European Recycling Platform

A Landbell Group Company

CURRENT LIMITS CONTINUOUSLY REQUIERED FOR THE RECYCLING OF WEEE

COMMENTS ON THE INCEPTION IMPACT ASSESSMENT REGARDING THE UPDATE OF CONCENTRATION LIMIT VALUES OF PERSISTENT ORGANIC POLLUTANTS IN WASTE

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Producer responsibility organisations like European Recycling Platform (ERP) are managing the collection and treatment of waste streams like WEEE on producers' behalf and, therefore, are heavily affected by the above-mentioned provisions.

ERP agrees to the preliminary assessment that lowering Annex IV values of Regulation (EU) 2019/1021 on Persistent Organic Pollutants (POPs) from their current baselines will result in greater amounts of WEEE becoming unavailable to be recycled and instead being diverted to disposal operations, in most cases incineration.

Lowering the sum values to 500 mg/kg of PDBEs in EEE would jeopardize the fulfilment of the European Union's recycling targets for WEEE. This would contradict all the action that was taken during the last years and would drastically throw back the European Union on its way towards a Circular Economy. What might be intended as a mean to promote the circular economy reducing negative impacts on the environment and human health, may have unintended side-effects on the life-cycle of electrical products, making it impossible with today's technologies to recycle plastics from WEEE in a responsible way.

The reasons why today's limits in Annex IV should be maintained are manifold:

First of all, it **is not possible to reliably detect** the sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether **in the recycling process and to separate WEEE containing polybrominated diphenyl ethers (PBDEs) from other material for a proper and environmentally safe treatment at a level of 500 mg/kg** as also the European Recyclers Associations EERA and EuRIC pointed out in their earlier and current statements which ERP supports. The screening by X-ray fluorescence (XRF) measurements is to be carried out based upon the EN 62321 standard, which is validated for a minimum of 1000 mg/kg bromine as element and even this measurement is time consuming and difficult, particularly on mixed WEEE plastic fractions.

Secondly, **reducing the allowable concentration level from 1000 mg/kg to 500 mg/kg would significantly reduce the amounts of WEEE plastics that can be used as recycled materials** in new products since generally recycled fractions containing PBDEs would need to be used in lower proportions being diluted with increasing amounts of virgin materials. While we agree that it is important to phase out these substances in new products and restrict their use in virgin materials, there still need to be applications for recycled plastics even if containing brominated flame retardants, allowing for a natural elimination of these substances and maintaining high recycling levels of plastics from WEEE returning today towards a smooth transition into a circular economy. Actually, our recycling partners already monitor the concentrations of the brominated flame retardants used in EEE steadily going down, as PBDE's were restricted since the first version of RoHS in 2004, but those are not low enough yet to justify a

500 mg/kg sum concentration. As an example for a similar situation, **we would like to refer to the EU experiences with the derogation from the limits of heavy metals set in the packaging directive for plastic crates and pallets**. A ten-years derogation was granted at that time allowing for the recycling of crates and pallets containing heavy metals into another crates and pallets, aiming for a natural elimination of these. This was **an effective measure that enabled the continuous recycling** of crates and pallets containing heavy metals avoiding incineration or even landfilling, while at the same time the **heavy metals were naturally phased out** from those applications.

Thirdly, already today we monitor market situations in which virgin plastics prices are below the cost prices of recycled plastics. **Stricter requirements** will make recycled materials even more expensive, if at all appropriate and validated measurement technologies for lower concentrations would be available in time. Recycling of WEEE plastics makes a lot of sense for environmental, natural resources and climate reasons. Consequently, it should not be hindered by a legal framework that is **further hampering the competitiveness of recycled materials in comparison to virgin materials**. This would slow down the desired increased use of recycled materials in new products.

Finally, the Regulation (EU) 2019/1021 on Persistent Organic Pollutants (POPs) was only recently revised being published on 25th June 2019. The ongoing discussion on limits creates **investment insecurity for the recycling industry which actually should increase investments into additional recycling capacities for the continuously growing amount of WEEE in the EU – also considering the higher EU WEEE collection targets**.

ERP urges the European Commission to keep the current allowable sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl ether and decabromodiphenyl ether unchanged at the level of 1000 mg/kg. Overall, a change in the legislation to a lower level than 1000 mg/kg would be a de-facto prohibition of the recycling of plastics from WEEE for the above stated reasons.

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About ERP

European Recycling Platform was founded in 2002 in response to the introduction of the European Union's Waste Electrical and Electronic Equipment (WEEE) Directive. ERP's mission is to ensure high quality and cost-effective implementation of the Directive, for the benefit of its customers and the environment. In June 2014, ERP became part of the Landbell Group, an international supplier of service and consulting solutions for environmental and chemical compliance. ERP and Landbell Group have collected more than 5 million tonnes of packaging, more than 3.5 million tonnes of e-waste, and over 70,000 tonnes of portable batteries.

ERP is the first and only pan-European producer responsibility organisation authorised to operate in Austria, Denmark, Finland, Germany, Ireland, Israel, Italy, Norway, Poland, Portugal, Slovakia, Spain and the UK. By passing on the advantages of multinational recycling operations to customers, ERP has proved to be the most competitive solution for companies in the countries where it operates for WEEE, batteries and packaging compliance, as well as take-back services.

For more information on ERP, please visit: www.erp-recycling.org