

Position of the European Recycling Industries' Confederation (EuRIC) on the Recast of the POP Regulation ahead of the vote in Plenary Preserving high quality plastics recycling from WEEE & ELVs in Europe

DecaBDE is one of the Polybrominated Diphenyl Ethers (PBDEs), a flame retardant which has been widely used as an additive in plastics included in electrical and electronic equipment (EEE) and cars placed on the market in the past decades. As a result, a large volume of these products currently reaching end of life (appliances (WEEE) and cars (ELVs)) still contain brominated flame retardants. TV housings can contain as much as **150 000 ppm of BFRs**.

State of the art processes in recycling plants allows for the removal and destruction of most of the plastics containing brominated flame retardants enabling the recycling of clean fractions which do not exceed the limit of 1,000 ppm of decaBDE set by the REACH Regulation. Hence, they reduce by up to 150 times the concentrations of decaBDE in plastics. REACH compliant recycled plastics from WEEE and ELVs are then incorporated back into products where their use is safe and fully permitted (e.g. cars or electronics), thus enabling a more circular economy. Hence, European plastics recyclers from WEEE and ELVs contribute to remove large quantities of hazardous substances from the material cycles and accelerate their phase out.

The proposal made in the ENVI Committee to set an unintentional trace contaminant (UTC) of 10 ppm for decaBDE in the Annex I of the POP Regulation, which is 100 times lower than the threshold set by the REACH restriction, will put an end to plastics recycling from WEEE and ELVs in Europe since none of the best performing companies recycling plastics from these streams would be able to meet such a threshold. This would have massive socio-economic impacts - as recycling creates on average 30 times more jobs than landfill or incineration - for no environmental benefits. To the opposite, this will mostly fuel exports of plastics waste outside Europe, plastics then recycled in countries where there is no restriction enforced on decaBDE, and re-incorporated into products such as in toys imported in Europe.

Hence, EuRIC urges the European Parliament to support amendment 30 tabled by Mrs. Julie GIRLING, Rapporteur of the ENVI Committee, which is vital to preserve state of the art plastics recycling from WEEE and ELVs in Europe while strengthening environmental standards, in line with the aim of moving towards a more circular economy.

1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances.

1a. For the purposes of the entries on tetra-, penta-, hexa-, hepta- and deca BDE, point (b) of Article 4(1) shall apply to concentrations in their entirety up to 1000 ppm by weight when they are present in mixtures or articles.

This concentration limit shall be subject to an impact assessment and review by the Commission by ... [5 years after the date of entry into force of this Regulation]. The impact assessment shall be based on the recommendations of ECHA and the Committee for Waste.

This amendment would drastically improve the situation on many aspects:

1. First, by setting two concentration limits to distinguish between “substances” applicable to virgin polymers as well as “mixtures” and “articles” to take into consideration recycling, amendment 30 will accelerate the phase out of PBDEs while preserving high quality recycling of plastics from WEEE and ELVs which is a key pre-requisite to the transition towards a more circular economy;
2. The threshold of 1000ppm applicable to tetra-, penta-, hexa-, hepta- and decaBDE goes beyond the REACH restriction of 1000ppm which was applicable to decaBDE only and would represent a net environmental benefit applicable as soon as the recast POP regulation enters into force;
3. The transition period of 5 years gives the needed predictability to lower the concentrations of PBDEs in mixtures and substances on the basis of a fact-based assessment taken into consideration further innovations in separation techniques and the phase out of POP-BDEs thanks to restrictions enforced via different legislations (POP Regulation, RoHS, REACH, etc.).