Criteria defining when waste legislation stops applying to plastic waste

Published by AGRINFO on 05 Jan 2026; Revised 07 Aug 2026

Proposed new criteria defining the point when plastic waste used in manufacturing new goods stops being covered by EU waste legislation

Draft Commission Implementing Regulation laying down rules for the application of Directive 2008/98/EC of the European Parliament and of the Council as regards criteria to determine when plastic waste ceases to be waste [scroll down to download]

Update

The European Union (EU) has notified the World Trade Organization Technical Barriers to Trade (WTO TBT) Committee of a draft proposal with new criteria to determine the point when plastic waste used in the manufacture of new goods is no longer considered as waste (G/TBT/N/EU/1229). This is the point when it is no longer covered by EU plastic waste legislation, and instead is covered by the EU legislation relevant to the new manufactured goods and associated processes.

These new criteria apply to thermoplastic polymers and blends. The objective is to ensure the material resulting from this recycled plastic:

- is ready for use in the production of new plastic products or articles containing plastic parts
- complies with existing applicable legislation and standards
- does not lead to overall adverse impacts on environmental or human health.

Additional decontamination operations are needed when plastic is used to manufacture recycled plastic food contact materials.

What is changing?

Specific EU legislation applies to plastic waste that is generated in the EU, from both EU and non-EU products. When this waste is recycled and used to manufacture new goods, there is a point when it is no longer covered by the plastic waste legislation.

The European Commission proposes new criteria (known as the “end-of-waste” criteria) to define when to stop considering plastic waste as waste, and instead to apply the legislation relevant to

Copyright © **COLEAD 2026,** *AGRINFO is funded by the European Union and implemented by COLEAD.*

recycling operations and the manufacture of new goods. These criteria only apply to plastic waste that includes discarded thermoplastic polymers and blends of thermoplastic polymers, regardless of the polymer type or source. Thermoplastics include the most common plastics – polyethylene (PE), polyethylene terephthalate (PET), polypropylene (PP), and polystyrene (PS).

According to the proposed end-of-waste criteria, plastic waste can be used as input plastic for recycling operations, provided that it complies with the following requirements.

- Input material: the waste is not hazardous waste, does not originate from healthcare waste (except non-hazardous plastic healthcare waste that has been separated at source), and is not used in absorbent hygiene products (e.g. diapers) (Draft Regulation Annex I, Section 1).
- Recycling operations: the mechanical or solvent-based recycling operations comply with the treatment processes and techniques set out in Annex I, Section 2.
- Recycled product quality: the output plastic resulting from the recycling operations can be used directly in the production of new plastic products or articles without further treatment operations, and complies with the product quality requirements set out in Annex I, Section 3. Recycled plastic used in the manufacture of food contact materials must be decontaminated according to Regulations 1935/2004 and 2022/1616.
- Statement of conformity: the EU importer or producer of plastic waste must issue a statement of conformity (using the model set out in Annex II) for each consignment of output plastic, indicating that it meets the criteria above and can be used as secondary raw material to produce new plastic products or articles.
- Quality management system: non-EU suppliers of plastic originating from recycling facilities located outside the EU must implement a quality management system that complies with the first three requirements of the end-of-waste criteria (input material, recycling operations, recycled product quality), and that has been verified by an accredited or licensed conformity assessment body or an environmental verifier.

The objective of these end-of-waste criteria is to ensure the material resulting from this recycled plastic:

- is ready for use in the production of new plastic products or articles containing plastic parts
- complies with existing legislation and standards applicable for the products manufactured from the recycled material
- does not lead to overall adverse environmental or human health impacts.

Why?

By setting new criteria for end-of-waste legislation for plastics, the Commission intends to:

Copyright © **COLEAD 2026,** *AGRINFO is funded by the European Union and implemented by COLEAD.*

- strengthen the creation of an EU market for recycled plastics and for secondary raw materials ready to be used in the manufacture of new goods
- reduce administrative burdens and costs for recyclers, notably small and medium-sized enterprises
- ensure a stable supply of high-quality recycled plastic raw materials in the EU
- promote a circular economy.

Timeline

The end-of-waste criteria are likely to be adopted in October 2026.

What are the major implications for exporting countries?

Non-EU operators supplying the EU food and beverage sector with recycled plastic packaging produced outside the EU will have to implement a quality management system according to the end-of-waste criteria. They will need to ensure that plastic originates from recycling facilities that implement a quality management system compliant with the first three requirements of the end-of-waste criteria (input material, recycling operations, recycled product quality), and that have been verified by an accredited or licensed conformity assessment body or an environmental verifier.

Recommended Actions

The WTO consultation on this proposal closed on 20 September 2026.

Background

The Single Use Plastics Directive 2019/904 aims to prevent and reduce the impact of certain plastic products on the marine environment and on human health.

Sources

Draft Commission Implementing Regulation laying down rules for the application of Directive 2008/98/EC as regards criteria to determine when plastic waste ceases to be waste [scroll down to download]

Copyright © **COLEAD 2026,** *AGRINFO is funded by the European Union and implemented by COLEAD.*

Visit the AGRINFO website to view the latest AGRINFO Update newsletters and search the database.

Disclaimer: *Under no circumstances shall COLEAD be liable for any loss, damage, liability or expense incurred or suffered that is claimed to have resulted from the use of information available on this website or any link to external sites. The use of the website is at the user's sole risk and responsibility. This information platform was created and maintained with the financial support of the European Union. Its contents do not, however, reflect the views of the European Union.*

Copyright © **COLEAD 2026,** *AGRINFO is funded by the European Union and implemented by COLEAD.*