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Polish Chamber of Chemical Industry position on the draft Implementing Decision regarding the calculation, verification and reporting of data on recycled plastic content in single-use plastic beverage bottles

The Polish Chamber of Chemical Industry acknowledges the publication of the draft Implementing Decision establishing harmonised EU rules for calculating, verifying and reporting recycled content in single-use plastic beverage bottles. We value the recognition of chemical recycling as a complementary technology to mechanical recycling, as this reflects the objectives of the transition of the chemical industry towards circularity. However, several provisions raise concerns that require clarification to ensure effective implementation.

Chemical recycling, which produces raw materials of comparable quality to primary feedstocks, is a crucial complement to traditional mechanical recycling. It plays an essential role in reducing the consumption of virgin raw materials, lowering emissions and strengthening Europe's strategic autonomy in raw materials. Unlike mechanical recycling, which inevitably leads to material degradation, chemical processes allow for potentially infinite material cycles, thus supporting the construction of a true circular economy.

For chemical recycling to be widely deployed, an appropriate regulatory framework must be created. This framework should ensure environmental compliance while at the same time enabling effective financing of necessary investments. **The most flexible solutions possible must be adopted to facilitate the development of chemical recycling technologies in the EU.** The importance of chemical recycling has also been highlighted in the European Commission's *Chemicals Industry Action Plan*, which refers to the need for a clear, science-based and technologically neutral framework on the mass balance allocation to account for recycling content from chemical recycling. Such a framework would allow the creation of a lead market for the chemical sector and accelerate its transition towards circularity. This priority is equally reflected in the *Polish Chemistry Manifesto*, prepared by the Polish Chamber of Chemical Industry, which identifies as a key demand the recognition of chemical recycling as complementary to mechanical recycling and the creation of an appropriate and enabling regulatory framework under the pillar dedicated to the circular economy. This demonstrates the significance of this issue not only for the chemical industry itself but also for the wider European economy.

We therefore welcome the fact that the Commission has proposed rules that explicitly acknowledge the role of chemical recycling. The intent to bring forward clear and implementable provisions, including the support for a fuel-use excluded mass balance accounting approach, is an important step in creating legal certainty for industry

investments. The methodology proposed by the Commission will directly affect the viability of investment projects in the chemical sector, as it determines how much chemically recycled content can be accounted for in products.

While the proposed draft includes positive aspects, it also raises specific concerns. Some provisions are complex, lack clarity, and risk being interpreted in an overly restrictive manner. Such complexity could lead to diverging implementation across Member States, fragmenting the internal market. Restrictive interpretations could also undermine the utilisation of existing industrial assets, discourage investment in new recycling capacity, and ultimately limit the competitiveness of the European chemical industry, which already faces unprecedented external pressures.

Detailed comments and recommendations

1. Fuel-use excluded mass balance accounting approach

We welcome the recognition of the fuel-use excluded mass balance accounting approach in the draft Implementing Decision, which is consistent with the Waste Framework Directive. Recycling must be understood as reprocessing waste into products, materials or substances. This principle rightly ensures credibility and transparency, while directing investments towards non-fuels that remain on the recycling pathway.

However, the draft foresees only proportional allocation of attributed amounts within mass balance accounting. Such a restrictive interpretation does not allow the flexibility required to meet market demand for products with guaranteed recycled content and to optimise production in a cost-efficient way. The possibility to allocate attributed amounts among non-fuels in a flexible manner is indispensable for scaling up chemical recycling and for making recycled products affordable and competitive.

Without this flexibility, the methodology risks discouraging new investment, creating artificial scarcity of recycled materials, and increasing costs for European consumers. It would also prevent the use of existing optimisation schemes across product portfolios, reducing synergies and hindering the transition to circular feedstocks.

2. Restrictions on transfers between facilities

Article 7(7) prohibits the transfer of attributed amounts between different facilities of a company or between different companies.. This restriction fails to reflect the operational reality of integrated chemical and refinery assets, where optimisation across multiple facilities is essential to maintain competitiveness. Forbidding such transfers undermines industrial synergies, generates unnecessary administrative burdens and paradoxically increases environmental impacts due to the need for physical transport of intermediate materials.

Restricted credit transfer under very specific conditions: the same product, the same parent company, and within a specified geography, should be allowed. This approach avoids unnecessary transport of intermediate products along the value chain and the associated environmental impacts while supporting consumption of plastic waste in place of fossil feedstocks.

3. Calculation methodology under Article 7(3)(g)

The calculation method proposed in Article 7(3) in particular point (g), introduces a ratio that “artificially” reduces the amount of eligible material considered to enter the steam cracker. This ratio promotes further loss of material which should already be determined as eligible at this stage of the calculation, leading to systematic under-attribution. This reduction may result in a distorted picture of recycling yields. As a consequence, large quantities of waste would be required to obtain only minimal amounts of recycled content, which would make chemical recycling uncompetitive in Europe. This provision risks preventing the EU from achieving its recycled content targets and undermining Europe’s raw material security. We recommend deleting Article 7(3)(g).

4. Definition of recycling technologies and chemical building blocks

The definition of recycling technologies must be inclusive of all technologies to be technology neutral. Therefore, the proposed definition of “recycling technologies” should not be limited to plastic-to-plastic conversion but also include processes that transform plastic waste into any other chemicals and materials, aligned with the concept of recycling as defined in the Waste Framework Directive.

Also definition of ‘chemical building blocks’ should be aligned with the broader recycling concept in the Waste Framework Directive. The definition should be broad enough to enable this draft as a basis for further policies beyond the current scope of bottles made from polymers. We recommend amending Article 1(15) so that ‘chemical building blocks’ cover chemicals that can be processed into non-fuel products, materials or substances, including polymers. This would ensure technological neutrality and provide incentives for the development of innovative recycling technologies beyond polymer-to-polymer processes.

5. Utilisation of existing assets and industrial infrastructure

A restrictive approach would prevent the use of existing industrial installations such as steam crackers, refineries and polymerisation units in the chemical recycling value chain. This would unnecessarily force companies to build entirely new assets to comply with the rules, instead of leveraging the capacity of existing infrastructure. Such duplication of investment would be economically inefficient, delay the deployment of chemical recycling, and weaken Europe’s competitiveness at a time when external producers already benefit

from cost advantages. We urge the Commission to ensure that the Implementing Decision supports, rather than hinders, the use of existing assets.

6. Excessive administrative and verification burdens

The draft introduces complex reporting and verification obligations, including the disclosure of commercially sensitive supply chain information. Article 8.3. requires economic operators to provide customers with a declaration regarding the recycled content issued in accordance with the model in Annex V, for each batch of material. The model established in Annex V Part B requires the declaration of the identity of the economic operators at previous steps of the supply chain (under section 4.2.). This obligation is particularly critical as it would require economic operator to provide their customers with confidential commercial and industrial information. Such requirements go beyond what is necessary to ensure traceability and risk creating disproportionate administrative burdens, especially for small and medium-sized enterprises. Confidential business information should remain protected, with verification handled by accredited third parties.

Verification should be harmonised at EU level, based on a single methodology that ensures consistency across Member States, while avoiding duplication and unnecessary complexity

The complexity of the draft text leaves room for diverging interpretations at national level. This creates a serious risk of market fragmentation, undermining the integrity of the Single Market. Clearer and more uniform guidance from the Commission is needed to ensure consistent implementation across Member States. Harmonised rules are essential to provide legal certainty, reduce compliance costs and maintain a level playing field for all operators.

7. Level playing field with imports

The draft risks creating an uneven playing field by imposing stringent requirements on EU producers while not ensuring equivalent obligations for imported plastics and recycled materials. Without robust enforcement at the EU border, European industry will face unfair competition from third-country operators benefiting from more flexible allocation models. This would undermine both Europe's competitiveness and the credibility of the recycled content targets. Enforcement provisions must therefore guarantee that imported materials with declared recycled content are subject to the same certification and verification standards as materials produced within the EU.

8. SUPD as a starting point for evaluating recycled content rules

It is important to underline that the methodology developed under the Single-Use Plastics Directive should serve as a pilot framework, limited to beverage bottles. The lessons learned from its implementation should inform future revisions, but the text should not be copied verbatim into upcoming legislative files such as the Packaging and Packaging Waste

Regulation or the End-of-Life Vehicles Regulation. Applying the current restrictive rules across all polymers and applications would risk blocking investment, reducing flexibility and discouraging innovation. We therefore urge the Commission to treat the SUPD Implementing Decision as a test case, conduct a thorough ex-post evaluation and only then decide on appropriate methodologies for other value chains.

Polish Chamber of Chemical Industry supports the establishment of a science-based and technologically neutral methodology for calculating, verifying and reporting recycled plastic content. The current draft Implementing Decision marks a step forward, yet several provisions require adjustment to ensure that the rules are both environmentally credible and economically viable.

By revising the provisions as outlined above, the European Commission would unlock the full potential of chemical recycling to contribute to the EU's circular economy and climate objectives, while safeguarding the competitiveness of the European chemical industry. We remain ready to engage in further dialogue and provide expertise to support the development of an effective and balanced regulatory framework that delivers both sustainability and competitiveness.