

**Single Case End-of-Waste decision Art28-0089**  
**of 1<sup>st</sup> October 2024**  
**establishing criteria determining when recycled polyester pads produced by**  
**Cirtex Ltd., Dublin Road, Cooleeny, Longford,**  
**ceases to be waste under Regulation 28 of the European Union (Waste Directive) Regulations**  
**2011 – 2020**

*Section 1*

**Subject matter**

Art28-0089 establishes criteria determining when recycled polyester pads resulting from a recovery operation ceases to be waste.

These criteria do not:

- affect the obligation of the producer to hold and comply with a waste collection permit, certificate of registration, waste facility permit, waste/ industrial emissions licence or any other National or European legislation which may apply when transporting, handling, storing or processing waste;
- affect permitting or any other legal requirements that do not depend on the status of the material as a waste; and
- negate the producers or users statutory obligations or requirements under any other authorisations (including planning permission), enactments or regulations.

The Environmental Protection Agency (herein referred to as the Agency) accepts no responsibility for material produced in compliance with these criteria. It is the producer's responsibility to ultimately ensure the material is fit for the intended use. It is the user's responsibility to store and use the material as specified by the producer. Any person who gives either to an authorised person, a relevant local authority or the Agency, information which to his or her knowledge is false or misleading in a material respect, shall be guilty of an offence under the Waste Management Act 1996 (as amended).

*Section 2*

**Definitions**

For the purposes of this Decision, the definitions set out in the European Union (Waste Directive) Regulations 2011 – 2020 and Waste Management Act 1996, as amended shall apply.

In addition, the following definitions/ interpretations shall apply:

- (1) 'batch' means a production quantity of material produced at one time under conditions that are presumed uniform, that can be regarded as a single unit, and has a unique reference;
- (2) 'competent authority' means any of the following: the Environmental Protection Agency (hereafter referred to as the Agency); a local authority, the National Waste Collection Permit Office, the Health and Safety Authority; the National Transfrontier Shipments of Waste Office, National Building Control and Market Surveillance Office; Transport Infrastructure Ireland, Geological Survey Ireland, Competition and Consumer Protection Commission, Food Safety Authority of Ireland or any other National or Irish governmental regulation body who may need to assess compliance with these criteria or any associated activity;
- (3) 'consignment' means a delivery quantity of recycled polyester pads which leave the production facility and may be contained in either one or several transport units;
- (4) 'holder' means the natural or legal person who is in possession of recycled polyester pads;
- (5) 'management system certification body' is a body which has an accreditation certificate issued by the Irish National Accreditation Board (INAB), or equivalent European accreditation body, to undertake quality management system certification to an approved standard;
- (6) 'producer' means the waste operator who produces the recycled polyester pads under a waste authorisation;
- (7) 'qualified person' means suitably qualified, trained and experienced person who has the requisite knowledge and experience required for sampling, testing and waste characterisation;

- (8) 'qualified staff' means staff which are qualified by experience or training to monitor and assess the properties of recycled polyester pads;
- (9) 'recovery operation' has the same meaning as 'waste recovery activity' assigned in the Waste Management Act 1996, as amended;
- (10) 'specified use' means the suitable specific circumstances, as declared in the statement of conformity, under which the recycled polyester pads can be used;
- (11) 'statement of conformity' means a statement/declaration that the recycled polyester pads conform to end-of-waste criteria, product standards and specifications, and includes details of restrictions on the use of the recycled polyester pads;
- (12) 'user' means manufacturers, supply companies, contractors and all those organisations or individuals responsible for the end use of the product; and
- (13) 'visual inspection' means inspection using human senses or any non-specialised equipment.

The list of definitions and interpretations above is intended to assist understanding of these criteria and does not purport to be a legal interpretation of said terms.

### *Section 3*

#### **Criteria for recycled polyester pads**

1. Recycled polyester pads shall cease to be waste where all of the following conditions are demonstrated as fulfilled:
  - (a) the recycled polyester pads result from a recovery operation undertaken under an appropriate waste authorisation;
  - (b) the waste used as input for the recovery operation complies with the criteria set out in Part 1 of Annex I;
  - (c) the waste used as input for the recovery operation has been treated in accordance with the criteria set out in Part 2 of Annex I;
  - (d) the quality of the recycled polyester pads complies with the criteria set out in Part 3 of Annex I, including pollutant limits;
  - (e) the producer has satisfied sampling and testing requirements set out in Part 4 of Annex I;
  - (f) the producer has satisfied storage requirements set out in Part 5 of Annex I;
  - (g) the producer has satisfied requirements set out in Sections 4 to 6;
  - (h) the producer has satisfied requirements within any guidance issued by the Agency in relation to these criteria.

### *Section 4*

#### **Specific uses & restrictions on use**

1. Recycled polyester pads fulfilling the criteria set out in Section 3 shall only be specified in the statement of conformity as suitable for use for purposes listed in Part 1 of Annex II.
2. The restrictions on use as listed in Part 2 of Annex II shall be specified in the statement of conformity.

### *Section 5*

#### **Statement of conformity**

1. The producer shall issue a statement of conformity using the template set out in Annex III for each batch or consignment of recycled polyester pads, whichever is of smaller quantity.
2. The statement of conformity, excluding the section on chain of custody, shall be issued as documented evidence that the recycled polyester pads meet these criteria and that the material ceases to be waste.
3. The statement of conformity, including a completed chain of custody, shall be issued prior to the recycled polyester pads being dispatched to the next holder.
4. The statement of conformity shall state the suitable specific use(s) for the recycled polyester pads and any associated restrictions as set out in Section 4.

5. The producer shall transmit the statement of conformity to the next holder of the recycled polyester pads. The producer shall retain a copy of the statement of conformity for a minimum of 5 years after its date of issue and shall make it available to competent authorities upon request.
6. The statement of conformity may be in electronic form.
7. The producer shall give competent authorities access to the statements of conformity upon request.

#### *Section 6*

##### **Management system**

1. The producer shall implement a management system suitable to demonstrate compliance with the criteria referred to in Sections 3 to 5, and specific monitoring requirements set out in Annex I for each criterion.
2. The management system shall include a set of documented procedures concerning each of the following aspects:
  - (a) acceptance control and quantification of waste used as input for the recovery operation as set out in Part 1 of Annex I, including quarantine, segregation, and control of non-conforming waste inputs;
  - (b) due diligence assessment (knowledge of inputs), including assessment of inputs for potential contamination for pollutants beyond those listed in Table 2 of Annex I;
  - (c) recognising hazardous constituents or contamination in waste used as input;
  - (d) monitoring of the treatment processes and techniques described in Part 2 of Annex I;
  - (e) monitoring of the quality of recycled polyester pads resulting from the recovery operation as set out in Parts 3 & 4 of Annex I (including sampling and testing);
  - (f) storage of recycled polyester pads as set out in Part 5 of Annex I;
  - (g) identification and specification of suitable specific uses and restrictions on use as set out in Annex II;
  - (h) completion and sign-off of a statement of conformity as set out in Annex III;
  - (i) quarantine, segregation, control and quantification of non-conforming outputs from the recovery process;
  - (j) feedback from customers or product accreditation body concerning compliance with recycled polyester pad quality, including assessment, investigation, corrective actioning and tracking of non-conformance reports;
  - (k) record keeping of the results of monitoring conducted under points (a) to (i). All records including controls, inspections and training shall be maintained for a minimum of 5 years, which may include electronic records;
  - (l) review and improvement of the management system;
  - (m) training of staff.
3. The management system shall be certified by a Management System Certification Body accredited by the Irish National Accreditation Board, or equivalent European accreditation body. This certification shall verify that the management system complies with the requirements of this Section. The verification shall be carried out annually.
4. The producer shall maintain records of the quantities of:
  - (a) waste used as input for the recovery operation per list of waste code;
  - (b) recycled polyester pads that have been recovered and can be demonstrated to meet these criteria;
  - (c) recycled polyester pads which meet these criteria and have been dispatched;
  - (d) non-conforming outputs from the recovery operation; and
  - (e) any non-conforming outputs reintroduced into the recovery operation.
5. The producer shall give competent authorities access to the management system and records upon request.
6. The producer shall make the management system and records available for inspection.

#### *Section 7*

##### **Entry into effect**

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Single case End-of-Waste Criteria No. Art28-0089 shall be available for use immediately following publication on the Agency's website.

*Section 8*

**Compliance**

The producer or holder of recycled polyester pads shall comply with any request made by a competent authority and/or authorised person in relation to the provision of evidence of compliance with these criteria or any associated waste, product, or health and safety requirements.

Any person who gives either to an authorised person, a relevant local authority or the Agency, information which to his or her knowledge is false or misleading in a material respect, shall be guilty of an offence under the Waste Management Act 1996 (as amended).

## ANNEX I

## Criteria for recycled polyester pads

Criteria	Self-monitoring requirements
<b>Part 1. Waste used as input for the recovery operation</b>	
1.1	Inputs shall be restricted to the non-hazardous list of waste codes specified in Table 1.
1.2	Inputs shall meet the incoming waste acceptance criteria of the waste authorisation under which the recycled polyester pads are produced.
1.3	Each load of waste input shall be assigned a unique identifier.
1.4	Wastes inputs shall not contain mattresses manufactured prior to the year 2000.
1.5	The waste input shall be assessed for physical contamination. In order to ensure final product compliance with UK National Bed Federation (NBF) standards on cleanliness, soiled mattresses shall not enter the manufacturing process.
<p>Acceptance control of all waste received (by visual inspection) and of the accompanying documentation shall be carried out by qualified staff which are trained on how to recognise waste that does not fulfil the criteria set out in this section.</p> <p>Where visual inspection or due diligence assessment raises any suspicion of possible hazardous properties or contamination, further appropriate monitoring measures shall be taken, such as sampling and testing where appropriate. The staff shall be trained on potential hazardous properties or contamination that may be associated with waste mattresses and on material components or features that indicate these properties.</p> <p>Non-conforming waste shall be managed in accordance with quarantine requirements specified in the waste authorisation.</p>	

Table 1: Allowable inputs

LOW Code	Description
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FOR INDUSTRIAL USE
19 12	Wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified
19 12 08	Textiles
20	MUNICIPAL WASTES (HOUSEHOLD WASTE AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES) INCLUDING SEPARATELY COLLECTED FRACTIONS
20 01	Separately collected fractions (except 15 01, packaging (including separately collected municipal packaging waste))
20 01 11	Textiles
20 03	Other municipal wastes
20 03 07	Bulky waste

Criteria		Self-monitoring requirements
<b>Part 2. Treatment process &amp; techniques</b>		
2.1	All treatment processes needed to prepare the waste mattresses for direct input into final use shall have been completed.	Treatment processes shall be undertaken in accordance with the waste authorisation under which the recycled polyester pads are produced.
2.2	Each batch of the recycled polyester pads produced shall be assigned a unique identifier.	
<b>Part 3. Quality of recycled polyester pads resulting from the recovery operation.</b>		
3.1	<p>The recycled polyester pads shall comply with BS 1425-1:1991 in relation to product cleanliness.</p> <p>The recycled polyester pads shall also comply with the following standards in relation to fire safety:</p> <ul style="list-style-type: none"> <li>• EN 597-1: Mattresses and upholstered bed bases – Ignition source smouldering cigarette.</li> <li>• EN 597-2: Mattresses and upholstered bed bases – Ignition source match flame equivalent.</li> <li>• I.S. 418:1988: Ignitability requirements of mattresses tested with secondary ignition sources simulating unknown bedcovers.</li> <li>• I.S. 419:2011: Fire safety requirements for components of furniture</li> </ul> <p>In each case above, the relevant specifications of the UK National Bed Federation's (NBF) Code of Practice for mattress manufacturing shall be taken into account.</p>	<p>Qualified staff shall grade/classify each batch of recycled polyester pads.</p> <p>As technical standards and specifications are subject to regular review, it is the producer and user's responsibility to ensure that the latest version is referred to.</p>
3.3	<p>The recycled polyester pads shall, as required, comply with the relevant provisions of the:</p> <ul style="list-style-type: none"> <li>i Classification, Labelling and Packaging (CLP) Regulation<sup>1</sup>;</li> <li>ii Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation<sup>2</sup>;</li> <li>iii Persistent Organic Pollutants (POPs) Regulation<sup>3</sup>;</li> <li>iv Or any other relevant legislation requirements as applicable or as identified by the Agency.</li> </ul>	As regulations are subject to amendment and replacement, it is the producer's responsibility to ensure that current regulations are referred to.
3.4	The recycled polyester pads shall comply with the pollutant limit values referenced in Table 2 and sampling and testing requirements set out in Part 4.	A register of non-conforming products for these criteria shall be maintained by the producer. The register shall contain information as to the reasons for the non-conformance and the manner in which the non-conformance was rectified.

<sup>1</sup> Classification, Labelling and Packaging - Regulation (EC) No 1272/2008 (CLP)

<sup>2</sup> Registration, Evaluation, Authorisation and Restriction of Chemicals - Regulation 1907/2006/EC (REACH)

<sup>3</sup> Persistent Organic Pollutants - Regulation 850/2004/EC (POPs)

**Table 2: Recycled polyester pads (Output) – Pollution Limit Values (PLVs)**

Compound	PLVs	
Polychlorinated naphthalenes (PCN)	Not detected <sup>4</sup>	Recycled polyester pads are required to meet the PLV limits for these compounds as per the Unintentional Trace Contaminant (UTC) levels in Annex I of the Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants.  As regulations are subject to amendment and replacement, it is the producer's responsibility to ensure that current regulations are referred to.
Short chain chlorinated paraffins (SCCPs)	0.15 % by weight	
Hexabromocyclododecane (HBCDD)	0.01 % by weight	
Tetrabromodiphenyl ether (tetraBDE) Pentabromodiphenyl ether (pentaBDE) Hexabromodiphenyl ether (hexaBDE) Heptabromodiphenyl ether (heptaBDE) Decabromodiphenyl ether (decaBDE)	For the purposes of the entries on tetra-, penta-, hexa-, hepta and decaBDE, point (b) of Article 4(1) of the Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants, shall apply to the sum of the concentration of those substances up to 500 mg/kg where they are present in mixtures or articles.	

**Part 4. Sampling & testing**

4.1	A sample of recycled polyester pads produced shall be collected and tested at six-month intervals, or every 250 tonnes produced, whichever is the lesser. The sample shall be tested at an accredited laboratory, using accredited test methods, where available, for all parameters specified in Table 2.	The laboratory selected shall be able to achieve the PLVs for each parameter listed <sup>5</sup> in Table 2 as per Annex I of the Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants.  Samples shall be collected by a qualified person.  A sample shall comprise a composite of a minimum of 3 no. sub-samples.
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**Part 5. Storage**

5.1	Recycled polyester pads pending the results of testing, shall be identified and physically separated into individual batches per representative sample.	A storage and labelling plan shall be established and maintained. Qualified staff shall regularly monitor storage and labelling plans and records and undertake a review thereof bi-annually.  Any recycled polyester pads stored greater than 12 months shall be re-classified as waste and managed accordingly until classified otherwise.
5.2	Prior to dispatch or use, recycled polyester pads that fulfil the criteria shall be kept in designated areas, separate from any other products or waste.	
5.3	The recycled polyester pads shall not be stored for a period greater than 12 months. Products that exceed the time limit for storage of a period of 12 months shall be deemed a waste unless otherwise demonstrated by re-testing as per Part 3.1.	

<sup>4</sup> There is no PCN limit in Regulation (EU) 2019/1021, therefore, the presence of unintentional PCNs is not permitted in articles.

<sup>5</sup> The method of analysis for PCNs shall be capable of quantifying the presence or otherwise of PCNs.

## ANNEX II

### Specific use & restrictions on use

#### 1. Specific uses

The recycled polyester pads that are produced in compliance with these criteria shall only be suitable for in the manufacture of new mattresses and headboard pads.

#### 2. Restrictions on use

- 2.1 The recycled polyester pads that are produced in compliance with these criteria are not permitted for use in the manufacture of baby mattresses and cribs.
- 2.2 The recycled polyester pads are limited to sale and use in Ireland and in any other destination country where approval has been attained from the country's relevant competent authority that the recovered material is recognised by the competent authority in that jurisdiction as a non-waste prior to the material being placed on that market.



## ANNEX III

## Statement of conformity with the end-of-waste criteria

1.	<p><b><u>Producer of the recycled polyester pads</u></b>          Producer Organisation Name:          Registered Company Address:          Waste Authorisation Ref. No.:          Address &amp; Eircode of Production:          Contact Tel:          Contact E-mail:          Date of production:</p>
2.	Quantity of the consignment in kg:
3.	<p><b><u>Classification/ specification &amp; suitability for use</u></b>          (a) The material in this consignment is only suitable for the following specified use(s):  <i>Specify applicable suitable uses</i></p> <ul style="list-style-type: none"> <li>•</li> </ul>
4.	<p>The recycled polyester pads in this consignment complies with the customer specification, industry specification or standard listed below:</p> <ul style="list-style-type: none"> <li>•</li> </ul>
5.	<p><b><u>Restrictions on use</u></b>          The material in this consignment is <u>not suitable</u> for use in:</p> <ul style="list-style-type: none"> <li>•</li> </ul>
6.	The recycled polyester pads in this consignment meets the criteria specified in Single Case End-of-Waste decision Art28-0089 for recycled polyester pads.
7.	The producer of recycled polyester pads in this consignment applies a management system certified by a Management System Certification Body accredited by the Irish National Accreditation Board, or equivalent European accreditation body.
8.	<p>Declaration of the producer of recycled polyester pads in this consignment: I certify that the above information is complete and correct to the best of my knowledge:          Name:          Date:          Signature:</p>
9.	<p><b><u>Chain of custody</u></b>  <b>Producer</b>  <b>As per Item 1.</b>          Date of transfer to next holder:</p> <hr/> <p><b>Any other holder (where applicable)</b>          Organisation Name:          Contact Tel:          Contact E-mail:          Date of transfer to next holder:</p> <hr/> <p><b>User</b>          Organisation Name (if applicable):          Name:          Contact Tel:          Contact E-mail:          Use Location:</p> <hr/> <p><b>NOTE: it is the responsibility of the holder who transfers the recycled polyester pads to the next holder to ensure the chain of custody has been completed to include details of the next holder.</b></p>