

Briefing: EUDR and recycled paper

Operators must comply with the obligations of the EUDR from 29 December 2024. However, there are exceptions for recycled material. The current version of the Commission FAQ has led to confusion about the status of wood products made from reclaimed materials. However, in Cepi's view, the Commission FAQ does make clear that for both post- and preconsumer recycled material the obligations of the regulation do not apply.

Whereas 40 of the regulation reads as follows:

"Bearing in mind that the use of recycled relevant commodities and relevant products should be encouraged, and that including such commodities and products in the scope of this Regulation would place a disproportionate burden on operators, used commodities and products that have completed their lifecycle, and would otherwise be disposed of as waste, as defined in Article 3, point (1), of Directive 2008/98/EC of the European Parliament and of the Council (10) should be excluded from the scope of this Regulation. However, this should not apply to certain by-products of the manufacturing process."

Annex 1 on the scope of relevant commodities reads as follows:

"Except for by-products of a manufacturing process, where that process involved material that was not waste as defined in Article 3, point (1), of Directive 2008/98/EC, this Regulation does not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste as defined in Article 3, point (1), of that Directive."

To answer the question whether paper for recycling is exempt from the scope, the key words are "this regulation does not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste as defined in...(the waste framework directive)". This is the case for paper for recycling discarded at households and supermarkets, but also for off-cuts from printshops or shavings from converting plants. The printers waste or converting scrap has completed its lifecycle and would otherwise have been discarded as waste. They are not by-products of a manufacturing process.

Furthermore, Annex 1 lists the pulp and paper falling under the scope of the regulation as follows:

"Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products".

Recovered (waste and scrap) products are therefore explicitly excluded.

However, the Commission Frequently Asked Questions document has raised questions about whether preconsumer material such as printer waste or converting scrap is excluded. Question 33 reads as follows:

"Does all recycled paper/paperboard fall under the scope?"

Most recycled paper/paperboard products contain a small percentage of virgin pulp or pre-consumer recycled paper (for example, discarded paperboard scraps from cardboard box production) to strengthen the fibres.

*Annex I states that the Regulation **does not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste** as defined in Article 3, point (1), of Directive 2008/98/EC. So, no obligation applies under the Regulation in respect of the recycled material.*

*On the contrary, **if the product contains a percentage of non-recycled material, then it is subject to the requirements of the Regulation** and the non-recycled material will need to be traced back to the plot of origin via geolocation."*

The guidance makes clear that if there is virgin material involved, the obligations need to be fulfilled. It explicitly states that “no obligation applies under the Regulation in respect of the recycled material”. The FAQ does not explicitly clarify that the exception also applies to pre-consumer recycled material. Implicitly it is also included because it is called “pre-consumer recycled material”, so recycled material (which would otherwise need to be discarded).

For these reasons, in Cepi’s view, the exemption is valid also for pre-consumer material such as printer waste and converting scrap. The question about the exception from the obligations is linked to the question if something would otherwise become waste as defined in article 3, point (1) of the Waste Directive (2008/98/EC). However, Cepi will seek opportunities with the European Commission to add further clarification.

For comparison, the [guidance on recycled timber and timber products](#) under the EU Timber Regulation reads as follows:

“Demonstrating that timber and timber products fall under exception in Article 2(a).

Having in mind that the EUTR provided for the exception in order to avoid placing disproportionate burden on operators, the obligation to exercise due diligence should not apply to operators placing on the market timber or timber products or components of such products manufactured from timber or timber products that have completed their lifecycle and would otherwise be disposed of as waste.

However, operators should be able to demonstrate that the timber and products concerned fall under the exception. Therefore: The operator is to document that timber and/or timber products or components of such products have been made from materials that have completed their lifecycle and would otherwise be disposed of as waste, which are being placed on the market for the first time.

Evidence that may be used to that end: official documentation provided by competent national authorities, certification (certified recycled material), confirmation from the supplier supported by photos from the factory showing all the sorted “waste”, business activity of the operator, documentation/license to handle waste, system and/or organization in place for collecting “waste” or if they have any other documentation stating it is waste or recovered e.g. a technical dossier of the manufacturer or a test report from a recognized body, where the recycled content percentage by weight is stated.”

Useful links:

- Text of the regulation in the Official Journal of the EU:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023R1115>
- FAQ document by the European Commission:
<https://circabc.europa.eu/ui/group/34861680-e799-4d7c-bbad-da83c45da458/library/e126f816-844b-41a9-89ef-cb2a33b6aa56/details>
- EUTR Guidance by the European Commission:
<https://circabc.europa.eu/ui/group/34861680-e799-4d7c-bbad-da83c45da458/library/822133b4-0b9b-4933-92e5-485e7db37957/details>

Cepi is the European association representing the paper industry. We offer a wide range of renewable and recyclable wood-based fibre solutions to EU citizens: from packaging to textile, hygiene and tissue products, printing and graphic papers as well as speciality papers, but also bio-chemicals for food and pharmaceuticals, bio-composites and bioenergy. We are a responsible industry: 85% of our raw materials are sourced in Europe and certified as sustainable, 91% of the water we use is returned in good condition to the environment. We are the world champion in recycling at the rate of 70.5%. At the forefront of the decarbonisation and industrial transformation of our economy, we embrace digitalisation and bring 25 billion value addition to the European economy and €5 billion investments annually. Through its 18 national associations, Cepi gathers 480 companies operating 860 mills across Europe and directly employing more than 179,500 people.
