

ECOS Response: Call for Evidence for the Circular Economy Act

Brussels, 28 October 2025

ECOS welcomes the recognition that reducing the EU's dependency on raw materials, improving competitiveness, and mitigating environmental pressures requires a strong circular economy. We support proposals to expand Extended Producer Responsibility schemes, establish mandatory criteria for circular public procurement, and increase attention on Waste Electrical and Electronic Equipment, and hopefully on waste prevention, as it is the fastest growing waste stream in the EU.

The approach outlined in the Call for Evidence risks narrowing the Circular Economy Act (CEA) to the functioning of the internal market for waste and secondary raw materials, instead of addressing the structural causes of Europe's linear economy or respecting the waste hierarchy, a principle embedded in EU law. The CEA is an opportunity to achieve the ambition of the Clean Industrial Deal, which commits the EU to becoming a circular economy world leader by 2030. To succeed, the Act must rest on a dual legal basis, embed the waste hierarchy and lifecycle thinking, and provide clear, harmonised definitions that guide implementation across Member States.

A dual legal basis

ECOS is concerned that the proposed legal basis for the CEA, Article 114 of the Treaty on the Functioning of the European Union (TFEU), focuses on internal market objectives. This approach risks undermining the Act's environmental intent. Circular economy policies aim to address systemic challenges such as resource depletion, pollution, and waste generation, issues that cannot be adequately managed through market measures alone.

A dual legal basis, combining Article 114 (Internal Market) and an appropriate environmental article (i.e., Art. 192), is both legally sound and politically coherent. It would ensure that the CEA fully supports market harmonisation while delivering tangible environmental benefits. There is clear precedent: the Battery Regulation and the Packaging and Packaging Waste Directive rely on a dual legal basis combining Articles 114 and 192, while the Waste Framework Directive was adopted solely under the environmental legal base (Article 192). In addition, the title and mandate of Commissioner Roswall: "*Environment, Water Resilience and a Competitive Circular Economy*" explicitly link the circular economy to environmental objectives under the Clean Industrial Deal. Without an environmental legal basis, measures to prevent waste, reduce material footprints, and promote reuse risk being treated as optional or secondary. A single-market-only approach would

constrain the Act's scope, leaving it unable to address the root causes of the linear economy. A dual legal basis is essential to ensure coherence, legal robustness, and environmental integrity.

Circular economy ≠ free circulation of waste

The slow pace of Europe's transition to circularity stems not from insufficient waste trade, but from a lack of policies addressing material use across the entire lifecycle of products. A circular economy is not a single market for waste and secondary raw materials, it is a systemic model of production and consumption that meets societal needs while respecting planetary boundaries.

The CEA must embed lifecycle thinking and the waste hierarchy as guiding principles. This means prioritising waste prevention, reuse, and repair before recycling and recovery, while ensuring that environmental impacts are addressed at the design stage, where up to 80% of a product's footprint is determined. Europe's circular material use rate has stagnated around 11%, largely because material consumption continues to rise. A lifecycle-based Act, building on the Circular Economy Action Plans, is essential to accelerate progress towards Europe's 2030 circularity goals.

Harmonised definitions

To ensure coherence and harmonisation across the single market, the CEA should set a clear definition for the circular economy. Definitions are not a semantic exercise, they are fundamental to consistent implementation, enforcement, and data comparability across Member States.

The definition of circular economy should capture its systemic nature as a *solutions* framework that is driven by systems thinking and design, and grounded by the following principles: regenerating nature, eliminating waste & pollution, minimizing resource extraction, and circulating products & materials at their highest quality.

By anchoring the CEA in clear definitions, supported by a dual legal basis and guided by lifecycle principles, the European Commission can ensure that the CEA becomes a transformative environmental and economic instrument. One that moves the EU from waste management to sustainable resource management, delivering on the Clean Industrial Deal commitment to make Europe circular by 2030.