

INTERNATIONAL GREEN DEAL ON THE NORTH SEA RESOURCES ROUNDBOUT

1 General Considerations

1. To maintain our prosperity for future generations, it is necessary to both strengthen our economic competitiveness and reduce the burden on the environment and our reliance on fossil energy and scarce raw materials.
2. Creativity, entrepreneurship and innovation are essential to enable such a transition to green growth. Businesses, citizens and civil society organizations are taking action aimed at making the economy and society greener and create jobs and sustainable growth in the process.
3. The Netherlands have a very positive experience in using an instrument called “Green Deal” to promote green growth. In this approach the central government facilitates innovative and voluntary initiatives from society – businesses, non-governmental organizations (NGO’s) and local authorities – by supporting entry into networks or by addressing legal barriers if needed. This support is in principle not financial. This Green Deal approach empowers frontrunners by enabling new and ambitious developments that contribute to economical and environmental benefits (Green Growth). This approach is based on voluntary, bottom up initiatives. Actions in Green Deals are specific (SMART), but are not legally enforceable.
4. This International Green Deal on the North Sea Resources Roundabout (NSRR) is based upon the experience with the Dutch Green Deal approach and includes similar elements. Key elements are: integral cooperation (multiple value chain partners, public-private, cross silo, policy makers, inspection and enforcement) and a practical case-by-case approach. Transparency is paramount and there can be no preferences for individual companies. New participants can join this International Green Deal. The actions involved are voluntary and not legally binding and so do not create rights and obligations under international or national law.
5. Due to the innovative character of this first International Green Deal, there is no guarantee for success.
6. This International Green Deal NSRR is in line with the objectives of the European Union’s Circular Economy Package adopted on the 2nd December 2015.

2 Participants

2.1 From the North Sea Area Governments

Flanders

As Minister for Environment, Nature and Agriculture, Mrs. J. Schauvliege

France

As Minister of the Environment, Energy and Marine Affairs, responsible for International Climate Relations, Mrs. S. Royal

As Minister of the Economy, Industry and the Digital Sector, Mr. E. Macron

The Netherlands

As Minister of Economic Affairs, Mr. H.G.J. Kamp

As Minister for the Environment, Mrs. S. Dijkema

The United Kingdom

As Parliamentary Under Secretary of State for Environment, Food and Rural Affairs, Mr. R. Stewart

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(To be referred to as “Governmental Participants”)

2.2 Private Initiators

- Ballast Phoenix, Managing Director Mr. P. Knight
- Inashco BV, CEO Mr. A. La Haye
- for the case *non-ferrous metal concentrate* Bottom Ashes.
 - Twence, CEO Mr, G.M. Kapteijn
 - Comgoed, CEO Mr. F. Franzen
 - The President Estate Farming Partnership, Mr. N. Geertsema
- for the case compost as fertiliser in agriculture.
 - Van Gansewinkel, CEO Mr. M. Zwaaneveld
 - Kunststof Recycling Van Werven BV, Managing Director Mr. A.F. van der Giessen
 - Wavin UK, Executive Director Mr. R. Van Delden
- for the case rigid PVC recycling.

(To be referred to as “Private Initiators”)

2.3 Stakeholders with a broader interest in the outcome

- Suez, Director Innovation & Industrial Performance Mr. T. Mallet (F)
- Veolia, Executive Vice President Innovation and markets Mr. L. Auguste (F)
- Industry Associations
 - Agoria, Director-General Flanders Mr. W. De Pril (Fl)
 - VNO-NCW, Chairman Mr. H. de Boer (NL)
 - Resource Association, Chief Executive Mr. R. Georgeson (UK)
- Waste Management Associations
 - FEBEM-FEGE, General Manager Mr. W. Annaert (Fl)
 - Dutch Waste Management Association, Chairman Mr. P. Hofstra (NL)
 - ESA, Executive Director Mr. J. Hayler (UK)
- Port Authorities
 - Port of Rotterdam, CEO Mr. A. Castelijm (NL)
 - Groningen SeaPorts, Managing Director Mr. H.D. Post (NL)
- NGO’s
 - Stichting Natuur&Milieu, Director Mr. T. Wagenaar (NL)
 - Green Alliance, Policy Director Mrs. S. Armstrong Brown (UK)

(To be referred to as “Stakeholder Participants”)

Governmental Participants, Private Initiators and Stakeholder Participants together will be referred to as “All Participants”

2.4 Observers

- European Commission, in particular the services responsible for Research and Innovation, Environment and for Internal Market, Industry, Entrepreneurship and SMEs, in consideration of their support to Green Growth and their role in the implementation of the Circular economy package

(To be referred to as “Observers”)

3 Specific Considerations International Green Deal on the North Sea Resources Roundabout (NSRR)

1. Europe’s economy is hugely dependent on the import of raw materials. Every year in the European Union (EU), nearly 15 tonnes of materials are used per person, while each EU

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citizen generates, on average, more than 4.5 tonnes of waste annually, almost half of which is disposed of in landfill sites.¹

2. The circular economy is a response to the aspiration for sustainable growth in the context of the growing pressure of production and consumption on the world's resources and environment. It can boost economy and competitiveness of the EU by bringing new business opportunities as well as innovative and more efficient ways of producing and consuming. The transition towards a circular economy gives us an opportunity to reinvent our economy and create new competitive advantages for the EU on a sustainable base.
3. The use of waste material as a secondary resource is one of the first actions that businesses could consider to improve both their economic and environmental performance. Value chains are often cross border in nature and so require trans-border shipment of secondary resources.
4. However businesses perceive barriers in trans-border shipment of waste and secondary resources and are reluctant to invest in starting or scaling up their activities in this field. Many (perceived) barriers are related to the uncertainty regarding the waste or resource status and the subsequent waste shipment requirements. Procedures to get clarity on waste or resource status are complex and time consuming or aimed at an EU-wide or national solution only. This can result in different interpretations between countries and so create confusion and a lack of legal certainty. Addressing these barriers and identifying shared solutions together has the potential to accelerate the transition towards sustainable growth.

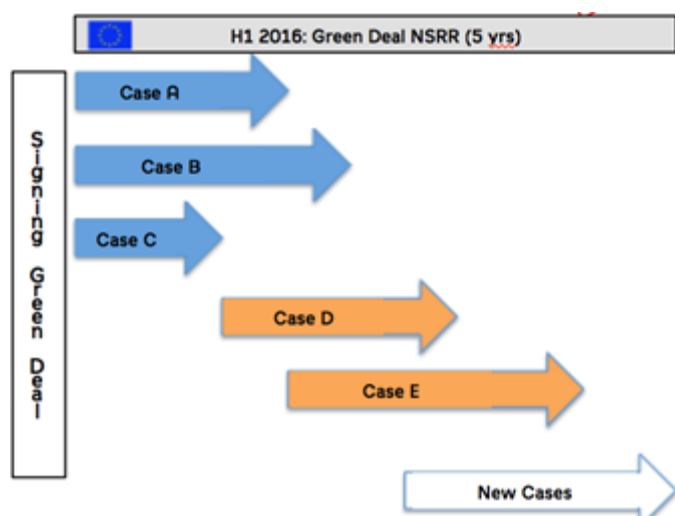
4 Objectives

1. The International Green Deal NSRR aims to increase industry uptake of secondary resources by facilitating cross border use of secondary resources.
2. Private Initiators and Governmental Participants will cooperate together to identify barriers and consider solutions for a limited number of specific secondary resource cases between countries. These barriers are amongst others related to the “waste or resource” status and hamper cross border secondary resources optimization.
3. The Private Initiators intend to increase investments related to secondary resource use in the case of solid solutions.
4. The intention is to share the lessons learnt in the cases with All Participants and Observers and even more widely with the objective of facilitating the movement of secondary resources within and eventually beyond the North Sea Region in Europe.

5 Working Arrangements

5.1 Case-by-case

- A maximum of ten cases of perceived barriers for trans border shipment of secondary resources will be jointly investigated (fact finding). After this solutions within the legal framework to overcome these barriers will be explored and put into practice, e.g. clarifying or aligning the waste or resource classification, shipment procedures, enforcement optimisations and administrative optimisations, making use of available schemes, such as pilots or experiments.



¹ The circular economy, Connecting, creating and conserving value (2014); European Commission, Directorate-General for the Environment

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- The definition, objectives and methodology of the case will be described in Annexes of this International Green Deal.
- Each case has an individual time path with a maximum of two years.
- The solutions for the cases should be widely applicable or easy to copy by similar initiatives. Therefore All Participants aim at a wider dissemination of (the principles behind) the solutions.

5.2 Working Groups

- For each case a Working Group will be formed consisting of:
 - Private Initiators of the case concerned which are (potential) value chain partners in at least two North Sea countries in a trans-border initiative;
 - Governmental Participants (Policy Departments, Inspectorate and other relevant Agencies) from the countries concerned;
 - Observers, as the European Commission if expertise or knowledge is needed for supporting the analysis of specific cases, in an informal setting.

Participants in the Working Group will agree among themselves how the interaction between them is organized, if minutes are to be kept and what sort of secretariat is needed. To the extent that there is company sensitive information Chatham House rules apply with the proviso that other stakeholders must be able to benefit from the lessons learned in the Working Groups. The specific organizations and individual objectives of each Working Group will be described as Annexes to this International Green Deal.



5.3 Wider Stakeholder Group

- The Wider Stakeholder Group will consist of all Participants. Consideration of the extension of the proposed solutions for the specific cases to similar initiatives or to other North Sea countries is a role for the Wider Stakeholder Group. In order to avoid unnecessary duplication of work in the Wider Stakeholder Group it is important that Working Groups inform and invite the Wider Stakeholders at regular intervals. All Participants will actively participate in a digital platform and attend the stakeholder events that will take place (at least) once a year.

5.4 High Level Group

- Governmental Participants will form a High level Group, which:
 - decides on the selection of cases (incl. participation of Private Initiators)²
 - decides on the selection of other participants (Stakeholder Participants and Governmental Participants)

² On the basis of a tentative assessment of initiatives by the following principles:

Clear objective for sustainability; Demonstrate sustainable economic growth ('green growth'); Profitable or shall be in the (near) future; Inspiring: others may simply follow or imitate; Obstacles in the realization with role for central Governments; Fast results. Preferably within 3 years; Demonstrable added value compared to earlier, similar cases; Initiator plays an active role in the implementation of the initiative.

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6 Specific actions

6.1 Governmental Participants:

1. will coordinate the involvement of other authorities such as local authorities if needed
2. are in principle willing to host occasional sessions of Working Groups at their premises
3. will facilitate at least one session of the Wider Stakeholder Group
4. will provide for a secretariat – supplied by the Netherlands – which will ensure as/for amongst others:
 - a connector between the cases
 - the monitoring of progress of the implementation of the actions involved in all cases including an overall annual report
 - information point for All Participants
 - the secretariat for the meetings of the Wider Stakeholder Group
 - the secretariat for the High Level Group
 - the evaluation of this International Green Deal
5. will provide information on relevant subsidy schemes.

6.2 Private Initiators:

1. will disclose relevant information within the Working Group necessary to reach the objectives, respecting relevant national and European law concerning data protection
2. will report the progress and the outcome in a cyclic process to all Participants via the digital platform and the meetings of the Wider Stakeholder Group
3. will accept to organize sessions of the Working Group
4. will host sessions of the Working Group at their premises
5. will in principle increase investments and increase the use of secondary resources, once obstacles have been removed.

6.3 Stakeholder Participants:

1. contribute their knowledge on best practices, bring in suggestions for solutions and provide access to relevant networks
2. will communicate actively with their supporters and members about this International Green Deal - including publishing the monitor report on their websites - in order to encourage increased investments in secondary resource use.

6.4 Observers

As Observer the European Commission is invited:

1. in the context of the activities of Working Groups, to provide its expertise and to share knowledge, but without participating in the decision making;
2. to provide support for sharing information and documents by means of e.g. available digital platforms, and to host, depending on availability, occasional sessions of the Wider Stakeholder Group.

7 Final Considerations

7.1 Costs

All participants participate at their own cost

7.2 Overhead costs

There might be overhead costs involved for example related to external research or the management of possible subsidy applications. The Participants may make financial contributions to support such activities under this International Green Deal but are under no obligation to do so.

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7.3 Duration

This International Green Deal applies from the date of signing by all the Participants and terminates at March 2nd 2021.

7.4 Termination

A Participant may terminate its participation in this International Green Deal by giving written notice of its intention to withdraw its participation at least 3 months in advance. Termination will not affect the validity or duration of activities agreed upon and initiated prior to such termination.

7.5 Addendum

Annexes to this International Green Deal form an integral part of this Green Deal. Additional Annexes with new cases and new Participants can be added by an Addendum, which also forms an integral part of this Green Deal.

7.6 Amendment

This International Green Deal may be modified or amended with the mutual consent of All Participants

7.7 Disputes

Any dispute arising out of the interpretation, application or implementation of any provision of this International Green Deal will be settled amicably between the Participants.

7.8 Legal status

This International Green Deal does not create any rights or obligations under international, EU or national law. This International Green Deal does not create any private or public body.

Approved and signed in twofold in Brussels on March 3rd 2016.

Minister for Environment, Nature and Agriculture
Mrs. J. Schauvliege

Minister for the Environment
Mrs. S. Dijkma

Parliamentary Under Secretary of State for Environment, Food and Rural Affairs
Mr. R. Stewart

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Ballast Phoenix
Mr. P. Knight

Inashco BV
Mr. A. La Haye

Twence
Mr, G.M. Kapteijn

Comgoed
Mr. F. Franzen

The President Estate Farming Partnership
N. Geertsema

Kunststof Recycling Van Werven BV
Mr. A.F. van der Giessen

Wavin UK
Director Mr. R. Van Delden

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Suez
Mr. T. Mallet

Agoria
Mr. W. De Pril

VNO-NCW
Mr. H. de Boer

Resource Association
Mr. R. Georgeson

Dutch Waste Management Association
Mr. P. Hofstra

Stichting Natuur&Milieu
Mr. T. Wagenaar

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Minister of the Environment, Energy and Marine Affairs, responsible for International Climate Relations
Mrs. S. Royal

Minister of the Economy, Industry and the Digital Sector
Mr. E. Macron

Minister of Economic Affairs
Mr. H.G.J. Kamp

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Van Gansewinkel
Mr. M. Zwaaneveld

ESA
Mr. J. Hayler

FEBEM-FEGE
Mr. W. Annaert

Veolia
Mr. L. Auguste

Groningen SeaPorts
Mr. H.D. Post

Port of Rotterdam
Mr. A. Castelijn

Green Alliance
Mrs. S. Armstrong Brown

Annex non-ferrous metal concentrate from bottom ash

Participants

Ballast Phoenix UK Itb, 1 Victoria Stables, Essex Way, Bourne, Lincolnshire, PE10 9JZ United Kingdom (*Contact Mr. Neil Nolan*)

Inashco NL - Inashco Operations a) Oostkade 5, 4541 HH Sluiskil The Netherlands (*Contact Mr. Marc de Keizer & Ms. Neffy Pinkse*) & Operations b) Lage Kanaaldijk 115, 6212 NA Maastricht The Netherlands (*Contact Mr. Marc de Keizer & Ms. Neffy Pinkse*)

Human Environment and Transport Inspectorate – Waste, Industry and Businesses Directorate – Enforcement, Graadt van Roggenweg 500, 3531 AH Utrecht The Netherlands (*Contact Mr. Arjen Doosje*)

Department for Environment, Food & Rural Affairs - Resource Efficiency, Environment Quality Directorate, 2nd Floor Nobel House, Smith Square, London, SW1P3JR United Kingdom (*Contact Mr. Simon Johnson*)

Ministry of Infrastructure and the Environment - Sustainability Directorate, Plesmanweg 1-6, 2597 JG The Hague The Netherlands (*Contact Mr. Mari van Dreumel*)

Observer: European Commission
(To be referred to as “Working Group Members”)

Working Group considerations

Objective

Inashco handles globally 5 million tons of Bottom Ash annually and is technically able to recover ultra fine metals from it that can be used as secondary resource / raw material. Partly this happens in local facilities and partly in centralised installations. In theory 20.000 tons of Aluminium, 5.000 tons of Copper, 1.500 tons of Lead, 2.500 tons of Zinc, 15 tons of Silver, 1 ton of Gold and trace amounts of PGM metals (plus 4,5 mio tons of Minerals) could be annually recovered additionally compared to the standard recovery of metals from Bottom Ash. Compared to the mining and usage of virgin materials the potential benefit for the Environment could be full conversion of the waste materials bottom ash into secondary raw materials replacing virgin material preserving our natural resources. At the Bottom Ash Treatment installation in Bourne, Lincolnshire non-ferrous metals are separated from the bottom ash (as in other Inashco Bottom Ash Treatment installations throughout Europe). The produced non-ferrous metal concentrate needs to be shipped to one of Inashco’s Central Upgrading Facilities in the Netherlands for further treatment and non-ferrous metal retrieval for re-use. Private initiators wish to increase the

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usage of non-ferrous metal concentrate in Inashco's own Central upgrading Facilities in the Netherlands with 50% by 2017. and possibly by offering the non-ferrous metal concentrate to 3rd parties on the European market.

Perceived barriers

Under the relevant European legislation, the non-ferrous metal concentrate does not have a specific EVOA category and therefore needs a full notification procedure.

The non-ferrous metal concentrate is transported under strict internal Inashco procedures and from origin to destination there is no treatment or mixing. Containers are sealed and seals are checked at opening of the containers. Private Initiators acknowledge that *non ferrous metal concentrate* has a waste status and do not wish to open up waste shipment regulation, but need help from Governmental Participants to further analyze and tackle the following waste shipment regulation barriers:

- Inflexibility transportation:
Carriers often decide to take new routes e.g. UK – NL via France or Belgium
- Additional costs related to the waste shipment:
E.g. Bank Guarantee
- Differentiation in EVOA Enforcement between countries:
- Consequential effects like the inflexibility for 3rd parties to bid on public offerings because private initiators cannot compete due to time needed to get materials processed
- Although nothing changes in the origin of the material, nor in the composition or in the treatment process, new notifications that have been submitted before, are being treated and judged by the authorities as if there were no precedent of these cases.

Actions

1. Kick off meeting will take place before April 1st 2016
2. The Working Group Members will further analyze the perceived barriers amongst others by comparing the regulation and quality and enforcement protocols involved.
3. The Working Group Members will research potential solutions to the perceived barriers by making use of existing possibilities and flexibilities within current legislation such as possible pilot schemes and the solutions suggested by the private initiators
 - a. Pre-consented facility/procedure
 - b. Longer term notification

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- c. Possibilities to adjust notification
 - d. Exemption from bank guarantees
- 4. Participants will organise themselves in a way that they meet or discuss issues at hand regularly (at least twice a year)
- 5. The secretariat for the meetings of the Working Group and the report on progress and outcome to the Wider Stakeholder Group will be provided by Inashco
- 6. As part of a cyclic process the Working Group Members will - before implementing possible solutions - actively inform and involve the Wider Stakeholder Group in order to verify if the proposed solutions could be extended to similar initiative and/or in other participating North Sea countries.

Annex compost as fertiliser in agriculture

Participants

Twence Holding BV, Boldershoekweg 51, 7554 RT Hengelo The Netherlands (*Contact Mr. Wim de Jong*)

Comgoed, Oudelandsedijk 4, 3247 LJ Dirksland The Netherlands (*Contact Mr. Frank Franzen*)

The President Estate Farming Partnership, Hetton Steads, Lowick, Berwick-upon-Tweed, Northumberland TD15 2UL United Kingdom (*Contact Mr. Nico Geertsema*)

Netherlands Food and Consumer Product Safety Authority - Division Consumer and Safety (*Contact Mrs. Karen Zwaagstra*)

Human Environment and Transport Inspectorate – Waste, Industry and Businesses
Directorate – Enforcement, Graadt van Roggenweg 500, 3531 AH Utrecht The Netherlands
(*Contact Mr. Arjen Doosje*)

Ministry of Infrastructure and the Environment - Sustainability Directorate, Plesmanweg 1-6, 2597 JG The Hague The Netherlands (*Contact Mr. Herman Walthaus*)

Ministry of Economic Affairs - Agriculture & Nature Directorate General, Bezuidenhoutseweg 73, 2594 AC The Hague, The Netherlands (*Contact Mr. Harm Smit*)

Department for Environment, Food & Rural Affairs - Resource Efficiency, Environment Quality Directorate, 2nd Floor Nobel House, Smith Square, London, SW1P3JR United Kingdom
(*Contact Mr. Simon Johnson*)

Observer: European Commission
(To be referred to as “Working Group Members”)

Working Group considerations

Objective

Twence is a public waste management company and produces raw materials and energy from waste and biomass supplied from the Netherlands, Germany and the United Kingdom. It produces compost from 120 kilotons bio-waste each year and intends to start production of nutrients & organic material from 250 kilotons manure by separation in 2017. With this Twence extracts raw materials from waste, reintroduces those back into the cycle, reduces the use of fossil fuels and contributes to reducing CO2 emissions.

Comgoed is a private trading company and supplier of 300 kilotons compost & organic fertilizers per year and the developer of new organic fertilizers. The market for compost in the Netherlands is shrinking due to a surplus of manure. In other European countries however is a

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shortage in supply of organic fertilisers for soil improvement. The President Estate Farming Partnership – a large agricultural farm in Northumberland – is trader and supplier of fertiliser. In and around Berwick there is a yearly demand for compost of 50 kilotons. Private Initiators would like to establish a trade relationship if the cost of cross border transport from compost between The Netherlands and the United Kingdom can be reduced. This would contribute to a more balanced Dutch compost market (1,5 Million tonnes per year) and a positive market price for compost of Twence. The direct economical benefits could be € 10 million per year (Dutch Market). The indirect economical benefits would be a higher crop yield in the UK, use of Compost on agricultural land without a surplus of phosphorus, knowledge transfer for application of nutrients in agriculture and opportunities for more tailor-made organic fertilisers.

Perceived barriers

Compost in the Netherlands qualifies as waste and is classified as Category 3 material as referred to in Regulation EC 1069/2009 (animal by-products). Due to this classification all companies in the supply chain that are involved in the transport and trans shipment of the compost have to be certified and registered and shipment to England is limited to a few harbours. This leads to high logistic costs: no return cargo, inflexibility in selection of transporters, lack of certified locations for storage and handling etc. However, both in the Netherlands and the UK Quality protocols for compost exist and in the United Kingdom there is end-of-waste status for compost in place.

Actions

1. Kick off meeting will take place before 1st of April 2016 at Twence Holding BV.
2. The Working Group Members will further analyze the perceived barriers by comparing the regulation and quality and enforcement protocols involved.
3. The Working Group Members will research potential solutions making use of existing possibilities and flexibilities within current legislation such as pilot schemes and the investigation of a possible end-of-waste status for compost in The Netherlands as suggested by the private initiators by:
 - a. Investigating end-of-waste criteria using the conditions set in Art. 6 of the Waste Framework Directive. These criteria have to ensure that the compost is a fertiliser that meets the standards to be no longer classified as Category 3 material
 - b. Investigating quality protocols. In the working group proposals will be made for quality protocols that ensure that the EoW criteria can be met and are verifiable in

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the eyes of the Inspectorates, especially those responsible for enforcing Regulation EC 1069/2009

- c. Investigating a pilot for application of a possible solution in both countries to see whether shipment and use of the resources is possible without interference of regulations described.
4. Participants will organise themselves in a way that they meet or discuss issues at hand regularly (at least twice a year)
5. The secretariat for the meetings of the Working Group and the report on progress and outcome to the Wider Stakeholder Group will be provided by Twence Holding BV
6. As part of a cyclic process the Working Group Members will - before implementing possible solutions - actively inform and involve the Wider Stakeholder Group in order to verify if the proposed solutions could be extended to similar initiative and/or in other participating North Sea countries.

Annex Rigid PVC Recycling

Participants

Van Gansewinkel Nijverheidsstraat 2. B-2870 Puurs, Belgium (*Contact Mr. Ronald Amoureux*)

Kunststof Recycling Van Werven B.V. Biddingringweg 23, 8256 PB Biddinghuizen The Netherlands (*Contact Mr. Ton van der Giessen*)

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Human Environment and Transport Inspectorate – Waste, Industry and Businesses Directorate – Enforcement, Graadt van Roggenweg 500, 3531 AH Utrecht The Netherlands (*Contact Mr. Arjen Doosje*)

Public Waste Agency of Flanders – Unit Policy Innovation – Division of Waste, Stationsstraat 110, B-2800 Mechelen Belgium (*Contact Mr. Marc Leemans*)

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Department for Environment, Food & Rural Affairs - Resource Efficiency, Environment Quality Directorate, 2nd Floor Nobel House, Smith Square, London, SW1P3JR United Kingdom (*Contact Mr. Simon Johnson*)

Observer: European Commission
(To be referred to as “Working Group Members”)

Working Group considerations

Objective

Due to its application (e.g. sewage pipes, window frames) rigid PVC (polyvinyl chloride) has a long service life cycle. There is a well-developed infrastructure and market for recycling. Each year 500.000 ton recycle from rigid PVC is reclaimed and used as secondary resource / raw material. Compared to usage of virgin PVC (amongst others made out of fossil fuel) the potential emission of 1.250.000 ton CO₂ is prevented. In Europe there is 100 million ton long life PVC products with recycling potential. Private initiators aim to reclaim and use 2.000.000 recycle from rigid PVC per year. This aim equals the prevention of 5.000.000 ton CO₂ emission compared to the usage of virgin PVC. Employment would rise from 2.000 jobs to 8.000 jobs.

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Perceived barriers

Rigid PVC waste often contains cadmium and/or lead compounds as additives. In the past these were used to improve certain characteristics of the plastic. Because of their toxic properties cadmium and lead are no longer used in new PVC. However, due to the long service life of PVC products, articles produced before cadmium and lead were banned are still around, and rigid PVC waste generally contains cadmium and/or lead. As they are immobile within the polymer matrix, the cadmium and lead do not present a risk to the environment or the human health.

- For PVC recyclate (sorted, ground material) to be qualified as a ‘product’ (‘end of waste’) the Waste Framework Directive (WFD) requires that the use of the material complies with applicable legislation. REACH allows the use of PVC recyclate containing cadmium and/or lead, under certain conditions. However, as yet no unequivocal interpretation of the WFD exists with respect to the question whether the PVC recyclate can be qualified as ‘end of waste’ before it has been incorporated into REACH compliant articles. If authorities were to conclude that PVC recyclate still has a ‘waste’ legal status, producers of PVC articles (converters) using the recyclate would formally become ‘waste handlers’, which could trigger requirements for additional safety measures and administration.
- Since the revision of Annex III of the Waste Framework Directive (WFD) in June 2015, debate arose whether PVC waste should be qualified as ‘hazardous waste’, contrary to the conventional qualification of waste from fully polymerised compounds – such as PVC – as *non-hazardous*. If PVC waste were qualified as ‘hazardous’, this might compel authorities to require that companies storing, transporting and processing the material take costly safety measures, in spite of the absence of environmental risk.
- Moreover, a qualification of PVC waste as ‘hazardous’ would replace the conventional ‘green list’ regime under the Waste Shipment Regulation (code GH013) by the ‘orange list’ regime (prior notification, financial guarantee).

In summary, rigid PVC recycling is facing uncertainties with regard to the implementation of the waste legislation that could severely affect its commercial viability.

Actions

1. Kick off meeting will take place before April 1st 2016
2. The Working Group Members will further analyze the perceived barriers by comparing national implementation of the EU legislation, such as quality protocols and enforcement systems. Next the risks involved will be assessed.

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3. On this basis the Working Group Members will research potential solutions making use of existing possibilities and flexibilities within the framework of the WFD and the WSR such as the tailored approaches provide for by Articles 24 and 25 of the WFD.
4. Participants will organise themselves in a way that they meet or discuss issues at hand regularly (at least twice a year)
5. The secretariat for the meetings of the Working Group and the report on progress and outcome to the Wider Stakeholder Group will be provided by Van Werven
6. As part of a cyclic process the Working Group Members will - before implementing possible solutions - actively inform and involve the Wider Stakeholder Group in order to verify if the proposed solutions could be extended to similar initiative and/or in other participating North Sea countries.