Criteria defining when waste legislation stops applying to plastic waste

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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]

What is changing and why?

The European Commission is proposing new criteria (known as the “end-of-waste” criteria) to determine the point when plastic waste is no longer considered as waste when it is used in the manufacture of new goods. At this point it is no longer covered by European Union (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, including polyethylene (PE), polyethylene terephthalate (PET), polypropylene (PP), and polystyrene (PS).

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

The proposed end-of-waste criteria include the following requirements.

- Input material: the plastic waste is not hazardous waste, and does not originate from healthcare waste or used absorbent hygiene products.
- Recycling operations: the recycling operations comply with the specified treatment processes and techniques.
- 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 specified product quality requirements. 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 must issue a statement of conformity for each consignment of output plastic, indicating that it meets the above criteria and can be used as secondary raw material to produce new plastic products or articles.

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- 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 above (input material, recycling operations, recycled product quality), and has been verified by an accredited or licensed conformity assessment body or an environmental verifier.

By clarifying the point when the EU rules covering plastic waste no longer apply to plastic that is being recycled and used in the manufacture of new goods, the Commission intends to promote a circular economy and boost the EU market for recycled plastics and secondary raw materials.

Actions

The World Trade Organization consultation on this proposal closed on 20 September 2026.

Timeline

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

For more information see the full record on the AGRINFO website – where you can also view the latest AGRINFO Update newsletters and search the database.

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