

Position Paper on the interpretation of separate collection targets for single-use plastic beverage bottles, as per Article 9 of the Directive on Single-Use Plastics

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This position paper aims to contribute to the European Commission’s ongoing discussions around the implementing act laying down the methodology for the calculation and verification of the separate collection targets laid down in Article 9 of EU Directive 2019/904 on the reduction of the impact of certain plastic products on the environment (commonly known as the Single-Use Plastics Directive or SUPD). Article 9 sets ‘**separate collection**’ targets for single-use plastic beverage bottles of 77% by 2025 and 90% by 2030.

With this paper, we would like to highlight the importance of ensuring accurate and uniform interpretation of this ‘separate collection’ obligation in order to achieve the key objective of the Directive, namely litter reduction.

We are particularly concerned about a potential watering down of the separate collection obligation and extending the scope of derogations to include bottles from mixed/residual waste towards the calculation of the separate collection target. We understand that there are some interested parties attempting to get support for a re-interpretation of the definition of ‘separate collection’, as defined in Article 3(11) of the Waste Framework Directive “*where a waste stream is kept separately by type and nature so as to facilitate a specific treatment*”.

Pulling recyclables from mixed residual waste for further processing and recycling offers possibilities to further increase recycling rates for many products and materials, however, this does not apply to Article 9 of SUPD. Article 9 clearly infers that only those plastic beverage bottles that are collected separately can be counted towards the targets. Article 9 is about separate collection targets, unlike the Packaging and Packaging Waste Directive and Waste Framework Directive, which set recycling targets.

If the interpretation of **separate collection** is changed to include bottles from residual/mixed waste, there are a number of consequences to be aware of:

- 1) It will have **no impact on litter reduction**, which is the primary goal of the SUPD (see Recital 3 on the reduction of litter - both land and marine).
- 2) It will lead to **the introduction of lower quality material into the recycling system** where PET bottles could be recycled and used as content in **food-grade applications**. Legally, according to EFSA (The European Food and Safety Authority) plastic from mixed waste should not be used for food-grade content. This can therefore lead to food safety concerns.
- 3) It will **undermine the whole purpose of Article 9**, which is about attaining a **high target for separate collection**, and not about collection from the residual/mixed waste bin. This **SUPD target is different from the PPWD target** for plastic packaging, which sets 'recycling' rather than 'separate collection' targets.
- 4) It will **undermine potential investments into increased collection and sorting initiatives** (such as investment in more collection and better sorting centers) by producers through their EPR investments.
- 5) It will **undermine education and awareness** raising initiatives to encourage greater participation in separate collection, which Member States are required to provide under Article 10 of SUPD. **It sends the wrong message to consumers that they can just put the bottle in the residual waste bin** and does not incentivise them to separate their waste.

ReLoop commissioned a legal brief from Dr Remo Klinger on the interpretation of Article 9, which explains this issue in more detail. In addition, Eunomia Research and Consulting has produced a report on considerations and recommendations on the rules for calculation and reporting requirements for the mentioned separate collection targets set in SUPD.

You can find the reports here:

Brief Expert Opinion on Legal Issues Concerning the Separate Collection Rate in Art. 9 of Directive (EU) 2019/904

- English:
https://www.reloopplatform.org/wp-content/uploads/2020/02/Article9_Memo_Klinger.pdf
- German:
https://www.reloopplatform.org/wp-content/uploads/2020/02/reloop_Memo_Klinger_final.pdf

Eunomia Research and Consulting. "Getting the Numbers Right: A discussion paper on calculating & reporting separate collection of plastic beverage bottles"

- https://www.reloopplatform.org/wp-content/uploads/2020/02/Full-report_Article-9.pdf