Brussels, February 2025

Joint Industry Statement on Persistent Organic Pollutants - PBDEs

The undersigned Associations, representing the recycling and waste management industry at European level, support the general objective of the Stockholm Convention to eliminate Persistent Organic Pollutants and its EU Implementation under the POPs Regulation. With this paper, we would like to express our views regarding the EC draft delegated act amending the Annex I of the POPs Regulation to set the Unintentional Trace Contaminant (UTC) limit for the sum of the PBDEs at:

*"[...]* ***500 mg/kg upon entry into force of this Regulation, 350 mg/kg as of 30 December 2025 and 200 mg/kg as of 30 December 2027 where they are present in mixtures or articles containing or made of recovered material****containing tetra-, penta-, hexa-, hepta- or decaBDE, except for food contact materials subject to*

*Regulation (EC) No 1935/2004;[...]"*

Context

The specialised WEEE plastics recycling industry, which has significantly evolved since the introduction of the WEEE Directive, plays a crucial role, not only in saving large quantities of fossil resources (i.e., CO2 savings) through the mechanical recycling of these WEEE plastics, but as research has shown, also contributes to substantial energy savings.[[1]](#footnote-2) Recovered plastics are produced with less energy compared to what would have been otherwise required for producing virgin plastics.

The recycling process of WEEE plastics, which operates on the ‘Shredder light fraction’ (SLF), i.e. a WEEE derived plastics-rich fraction containing impurities and contaminants, is handled by specialised recyclers that will separate plastics almost free from PBDEs from the bulk SLF via a density-based sorting process. The vast majority of the PBDEs (e.g. >95%) will end up in the “heavy” fraction which is directed to incineration.

A stable regulatory environment is one in which it is possible to not only comply with UTC limit values over

the average yearly production, but where one can state with a degree of confidence that each batch of product that leaves a recycling facility complies with the UTC limit values.

Amendments to the Draft Delegated Act

Generally, it is imperative that any reduction in UTC limits should be accompanied by an impact assessment, considering the measurability of the limit and related uncertainty, evaluating environmental benefits and drawbacks, and conducting a socio-economic analysis.

While the undersigned associations support a gradual reduction of the UTC limits for the sum of PBDEs, this timeline should be preceded by assessments of the standards and guidelines available for the recycling industry for both sampling and scientific screening, whilst ensuring the continuity of the recycling activities and ongoing attainment by producers who must meet the recycling targets set down in the WEEE Directive.

With regards to the timeline presented in the draft delegated act, we have severe doubts about the feasibility. Thus, we would amend the draft delegated act in the following way (amendments are in blue):

*"[...]****500 mg/kg upon entry into force of this Regulation, 350 mg/kg as of 30 December 2025 and 200 mg/kg as of 30 December ~~2027~~ 2030 where they are present in mixtures or articles containing or made of recovered material****containing tetra-, penta-, hexa-, hepta- or decaBDE, except for food contact materials subject to* *Regulation (EC) No 1935/2004;[...]"*

Rationale behind our proposal

Given that a gradual decrease of the PBDEs concentration in the input material (i.e., waste) will in turn result in a decreased concentration in the output (i.e., recyclates), the abovementioned timeline was proposed, which also takes into consideration the distribution around the average EEE service life of 8 years.[[2]](#footnote-3) However, it should be noted that for certain applications (e.g. screens) this is a severe underestimation and with efforts at the Member State level to promote, reuse, repair, and refurbishment; the average service life and its standard deviation is expected to increase. Lastly, the work being done under the EU PRIMUS Project shows that guaranteeing 200 ppm is already challenging and 10 ppm virtually impossible, hence the extended transition period in view of the lower limits proposed by the EC.

Such an approach would give at least a very clear timeline allowing for planning and investment in recycling infrastructure in order to gain the maximum environmental benefits from the recovery of plastics almost free from PBDEs while ensuring the destruction of the vast majority (e.g. >95%) of PBDEs as these accumulate in the waste fraction of the recyclers specialised in SLF treatment.

The Impact of WEEE Plastic Imports in the EU: a Challenge for Compliance

Moreover, while we understand and support the necessity to progressively phase out persistent organic pollutants (POPs) as this is a key enabler to transition towards cleaner recycling cycles for plastics waste, it is likely that, due to the lower UTC limits, the amount of WEEE plastics entering undocumented flows (including illegal exports) is likely to increase.

Plastics treated overseas are likely not to meet the equivalent standards set for EU recyclers, and this will invariably mean that recovered non-compliant materials will be used in the manufacture of new EEE and subsequently be imported back into Europe.

In this context, the enforcement of the POPs regulation on imported products is imperative to lower the concentration of POPs substances in the input of WEEE recyclers, otherwise it will not decrease sufficiently to meet the ambitious proposed limits.

**For and on behalf of the following industry Associations:**

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| A blue and orange text on a black background  Description automatically generated | *FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 19 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion of investments into the economy every year.* |
| A blue logo with text  Description automatically generated | *EERA is the voice of WEEE recycling in Europe being the professional association for the e-waste recycling and reprocessing industry. ​ Our mission is to achieve a level playing field for fair competition in the WEEE value chain, harmonisation of regulations, effective and efficient recycling and reprocessing with prevention of pollution, minimization of emissions and a high quality of secondary raw materials and components.​* |
| A logo with colorful dots  Description automatically generated | *EuRIC is an umbrella organisation for European Recycling Industries. Through its Members, EuRIC represents companies involved in the collection, processing, recycling, transport and trade of a variety of recyclables (metals, paper, plastics, glass and beyond) across Europe. By servicing its Members, EuRIC contributes to promote recycling, which is first and foremost a business activity driven by an ecosystem of thousands of Small and Medium-size Enterprises (SMEs) and fewer but equally important larger companies. All of them are local and global actors* |
| A logo with text and stars  Description automatically generated | *Plastics Recyclers Europe is an organization representing the voice of the European plastics recyclers who reprocess plastic waste into high quality material destined for production of new articles. Recyclers are important facilitators of the circularity of plastics and the transition towards the circular economy.*  *Plastics recycling in Europe is a rapidly growing sector representing over €10.4 billion in turnover, 12.5 million tonnes of installed recycling capacity, around 850 recycling facilities, and over 30,000 employees.* |

1. <https://www.mgg-recycling.com/wp-content/uploads/LCA-MBA-Polymers-Austria.pdf> . [↑](#footnote-ref-2)
2. <https://www.science.org/doi/10.1126/sciadv.1700782> . [↑](#footnote-ref-3)