

WORKING DOCUMENT

Draft

COMMISSION REGULATION (EU) No .../..

of [...]

**establishing criteria determining when recovered paper cease to be waste under
Directive 2008/98/EC of the European Parliament and of the Council**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives¹ and in particular Article 6 (2) thereof,

Whereas:

- (1) It results from an evaluation of several waste streams that recycling markets for paper would benefit from the development of specific criteria determining when paper obtained from waste ceases to be waste. Those criteria should ensure a high level of environmental protection. They should be without prejudice to the classification of recovered paper as waste by third countries.
- (2) Reports of the Joint Research Centre of the European Commission have shown that a market and demand exist for recovered paper to be used as feedstock in paper mills. Recovered paper should therefore be sufficiently pure and meet the relevant standards or specifications required by the paper producing industry.
- (3) The criteria determining when recovered paper cease to be waste should ensure that paper resulting from a recovery operation meet the technical requirements of the paper producing industry, comply with existing legislation and standards applicable to products and do not lead to overall adverse environmental or human health impacts. Reports of the Joint Research Centre of the European Commission have shown that the proposed criteria on the waste used as input in the recovery operation, on the treatment processes and techniques, as well as on the paper resulting from the recovery operation fulfil those objectives as they should result in the generation of paper devoid of hazardous properties and sufficiently free of non-paper components.
- (4) In order to ensure compliance with the criteria, it is appropriate to provide that information on recovered paper which has ceased to be waste is issued and that a quality management system is implemented.

¹ OJ L 312, 22.11.2008, p. 3.

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- (5) In order to allow operators to adapt to the criteria determining when recovered paper ceases to be waste, it is appropriate to provide for a reasonable period to elapse before this Regulation applies.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes criteria determining when recovered paper destined for the reclamation of paper-fibres for paper manufacturing cease to be waste.

Article 2

Definitions

For the purposes of this Regulation, the definitions set out in Directive 2008/98/EC shall apply.

In addition, the following definitions shall apply:

- (1) 'recovered paper' means paper and cardboard generated from the recovery of waste;
- (2) 'holder' means the natural or legal person who is in possession of recovered paper;
- (3) 'producer' means the holder who transfers recovered paper to another holder for the first time as recovered paper which has ceased to be waste;
- (4) 'importer' means any natural or legal person established within the Union who introduces recovered paper which has ceased to be waste into the customs territory of the Union.
- (5) 'qualified staff' means staff which is qualified by experience or training to monitor and assess the properties of recovered paper;
- (6) 'visual inspection' means inspection of recovered paper covering all parts of a consignment and using human senses or any non-specialised equipment.
- (7) 'consignment' means a batch of recovered paper which is intended for delivery from a producer to another holder and may be contained in either one or several transport units, such as containers.

Article 3

End-of-waste criteria

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Recovered paper shall cease to be waste where, upon transfer from the producer to another holder, all of the following conditions are fulfilled:

- (1) the waste used as input for the recovery operation complies with the criteria set out in Section 2 of Annex I;
- (2) the waste used as input for the recovery operation has been treated in accordance with the criteria set out in Section 3 of Annex I;
- (3) the paper resulting from the recovery operation complies with the criteria set out in Section 1 of Annex I;
- (4) the producer has satisfied the requirements set out in Articles 4 and 5;
- (5) the recovered paper is destined for the reclamation of paper-fibres for paper manufacturing.

Article 4

Statement of conformity

- (1) The producer or the importer shall issue, for each consignment of recovered paper, a statement of conformity conforming to the model set out in Annex II.
- (2) The producer or the importer shall transmit the statement of conformity to the next holder of the recovered paper consignment. The producer or the importer shall retain a copy of the statement of conformity for at least one year after its date of issue and shall make it available to competent authorities upon request.
- (3) The statement of conformity may be in electronic form.

Article 5

Quality management

- (1) The producer shall implement a quality management system suitable to demonstrate compliance with the criteria referred to in Article 3.
- (2) The quality management system shall include a set of documented procedures concerning each of the following aspects:
 - (a) acceptance control of waste used as input for the recovery operation as set out in section 2 of Annex I;
 - (b) monitoring of the treatment processes and techniques described in section 3.3 of Annex I;
 - (c) monitoring of the quality of recovered paper resulting from the recovery operation as set out in section 1 of Annex I (including sampling and analysis);
 - (d) feedback from customers concerning compliance with recovered paper quality;

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- (e) record keeping of the results of monitoring conducted under points (a) to (c);
 - (f) review and improvement of the quality management system;
 - (g) training of staff.
- (3) The quality management system shall also prescribe the specific monitoring requirements set out in Annexes I for each criterion.
- (4) Where any of the treatments referred to in Section 3.3 of Annex I or Section 3.3 of Annex II is carried out by a prior holder, the producer shall ensure that the supplier implements a quality management system which complies with the requirements of this Article.
- (5) A conformity assessment body as defined in Regulation (EC) No 765/2008, which has obtained accreditation in accordance with that Regulation, or any other environmental verifier as defined in Art 2 (20) (b) of Regulation (EC) No 1221/2009 shall verify that the quality management system complies with the requirements of this Article. The verification should be carried out every three years.
- (6) The importer shall require his suppliers to implement a quality management system which complies with the requirements of paragraphs 1, 2 and 3 of this Article and has been verified by an independent external verifier.
- (7) The producer shall give competent authorities access to the quality management system upon request.

Article 7

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [...] 2011. [*Please insert a specific date; transitional period 6 month after publication*]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*

ANNEX I

End-of-waste criteria referred to in Article 3(1) to (3)

Criteria	Self-monitoring requirements
1. Quality of paper resulting from the recovery operation	
<p>1.1 The recovered paper shall be graded according to the European specification "<i>EN-643- Paper and board - European list of standard grades of recovered paper and board</i>".</p>	<p>Qualified staff shall grade each consignment.</p>
<p>1.2 The non-paper component content shall be ≤ 1.5 % of air dried weight.</p> <p>A non-paper component is any material different from paper, which is present in recovered paper, and can be separated using dry sorting techniques. Examples of non-paper components are metals, plastic, glass, textiles, earth, sand, ash, dust, wax, bitumen, ceramics, rubber, fabric, wood, and synthetic organic substances.</p> <p>Mineral fillers bound to paper fibres such as clay, calcium carbonate, and starch are considered as part of paper and do not count as non-paper components.</p> <p>Packaging board and paper sacks consisting of layers of paper and of non-paper materials, such as beverage cartons, count as non-paper components.</p>	<p>Qualified staff shall carry out visual inspection of each consignment.</p> <p>At appropriate intervals and subject to review if significant changes in the operating process are made, representative samples of each grade of recovered paper shall be analysed gravimetrically to measure the content of non-paper components. The non-paper components content shall be analysed by weighing after mechanical or manual (as appropriate) separation of materials under careful visual inspection.</p> <p>The appropriate frequencies of monitoring by sampling shall be established taking into account the following factors:</p> <ol style="list-style-type: none"> (1) the expected pattern of variability (for example as shown by historical results); (2) the inherent risk of variability in the quality of the waste used as input for the recovery operation and any subsequent processing, for instance the higher average content of plastics or glass in sorted paper from multi-material collection systems;

	<p>(3) the inherent precision of the monitoring method; and</p> <p>(4) the proximity of results to the limitation of the non-paper components content to a maximum of 1.5 % of air dried weight.</p> <p>The process of determining monitoring frequencies should be documented as part of the quality management system and should be available for auditing.</p>
<p>1.3 The recovered paper, including its constituents and in particular ink and dyes, shall not display any of the hazardous properties listed in Annex III to Directive 2008/98/EC. The recovered paper shall comply with the concentration limits laid down in Commission Decision 2000/532/EC², and not exceed the concentration limits laid down in Annex IV of Regulation 850/2004/EC³.</p>	<p>Qualified staff shall carry out a visual inspection of each consignment. Where visual inspection reveals any indications for possible hazardous properties further appropriate monitoring measures have to be taken, including, if appropriate, sampling and testing.</p> <p>The staff shall be trained on potential hazardous properties that may be associated with recovered paper and on material components or features that allow recognising the hazardous properties.</p> <p>The procedure of recognising hazardous materials shall be documented under the quality management system.</p>
<p>1.4 Recovered paper must not contain absorbed oil, solvents, paint, aqueous and/or fatty foodstuffs that can be detected by visual inspection.</p>	<p>Qualified staff shall carry out a visual inspection of each consignment. Where visual inspection reveals signs of fluid absorption except water that may result in e.g. mould growth or odours, and these signs are non-negligible, the consignment shall remain waste.</p>

² OJ L 226, 6.9.2000, p. 3.

³ OJ L L 229, 30.4.2004, p. 1.

	<p>The staff shall be trained on potential types of contamination that may be associated with recovered paper and on material components or features that allow recognising the contaminants.</p> <p>The procedure of recognising contamination shall be documented under the quality management system.</p>
<p>2. Waste used as input for the recovery operation</p>	
<p>Hazardous waste, bio-waste, mixed municipal waste, health care waste, and used products of personal hygiene shall not be used as input.</p>	<p>Acceptance control of all paper-containing waste received by visual inspection and of the accompanying documentation shall be carried out by qualified staff which is trained on how to recognise paper-containing input that does not fulfil the criteria set out in this section.</p>
<p>3. Treatment processes and techniques</p>	
<p>3.1 The waste paper shall have been segregated at source or while collecting or the input wastes shall have been treated to separate the paper from the non-paper components. The paper resulting from these operations shall be kept separate from any other waste.</p> <p>3.2 All treatments needed to prepare the paper for direct input to pulping in the manufacture of paper products, such as sorting, separating, cleaning, or grading, and except de-baling, shall have been completed.</p>	

Annex II

Statement of Conformity with the end-of-waste criteria

1.	<p>Producer/importer of the recovered paper:</p> <p>Name:</p> <p>Address</p> <p>Contact person</p> <p>Telephone.:</p> <p>Fax:</p> <p>E-mail:</p>
2.	<p>a) The grade of waste paper in accordance with standard EN-643:</p> <p>b) The content of non-paper components, in percentage points of air dry weight:</p> <p>c) Origin of the material (tick where appropriate)</p> <p>c.1) MULTI-MATERIAL ORIGIN</p> <p>c.2) MONO-MATERIAL ORIGIN</p>
3.	<p>Quantity of the consignment in kg.</p>

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4.	The consignment complies with the specifications of standard EN-643.
5.	This consignment meets the criteria referred to in this Regulation.
6.	The producer of the recovered paper applies a quality management system complying with the requirements of this Regulation, and which has been verified by an accredited verifier (this does not apply when waste paper which has ceased to be waste is imported into the customs territory of the Union)
7.	THE MATERIAL IN THIS CONSIGNMENT IS INTENDED EXCLUSIVELY FOR THE RECLAMATION OF PAPER-FIBRES FOR THE MANUFACTURE OF PAPER.
8.	Declaration of the producer of the recovered paper: I certify that the above information is complete and correct and to my best knowledge: Name: _____ Date: _____ Signature: _____