

Questions and answers about Recycling Processes

1. How do I apply for an authorisation for a plastic recycling process?

1. You should draw up an application following the European Food Safety Authority (EFSA) guidelines¹ and send it to the relevant national contact point². In your letter, please clearly identify the recycling process by a unique name and state whether the process was in place before 17 April 2008.
2. The national contact point will then send your application to the EFSA for assessment.
3. The EFSA will:
 - a) Check whether the application is valid or not and will inform the applicant on this (for further information please see question 10).
 - b) If the application is considered to be valid, the EFSA will carry out a risk assessment of the recycling process to see whether it complies with the conditions laid down in Article 4 of Commission Regulation 282/2008. The EFSA must give an opinion on this within six months of receiving your valid application. (Please note that this deadline applies only to standard applications, i.e. those submitted after 31 December 2009. There is no deadline for assessing earlier applications, see questions 2 and 15).
4. Taking into account the opinion from EFSA, relevant provisions of EU law and other legitimate factors relevant to the matter under consideration, the Commission will adopt a decision granting or refusing the authorisation of the recycling process.
5. Authorised process will be included in a Register of authorised recycling processes that will be published on the Commission website. The authorisation holder shall notify the national contact points in the Member State about the recycling or manufacturing sites in which the authorised recycling process is being operating. A register of recycling sites where authorised recycling processes are running will also be published on the Commission website.

2. What is the “initial authorisation phase”?

We are currently in the initial authorisation phase. The application period for this phase ran from 17 April 2008 to 31 December 2009. This phase will end — probably in 2014 — when the Commission has adopted a decision on the authorisation for each of the recycling processes for which a valid application was submitted up to 31 December 2009. Before the Commission adopts the decisions on these processes, the EFSA has to issue an opinion on each of them. The EFSA is currently checking whether the applications received are valid or not. (Please see question 10 for information on what constitutes a valid application).

¹ <http://www.efsa.europa.eu/en/scdocs/scdoc/717.htm>

² http://ec.europa.eu/food/food/chemicalsafety/foodcontact/nat_contact_points_en.pdf

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Within six months of receiving all opinions from EFSA on all these recycling processes for which a valid application was submitted until 31 December 2009, the Commission shall submit for opinion to the Standing Committee on the Food Chain and Animal Health draft decisions granting or refusing authorisation of each recycling process.

3. Which rules are applicable during the initial authorisation phase?

The initial authorisation phase will probably last till 2014. At present, Commission Regulation 282/2008 applies: however, parts of this Regulation will apply only from the day after the end of the initial authorisation phase. These parts include Article 3 (Requirements for recycled plastic materials and articles), 9 (Community register), 10 (Official control) and 12 (Declaration of compliance and record keeping). Matters which are covered by these articles will continue to be governed by national legislation until the end of the initial authorisation phase.

4. Can the national law be changed during the initial authorisation phase?

Matters covered by Articles 3, 9, 10 and 12 of Commission Regulation 282/2008 (i.e. requirements for recycled plastic materials and articles, community register, official control, and the declaration of compliance and record keeping) will continue to be governed by national legislation until the end of the initial authorisation phase.

Member States legislation regarding these aspects could be changed during the initial authorisation phase provided that the changes do not alter the authorisation system for recycling processes introduced by Regulation 282/2008.

5. Can I now submit an application for a recycling process which was already in operation on 17 April 2008 (the date when Commission Regulation 282/2008 came into force)?

No, recycling processes which were in place before 17 April 2008 should have been submitted for authorisation between 17 April 2008 and 31 December 2009.

6. I submitted an application for a process that was already in operation before 17 April 2008 but my application was considered not to be valid. Should I stop the process immediately?

No, processes already in place before 17 April 2008 and for which an application was considered not to be valid can continue operating until six months after the end of the initial authorisation phase.

7. Can I submit now an application for a recycling process which began operating after 17 April 2008 (the date when Commission Regulation 282/2008 came into force) and for which a application was not submitted during the application period of the initial authorisation phase (17 April 2008 - 31 December 2009)?

Applications for processes operating as from 17 April 2008 could have been submitted during the application period for the initial authorisation phase but can also be submitted now.

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8. What will happen if I don't submit an application for a recycling process which started operating after 17 April 2008 (the date when Commission Regulation 282/2008 came into force)?

You are legally obliged to submit an application for this process. If you don't get an authorisation, the manufacturing company using this process won't be able to put in the EU market its recycled plastic as of the day after the end of the initial authorisation phase. Until that date, national provisions apply in this respect.

9. What is the role of national contact points?

The national contact points' job is to receive applications from applicants. They must acknowledge receipt of each application within 14 days and must send all the information submitted to the EFSA.

National contact points must check, in particular, that applicants have included their contact details and have stated whether the process was or not in place before 17 April 2008.

National contact points also need to be informed about new sites where an authorised process is going to be used.

10. What is a valid application?

It is an application accompanied by the following documents:

- the name and address of the applicant;
- a technical dossier containing the information specified in the EFSA guidelines for the safety assessment of a substance;
- a summary of the technical dossier.

Also, the information and documents submitted must comply with the EFSA guidelines.

The EFSA is responsible for checking the validity of the applications and will send a letter to the applicant to inform him/her whether the application is valid or not. The fact that an application is considered to be valid should not be seen as a pre authorisation in any case; that will depend on other factors, including the risk assessment to be performed by EFSA.

11. Can I submit an application for the authorisation of a part of a recycling process?

No, you can only apply for the authorisation of a complete recycling process.

Do not submit an application if your company only carries out pre-cleaning or post-treatment operations (e.g. sorting, grinding, washing or drying of plastic wastes or manufacturing final products) which do not have a measurable decontamination efficiency determined by carrying out an appropriate challenge test.

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12. An applicant has submitted an application during the initial authorisation phase and the EFSA asked the applicant to provide additional information before a certain deadline. The applicant has not provided that information at all or not in time. What are the consequences?

In that case the EFSA will not continue the risk assessment for the recycling process, and the application will be excluded from consideration during the initial authorisation phase.

13. What is the “register of valid applications”?

It is a publicly available register³ updated by the Commission. It lists all the processes for which a valid application was submitted between 17 April 2008 and 31 December 2009.

Please note: the processes listed in this register have not yet been authorised by the European Commission. Nor have they been yet assessed by the EFSA.

14. I have submitted an application but I do not see it in the register of valid applications

A large number of applications have been received, and the EFSA has not yet had time to examine them all. Your application may be one of those still waiting to be checked.

15. What is the EFSA deadline for assessing applications?

The EFSA has no deadline for assessing applications submitted up to 31 December 2009. Given the high number of applications received, the EFSA will probably publish its opinions on all these applications by the end of 2013.

For applications concerning new recycling processes operating after 17 April 2008 and submitted after 31 December 2009, the EFSA must complete its assessment within 6 six months of the application being considered valid. This deadline can be extended by a further six months, but in that case the EFSA must explain to the applicant, the Commission and the Member States the reason for the delay. If the EFSA asks the applicant to provide further information, the time limits are suspended until that information is provided.

16. Does the EFSA authorise recycling processes? What is the value of an EFSA opinion?

No, the EFSA does not authorise recycling processes: it simply assesses them. In each opinion, the EFSA says whether or not a particular recycling process complies with the safety criteria laid down in the EU legislation.

The body responsible for authorising the recycling processes is the European Commission. The Commission will refuse or grant their authorisation on the basis of the EFSA opinion, relevant provisions of EU law and other legitimate factors.

³ http://ec.europa.eu/food/food/chemicalsafety/foodcontact/docs/Register_recycl_processes_Art13_en.pdf

17. If the EFSA publishes a positive opinion on my recycling process and my application was submitted after 31/12/2009, when will it be authorised by the Commission?

The Commission has no specific deadline for adopting the decision granting or refusing authorisation of this recycling process.

18. Who is entitled to use an authorised recycling process?

Those entitled to use the authorised recycling process are (i) the authorisation holder and (ii) any business operator who has been granted permission by the authorisation holder.

The Commission decision authorising any particular recycling process will include the name and address of the authorisation holder. The authorisation will be valid throughout the European Union.

The business operator who is granted permission to use an authorised recycling process should always comply with any conditions and restrictions laid down in the authorising decision.

19. My company is operating or is planning to operate the same process at several sites. Do I have to submit an application for each site?

No, you must submit only one application. However, in your letter of application to the national contact point you should clearly state that the company is operating or planning to operate the same process at several sites.

If there are slight differences between the processes used, you should specify them in the dossier submitted. In particular, you should highlight the main differences in the summary of the technical dossier. This should include a description of the flow chart, e.g. input, pre-cleaning steps. Further details should be provided in the technical dossier.

Please state clearly that all the sites run the same technology with the same critical parameters and a decontamination efficiency that is equal to or greater than the level determined in the challenge test.

Once your recycling process has been authorised, all sites where the process is running will be listed in the Commission register of recycling sites. If your company decides to open a new site and use the authorised process there, you should notify the national contact point about this new site. The Commission registry will then be updated accordingly.

20. Can recyclers from third countries submit applications?

Yes, they should do it if they intend to place their recycled plastic materials and articles in the EU market. The procedure to follow is the same as for applications coming from EU companies. The application dossier can be submitted to the national contact point of any EU Member State.

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Recycling sites of authorised recycling processes in third countries need also to be notified to the Commission through the national contact points and will also be listed in the Commission register.

21. Who checks whether recycling plants are operating in accordance with the authorisation given?

After the end of the initial authorisation phase, EU Member States will carry out official controls of recycling plants in accordance with the rules laid down in Regulation 882/2004 on official controls. If a plant is found to be operating in a way that does not comply with its authorisation, actions will be taken in accordance with the mentioned Regulation. Until the end of the initial authorisation phase, national provisions apply as regard effective controls. In non-EU countries, inspections will be carried out by the Food and Veterinary Office of the European Union.

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In case you have further questions, please contact Maria Pilar Lacruz at maria-pilar.lacruz@ec.europa.eu.

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