

**Position Paper on draft Implementing Decision  
laying down rules for the application of Directive (EU) 2019/904 as regards the  
calculation, verification and reporting of data on the separate collection of waste single-  
use plastic beverage bottles**

We, the undersigned stakeholders comprising NGOs, industry and civil society, welcome the development of the draft Implementing Decision in order to ensure correct implementation of Article 9 of Directive 2019/904 on Single-use Plastics (hereafter 'SUPD') setting separate collection targets for beverage bottles. However, we call on the European Commission and national authorities to provide more clarification of certain provisions of the draft Decision which, in their current format, would significantly undermine the intent of the Directive. The proposed draft does not adequately ensure that plastic beverage containers and their caps / lids are kept from flowing into rivers and oceans, and it does not adequately support the development of a secondary raw materials market for closed loop recycling.

More specifically, we believe that the following issues would need to be clarified under Article 2(4)(b) of draft Implementing Decision in order to avoid any misinterpretation and ensure uniform implementation of the separate collection provision as set in Article 9 of SUPD across the EU.

**1. Definition of 'separate collection' under Article 2(4)(b) of draft Implementing Decision**

Article 2(4)(b) of draft Implementing Decision includes, in the definition of separately collected waste, single-use bottles that *"have been collected together with other waste packaging fractions of municipal waste or with other non-packaging plastic, metal, paper or glass fractions of municipal waste collected separately for recycling"*.

This provision could lead to misinterpretation as it leaves the door open for mixed/residual waste to be included under the definition of 'separately collected' as currently worded in Article 2(4)(b) and thus to be counted towards the achievement of the separate collection targets set in Article 9 of SUPD. Mixed residual waste is not intended for recycling and should therefore under no circumstance be considered as 'separately collected' for the purposes of achieving the Article 9 SUPD targets. Further clarification should therefore be provided in this provision to explicitly exclude mixed residual waste from being counted towards the separate collection targets and avoid any misunderstandings.

The separate collection target set in Article 9 of SUPD is not a recycling target, but clearly seeks to contribute to a reduction in litter by capturing - through separate collection - the vast majority of single use bottles. The high rates of separate collection support the intent of the Directive to reduce littering. Allowing the collection of mixed waste to count towards the separate collection targets would be tantamount to saying that no change in behaviour is required and would undermine the whole purpose of the Directive. This is clearly confirmed in paragraph 27 of the preamble of SUPD, which notes that *"while the obligation to separately collect waste requires that waste be kept separate by type and nature, it should be possible to collect certain types of waste together provided that this does not impede high-quality recycling in line with the waste hierarchy in accordance with Article 10(2) and point (a) of Article 10(3) of Directive 2008/98/EC."* The term 'separate collection' is clearly defined in the Waste

Framework Directive (2008/98/EC, as amended, referred to henceforth as 'WFD') under Article 3(11), as "where a waste stream is kept separately by type and nature so as to facilitate a specific treatment".

Therefore, we would propose the following clause to be added to Article 2(4)(b) of draft Implementing Decision, in order to ensure correct implementation of the provision at national level and make it clearer that mixed residual waste cannot be included in the calculation of the separate collection targets:

***"For the avoidance of doubt, where single-use bottles are separated from the waste which is collected from households and businesses aside from the waste fractions collected separately for recycling - variously known as mixed waste, rest waste, residual waste, undifferentiated waste – such bottles cannot be considered as 'separately collected'."***

## **2. Call for the introduction of quality/food grade requirements for output from separate collection under Article 2(4)(b) of draft Implementing Decision**

We regret the omission of quality requirements (i.e., food contact or comparable quality requirement) for outputs resulting from separate collection under Article 2(4)(b), which were included in the previous versions of the draft Implementing Decision. This will significantly undermine the recycled content targets set in Article 6(5) of SUPD, which requires PET beverage bottles to contain at least 25% recycled plastic from 2025 and all beverage bottles to contain at least 30% recycled plastic from 2030. It will make it more difficult for Member States to comply with the recycled content targets set in Article 6(5) because they will have greater difficulty accessing high quality, food grade material to integrate safely into their bottles in countries where the main route to compliance with the targets is through approaches described in Article 2(4)(b) and Article 2(5) of draft Implementing Decision. As an aside, this will also make it more difficult to achieve the EU's target of ensuring that 10 million tonnes of recycled plastics are introduced into new products by 2025, and the overall aim of achieving a circular economy for plastics.

Reinstating a quality requirement would support the development of a system which would ensure that the Article 6(5) recycled content targets can be readily met and exceeded, without, for example, bottles with the requisite recycled content having to move excessive distances across the EU (which may be the case if the current Article 2(4)(b) and Article 2(5) were the main route by which some Member States were to use to seek to demonstrate they had met the relevant targets in the Directive since these are insufficient to ensure the separately collected beverage bottles could be recycled back into beverage bottles).

Article 2(4)(b) of draft Implementing Decision is not sufficiently clear as regards to the quality of outputs resulting from separate collection. This sets a potentially dangerous precedent as it results in the Implementing Decision re-interpreting the SUP Directive by diluting the requirement in relation to quality, established in the original Directive through reference to Article 10(3) of the Waste Framework Directive, thereby substantially altering the substance of what was agreed in the Directive.

Article 2(4)(b) should therefore ensure that the quality of outputs is 'of comparable quality to that achieved through separate collection', as required in point (a) of Article 10(3) of Directive 2008/98/EC which is referred to in the SUP Directive.

We therefore urge the European Commission and the national authorities to introduce clear output quality requirements in order to facilitate the achievement of recycled content targets set in Article 6(5) of SUPD, stimulate the market for secondary raw materials and achieve a genuinely circular economy. In order to reflect these considerations, we would propose the following changes to Article 2(4)(b) of draft Implementing Decision:

- Removing sub-paragraphs (i) to (iii) to Article 2(4)(b)
- Adding additional text to Article 2(4) under subparagraph (b) in the lines of:

*“The quality threshold to be met must be such that the outputs from processes 2.4(a) and 2.4(b) have equal likelihood of enabling their use in closed loop, food grade applications as set out in paragraph 5 below.”*

- Replacing Article 2(5), related to quality assurance, so as to reflect the above, and using the content of EFSA opinions regarding the necessary conditions for safe use of recycled PET (and, in due course, other polymers) in the manufacture of plastic bottles for beverage consumption, as the benchmark for the quality required from all forms of separate collection. This should have regard also to the targets for recycled content at Article 6(5) of the SUPD.

.....

We truly hope that you will consider our input and introduce these changes to the draft Implementing Decision in order to move closer towards a fully circular plastics economy.

This paper is supported by multiple stakeholders from NGOs, industry and civil society, signed below.

