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Answer given by Mr Vella
on behalf of the European Commission
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Directive 2008/98/EC¹ establishes a very broad definition of waste covering any substance or object which the holder discards or intends or is required to discard. The Directive also envisages that waste can cease to be waste following a recovery operation, subject to meeting specific criteria established in Article 6 of the Directive. At present, no end-of-waste criteria for plastics are adopted at EU level. In the absence of EU-wide end-of-waste criteria for plastic waste, it is up to Member States to set up their own criteria or apply case-by-case decisions which in accordance with this Article 6 should specify, i.a the permissible waste input material for the recovery operation and the quality criteria for the end-of-waste materials resulting therefrom. There is therefore no specific definition at the EU level of criteria for the characterisation of waste of substances like polyethylene/polypropylene.

Plastic packaging waste can be recovered and reach end of waste status in accordance with Article 6 of the Directive. Member States are obliged to verify compliance with the requirements of this Article, including in the context of shipments of waste as laid down in Articles 28 and 50 of Regulation (EC) No 1013/2006².

The application of Directive 2008/98/EC depends on whether the definition of “waste” is fulfilled in the context of the specific circumstances of a return system of plastic bottles. If the plastic bottles are returned for the purposes of their further recovery this should be considered as a waste management operation.

The Commission is evaluating the interface between Chemicals, Products and Waste Legislation. The report from the public consultation has recently been published³. Improving certainty in the implementation of end-of-waste provisions is one of the key challenges identified.

¹ Directive 2008/98/EC on waste, OJ L 312, 22.11.2008, p. 3-30.

² Regulation (EC) No 1013/2006 on shipments of waste OJ L 190, 12.7.2006, p. 1-98.

³ https://ec.europa.eu/info/consultations/public-consultation-addressing-interface-between-chemical-product-and-waste-legislation_en