

End of Waste

Public Summary

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<https://groenechemie.nl/themas/beleid>

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Public summary

Increasing circularity requires improving recycling rates. Recycling reduces the need for virgin fossil raw materials and decreases the amount of waste that is incinerated or landfilled. However, waste may be contaminated and can pose safety risks to humans and the environment. Therefore, recyclers have to demonstrate that their recycling process turns waste into safe products. This requirement is laid down in the European Waste Framework Directive and the Dutch “Wet Milieubeheer”, which includes so-called End-of-Waste (EoW) criteria. If a recycled product complies with the criteria, the product receives the EoW status. This means that the recycled product is no longer waste and can be used as a product, in accordance with product legislation and regulation.

However, the current system of demonstrating that waste has been recycled into a safe product is difficult to navigate and the requirements for the EoW status are not clear. In addition to this, the EoW status is essentially self-declared. This means that it does not deliver the legal certainty sought by recyclers, potential customers, and investors. This lack of certainty results in delayed investments and customers demanding greater certainty before committing to buying the recycled products. Substantiating safe use and proving market demand is challenging. This results in circular companies being discouraged from developing and scaling up innovative solutions for a circular economy, which in turn delays the achievement of circularity goals.

Invest-NL and Groene Chemie, Nieuwe Economie (GCNE) aim to tackle these barriers and accelerate circular solutions at scale. They have commissioned this report to identify improvement opportunities. Relevant regulation has been reviewed and recyclers have been interviewed and surveyed. The main outcomes are divided into two parts:

- 1) actionable advice to recyclers on how to navigate the current system;
- 2) specific suggestions for policymakers to improve the system.

Navigating the current system (advice for recyclers)

It is your responsibility as a recycler to declare that your product ceases to be waste and complies with the EoW criteria. Your product shall:

- be used for a specific purpose in a single application;
- service a clear demand or access an existing market;
- comply with relevant (product) regulations and technical specifications;
- not lead to negative environmental or human health impacts.

To do so, you need to build a solid evidence base and bundle it in a dossier. In this report, you will find guidance on how you can do this (see chapter 3). Afterwards, it is an option to apply for an EoW ruling (“*einde-afval verklaring*”) at an “*Omgevingsdienst*”. However, the ruling itself does not give you legal certainty. The EoW status is essentially self-declared by the recycler.

Improving the current system (advice for policymakers)

There are good options for achieving swift improvements, especially around increasing the accessibility of the system and improving the recyclers' knowledge of it. Realisable quick wins encompass:

- providing access to a single point of contact and centralising (recycling) expertise;
- raising awareness with recyclers (and investors) on the EoW criteria and that a self-declaration is sufficient;
- clarifying requirements around proving compliance with the EoW criteria, specifically around safe use for humans and the environment;
- developing good guidance and highlighting the applicability of product legislation.

Regulatory improvement can be:

- create legal certainty by allowing EoW ruling to be used as argumentation to support EoW claims;
- work on the European recognition of EoW rulings;
- develop specific EoW criteria. Focus on plastic and biobased waste streams;
- set-up and/or allow industry-led certification schemes in absence of EoW criteria or legal certainty. Such schemes can cover specific waste streams, recycling technologies and/or applications.

Ideally, these improvements are not limited to implementation in the Dutch context but are also taken forward on a European level. The Dutch government is encouraged to take a leading role in EU discussions on EoW with the aim to achieve uniformity and certainty within the EU internal market.

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