CONFINDUSTRIA

Consultazione pubblica relativa al Regolamento di esecuzione della Commissione (UE) che stabilisce le norme per l'applicazione della Direttiva 2008/98/CE del Parlamento Europeo e del Consiglio riguardo ai criteri per determinare quando i rifiuti plastici cessano di essere considerati rifiuti

Osservazioni Confindustria

Gennaio 2026

1. Premessa

La bozza di Regolamento di esecuzione sui criteri "*End of Waste*" (EoW) per i rifiuti in plastica, la cui entrata in vigore è prevista per il 1° luglio 2026 e attualmente oggetto di consultazione pubblica, si inserisce nell'ambito dell'articolo 6 della Direttiva 2008/98/CE (*Waste Framework Directive* – WFD). L'obiettivo principale del Regolamento è quello di **promuovere il mercato unico delle materie prime secondarie e favorire la circolarità delle plastiche**.

Confindustria accoglie con favore l'iniziativa della Commissione europea di definire, attraverso un Regolamento di esecuzione, criteri armonizzati di cessazione della qualifica di rifiuto (End of Waste – EoW) per il riciclo meccanico delle materie plastiche. L'introduzione di criteri EoW a livello unionale rappresenta, infatti, un passaggio fondamentale verso lo sviluppo di un mercato unico UE armonizzato e ben funzionante per le materie prime secondarie in questo settore. In particolare, questa iniziativa è essenziale per ridurre gli oneri amministrativi per i riciclatori e gli utilizzatori di materiali secondari dell'UE, garantire un approvvigionamento stabile di materiali riciclati di alta qualità in tutta l'Unione e favorire la transizione verso un'economia circolare.

In questo contesto, l'intervento regolatorio potrebbe generare benefici significativi in termini di maggiore certezza del diritto e, conseguentemente, degli investimenti; di semplificazione delle procedure e abbassamento dei costi attraverso la riduzione delle barriere regolatorie e degli oneri amministrativi; nonché di sostegno alla creazione di un mercato unico per le materie plastiche riciclate competitivo, anche in termini di prezzo, rispetto al mercato delle materie plastiche vergini.

Tuttavia, l'attuale formulazione della bozza di regolamento presenta delle **criticità,** sia sotto il profilo giuridico e normativo, sia per gli effetti sistemici che potrebbe generare sul comparto europeo e, in particolare, su quello italiano del riciclo delle plastiche. In particolare, la proposta della Commissione solleva preoccupazioni in quanto **introduce limitazioni di utilizzo delle materie plastiche riciclate che appaiono eccessivamente restrittive rispetto alla Direttiva Quadro sui rifiuti (Direttiva 2008/98/CE, WFD) e ai criteri nazionali già esistenti.**

Inoltre, per promuovere una circolarità ad ampio spettro, sarebbe opportuno incentivare in particolar modo i processi innovativi in grado di utilizzare le frazioni non idonee alla realizzazione di manufatti in plastica e/o contenenti plastica, per ottenere materiali EoW con altre finalità e in sostituzione di materie prime non rinnovabili e più impattanti.

Nel complesso, si riconosce il valore della bozza di regolamento come strumento di armonizzazione e rafforzamento del mercato europeo delle plastiche riciclate, tuttavia, si evidenzia la necessità di un approccio equilibrato, che coniughi ambizione ambientale, realismo industriale e tutela della competitività delle imprese europee.

In questa logica, nei capitoli che seguono si riportano alcune osservazioni e proposte di modifica, con l'obiettivo di contribuire al miglioramento del regolamento, affinché possa rappresentare uno strumento efficace per rafforzare il mercato europeo dei riciclati, senza compromettere le attuali catene di riciclaggio della plastica.

2. Osservazioni e proposte sulla bozza di Regolamento di esecuzione

Secondo la normativa proposta, le materie plastiche prodotte dal riciclo meccanico e da dissoluzione cessano di essere considerate rifiuti solo quando possono produrre direttamente nuovi prodotti o articoli in plastica contenenti parti di plastica, escludendo esplicitamente altri usi, come, ad esempio, l'impiego di tali materiali come input per la produzione di prodotti chimici.

A tal proposito, una delle principali criticità della proposta riguarda proprio la limitazione dell'applicazione dei criteri "*End of Waste*" (EoW) ai soli materiali destinati ad applicazioni "*plastic to plastic*", ossia alla produzione di nuovi prodotti plastici o articoli contenenti plastica.

Secondo questa impostazione, tutti i materiali plastici riciclati utilizzati per funzioni diverse dalla produzione di nuovi manufatti plastici, pur essendo il risultato di operazioni di riciclo coerenti con la WFD e pur sostituendo materiali vergini, continuerebbero a essere qualificati come rifiuti.

Questa restrizione appare incoerente con l'articolo 6 della WFD, che non limita né le operazioni di recupero ammissibili, né i campi di utilizzo dei materiali che cessano di essere rifiuti, ma richiede esclusivamente che siano soddisfatte condizioni oggettive di qualità, sicurezza, domanda di mercato e tutela ambientale.

Tale approccio solleva quindi delle preoccupazioni, in particolare per Paesi come l'Italia, che hanno sviluppato soluzioni di riciclo per plastiche miste destinate a usi diversi dalla produzione di nuovi prodotti plastici.

Inoltre, come anticipato in premessa, l'impostazione proposta dalla bozza di regolamento risulta in contrasto con diverse disposizioni della WFD, in particolare con:

- **articolo 3, punto 17 (definizione di riciclaggio)**, secondo cui il «riciclaggio» include *qualsiasi operazione di recupero attraverso cui i materiali di rifiuto sono ritrattati per ottenere* ***prodotti, materiali o sostanze da utilizzare per la loro funzione originaria o per altri fini.*** *Include il ritrattamento di materiale organico ma non il recupero di energia né il ritrattamento per ottenere materiali da utilizzare quali combustibili o in operazioni di riempimento.* La definizione, quindi, include il reimpiego dei materiali in sostituzione di risorse vergini, indipendentemente dal comparto industriale di destinazione. Pertanto, riteniamo necessario l'allineamento del decreto alla Direttiva Quadro dei Rifiuti, riconoscendo lo status di EoW ai materiali plastici in uscita dai processi di riciclo disciplinati dal regolamento anche quando vengono utilizzati come materie prime per altri processi industriali, ad esempio, come input per i processi chimici.
- **articolo 4 (gerarchia dei rifiuti)**, che privilegia il recupero di materia rispetto al recupero energetico o allo smaltimento;
- **articolo 6 (*End-of-Waste*)**, paragrafo 1 della WFD il quale non esclude che i materiali EoW possano essere utilizzati per scopi diversi da quelli originali. In particolare, tra gli altri requisiti, l'art. 6 stabilisce che lo status di EoW può essere concesso quando: *(i)* esiste un mercato o

una domanda per tale sostanza o oggetto[1] e (*ii*) la sostanza o l'oggetto soddisfa i requisiti tecnici per gli scopi specifici e rispetta la legislazione e gli standard vigenti applicabili ai prodotti[2]. In particolare, l'articolo 6 definisce chiaramente che il perimetro delle operazioni di recupero non è limitato al solo riciclo, e non limita in alcun modo i campi di utilizzo degli EoW.

Oltre alle problematiche di carattere giuridico, l'esclusione di applicazioni non *plastic-to-plastic*, come quelle chimiche, sarebbe particolarmente dannosa per Paesi come l'Italia, che ha sviluppato soluzioni di riciclo e recupero per plastiche miste destinate, ad esempio, all'impiego come intermedi chimici, additivi per asfalti modificati, guaine bituminose o agenti riducenti.

Tipicamente, la plastica prodotta dalle operazioni di riciclo meccanico può essere utilizzata direttamente nella produzione di nuovi prodotti plastici o articoli contenenti parti in plastica senza ulteriori operazioni di trattamento. Tuttavia, esistono anche catene del valore integrate e intersettoriali dove i processi di riciclo meccanico producono materie prime secondarie, come plastiche miste, utilizzate in settori diversi dalla plastica, come la chimica. In Italia sono già in vigore autorizzazioni EoW caso per caso per rifiuti plastici, che consentono la lavorazione ulteriore di plastiche miste riciclate in conformità con lo standard UNI 10667-18 anche per applicazioni chimiche, incluse quelle per la produzione di prodotti ad alto valore (ad esempio plastiche destinate al contatto alimentare).

Escludere lo status di EoW per le materie plastiche dirette alle applicazioni chimiche rappresenterebbe dunque un ostacolo burocratico e operativo al pieno sviluppo dell'economia circolare e dell'innovazione tecnologica in questo settore, limitando l'uso di materie prime secondarie come materia prima industriale e ostacolando gli investimenti sostenibili. Inoltre, tale mancato riconoscimento potrebbe creare distorsioni tra le diverse catene del valore, penalizzando quelle che hanno già investito nella circolarità.

Per supportare realmente i mercati circolari, garantendo l'allineamento con la Direttiva Quadro sui Rifiuti e la continuità degli investimenti nei processi di simbiosi industriale tra il riciclo delle plastiche e l'industria chimica[3], è pertanto fondamentale riconoscere lo status di EoW anche per i materiali plastici prodotti da riciclo meccanico utilizzati come input per la produzione di prodotti chimici.

Inoltre, le limitazioni introdotte dal regolamento appaiono difficilmente conciliabili con le definizioni di "*Material Recycling*" e "*Secondary Raw Material*", come recentemente confermate nel Regolamento sugli imballaggi e i rifiuti di imballaggio (PPWR).

L'Italia ha sviluppato, nel rispetto della WFD e attraverso decreti specifici End-of-Waste nazionali e autorizzazioni caso-per-caso, **soluzioni consolidate di riciclo e utilizzo *open-loop***, in particolare per le plastiche miste flessibili post-consumo.

[1] Articolo 6, paragrafo 1, punto (b) della DIRETTIVA 2008/98/CE
[2] Articolo 6, paragrafo 1, punto (c) della DIRETTIVA 2008/98/CE
[3] In conformità con l'articolo 6, paragrafi 3 e 4 della Direttiva 2008/98/CE, lo Stato membro può decidere a livello nazionale caso per caso se determinati rifiuti hanno cessato di essere rifiuti, secondo la condizione indicata nell'articolo 6, paragrafo 1 della stessa direttiva.

Tali soluzioni includono, a titolo esemplificativo:

- l'impiego come agenti riducenti in ambito siderurgico;
- l'utilizzo come additivi per asfalti modificati e guaine bituminose;
- l'impiego come feedstock per impianti chimici.

Escludere queste applicazioni dal perimetro EoW comporterebbe la perdita della qualifica di prodotto per circa 200.000 tonnellate annue di plastiche attualmente riciclate e commercializzate in Italia, con impatti immediati sulla tenuta economica degli impianti e sull'intera filiera.

In aggiunta, l'attuale impostazione regolatoria potrebbe portare a:

- l'impossibilità per molte imprese del riciclo di commercializzare i propri output come End-of-Waste, con aggravamento della crisi già in atto nel settore;
- l'incompatibilità tra il nuovo regolamento e gli attuali regimi autorizzativi nazionali, con il rischio di blocchi operativi e ripercussioni sulla raccolta differenziata;
- una significativa riduzione delle quantità di plastica riciclata contabilizzabili ai fini degli obiettivi europei, con conseguente aumento del contributo italiano alla EU Plastic Levy, stimabile in circa 200 milioni di euro annui aggiuntivi;
- difficoltà operative e autorizzative per i progetti di trattamento chimico delle plastiche miste recuperate, recentemente avviati o annunciati.

Rispetto a questo ultimo punto, preme evidenziare che **la proposta di regolamento fa espresso riferimento soltanto al riciclo meccanico**, ovvero al riciclo mediante solventi (cfr. articolo 3, par. 1, lettera b), escludendo espressamente ogni operazione che alteri il materiale nella sua composizione molecolare (cfr. Allegato I, Sezione 2). L'espressa esclusione delle tecnologie di riciclo che '*alterano intenzionalmente le catene polimeriche che costituiscono la plastica*' (cfr. Considerando 6; articolo 2 e Allegato I, Sezione 2 della bozza di regolamento) ha come risultato di non comprendere il riciclo chimico nel contesto della proposta di regolamento quale processo di trattamento ai fini del riconoscimento della cessazione della qualifica di rifiuto.

In tale contesto, è a maggior ragione indispensabile riconoscere nel regolamento in esame lo status di EoW alla materia plastica in uscita dai processi di riciclo meccanico o da dissoluzione anche ove successivamente impiegata come materiale di input per la produzione chimica.

Se la bozza di testo non dovesse essere rivista come suggerito, si rischierebbe di rallentare il conseguimento degli obiettivi di circolarità e decarbonizzazione, aggravando un fenomeno ancora troppo diffuso in tutta l'UE per cui rifiuti riciclabili con sbocchi diversi dal *plastic-to-plastic* sarebbero smaltiti in discarica o conferiti presso impianti di incenerimento, nonostante tali soluzioni risultino più impattanti a livello ambientale e meno coerenti con la gerarchia dei rifiuti (cfr. art. 4 della Direttiva 2008/98/CE).

In aggiunta, **i progetti innovativi recentemente avviati o annunciati, anche in Italia, risulterebbero fortemente penalizzati** dalle difficoltà tecnico-economiche e autorizzative derivanti dalla qualificazione del feedstock come rifiuto anziché come End-of-Waste. Tale impostazione

rischia di determinare **rallentamenti significativi, fino alla sospensione o cancellazione degli investimenti**, compromettendo lo sviluppo di tecnologie considerate strategiche a livello europeo per la gestione delle frazioni plastiche difficilmente riciclabili.

Inoltre, la bozza di regolamento introduce requisiti qualitativi particolarmente stringenti e non sempre adeguati a tutte le frazioni di rifiuti plastici come, ad esempio, il limite dell'1,9% di materiali estranei, applicato in modo uniforme e misurato in una fase intermedia del processo. Tali requisiti rischiano di escludere dal perimetro End-of-Waste flussi che potrebbero invece essere recuperati in modo sicuro ed efficiente.

Si evidenzia, infine, una **potenziale disconnessione con il quadro normativo REACH**, che disciplina l'immissione sul mercato delle sostanze chimiche. In assenza di un percorso end-of-waste per tali output, il rischio è quello di una incoerenza sistemica tra normativa sui rifiuti e normativa sulle sostanze.

Al fine di garantire un approccio tecnologicamente neutro in grado di riflettere lo stato dell'arte del progresso tecnologico, è inoltre **necessario disciplinare quanto prima, tramite apposito regolamento armonizzato, il riciclo chimico al fine di valorizzare ulteriori flussi di rifiuti plastici** e gli sforzi già compiuti per accelerare la transizione verso un modello economico circolare. Infatti, il riciclo chimico contribuisce a realizzare una gestione efficiente dei rifiuti, trasformandoli in risorse ad alto valore aggiunto. In particolare, le tecnologie di riciclo chimico consentono di riciclare rifiuti plastici ad oggi non altrimenti riciclabili, come ad esempio il plexiglass, ampiamente utilizzato in vari settori quali l'*automotive* e l'edilizia.

L'assenza di criteri *end of waste* per il riciclo chimico delle plastiche *hard-to-recycle*, combinata con le restrizioni introdotte dalla nuova *Waste Shipment Regulation*, rischia, inoltre, di generare un indesiderato effetto di distorsione della gerarchia dei rifiuti, con il possibile dirottamento di flussi significativi verso il recupero energetico o l'incenerimento o addirittura verso il conferimento in discarica, nello scenario di una possibile estensione dell'EU-ETS agli impianti di termovalorizzazione e incenerimento.

Allo stesso modo, è importante valorizzare il recupero energetico, poiché rappresenta una soluzione importante per i flussi di rifiuti che non possono essere riciclati. Oltre a contribuire a ridurre l'impatto ambientale, il recupero energetico favorisce una gestione efficiente dei rifiuti residui, completando così le opzioni disponibili per un modello di economia circolare.

3. Proposte di intervento prioritarie

Alla luce delle criticità sopra evidenziate, si formulano le seguenti proposte di modifica meglio specificate in allegato:

1. **ampliare il perimetro dei criteri End-of-Waste**, includendo anche le applicazioni *open-loop,* coerenti con l'articolo 6 della WFD;
2. qualora tale ampliamento non fosse immediatamente perseguibile, si richiede l'**esplicita conferma della validità dei decreti End-of-Waste nazionali** e delle autorizzazioni caso-per-caso rilasciate nel rispetto della WFD;

3. nel perseguire l'obiettivo di massimizzare la circolazione di beni e materiali EoW derivanti da operazioni di riciclaggio e recupero sul mercato unico europeo, sarebbe opportuno **implementare un meccanismo per la semplificazione del mutuo riconoscimento dei Regolamenti EoW emanati dagli Stati membri**, nel rispetto dei livelli di garanzia della tutela della salute umana e ambientale e della legislazione e delle norme vigenti applicabili;
4. aprire un **confronto tecnico sui requisiti qualitativi**, in particolare con riferimento alle plastiche miste flessibili e ai limiti sui materiali estranei;

In subordine, in un'ottica pragmatica e tenuto conto dell'attuale fase del processo legislativo, **qualora l'Unione europea intendesse confermare, in questa fase, un perimetro limitato ai soli materiali destinati alla produzione di nuovi prodotti in plastica** appare opportuno **prevedere soluzioni transitorie e di accompagnamento**. In tale scenario, risulterebbe essenziale evitare vuoti normativi e discontinuità operative, garantendo un regime alternativo coerente con l'articolo 6 della WFD per le altre operazioni di recupero e i relativi campi di utilizzo.

4. Ulteriori osservazioni e proposte di carattere puntuale

- **Norme ISO**: in generale, si segnala l'assenza dei riferimenti a norme ISO, in particolare per quanto riguarda i sistemi di gestione, l'analisi e la caratterizzazione dei materiali. Questi riferimenti sono fondamentali per garantire l'omogeneità tra gli Stati membri, per uniformare gli standard operativi e per assicurare la coerenza nei controlli. Pertanto, si suggerisce di includere i riferimenti alle norme ISO ogniqualvolta sia possibile e utile, al fine di favorire un'applicazione uniforme a livello europeo.
- **Articolo 5** - ***Quality management system*****:** viene introdotto l'obbligo per i produttori di materiali End-of-Waste di dotarsi di un sistema di gestione della qualità formalizzato e certificato, con requisiti documentali e di controllo piuttosto articolati. La finalità è garantire tracciabilità, affidabilità e conformità costante del materiale immesso sul mercato. Tuttavia, l'approccio adottato rischia di risultare poco proporzionato, soprattutto per le piccole e medie imprese del settore del riciclo. Gli oneri amministrativi e i costi di certificazione potrebbero rappresentare una barriera significativa, scoraggiando l'ingresso o la permanenza sul mercato di operatori di dimensioni minori, senza necessariamente generare benefici ambientali aggiuntivi. **Si suggerisce pertanto di considerare una maggiore valorizzazione di schemi di certificazione già esistenti** (es. UNI EN ISO 14001:2015) **oppure misure di accompagnamento che facilitino l'adeguamento, in particolare per le PMI.**
- **Articolo 7 - *Entry into force and application*****:** l'entrata in applicazione del regolamento è prevista per il 1° luglio 2026. Tuttavia, considerata la portata degli adeguamenti richiesti, sia sul piano tecnico sia organizzativo, tale tempistica appare ambiziosa. Un periodo di adattamento più graduale consentirebbe alle imprese di pianificare gli investimenti, aggiornare gli impianti e formare il personale in modo più efficace. Si ritiene pertanto utile valutare fasi di implementazione progressive o periodi iniziali di applicazione flessibile.

Infine, con l'obiettivo di supportare la Commissione nello sviluppo di una proposta solida per i criteri di fine rifiuti a livello dell'UE per la plastica, che preservi gli sforzi già compiuti nelle catene del valore

e favorisca l'adozione di tecnologie di riciclo avanzate e la valorizzazione degli End of Waste nei processi industriali a valle per contribuire alla circolarità, **si riportano alcune proposte di modifica puntuali al testo, contenute nell'Allegato in calce al presente documento**.

Allegato

Recognition of the End of waste status also for chemical uses		
Reference	**Text proposed by the European Commission**	**Amendment**
Whereas 4	The criteria laid down in this Regulation to determine when plastic waste ceases to be waste should ensure that the output material resulting from recycling is a polymer or plastic that i) is ready for use in the production of new plastic products or articles containing plastic parts, ii) complies with existing legislation and standards applicable to products and iii) does not lead to overall adverse environmental or human health impacts. 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, should not be granted by the end-of-waste status, including where such material has previously obtained end-of-waste status in accordance with the criteria specified in this Regulation. To facilitate the market of secondary raw materials, the end-of-waste criteria set in this Regulation apply to the recycled plastic and not to the final plastic product or article containing plastic parts.	The criteria laid down in this Regulation to determine when plastic waste ceases to be waste should ensure that the output material resulting from recycling is a polymer or plastic that i) is ready for use in the production of new ***~~plastic~~*** products**,** ***and/***or articles containing plastic parts ***or in material production processes***, ii) complies with existing legislation and standards applicable to products and iii) does not lead to overall adverse environmental or human health impacts. If the output plastic is used for other purposes than for the production of new ~~**plastic**~~ products**, and/**or articles containing plastic parts ***or material production processes***, such as for energy recovery, as input material~~—~~for ***~~chemical or~~*** fuel production, or for backfilling operations, should not be granted by the end-of-waste status ***in the framework of this regulation***, including where such material has previously obtained end-of-waste status in accordance with the criteria specified in this Regulation**,** ***without prejudice to other end-of-waste criteria issued by member states on national or case-by-case level, according to article 6 of Directive 2008/98/EC***. To facilitate the market of secondary raw materials, the end-of-waste criteria set in this Regulation apply to the recycled plastic and not to the final plastic product or article containing plastic parts.
Article 2, (6), (7), (19)	(6) 'output plastic' shall mean plastic obtained in the form of a polymer from a mechanical recycling operation or a solvent-based recycling operation;	(6) 'output plastic' shall mean plastic obtained in the form of a polymer ***or blends of polymers*** from a

		mechanical recycling operation or a solvent-based recycling operation;
	(7) 'plastic recyclate' shall mean the output plastic which has achieved end-of-waste status, and can be used as secondary raw material to produce new plastic products or articles containing plastic parts; […]	(7) 'plastic recyclate' shall mean the output plastic which has achieved end-of-waste status, and can be used as secondary raw material to produce new ~~***plastic***~~ products ***and/***or articles containing plastic parts ***or material's production processes (excluding if used for energy recovery, as input material for fuel production, or for backfilling operations).***
	(19) 'non-plastic materials' shall include, but not limited to, metals, paper, glass, earth, sand, ash, dust, wax, bitumen, ceramics and wood; they shall exclude materials that are bound to the polymer matrix as a result of being intentionally added to the polymer to enhance its properties.	(19) 'non-plastic materials' shall include, but not limited to, metals, paper, glass, earth, sand, ~~***ash,***~~ dust, wax, bitumen, ceramics and wood; they shall exclude materials that are bound to the polymer matrix as a result of being intentionally added to the polymer to enhance its properties.
Article 3 (1c); new (1f); new (1g)	(c) the output plastic resulting from the mechanical recycling operations or the solvent-based recycling operations can directly be used in the production of new plastic products or articles containing plastic parts without further treatment operations and complies with the requirements on product quality set out in Section 3 of Annex I; […]	(c) the output plastic resulting from the mechanical recycling operations or the solvent-based recycling operations can directly be used in the production of new ~~***plastic***~~ products**,** ***and/***or articles containing plastic parts ***or material production processes*** ~~***without further treatment operations***~~ and complies with the requirements on product quality set out in Section 3 of Annex I; ***(f) output plastics that do not fall under letter (c) may be regulated under other end-of-waste criteria issued by member states on national or case-by-case level according to article 6 of Directive 2008/98/EC;*** ***(g) member states will coordinate to establish a mutual recognition mechanism of end-of-waste criteria issued according to letter (f).***

Annex 1 point 3.1	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.	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 ***and/***or articles containing plastic parts.

Justification

The end of waste status should be granted also for output plastic used for non-direct plastics application, including input material for chemical production. In fact, according to Waste Framework Directive, the output of a recycling operation could be used both for original uses and for other uses, except for energy recovery, fuel production, or backfilling operations. Moreover, the prohibition to perform "further treatment operations" does not refer to End of Waste criteria (article 6 of the same Directive) but to by-products as stated in article 5, paragraph 1, point b of the Waste Framework Directive and is related only to further processing **other than normal industrial practice**. Additionally, there are already in place cross-sectorial market and value chains applying the industrial symbiosis, where the recycled plastics from mechanical recycling processes are used in specific chemical applications, based on EoW authorizations already issued. Indeed, it is essential to safeguard the existing **Permits already issued before the entry in force of the present implementing regulation and the existing business agreements already signed between economic operators.**

Moreover, this provision is particularly critical in view of the current structure of the recycled plastics market, which includes, in addition to the manufacture of plastic products, their use as components or additives for the production of other goods or materials (such as bituminous sheaths, modified asphalts, etc.) which represents alternative pathways for material recovery.

These sectors represent a significant share of the recycled mixed polyolefins market, and some of the materials produced are used extensively in such applications, where the final product cannot be classified as plastic material per se.

This is especially relevant in the current scenario, where the plastic recycling industry is hit by a serious crisis. The market of plastic products and manufacts is unfit to absorb the plastic recyclates available. Due to these conditions, there already examples of PROs/recyclers that have recently been forced to send to incineration/WTE facilities streams that are traditionally employed in plastic production (e.g. LDPE films).

Moreover, the current wording of the draft conflicts with article 6 of the WFD, which clearly defines that the recovery operations perimeter is not limited only to recycling and does not limit utilization fields in any way. It is important to note that the scope of "recycling" and "end-of-waste" as defined in the WFD do not fully overlap.

Should the regulation only cover the scope of utilization fields and recovery operations currently falling under the scope, it is important that the ones that remain unregulated on EU level can still be granted the EoW status according to national and case-by-case decrees/decisions, which member states are entitled to issue according to comma 3 and 4 of article 6.

This is especially important to preserve supply chains where virtuous recycling/recovery pathways have been developed in compliance with the WFD, which should not be retrospectively disrupted by limitations laid down in this regulation (which are inconsistent with article 6).

In particular, regarding the proposed amendments to Article 2, points 6, 7, and 19, the following is noted:

• Point 6: as also provided in other parts of this regulation, plastic recyclates can be comprised of mixtures of thermoplastic polymers (e.g. PE and PP and/or PET); • Point 7: The recycled plastics market includes, in addition to the manufacture of plastic products, their use as components or additives for the production of other goods or materials (such as bituminous sheaths, modified asphalts etc.) which represents alternative pathways for material recovery. These sectors represent a significant share of the recycled mixed polyolefins market, and some of the materials produced are used extensively in such applications, where the final product cannot be classified as plastic material per se; • Point 19: the removal of the word "ash" is important to avoid confusion with the measurement of ashes levels that can be determined on recyclates, which include materials/fillers/additives intentionally added in the recycling process or already embedded in the items contained in the input plastic waste (e.g. plastic packaging, plastic pipes, plastic articles, etc.).		
Necessity to carry out other operations on recyclates		
Whereas 5	While it is possible to produce certain products with a material that has reached the end-of-waste status according to this Regulation, it may be necessary to carry out other recovery operations to ensure that such material can also be used for higher value applications. This should be the case to produce recycled plastic food contact materials in accordance with Regulation (EC) No 1935/20044 of the European Parliament and of the Council and Commission Regulation (EU) No 2022/16165. According to these Regulations, plastic input must be decontaminated to ensure the material is suitable for food contact.	While it is possible to produce certain products with a material that has reached the end-of-waste status according to this Regulation, it may be necessary to carry out other ~~***recovery***~~ operations to ensure that such material can also be used for higher value applications. This should be**, *for example*,** the case to produce recycled plastic food contact materials in accordance with Regulation (EC) No 1935/20044 of the European Parliament and of the Council and Commission Regulation (EU) No 2022/16165. According to these Regulations, plastic input must be decontaminated to ensure the material is suitable for food contact.
Justification The Whereas 5 seems to not be in line with article 3(2), since the first one refers to recovery operation (waste related) while article 3(2) refers to an End of Waste material to be further process. Therefore, to assure that a plastic recyclate can be further reprocessed to be used in high quality applications, we ask to modify the recital in accordance with article 3(2). Additionally, whereas 5 do not includes all possible higher value applications.		
Whereas 6	(6) Recycling operations for the purposes of this Regulation include mechanical recycling and solvent-based recycling, also referred to as physical recycling. Such recycling operations do not intentionally alter the polymeric chains that constitute	(6) Recycling operations for the purposes of this Regulation include mechanical recycling and solvent-based recycling, also referred to as physical recycling. Such recycling operations do not intentionally alter the polymeric chains that constitute

	the plastic but may result in a small increase their molecular weight. Therefore, merely performing a preliminary sorting operation or visual checking of the input plastic should not be considered sufficient to meet the end-of-waste criteria.	the plastic but may result in a small ***variation of*** their molecular weight. ~~***Therefore, merely performing a preliminary sorting operation or visual checking of the input plastic should not be considered sufficient to meet the end-of-waste criteria.***~~
Justification During the mechanical recycling processes of these materials, specific additives may be used to cause an intentional and controlled variation in the molecular weight of the polymer chains, e.g. in order to improve the fluidity of the polymer mixture and/or the processability of the material. This intentional modification allows access to markets that would otherwise be inaccessible for certain types of material. The proposed amendment ensures the technological neutrality of the regulation and allows the controlled use of functional additives in recycling processes. Moreover, while understanding its general objective, the last sentence of Consideration 6) seems to go in the direction of "penalizing" the process of obtaining EoW status for those streams that do not present any issues in terms of compliance with CLP, REACH, and POP. It is proposed to remove this passage and leave the specification in the text of the Regulation and in Annex Section 1 – Requirements for plastic waste used as input material.		
Whereas 9	(9) In view of the above-mentioned rules on exports of plastic waste from the Union, this Regulation should establish end-of-waste criteria for plastic waste that do not undermine those export restrictions. Therefore, in addition to setting up requirements for plastic waste used as input material and for the recycling process itself, this Regulation should also introduce a specific criterion on the threshold for foreign materials, i.e. plastic polymers not in scope of this Regulation and non-plastic materials, that are found in the output plastic.	(9) In view of the above-mentioned rules on exports of plastic waste from the Union, this Regulation should establish end-of-waste criteria for plastic waste that do not undermine those export restrictions. Therefore, in addition to setting up requirements for plastic waste used as input material and for the recycling process itself, this Regulation should also introduce a specific criterion on the threshold for ***contamination from*** foreign materials, i.e. plastic polymers not in scope of this Regulation and non-plastic materials, that are found in the output plastic
Justification This amendment is necessary to align the text with the phrasing of the Waste Shipment Regulation and to clarify that this threshold does not apply to materials and/or additives intentionally added in		

the recycling process or already embedded in the items contained in the input plastic waste (e.g. plastic packaging, plastic pipes, plastic articles, etc.).		
Whereas 10	(10) To facilitate the distinction of the rules laid down in the Regulation (EU) 2024/1157 from the ones established by this Regulation, and their enforcement, it is important to ensure that the thresholds of the level of contamination for classifying waste under entry B3011, and of foreign materials for determining that plastic waste fulfils end-of-waste criteria, are not at the same level. Thus, a threshold of <1.9% for foreign materials in the plastic recyclates is established as one of the end-of-waste criteria for plastic waste. Furthermore, this regulation includes an additional criterion that specifies that, for exports of plastic recyclates outside the Union, the plastic output can include only one thermoplastic polymer, except for mixtures of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET). This is in line with the requirements set under entry B3011 of Regulation (EU) 2024/1157 which apply to OECD and non-OECD countries in the same way. The threshold and the additional criterion ensure that: i) the risks of circumventing the rules on shipment of plastic waste are reduced; ii) the threshold of foreign materials is technically and economically feasible and in line with current plastic recycling practices in Member States; iii) the requirements for recyclers are unequivocally defined; and iv) the risk	(10) To facilitate the distinction of the rules laid down in the Regulation (EU) 2024/1157 from the ones established by this Regulation, and their enforcement, it is important to ensure that the thresholds of the level of contamination ***from foreign materials for determining that plastic waste fulfils end-of-waste criteria materials to be shipped within the Union and the one for*** waste ***classified*** under entry ***EU3011***, are not at the same level. Thus, a threshold of ***<5.9*** % for foreign materials in the plastic recyclates is established as one of the end-of-waste criteria for plastic waste. Furthermore, this regulation includes an additional criterion that specifies that, for exports of plastic recyclates outside the Union, the ***contamination from foreign materials of the*** plastic output ***should comply with the thresholds foreseen in the country of destination, provided the 5.9% limit is always met. If the country of destination has not set any threshold, it should not exceed 1.9%. Moreover, for exports outside the Union, the plastic outlet*** can include only one thermoplastic polymer, except for mixtures of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET). This is in line with the requirements set under entry B3011 of Regulation (EU) 2024/1157 which apply to OECD and non-OECD countries in the same way. The

	of not being able to use the recycled plastics in the Union is reduced.	threshold and the additional criterion ensure that: i) the risks of circumventing the rules on shipment of plastic waste are reduced; ii) the threshold of foreign materials is technically and economically feasible and in line with current plastic recycling practices in Member States; iii) the requirements for recyclers are unequivocally defined; and iv) the risk of not being able to use the recycled plastics in the Union is reduced.
Justification The thresholds of contamination from foreign materials should be split between shipments within and outside of the EU, consistently with the thresholds set by the Waste Shipment Regulations for waste consignments (6% for shipments within the EU and 2% for shipments outside of the EU). For exports of end-of-waste materials outside of the EU, thresholds set by the country of destination should apply when available, and in any case contamination of foreign materials should not exceed 5.9%. Alternatively, if the country of destination has not set a threshold, a limit of 1.9% should apply, consistently with the limits for code B3011. Adding the word “contamination” when referring to “foreign materials” is necessary to align the text with the phrasing of the Waste Shipment Regulation and to clarify that this threshold does not apply to materials and/or additives intentionally added in the recycling process or already embedded in the items contained in the input plastic waste (e.g. plastic packaging, plastic pipes, plastic articles, etc.).		
Whereas 14	(14) To ensure that operators have sufficient time to adapt to the criteria determining when plastic waste ceases to be waste, it is necessary to defer the application of this Regulation,	(14) To ensure that operators have sufficient time to adapt to the criteria determining when plastic waste ceases to be waste, it is necessary to defer the application of this Regulation ***two years from the entry into force.***
Justification A sufficient adaptation time frame is essential to avoid excessive burdens and negative effects on economic operators and on the waste management infrastructure.		
Article 1, *Scope*	This Regulation shall apply to plastic waste, as defined in Article 2, which undergoes recycling operations that	This Regulation shall apply to plastic waste, as defined in Article 2, which undergoes recycling operations that

	are not intended to intentionally alter the polymeric chains that constitute the plastic.	are not intended to intentionally alter the polymeric chains that constitute the plastic. ***For plastic waste, as defined in Article 2, that fall out of this scope, other end-of-waste criteria issued by member states on national or case-by-case level according to article 6 of Directive 2008/98/EC continue to apply.***
Justification Article 6 of the WFD clearly defines that the recovery operations perimeter is not limited only to recycling and does not limit utilization fields in any way. Should the regulation only cover the scope of utilization fields and recovery operations currently falling under the scope, it is important that the ones that remain unregulated on EU level can still be granted the EoW status according to national and case-by-case decrees/decisions, which member states are entitled to issue according to comma 3 and 4 of article 6.		
Article 7, *Entry into force and application*	This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 July 2026. This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*. It shall apply ***two years from the date of entry into force****.* This Regulation shall be binding in its entirety and directly applicable in all Member States.
Justification A sufficient adaptation time frame is essential to avoid excessive burdens and negative effects on economic operators and on the waste management infrastructure		
Annex I, Section 2.2	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. The mechanical and solvent-based recycling operations shall include all treatment steps needed for the output	The mechanical and solvent-based recycling operations shall not intentionally alter the molecular chains of the polymers of the plastic waste, except for small ***variations*** in the molecular weight of the polymer chains. 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.	plastic (Table note (1)) to be used to produce ~~***plastic***~~ products or articles containing plastic parts ***or in material production processes***.
Justification During the mechanical recycling processes of these materials, specific additives may be used to cause an intentional and controlled variation in the molecular weight of the polymer chains, e.g. in order to improve the fluidity of the polymer mixture and/or the processability of the material. This intentional modification allows access to markets that would otherwise be inaccessible for certain types of material. The proposed amendment ensures the technological neutrality of the regulation and allows the controlled use of functional additives in recycling processes. The current wording regarding the application fields conflicts with article 6 of the WFD, which does not limit utilization fields in any way. Indeed, the End of Waste status should be granted also for output plastic used for non-direct plastics application, including input material for chemical production, as according to Waste Framework Directive, the output of a recycling operation could be used both for original uses and for other uses, except for energy recovery, fuel production, or backfilling operations.		
Annex I, section 3.1	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. 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:	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. 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:

	(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 the recycling operations 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 process of determining the frequency of monitoring shall be documented under the quality management system.	(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 the recycling operations 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 process of determining the frequency of monitoring shall be documented under the quality management system.
Justification The frequency of the analysis shall be determined based on the risk analysis described below in the same section; therefore, it is unnecessary to refer to the word “consignment”.		
Annex I, section 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 parts.	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 ***or in material production processes.***
Justification The current wording regarding the application fields conflicts with article 6 of the WFD, which does not limit utilization fields in any way. Indeed, the End of Waste status should be granted also for output plastic used for non-direct plastics application, including input material for chemical production, as according to Waste		

Framework Directive, the output of a recycling operation could be used both for original uses and for other uses, except for energy recovery, fuel production, or backfilling operations.		
Moisture-free weight requirements		
Annex I point 3.3 (criteria)	The total amount of foreign materials in output plastic (Table note (1)) will 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, except for mixtures of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET).	The total amount of **contamination from** foreign materials in output plastic (Table note (1)) will be <***5.9*** ~~***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, except for mixtures of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET). ***For exports of plastic recyclates outside the Union, the contamination from foreign materials of the plastic output should comply with the thresholds foreseen in the country of destination, provided the 5.9% limit is always met. If the country of destination has not set any threshold, it should not exceed 1.9%. This is in line with the requirements set under entry B3011 of Regulation (EU) 2024/1157 which apply to OECD and non-OECD countries in the same way.***
Annex I point 3.3 (Self-monitoring requirements)	[…] 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. Where the material is to undergo thermal treatment to agglomerate or	[…] ~~***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,***~~

	pelletise it, the content of foreign material shall be measured at the latest stage of reprocessing before the thermal treatment is applied. […]	~~***especially for the purpose of inspection.***~~ ~~***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.***~~ *[…]*
Justification The proposed <1.9% foreign material threshold requirement may unintentionally exclude outputs that already meet requirements and industry specifications or standards such as the UNI 10667 series for the use of plastic recyclates. From an operational perspective, it is important to note that representative samples of moisture-free output plastic are sometimes not readily available. It is also important to raise the threshold, at least for EU shipments, since post-consumer municipal plastic items comprising the input waste may contain, in percentages that are not always precisely quantifiable, additives and non-plastic components, such as mineral fillers, aluminum, PET and other substances. These components may remain in the recycled plastic material even after density separation and filtration processes during extrusion. Consequently, the limit currently proposed is particularly critical for plastics recyclers, as recycled materials may inevitably contain ashes and other non-plastic materials, that are intentionally added by the producers of the original item to improve the properties of the product, which should therefore be excluded according to definition (19) of “non-plastic materials”. The measuring point for the contamination from foreign materials can be set before the thermal treatment if, at this stage, all refining treatments have already been carried out before the thermal treatment (e.g. filtration, dust aspiration, further metal removal, sieving, material homogenization, etc.). Alternatively, an appropriate method should be applied to measure the contamination from foreign materials after the thermal treatment stage, when all refining steps have been carried out. This is essential to ensure a technology-neutral approach.		
Customer specifications requirements		
Annex I point 3.3 (Self-monitoring requirements)	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.	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***~~.
Annex II point 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.	a) Name or code of the plastic recyclate category in accordance with a customer specification, an industry specification or standard: b) Main technical ***requirements for the*** customer’s ***specific purposes***, industry specification or standard, including compliance with end-of-waste product quality requirements for ***the contamination from*** foreign materials.

Justification Adding the word “contamination” is necessary to align the text with the phrasing of the Waste Shipment Regulation and to clarify that this threshold does not apply to materials and/or additives intentionally added in the recycling process or already embedded in the items contained in the input plastic waste (e.g. plastic packaging, plastic pipes, plastic articles, etc.).		
Annex II point 4)	The plastic recyclate consignment complies with a customer specification, industry specification or a standard referred to in point 3.	The plastic recyclate consignment complies with a ~~***customer specification,***~~ industry specification or a standard referred to in point 3.
Justification We suggest delating “customer specifications”. In fact, for the purposes of attaining waste-cessation status, any non-conformity with customer specifications should not be accorded the same weight as non-conformity with regulatory requirements or recognized standards. Furthermore, customer specifications introduce a very high degree of granularity, which in turn risks rendering compliance with End-of-Waste (EoW) requirements unnecessarily complex.		
Annex II point 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.	The material in this consignment is intended to be used exclusively for the manufacture of ~~***plastic***~~ products ***and/***or articles containing plastic parts ***or in material production processes***. ***It shall not be used for energy recovery, as input material for fuel production, or for backfilling operations, except in cases where other end-of-waste criteria have been issued by member states on national or case-by-case level according to article 6 of Directive 2008/98/EC for fields of applications that are not included in the scope of this regulation.*** It shall inform the producer, for the purpose of accurately recording and reporting information on end-of-waste volumes.
Justification The current wording of the draft conflicts with article 6 of the WFD, which clearly defines that the recovery operations perimeter is not limited only to recycling and does not limit utilization fields in any way. It is important to note that the scope of “recycling” and “end-of-waste” as defined in the WFD do not fully overlap.		

Should the regulation only cover the scope of utilization fields and recovery operations currently falling under the scope, it is important that the ones that remain unregulated on EU level can still be granted the EoW status according to national and case-by-case decrees/decisions, which member states are entitled to issue according to comma 3 and 4 of article 6. This is especially important to preserve supply chains where virtuous recycling/recovery pathways have been developed in compliance with the WFD, which should not be retrospectively disrupted by limitations laid down in this regulation (which are inconsistent with article 6). Indeed, the End of Waste status should be granted also for output plastic used for non-direct plastics application, including input material for chemical production, as according to Waste Framework Directive, the output of a recycling operation could be used both for original uses and for other uses, except for energy recovery, fuel production, or backfilling operations.