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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 material	
<p>1.1 Input plastic is not classified as hazardous waste as defined in Article 3, point 2, of Directive 2008/98/EC or it shall be possible to treat it before the recycling operations so that it is no longer classified as hazardous waste.</p> <p>Input plastic can contain substances classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008 and Annex I to that Regulation only if the output plastic (Table note ⁽¹⁾) resulting from the recycling operations, is not classified as hazardous pursuant to Article 3 of that Regulation.</p> <p>Input plastic can contain substances restricted under Regulation (EC) No 1907/2006, only if the output plastic (Table note ⁽¹⁾) resulting from the recycling operations 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.</p> <p>Input plastic can 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 at least one of the following conditions is fulfilled:</p> <p>(a) there is a (pre-)treatment step in place that can result in an input plastic with POP concentrations below the limit values set out in Annex IV to Regulation</p>	<p>An acceptance control, in the form of a visual inspection of all plastic waste received and analysis of the accompanying documentation, shall be carried out by qualified staff. In particular, the operator shall request documentation on the origin of the material.</p> <p>The operator of the recycling facility shall apply appropriate control measures to detect hazardous waste and waste containing hazardous substances or other substances restricted under Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021. The control measures shall be documented under the quality management system.</p> <p>For plastic waste POPs, the (pre-)treatment steps to separate the POPs content shall be documented under the quality management system.</p> <p>Particular attention shall be paid to input material originating from waste electric and electronic equipment, end-of-life vehicles and construction and demolition waste and waste batteries. Materials originating from waste electric and electronic equipment, end-of-life vehicles and construction and demolition waste and waste batteries will have undergone all mandatory treatment requirements that apply to hazardous substances. 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 holder 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</p>

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>).

	<p>(EU) 2019/1021;</p> <p>(b) the applied treatment processes and techniques are able to treat that input fraction to the extent that substances, on their own or in mixtures resulting from the recycling operations, meet the provisions limiting the manufacturing, placing on the market and use of POPs pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I to that Regulation.</p>	quality management system.
1.2	<p>Input plastic may originate from any source of waste containing plastics.</p> <p>The following materials shall not be used as input plastic:</p> <p>(a) healthcare waste, except non-hazardous plastic healthcare waste that has been separated at source;</p> <p>(b) used absorbent hygiene products.</p>	<p>The operator of the recycling facility shall establish appropriate risk management measures to identify and remove batches of input plastic containing materials restricted under this criterion 1.2.</p> <p>Quality control measures, in the form of a visual inspection of all input plastic received and of an analysis of accompanying documentation, shall be carried out by qualified staff who are trained on how to recognise input plastic containing materials restricted under this criterion 1.2.</p> <p>The operator of the recycling facility shall apply appropriate quality control measures to ensure that healthcare waste contained in the plastic does not present hazardous properties. Specifically, the operator shall request documentation on the origin, segregation, storage and transport of healthcare waste. The quality control measures shall be documented under the quality management system.</p> <p>The operator of the recycling facility shall keep record of the input plastic used (date of receipt, supplier, origin, type and quantity of input plastic received) and the 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.</p>
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-	The procedures carried out to fulfil the separate storage requirements for input materials and output materials laid down in this criterion

	<p>eligible input plastic, to avoid contamination.</p> <p>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.</p>	<p>shall be documented under the quality management system.</p>
2.2	<p>The mechanical and solvent-based recycling operations shall not intentionally alter the molecular chains of the polymers of the plastic waste, except for small increases in the molecular weight of the polymer chains.</p> <p>The mechanical and solvent-based recycling operations 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.</p>	<p>The sequence of treatment steps shall be documented under the quality management system.</p>
2.3	<p>Eligible input plastic shall be treated to the extent that the following conditions are fulfilled:</p> <p>(a) the output plastic (Table note ⁽¹⁾) resulting from the recycling operations is not classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008 and Annex I to that Regulation;</p> <p>(b) substances, on their own or in mixtures resulting from the recycling operations 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;</p> <p>(c) substances, on their own or in mixtures resulting from the recycling operations meet the provisions limiting the manufacturing, placing on the market and use of POPs pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I</p>	<p>Particular attention shall be paid to the processing of hazardous waste and plastic waste that may contain hazardous substances or other substances restricted under Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021, as indicated in this criterion.</p> <p>The procedure and method used to comply with the substance concentration 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.</p>

	<p>to that Regulation.</p> <p>Input material shall not be mixed or diluted either with other categories of hazardous waste or 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 of that Regulation, shall be disposed of or recovered to ensure that the POP content is destroyed or irreversibly transformed.</p>	
Criteria		Self-monitoring requirements
Section 3 – Requirements on product quality		
3.1	<p>The following conditions shall be fulfilled:</p> <p>(a) the output plastic (Table note ⁽¹⁾) resulting from the recycling operations shall not be classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008 and Annex I to that Regulation;</p> <p>(b) substances, on their own or in mixtures resulting from the recycling operations shall comply with Regulation (EC) No 1907/2006, including Article 67 setting out the conditions for the manufacture, placing on the market and use of substances restricted under Annex XVII;</p> <p>(c) substances on their own or in mixtures resulting from the recycling operations shall meet the provisions limiting the manufacturing, placing on the market and use of POPs pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I to that Regulation.</p>	<p>The assessment of compliance with Regulations (EC) No 1272/2008, (EC) No 1907/2006 or (EU) 2019/1021 shall be concluded on the basis of a qualitative and quantitative characterisation of the output plastic in the consignment. 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.</p> <p>Representative samples of the output plastic shall be analysed to measure the concentration and nature of hazardous substances and substances restricted under Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021, as indicated in this criterion. These representative samples will be taken at appropriate intervals determined on a risk-based approach that considers the following factors:</p> <p>(a) the expected pattern of variability of the output plastic composition (for example as shown by historical results);</p> <p>(b) the inherent risk of variability in the quality of the input plastic for the recycling operations and any subsequent processing, for instance the higher average content of plastics containing hazardous substances and substances restricted</p>

		<p>under Regulation (EC) No 1907/2006 or Regulation (EU) 2019/1021;</p> <p>(c) the inherent precision of the monitoring method;</p> <p>(d) the proximity of results to the concentration thresholds that render the material hazardous or restrict its commercialisation.</p> <p>The process of determining the frequency of monitoring shall be documented under the quality management system.</p>
3.2	<p>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 parts.</p>	<p>Qualified staff shall verify that each batch in the consignment of output plastic complies with the legal requirements and appropriate specifications or standards including customer specifications.</p>
3.3	<p>The total amount of foreign materials in output plastic (Table note ⁽¹⁾) will be <1.9% of moisture-free weight.</p> <p>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, except for mixtures of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET).</p>	<p>Qualified staff shall carry out a visual inspection of each batch in the consignment of output plastic, to detect anomalies in product qualities.</p> <p>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.</p> <p>Complementary analytical techniques may be used in measuring the foreign materials content, such as chromatography or infrared spectroscopy, especially for the purpose of inspection.</p> <p>Where the material is to undergo thermal treatment to agglomerate or pelletise it, the content of foreign material shall be measured at the latest stage of reprocessing before the thermal treatment is applied.</p> <p>These representative samples will be taken at appropriate intervals determined on a risk-based approach that considers the following factors:</p> <p>(a) the expected pattern of variability of the output plastic composition (for example as shown by historical results);</p> <p>(b) the inherent risk of variability in the quality</p>

		<p>of the input plastic for the recycling operations and any subsequent processing;</p> <p>(c) the inherent precision of the monitoring method;</p> <p>(d) the proximity of results to the foreign materials thresholds.</p> <p>The frequency of monitoring by sampling will occur at least once every six months and will be adjusted to ensure that trends or other changes in the input plastic can be detected.</p> <p>The process of determining the frequency of monitoring shall be documented under the quality management system.</p>
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Table note ⁽¹⁾:

The output of recovery operations can result: i) in a substance on its own, ii) in a mixture (e.g. plastics, rubber) or, iii) in an article recovered directly from waste. 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 5 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.
 - a) Name or code of the plastic recyclate category in accordance with a customer specification, an industry specification or standard:
 - b) Main technical provisions of the customer specification, industry specification or standard, including compliance with end-of-waste product quality requirements for foreign materials:
4. The plastic recyclate consignment complies with a customer specification, industry specification or a standard referred to in point 3.
5. The plastic recyclate consignment meets the criteria on input materials (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 not classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008 and Annex I to that Regulation.

The substances 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 contained within the plastic recyclate in this consignment meet the provisions limiting the manufacturing, placing on the market and use of persistent organic pollutants pursuant to Article 3 of Regulation (EU) 2019/1021 and Annex I to that Regulation.
7. The producer of the plastic recyclate applies a quality management system certified 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 certified 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 and reporting information on end-of-waste volumes.

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: