

## Position of the European Recycling Industries' Confederation (EuRIC) Recast of the Persistent Organic Pollutants (POPs) Regulation (EC 850/2004)

Impact on plastics recycling of setting a disproportionately low unintentional trace contaminant (UTC) threshold (10 mg/kg) for decaBDE in Annex I of the POP Regulation.

EuRIC is the umbrella organisation of the recycling industry in Europe. Through its Member Federations, EuRIC represents companies recycling end-of-life vehicles (ELVs), waste electrical and electronic equipment (WEEE), plastics, paper and glass from industrial, commercial as well as household waste streams.

EuRIC welcomes the proposal of the European Commission to recast the Regulation EC/850/2004 on persistent organic pollutants, in order to update it both to institutional and substantial changes which occurred since its adoption. Consolidation of existing EU law contributes to clarity and legal certainty.

However, EuRIC would like to express its deepest concern for the proposal from the European Parliament to set, in Annex I of the EU POP Regulation, a limit regarding the “unintentional trace contaminant” for decaBDE at concentrations *“equal to or below 10 mg/kg (0,001 % by weight) [i.e. 10 ppm] when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles”*

For the other brominated flame retardants already listed in the POP Regulation (tetraBDE, pentaBDE, heptaBDE, octaBDE), this same limit of 10mg/kg applies, but with a derogation for *“the production, placing on the market and use of [...] articles and mixtures containing below 0.1% of [PBDE] by weight when produced partially or fully from recycled materials”*.

This derogation, allowing a limit of 0.1% (1000 mg/kg, 100 times higher) instead of 0.001% is vital for the recycling industry: it is simply not possible to guarantee a level of 10ppm in recycled plastics from WEEE and ELVs. In the case of the current proposal for the inclusion of decaBDE in Annex I, the amendment (AM) 7 proposed in the draft report from the European Parliament sets a limit of 10 mg/kg but does not include a derogation for articles or mixtures produced from recycled material. It however includes a derogation to use decaBDE, with no binding concentration limit, for manufacturers of spare parts for motor vehicles and aircrafts. **Should a concentration limit of 10 mg/kg as an unintentional trace contaminant for decaBDE become mandatory as part of the recast of the POPs regulation, this would mean that:**

- **Recycling plastics from WEEE or ELVs in Europe will come to an end:** producing recycled plastics containing less than 10 mg/kg of decaBDE is not technically feasible at industrial scale, even for the best performing operators with whom EuRIC is working. This would effectively halt companies which invested heavily in the development of innovative sorting process, while bringing no added benefit to the protection of human health or the environment.
- **Legacy issues will be embedded in the legislation itself:** allowing derogations for manufacturers to still use decaBDE, without setting a concentration limit and without allowing a derogation for recycling is bound to make the work of recyclers much more difficult, not to say impossible to handle by extending the period of time before this substance is completely phased out.  
This is another example of the lack of consistent interface between waste, product and chemicals legislation, which needs to be urgently tackled in order to enable the circular economy by providing the necessary legal certainty to the recycling industry to make investments.

- **Result in major negative environmental and social impacts** since plastics waste will either have to be incinerated or landfilled, increasing the emissions of CO<sub>2</sub> and other emissions to air and the contamination of the soils.

On top of these negative environmental impacts, this would actually annihilate record CO<sub>2</sub> savings from plastics recycling as outlined by the [Plastics Strategy](#) itself according to which recycling 1 million tons of plastics equals the CO<sub>2</sub> savings of taking 1 million cars off the road<sup>1</sup>.

**Regarding socio-economic impacts**, plastics recycling is at least 30 times more job-intensive than options lower in the waste hierarchy, namely incineration or landfill<sup>2</sup>.

**In concrete terms, and to avoid a collapse of the plastics recycling activities from WEEE and ELVs in Europe, EuRIC strongly calls for the inclusion of a derogation for recycled plastics in the entry of decaBDE in the Annex I of the EU POP Regulation.**

**This derogation, allowing a concentration equal to or below 0.1 % (1000mg/kg):**

- Is identical to the derogation in place for the brominated flame retardants already included in the Annex I of the POP Regulation (tetra, penta, hepta and octaBDE).
- Is in line with the existing [REACH Restriction](#) for decaBDE, allowing a level of 1000mg/kg (0.1%) in mixtures and articles already on the market.

#### Consistency with work carried out at international level

In addition, work related to decaBDE is still ongoing under the Stockholm and Basel Conventions. At EU level, a study commissioned by the European Commission, which aims at gathering facts and data to define a fit-for-purpose low-POP content threshold has been launched. EuRIC strongly recommends to wait until the end of the whole process at UN level to include decaBDE in the EU POP Regulation.

#### Preserving high quality plastics recycling from WEEE and ELVs in Europe

This derogation is the only way to preserve the high-quality recycling of plastics from WEEE and ELVs in Europe. In the current state of the art, no recycling company can guarantee that the recycled plastics it produces contains decaBDE at concentrations below 10mg/kg.

The separation process taking place in recycling plants, allowing the removal of brominated plastics from the streams, is based on the measurement of the **total bromine content**, and does not differentiate between each compound. Removing the plastics fraction containing more than 2000mg/kg of **total bromine** – which is line with EN 50625 series of standards for WEEE treatment – allows recyclers to be sure they are producing recycled plastics that meet the standards set in the REACH and POPs Regulations in terms of the concentrations of the regulated brominated substances. This framework is workable, predictable and sound in terms of human health and environmental protection, allowing to gradually phase out hazardous substances from the streams, while preserving a high-quality recycling industry within the EU.

Last but not least, concentrations of decaBDE of 10 ppm cannot be measured and quantified in industrial settings. **A limit of 10ppm is therefore neither measurable nor enforceable** and can only be met by virgin polymers.

- Through its Member Recycling Federations and Companies from 20 EU and EFTA countries, EuRIC represents today over:
- ✓ 5,500+ companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;
  - ✓ 300,000 local jobs which cannot be outsourced to third EU countries;
  - ✓ Million tons of waste recycled per year (metals, paper, plastics, glass and beyond from household as well as industrial and commercial waste streams, WEEE, ELVs, etc.).

Recyclers play a key role in a circular economy. By turning wastes into resources, recycling is the link which reintroduces recycled materials into the value chains again and again.