

## EuRIC position on the revision of the R-Codes of the Basel Convention

EuRIC is very concerned about the recommendations as suggested by the Expert Working Group on the review of the Annexes for revisions to Annex IV of the Basel Convention. Certain proposals recommended would lead to legal uncertainty and also negatively impact the classification of recycling activities.

Annex IV of the Basel Convention in its original form has functioned for thirty years, and still does so in the EU's Waste Framework Directive of 2018, ensuring its first revision still supports and not harms the European recycling industry is essential.

The R3, R4, R5 and R12 proposals below by the Expert Working Group concern us the most and we therefore suggest the following:

### R3 Recycling/reclamation of organic substances which are not used as solvents

Current version	Proposed versions by Expert Working Group	Proposals made by EuRIC including amendments
<b>R3</b> Recycling/reclamation of organic substances which are not used as solvents	<b>Option 0:</b> Status Quo  <b>Option 1:</b> Recycling of organic substances  <b>Option 2:</b> Recovery of organic substances which are not used as solvents	<b>EuRIC supports:</b> <b>Option 1 (and R17*),</b> understanding that recycling is a subset of recovery and so R17 is needed to cover 'other forms of recovery' of organic substances.  <b>In combination with R12 either Option 0 or Option 1.</b>  <u>Alternatively support</u> <b>Option 0:</b> Status Quo
<b>Justification</b>		
<p>The combination of R3 Option 1 and R17 enables a distinction between recycling and other recovery which is in alignment with the waste hierarchy.</p> <p>The choice of R 12 either Option 0 or Option 1 is important as all other R12 Options (2, 3 and 4) change the scope of R3 by excluding mechanical recycling operations from it.</p> <p>It is important to ensure mechanical recycling operations remain in the scope of R3. Mechanical recycling refers to the processing of wastes by physical means back to products. E.g.:</p> <ul style="list-style-type: none"> <li>➤ Pulling and re-spinning of wool fibres is a mechanical recycling operation. The re-spun wool clearly is a product as no further recovery operation takes place.</li> <li>➤ End-of life tyres are mechanically recycled by shredding and granulation. No other recovery operation is needed therefore the tyre shred or the tyre granulate are products.</li> <li>➤ Discarded wooden sleepers from railways are mechanically recycled, being sawn into planks commonly used for bespoke furniture, those planks are no longer waste.</li> </ul> <p>*R17: Recovery other than covered by R1 option2, R3 option1, R4 option1, R5 option1 and R13</p>		

#### R4 Recycling/reclamation of metals and metal compounds

Current version	Proposed versions by Expert Working Group	Proposals made by EuRIC including amendments
R4 Recycling/reclamation of metals and metal compounds	<p><b>Option 0:</b> Status Quo</p> <p><b>Option 1:</b> Recycling of metals and metal compounds</p> <p><b>Option 2:</b> Recovery of metals and metal compounds</p> <p>R4.01: precipitation</p> <p>R4.02: pyrometallurgy</p> <p>R4.03: hydrometallurgy</p> <p>R4.05: unspecified metallurgical processes</p> <p>R4.05: distillation</p> <p>R4.06: decontamination</p> <p>R4.07: metal casting</p>	<p><b>EuRIC supports:</b> <b>Option 1 (and R17*),</b> understanding that recycling is a subset of recovery and so R17 is needed to cover 'other forms of recovery' of metals and metal compounds.</p> <p><b>In combination with R12 either Option 0 or Option 1.</b></p> <p><u>Alternatively support</u> <b>Option 0:</b> Status Quo</p>
<p><b>Justification</b></p> <p>The combination of R4 Option 1 and R17 enables a distinction between recycling and other recovery which is in alignment with the waste hierarchy.</p> <p>The choice of R 12 either Option 0 or Option 1 is important as all other R12 Options (2, 3 and 4) change the scope of R4 by excluding mechanical recycling operations from it.</p> <p>Mechanical processing of metal waste is one of the most - if not the most - used recycling operation to reprocess waste into products, materials or substances. Whenever EU-wide criteria for metal waste, such as the criteria for copper scrap, iron, steel and aluminium scrap, are used, mechanically processed metal scrap meeting these criteria legally ceases to be waste under EU law. It is hence important to ensure mechanical recycling operations remain included in the scope of R4.</p> <p>R4 Option 2 is not acceptable as it excludes mechanical recycling from its pre-defined closed list which is limited to industrial processes used to refine, alloy or cast metals.</p> <p>Additionally, with subgroups in a closed list, it would be problematic to incorporate new technologies that are currently in development or will be in development in the future. This could lead to an innovation blockage and could consequently harm an effective implementation of a Circular Economy.</p> <p>*R17: Recovery other than covered by R1 option2, R3 option1, R4 option1, R5 option1 and R13</p>		

#### R5 Recycling/reclamation of other inorganic materials

Current Version	Proposed versions by Expert Working Group	Proposals made by EuRIC including amendments
R5 Recycling/reclamation of other inorganic materials	<p><b>Option 0:</b> Status Quo</p> <p><b>Option 1:</b> Recycling of other inorganic materials</p>	<p><b>EuRIC supports:</b> <b>Option 1 (and R17*),</b> understanding that recycling is a subset of recovery and so R17</p>

	<p><b>Option 2:</b> Recovery of other inorganic materials</p>	<p>is needed to cover ‘other forms of recovery’ of other inorganic materials.</p> <p><b>In combination with R12 either Option 0 or Option 1.</b></p> <p><u>Alternatively support</u></p> <p><b>Option 0:</b> Status Quo</p>
<p style="text-align: center;"><b>Justification</b></p> <p>The combination of R5 Option 1 and R17 enables a distinction between recycling and other recovery which is in alignment with the waste hierarchy.</p> <p>The choice of R 12 either Option 0 or Option 1 is important as all other R12 Options (2, 3 and 4) change the scope of R5 by excluding mechanical recycling operations from it.</p> <p>It is important to ensure mechanical recycling operations remain in the scope of R5. Mechanical recycling refers to the processing of wastes by physical means back to products. In many instances, waste which has undergone mechanical recycling operations reach end-of-waste status either on the basis of EU-wide Regulations (Council Regulation EU/1179/2012 on glass) or on the basis of detailed criteria set by Member States.</p> <p>*R17: Recovery other than covered by R1 option2, R3 option1, R4 option1, R5 option1 and R13</p>		

**R12 Exchange of wastes for submission to any of the operations numbered R1-R11**

Current version	Proposed versions by Expert Working Group	Proposals made by EuRIC
<p><b>R12</b> Exchange of wastes for submission to any of the operations numbered R1-R11</p>	<p><b>Option 0:</b> Status quo</p> <p><b>Option 1:</b> Blending or mixing of wastes prior to submission to any of the operations numbered R1-R11</p> <p><b>Option 2:</b> Mechanical treatment other than blending and mixing of wastes prior to submission to any of the operations numbered R1-R11</p> <p><b>Option 3:</b> Split and replace by 4 new operations</p> <p>R12 Biological treatment prior to submission to any of the operations in section B</p> <p>R12 bis Physical/mechanical treatment (e.g. evaporation, drying), physical/chemical treatment (e.g. solvent extraction), chemical treatment (e.g. neutralization, precipitation) prior to submission to any of the operations in section B</p> <p>R12 ter Mechanical treatment (e.g. dismantling, sorting, crushing, compacting, pelletizing, shredding,</p>	<p><b>EuRIC supports:</b></p> <p><b>Option 1:</b> Blending or mixing of wastes prior to submission to any of the operations numbered R1-R11</p> <p><u>Alternatively support</u></p> <p><b>Option 0:</b> Status Quo</p>

	<p>conditioning, repackaging, separating, blending, mixing) prior to submission to any of the operations in section B</p> <p>R12 quater Other treatment than covered by R12, R12bis and R12 ter above prior to submission to any of the operations in section B</p> <p><b>Option 4:</b> Physical, mechanical and / or chemical treatment</p> <p>R12.01: evaporation, drying, dehydration</p> <p>R12.02: precipitation, flotation, flocculation, coagulation, decantation</p> <p>(...)</p>	
<p style="text-align: center;"><b>Justification</b></p> <p><b>Option 1:</b> is supported as "Blending or mixing of wastes prior to submission to any of the operations numbered R1-R11", includes for example: the preparation of wastes for incineration with energy recovery; and/or the preparation of wastes for co-incineration. Suitable waste materials are blended and mixed then used in the co-incineration processes for the purpose of energy and/or resource recovery, which also reduces the use of conventional fuels and/or of raw materials through substitution.</p> <p><b>Option 0:</b> is supported as nowadays under the Circular Economy it can be understood to be when industrial waste from one generator is matched to the material needs of another industry.</p> <p><b>Options 2, 3 and 4</b> are not supported. As, in the absence of a new entry elsewhere in Section B for "Manual and Mechanical Recycling Operations", Options 2 and 3 classify mechanical treatment solely as a preliminary operation prior to submission to other operations. By inference Options 2 and 3 exclude mechanical recycling from R3, R4 and R5, which is not correct as certain wastes subject to mechanical operations do cease to be waste and become products. Likewise, Option 4 with interim and a catch all entry is unacceptable as it also by inference excludes mechanical recycling from R3, R4 and R5.</p>		

For further information, please contact: [euric@euric-aisbl.eu](mailto:euric@euric-aisbl.eu)

***EuRIC - The European Recycling Industries' Confederation*** is the umbrella organisation for recycling industries. Through its Member Federations from 20 EU & EFTA countries, EuRIC represents across Europe over:

- 5,500+ companies generating an aggregated annual turnover of about 95 billion €, including large companies and SMEs, involved in the recycling and trade of various resource streams;
- 300,000 local jobs which cannot be outsourced to third EU countries;
- An average of 150 million tons of waste recycled per year (paper, metals, glass, plastics and beyond);
- Recyclers play a key role in a circular economy.