



Raising standards for consumers

POSITION PAPER

ANEC input to Draft Implementing Act laying down criteria to determine when plastic waste ceases to be waste



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1 | Introduction on presence of substances of concern in recycled materials

ANEC has long emphasised¹ that a safe and genuine circular economy must be founded on strong rules for the elimination of hazardous substances throughout the entire product lifecycle. This requires not only stricter chemical requirements for virgin materials, including the generic removal of Substances of Very High Concern (SVHCs) from products and materials, but also safeguards ensuring that legacy hazardous substances present in existing waste streams do not re-enter the economy through recycling. To achieve this, enhanced information and traceability systems, improved sorting practices, and recycling techniques capable of removing hazardous content are essential; where these are insufficient, safe disposal must be ensured. With new hazardous chemicals continuing to emerge—PFAS being a notable example—a proactive and comprehensive approach to chemical safety across product lifecycles remains indispensable.

2 | General remarks on the proposed EoW criteria²

In this context, it is welcome that the proposed end-of-waste (EoW) criteria for plastics favour the more sustainable recycling methods as the mechanical and solvent-based recycling. The establishment of **clear and enforceable EoW criteria is valuable**, particularly as it strengthens the enforcement of related waste legislation - notably the Waste Shipment Regulation, which seeks to prevent the export of contaminated or mixed plastic waste streams.

However, despite these positive elements, ANEC has significant concerns regarding the approach to hazardous substances, especially Persistent Organic Pollutants (POPs), in the proposed input material requirements.

3 | Allowance of input plastic containing POPs above legal limits (Annex I, Criterion 1.1)

Criterion 1.1 in Annex I with requirements on plastic waste used as input material imply that input plastic can contain POPs at concentrations **above the limit values** set out in the POPs regulation 2019/1021, provided that either:

¹ <https://tinyurl.com/j3svhj8z>

² This paper has been developed in response to the Consultation on COM Draft regulation on EU wide End-of-Waste Criteria for Plastic Waste <https://tinyurl.com/yc8r5826>

(a) a (pre)treatment step is in place that brings the input plastic *after treatment* below Annex IV POP thresholds, or (b) treatment techniques can ensure that the resulting output complies with Article 3 and Annex I of the POP Regulation.

ANEC would like to underline that this approach may introduce practical challenges for ensuring consistently safe and high-quality recycled plastics. Materials containing POPs above legal thresholds require particularly careful management and allowing such materials to enter the system — even with subsequent treatment — can increase complexity for operators and enforcement authorities.

In accordance with our long-standing position, **input plastic should not contain hazardous substances or POPs above regulatory thresholds at any stage**, regardless of any subsequent treatment. The regulation should further make sure that dilution is not used as a method to bring content of POPs or other substances of concern under the regulatory threshold/limit value.

From a consumer-protection and precautionary perspective, ANEC therefore considers it important to explore options for **minimising the presence of POPs and other substances of concern at the input stage**, wherever possible. Strengthening upstream controls would help reduce the risk of inadvertent POPs recirculation, support smoother implementation of end-of-waste criteria, and contribute to overall confidence in the safety of recycled plastics.

While the proposal rightly requires particular attention to WEEE, end-of-life vehicles, and construction and demolition waste — given their higher likelihood of containing restricted substances and POPs — we recommend that the regulation on EOW criteria ensures that final products containing recycled plastics continue to meet the **same level of quality and chemical safety** as those made from virgin materials.

The proposal should clarify that **food-contact materials, which** are mentioned as an example of higher value applications requiring higher quality standards for recycled materials, are not the only sensitive uses. Other sensitive applications, such as toys (where a strict regulation exist) and childcare articles (where there is no particular legislation), may also require stricter controls or may be unsuitable for recycled content. Requirements should therefore be differentiated according to the intended use of the recycled material.

ENDS.



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

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