulation (EC) No 1272/2008. Input plastic may contain substances restricted under Regulation (EC) No 1907/2006, only if the output plastic (Table note ([1])) resulting from recycling contains substances, on their own or in mixtures, that comply with that Regulation, including Article 56 setting out authorisation provisions for uses of substances listed in Annex XIV and for their placing on the market, and Article 67 setting out the conditions for the manufacture, placing on the market and use of substances listed under Annex	Qualified staff shall carry out control measures, including a visual inspection of the plastic waste received and an analysis of the accompanying documentation on the origin of the material, that the producer or another operator shall request. The producer or another operator shall apply appropriate control measures determined on a risk-based approach to detect and remove as necessary hazardous waste, as defined in Article 3(2) of Directive 2008/98/EC, and waste containing hazardous substances or other substances restricted under Regulation (EC) No 1907/2006, Regulation (EU) 2019/1021 or classified according to Regulation (EC) No 1272/2008, paying particular attention to input material originating from waste which are more likely to contain such substances. The control measures and their results shall be recorded under the quality management system. The (pre-)treatment steps to separate plastic waste containing POPs according to Regulation (EU) 2019/1021 shall be documented under the quality management system. When accepting input materials originating from waste electric and electronic equipment, end-of-life vehicles, the operator of the treatment facility shall request the previous operator to provide documentation of compliance with the relevant treatment requirements for waste electric and electronic equipment, end-of-life vehicles. This documentation shall be recorded under the quality management system.

	XVII. Input plastic may contain persistent organic pollutants (POPs) at concentrations above the limit values set out in Annex IV to Regulation (EU) 2019/1021 ([1]) of the European Parliament and of the Council only if there is a (pre-)treatment step in place for the plastic waste that can result in an input plastic with POPs concentrations below the limit values set out in Annex IV to Regulation (EU) 2019/1021.	
1.2	Input plastic may originate from any source of waste containing plastics. The following materials shall not be used as input plastic: (a) healthcare waste, except if healthcare waste is made of non-hazardous plastic and is separately collected; (b) used absorbent hygiene products, except if proof of decontamination and sanitation by the producer or a previous operator can be provided.	The producer or another operator shall apply appropriate control measures determined on a risk-based approach to identify and remove batches of non-eligible input plastic containing materials restricted under criterion 1.2. Qualified staff shall carry out control measures, including a visual inspection of the plastic waste received and an analysis of accompanying documentation, detect and remove as necessary materials restricted under criterion 1.2. The producer or another operator shall apply appropriate quality control measures to ensure that: - plastic healthcare waste is not hazardous and separately collected. - used absorbent hygiene products are decontaminated and sanitised. Specifically, the producer or another operator shall request documentation on the origin, separation, non-hazardousness or evidence of the decontamination and sanitation, storage and transport of healthcare waste. The quality control measures shall be documented under the quality management system. The producer or another operator shall keep record of the eligible input plastic, selected according to criteria 1.1 and 1.2, used (date of receipt, supplier, origin, type and quantity of input plastic received) and the non-eligible

[1] Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45, ELI: http://data.europa.eu/eli/reg/2019/1021/oj).

		input plastic that has been rejected (date of rejection, supplier, origin, type, quantity of input plastic and reason for rejection). The data shall be recorded under the quality management system.
Criteria		Self-monitoring requirements
Section 2 – Requirements on treatment processes and techniques		
2.1	Once received by the operator of the recycling facility, eligible input plastic shall be stored separately from non-eligible input plastic, to avoid contamination. Output plastic (Table note ([1])) that complies with the end-of-waste criteria set out in Article 3 of this Regulation, i.e. plastic recyclates, shall be stored separately from any output plastic that does not comply with those criteria.	The procedures carried out to fulfil the separate storage requirements for input plastic and for output plastic laid down in this criterion shall be documented under the quality management system.
2.2	The mechanical and solvent-based recycling shall retain the polymeric chains that constitute plastic, except for small unintentional changes in the molecular weight distribution of the polymeric chains. The mechanical and solvent-based recycling shall include all treatment steps needed for the output plastic (Table note ([1])) to be used to produce plastic products or articles containing plastic parts.	The sequence of treatment steps shall be documented under the quality management system.
2.3	Eligible input plastic shall be treated to the extent that the following conditions are fulfilled: (a) the output plastic (Table note ([1])) resulting from recycling contains substances classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008, on their own or in mixtures, at concentrations below the thresholds that determine the classification of the output plastic as hazardous according to Article 3 of Regulation (EC) No 1272/2008, or at concentrations equal to or greater than the thresholds that may trigger the classification of the output plastic as	Particular attention shall be paid to the processing of hazardous waste and plastic waste that may contain hazardous substances or other substances regulated under Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021, as indicated in this criterion. The procedure and method used and compliance with the substance concentration thresholds requirements of Regulation (EC) No 1272/2008, Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021 shall be documented under the quality management system.

	hazardous according to Article 3 of Regulation (EC) No 1272/2008, provided that: (i) such substances constitute the output plastic; and (ii) the plastic recyclates are classified and labelled according to Regulation (EC) No 1272/2008. (b) substances, on their own or in mixtures, resulting from recycling comply with Regulation (EC) No 1907/2006, including Article 56 setting out authorisation provisions for uses of substances listed in Annex XIV and for their placing on the market, and Article 67 setting out the conditions for the manufacture, placing on the market and use of substances listed under Annex XVII; (c) substances, on their own or in mixtures, resulting from recycling, meet the provisions controlling the manufacturing, placing on the market and use of POPs pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I and Annex II to that Regulation, regardless of whether a (pre-)treatment step for the plastic waste is in place, as indicated in Section 1.1. Eligible input plastic shall not be mixed or diluted with other waste, substances or materials, in accordance with Article 18(1) of Directive 2008/98/EC. The derogations set out in Article 18(2) of that Directive shall apply. According to Article 7(2) of Regulation (EU) 2019/1021, waste consisting of, containing or contaminated by any substance listed in Annex IV of that Regulation, shall be disposed of or recovered to ensure that the POP content is destroyed or irreversibly transformed, in accordance with Annex V of that Regulation.	
Criteria		Self-monitoring requirements
Section 3 – Requirements on product quality		
3.1	The following conditions shall be fulfilled:	The assessment of compliance with Regulations (EC) No 1272/2008, (EC)

	(a) the output plastic (Table note (1)) resulting from recycling contains substances classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008, on their own or in mixtures, at concentrations below the thresholds that determine the classification of the output plastic as hazardous according to Article 3 of Regulation (EC) No 1272/2008, or at concentrations equal to or greater than the thresholds that may trigger the classification of the output plastic as hazardous according to Article 3 of Regulation (EC) No 1272/2008, provided that: (i) such substances constitute the output plastic; and (ii) the plastic recyclates are classified and labelled according to Regulation (EC) No 1272/2008. (b) substances, on their own or in mixtures, resulting from recycling shall comply with Regulation (EC) No 1907/2006, including Article 56 setting out authorisation provisions for uses of substances listed in Annex XIV and for their placing on the market, and Article 67 setting out the conditions for the manufacture, placing on the market and use of substances restricted under Annex XVII; (c) substances on their own or in mixtures, resulting from recycling shall meet the provisions controlling the manufacturing, placing on the market and use of POPs pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I and Annex II to that Regulation.	No 1907/2006 and (EU) 2019/1021 shall be concluded based on a qualitative and quantitative characterisation of the output plastic. The exemptions laid down in those Regulations shall apply, including in Article 29 of Regulation (EC) No 1272/2008, Article 2(7) of Regulation No 1907/2006 and Article 4 of (EU) 2019/1021. Representative samples of the output plastic shall be analysed to measure the concentration and nature of hazardous substances to ensure compliance with Regulation (EC) No 1272/2008, Regulation (EC) No 1907/2006 and Regulation (EU) 2019/1021, as indicated in this criterion. These representative samples shall be taken at appropriate intervals determined on a risk-based approach that considers the following factors: (a) the expected pattern of variability of the output plastic composition (for example as shown by historical results); (b) the inherent risk of variability in the quality of the input plastic for recycling and any subsequent processing, for instance the higher average content of plastics containing hazardous substances and substances restricted under Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021; (c) the inherent precision of the monitoring method; (d) the proximity of results to the concentration thresholds that render the material hazardous or restrict its commercialisation. The frequency of monitoring by sampling shall occur every six months and may be adjusted to reflect known trends while ensuring that changes in the input plastic can be detected. The process to determine the frequency of monitoring and the results of the monitoring shall be documented under the quality management system.
3.2	The output plastic (Table note ([1])) complies with Union product legislation requirements and industry specifications or standards for the use of plastic recyclates in the production of plastic products or articles containing plastic	Qualified staff shall monitor that each batch in the consignment of output plastic complies with the legal requirements and appropriate standard and product specifications, including customer requirements.

	parts.	To monitor compliance, representative samples of the output plastic shall be taken and analysed at appropriate intervals determined on a risk-based approach, considering the intended specific use of plastic recyclates. The process to determine the frequency of monitoring and the results of the monitoring shall be documented under the quality management system.
3.3	The total amount of foreign materials in output plastic (Table note ([1])) shall be <1.9% of moisture-free weight. In addition, if the output plastic (Table note ([1])) is intended to be exported to countries outside the EU, the output plastic consists of one thermoplastic polymer.	Qualified staff shall carry out a visual inspection of each batch in the consignment of output plastic, to detect anomalies in product qualities. Representative samples of the moisture-free output plastic shall be analysed gravimetrically to measure the content and nature of foreign materials. The content of foreign materials shall be analysed by weighing in moisture-free conditions. Complementary analytical techniques may be used in measuring the foreign materials content, such as chromatography or infrared spectroscopy, especially for the purpose of inspection. The producer or another operator shall measure the content of foreign material contained in the output plastic to demonstrate compliance with this criterion. These representative samples shall be taken at appropriate intervals determined on a risk-based approach that considers the following factors: (a) the expected pattern of variability of the output plastic composition (for example as shown by historical results); (b) the inherent risk of variability in the quality of the input plastic for recycling and any subsequent processing; (c) the inherent precision of the monitoring method; (d) the proximity of results to the foreign materials thresholds. The frequency of monitoring by sampling shall occur at least once every six months and shall be adjusted to ensure that trends or other

		changes in the input plastic can be detected. The process to determine the frequency of monitoring and the results of the monitoring shall be documented under the quality management system.

Table note [(1)]:

The output of recovery operations can result: i) in a substance on its own, ii) in a mixture, or iii) in an article recovered directly from waste, as referred to in the ECHA Guidance on Waste and Recovered Substances (version 2 of May 2010). However, it is to be noted that Regulation (EC) No 1272/2008 does not cover the hazard classification of articles (except for explosive and pyrotechnic articles). Nonetheless, the point at which plastic products or articles containing plastic parts are formed shall not be covered by the end-of-waste criteria. The reference to hazardousness shall apply to the classification of the material as a mixture or a substance (including a substance of unknown or variable composition, complex reaction products or biological materials – UVCB substance). The relevant operator shall decide which of the two options best fits the characteristics of the material.

ANNEX II

Statement of conformity with the end-of-waste criteria set out in Article 4 of [*this Regulation (reference) to be added]*.

1. Unique identification code of the consignment:

   Producer/importer of the plastic recyclate:

   Name:

   Address:

   Contact person:

   Tel.:

   Email:

2. Quantity of the consignment in tonnes:

3. Characteristics and intended use the plastic recyclate:

   a) Name or code that identifies the plastic recyclate, in accordance with legal requirements, standard and product specifications, including customer requirements:

   b) Main technical characteristics of the plastic recyclate, in accordance with legal requirements, standard and product specifications, including customer requirements and end-of-waste product quality requirements for foreign materials (3.3) of Annex I to [*this Regulation (reference to be added)]*.

4. The plastic recyclate consignment complies with customer requirements, industry specification or a standard referred to in point 3.

5. The plastic recyclate consignment meets the criteria on input plastic (1.1 and 1.2) on treatment processes and techniques (2.1, 2.2 and 2.3), and on product quality (3.1, 3.2 and 3.3) of Annex I to [*this Regulation (reference to be added)]*.

6. The plastic recyclate in this consignment is compliant with the classification and labelling pursuant to Article 3 of Regulation (EC) No 1272/2008.

   The substances, on their own or in mixtures, contained within the plastic recyclate in this consignment comply with Regulation (EC) No 1907/2006, including Article 56 setting out authorisation provisions for uses of substances listed in Annex XIV and for their placing on the market, and Article 67 setting out the conditions for the manufacture, placing on the market and use of substances restricted under Annex XVII.

   The substances, on their own or in mixtures, contained within the plastic recyclate in this consignment meet the provisions controlling the manufacturing, placing on the market and use of persistent organic pollutants pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I and Annex II to that Regulation.

7. The producer of the plastic recyclate applies a quality management system assessed by an accredited conformity assessment body, which is accredited by a national accreditation body, or by an environmental verifier as defined in Article 2, point

(20)(b), of Regulation (EC) No 1221/2009. Where plastic waste which has ceased to be waste is imported into the customs territory of the Union, the quality management system shall be verified by an accredited conformity assessment body, which is accredited by a national accreditation body, or by an environmental verifier, who shall obtain a specific accreditation or licence to operate in a third country, in accordance with the specifications laid down in Regulation (EC) No 765/2008 or in Regulation (EC) No 1221/2009 in conjunction with Commission Decision 2011/832/EU.

8. The material in this consignment is intended to be used exclusively for the manufacture of plastic products or articles containing plastic parts. It shall not be converted directly or indirectly to energy or non-plastic materials or used for any other purpose. Where those conditions are not met, the user of the plastic recyclate shall handle it as waste and shall inform the producer, for the purpose of accurately recording the weight of the plastic that has achieved end-of-waste status.

9. Declaration of the producer/importer of the plastic recyclate:

   I certify that the above information is complete and correct to the best of my knowledge:

   Name:

   Date:

   Signature: