



Circular economy package published and in force

As part of a transformation towards a circular economy, in **December 2015** the **European Commission** presented an [Action Plan](#) together with **4 legislative proposals** for amending a number of existing legal acts. As a package, the proposed amendments **aimed at introducing new waste-management targets regarding reuse, recycling and landfilling, at strengthening provisions on waste prevention, at extending producer responsibility as well as at streamlining definitions, reporting obligations and calculation methods for targets.**

After month of negotiating the Commission's proposal in the European Parliament, the European Council and finally **finding an agreeable compromise** between these three institutions, **on 14th June 2018** the **four legal acts were published in the [Official Journal of the EU](#)** and consequently **entered into force on 4 July 2018**. As these legal acts are amendments to existing Directives, they **need to be transposed and implemented into national law** by Member States within 24 months **and will therefore effectively apply at the latest as of 4th July 2020.**



The four legislative acts can be accessed here:

- [Waste Framework](#)
- [Packaging and Packaging Waste Directive](#)
- [Landfill Directive](#)
- [End-of-life vehicles, waste batteries and accumulators and WEEE directives](#)

In a nutshell, the **new Directives** – which [according to European Commission](#), will make Europe „the global front-runner in waste management and recycling“ –

- **set more ambitious targets for**
 - » **reuse & recycling of municipal waste** (minimum of 55 % by 2025, 60 % by 2030, and 65 % by 2035)
 - » **out phasing landfilling of municipal waste** (maximum of 10 % by 2035)
 - » **recycling of packaging waste** (minimum of 65 % by 2025 and 70 % by 2030 for all packaging waste, with additional specific targets for specific packaging materials, such as 50 % by 2025 and 55 % by 2030 for plastic packaging)

- **strengthen the implementation of the 5 level waste hierarchy**
- **make extended producer responsibility schemes mandatory for packaging**
- **introduce stronger requirements regarding separate waste collection**
- **require further action from the European Commission by given deadlines in the future.**

Most relevant for the construction sector are

- the inclusion of **new definitions for “construction and demolition waste” and “backfilling”**, which will have an effect on harmonising the calculation of reuse/recycling levels in Member States
- the **emphasis on reuse and recycling**
- the **improvement on sorting construction and demolition waste** as well as
- the **obligation of the European Commission to consider by end of 2024 to set targets for construction and demolition waste and its material-specific fractions regarding the preparation for re-use and recycling**

“construction and demolition waste” means waste generated by construction and demolition activities;

“backfilling” means any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping. Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes;

While the afore legal acts were still being negotiated, earlier this year the European Commission published a communication and a roadmap as part of the European Union Circular Economy Action plan:

- [Communication on the implementation of the circular economy package: options to address the interface between chemical, product and waste legislation \(January 2018\)](#)

In this Communication to the European Parliament and Council the Commission **identifies four main issues**

- » the **lack of information on presence of substances of concern in products and waste**, which has a negative effect on the handling and preparation of waste for reuse and recycling
- » the **potential presence of substances in waste which no longer are allowed in new products**, such as certain brominated flame retardants
- » the **lack of fully harmonised end-of-waste rules** which leads to uncertainties when and how waste ceases to be waste and becomes a new material or product
- » **insufficiently aligned rules for deciding which wastes and chemicals are hazardous**, which affects the uptake of secondary raw materials

In the Communication the **Commission also informs about the planned actions and particular questions they intend to address when tackling these issues**. One of these actions is **developing a specific decision-making methodology to support the recyclability of waste containing substances of concern**. This raises the **question how to square the idea that waste is a resource that should be recycled while ensuring that waste containing substances of concern is only recovered into materials which can be safely used?** Which leads to the **fundamental question if it tolerable to allow recycled materials to contain chemicals that are no longer allowed in primary materials?**

- [Roadmap towards an EU Product Policy Framework contributing to the Circular Economy \(May 2018\)](#)

In the process of planning and proposing EU legislation, **roadmaps are an instrument to e.g. define the scope of major new laws or policies**. Roadmaps describe the problem to be tackled and objectives to be met, explain why EU action is needed, outline policy options and describe the main features of the consultation strategy.¹

In the present case the **identified problem is, that many products in use today are not designed or**

1 https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law_en

produced with circularity in mind. It is explained that various EU policies already address the roots of the problem, but that several product groups – **including construction products/building** – are currently not covered by EU policies as regards their, often high, circular economy potential. Without going into details, the European Commission informs that it will look into soundness and completeness of existing EU legislation and based on that identify the options for action. As part of the action a public consultation shall be conducted this summer and a conference will be organised next autumn.

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