



Delivering a Circular Economy Act that works

Response to the European Commission's public consultation

Brussels, 05 November 2025

Under the **Clean Industrial Deal**, the European Union has committed to becoming the world's **circular economy leader by 2030**. The Circular Economy Act (CEA) is a critical opportunity to achieve this goal and align Europe's economic resilience and competitiveness with environmental protection. However, this ambition can only be realised if the Act is built on a **dual legal basis** (Articles 114 and 192 TFEU) and guided by the **waste hierarchy** and a **lifecycle approach** that addresses the root causes of the linear economy. Without these foundations, the Act risks reinforcing a narrow focus on waste markets, missing the opportunity to drive a genuine transformation towards a circular and regenerative economy.

By adopting clear targets, definitions, and reflecting prevention and reuse priorities in key legislative files such as public procurement, extended-producer responsibility schemes, waste framework directive and e-waste legislation, **the Circular Economy Act can deliver both environmental and economic benefits**.

Executive summary - Our recommendations at a glance

A dual legal basis is necessary

- **Adopt a dual legal basis (Articles 114 and 192 TFEU)** to ensure the CEA addresses both internal-market functioning and environmental protection, as required by its objectives and by legal precedent (e.g. Packing Directive, Waste Framework Directive, Battery Regulations).

Circular Economy does not mean free movement and circulation of waste

- **Embed the waste hierarchy & lifecycle thinking** into the CEA to ensure coherence with the EU's circular economy policy architecture and truly accelerate the transition to the circular economy by prioritising prevention and lifetime extension over waste management and disposal.

Established harmonised definitions

- **Define circular economy** to ensure a harmonised implementation across Member States, enable consistent enforcement and data flows, and make it clear that circularity is a solution framework driven by systems thinking and design, and grounded by the following principles: regenerating nature, eliminating waste and pollution, minimising resource extraction, and circulating products and materials at their highest quality.

Set targets to drive ambition

- **Set binding, science-based targets** including a material footprint cap of 5 tonnes per capita by 2050, (e)waste-prevention targets (20 % by 2030, 30 % by 2035), and separate binding targets for reuse, repair, and preparation for reuse complemented by sector-specific targets for electronics, textiles, vehicles, food, furniture, and construction and demolition waste.
- If **biobased content targets** are considered, they must **avoid unintended consequences**. Targets should follow the waste hierarchy, applying in priority where reuse and recycling are not feasible and where biobased options deliver clear environmental gains. **Strict sustainability and sourcing criteria** must apply, consumer bio-based content claims should include environmental information to prevent greenwashing.
- Adopt **recycled content targets** based on sound sustainability criteria that count only post-consumer material, ensure full traceability that excludes the use of credit systems, and apply full system boundaries across recycling technologies to guarantee real reductions in virgin plastic use.

Strengthen and revise key instruments

Public procurement for circular goods

- **Make public procurement a driver of circularity** through a clear mandate for public buyers to procure circular products with public procurement requirements at EU level.

Extended Producer Responsibility (EPR)

- **Reform EPR** to internalise environmental costs, set targets and modulate fees to prioritise waste prevention and reuse over recycling, and ensure fair governance.

Waste Electrical and Electronic Equipment (WEEE) Directive

- **Revise the WEEE Directive** to ensure it is grounded on the waste hierarchy, it sets separate targets for waste prevention, collection, preparation for reuse/reuse, and recycling, modernises WEEE treatment (rules especially for CRMs), and ends all illegal exports of e-waste.

Zooming in on the buildings and construction sector

- **Reduce new construction** by prioritising the reconversion, refurbishment, and renovation of existing buildings to meet housing and infrastructure needs sustainably.
- **Design for adaptability and disassembly** so buildings and steel structures can be easily deconstructed and their components reused or recycled at high value.
- **Mandate digital product passports and building logbooks** to ensure traceability of materials throughout their lifecycle.
- **Require pre-demolition and pre-redevelopment audits** to identify reusable materials and hazardous substances using a standard EU template.
- **Adopt material-specific targets: Revise Construction and Demolition Waste targets** to prioritise preparation for reuse and recycling over backfilling, and establish separate, material-specific goals for mineral and non-mineral waste streams.
- **Fast-track circular material requirements:** Mandate minimum recycled content and circularity criteria for key construction materials (e.g. concrete, glass, steel, insulation) to stimulate demand for secondary materials.
- **Establish a European EPR scheme for construction products** to finance recovery and reuse through shared producer responsibility.
- **Support recyclers** in upgrading sorting and separation technologies while ensuring a fair transition for workers.
- **Update End-of-Waste (EOW) criteria for construction materials and steel** to prevent downcycling and enable cross-border trade in high-quality secondary materials

Steel

- Promote the reuse of structural steel elements as the least emissive option and extend dismantling provisions to all steel-containing goods to prevent contamination.
- Via the CEA, transpose the dismantling provision in the End-of-Life Vehicles Regulation to every steel containing good, include recycling targets for different steel goods beyond cars and buildings, to push different high-quality end-using sectors to require the use of higher quality scrap from their steel suppliers.
- Support recyclers financially and via knowledge sharing to improve sorting

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Overview

ECOS welcomes the recognition that to reduce the EU's dependency on raw materials, improve competitiveness, and reduce overall environmental pressures, a strong circular economy is essential. We also welcome the proposal to digitalise and expand Extended Producer Responsibility (EPR) schemes, ensure that Waste Electrical and Electronic Equipment (WEEE) are duly regulated, and to set mandatory criteria for public procurement of circular goods.

However, **the approach outlined in the Call for Evidence risks narrowing the scope of the Circular Economy Act (CEA) to the functioning of the internal market for waste and secondary raw materials, rather than addressing the root causes of Europe's linear economy.**

To ensure the Act achieves its stated environmental objectives, its design must reflect the full purpose and mandate of EU circular economy policy. This begins with an appropriate dual legal basis and the integration of the waste hierarchy and lifecycle thinking as guiding principles. It must then establish clear definitions and science-based targets, strengthen public procurement frameworks, reform EPR schemes, and revise sectoral legislation to prioritise waste prevention and reuse over waste management, i.e., setting waste prevention targets for WEEE.

A dual legal basis is necessary

ECOS is highly concerned that the proposed legal basis for the CEA is limited to Article 114 (Internal Market) of the Treaty on the Functioning of the European Union (TFEU). Relying solely on this legal base risks misrepresenting the CEA's environmental objectives and undermining the integrity of the initiative. The CEA aims to address systemic environmental challenges — resource depletion, waste generation, and pollution — that cannot be adequately tackled through internal market measures alone.

A dual legal basis, combining Articles 114 (Internal Market) and an adequate environmental article (i.e. Art.192) of the TFEU, is therefore essential. This dual framing would ensure that the CEA effectively supports both market harmonisation and environmental protection, the two pillars on which a genuine circular economy must stand. Furthermore, Article 11 TFEU requires that environmental protection be integrated into all Union policies and activities to promote sustainable development. The CEA must therefore reflect this obligation by embedding environmental objectives in its legal foundation, not solely internal market considerations.

The following considerations underscore the necessity of including an environmental legal basis:

- **EU Political Structure and Mandate:** The title of Commissioner Roswall *"Environment, Water Resilience and a Competitive Circular Economy"*, explicitly links the CE agenda to environmental responsibility. Furthermore, framing this work under the umbrella of the Clean Industrial Deal confirms its overarching environmental and sustainability ambition, as stated in President von der Leyen's mission letter to the Commissioner Roswall: *"As part of the Clean Industrial Deal, you will lead, with the Executive Vice-President for Prosperity and Industrial Strategy, on a Circular Economy Act..."*¹
- **Legal Precedent and Coherence:** The revision of the Waste Framework Directive (WFD) (2008/98/EC), the Packaging and Packaging Waste Directive (PPWD), and the Landfill Directive (2018/851/EU) were central to the first Circular Economy Action Plan (CEAP). Both the **PPWD and Landfill Directive were adopted under a dual legal basis** (Articles 114 and 192 TFEU), while **the WFD relied solely on environmental legal base** (Art 192 TFEU). These Directives, and especially the WFD, demand continuity to ensure fundamental principles work in practice in key areas, requiring, for instance, that the waste hierarchy underpins all subsequent measures. This precedent confirms that when the environmental component of an act is significant and indispensable, as it is the case for the CEA, a dual legal basis is the most legally coherent and institutionally sound approach.
- **Policy Consistency:** This Call for Evidence explicitly identifies reducing environmental pressure as the critical, systemic problem the Circular Economy Act is intended to solve *"To improve our competitiveness, and reduce pressures on the environment, a strong circular economy is essential"*. Without an explicit environmental mandate, measures to prevent waste, reduce material footprints, and promote reuse risk being treated as secondary or optional.

An internal market only basis would limit the scope of measures to those justified by trade harmonisation, creating a structural deficit, failing to provide the adequate legal mandate necessary to fully address the environmental dimension of the circular economy, which is inherent to the concept.

To ensure coherence, legitimacy, and impact, ECOS urges the Commission to adopt a dual legal basis (Articles 114 and 192 TFEU). This would ensure that the Circular Economy Act remains anchored in environmental protection while facilitating a well-functioning single market for circular goods and materials.

Circular Economy does not mean free movement and circulation of waste

The CEA's Call for Evidence identifies the *"slow transition to circularity"* as the central problem. ECOS agrees with this diagnosis but notes that the proposed solution —creating a single market for waste and secondary raw materials — is insufficient to address the systemic drivers of linearity. **Circular economy is more than having single market for secondary raw materials and waste.** A circular economy means a new paradigm of production and consumption which respects nature while meeting society's need and generating wellbeing.²

A lifecycle thinking approach, guided by the waste hierarchy, must therefore be the organising principle of the Circular Economy Act. This means developing several measures that together aim to reduce and extend the lifetime of resources, while shifting the focus from extraction to regeneration of nature.¹ This approach is absolutely necessary because:

¹ This echoes the Conclusions of the EU Environmental Council meeting on 17 June 2024 which acknowledged that the EU's consumption level is unsustainable and urged the European Commission to assess the establishment of an EU long-term objective for sustainable resource use as well as an overarching legal framework.

- It is often estimated that up to 80% of a product's environmental impacts are determined at the design stage.ⁱⁱ Focusing narrowly on end-of-life management neglects this critical upstream leverage point.
- **The CEA must be a continuation of the previous CEAP.** The CEAP stresses interventions “*along the entire life cycle of products*.” A waste-focused Act would undermine its coherence with the EU's circular economy policy architecture.
- Europe's circular material use rate (CMUR) has stagnated around 11%, despite decades of recycling policy.³ **The amount of new materials used in the economy (measured as domestic material consumption) is about eight times higher than the amount of recycled materials used; therefore, the CMUR depends far more on consumption trends than recycling rates.**⁴
- The Clean Industrial Deal clearly states that EU's efforts to become a world leader in circularity are hampered by the absence of “*a single market for waste, secondary raw materials, reusable materials and lead markets*”, that it will work to “*incentivise diversion from landfill towards re-use and recycling through more effective separate collection*” and that the CEA will “*facilitate the rolling out of the Ecodesign for Sustainable Product Regulation (ESPR)*”. It is unequivocally under the mandate of the CEA to facilitate measures that address the lifecycle of products and focus on measure other than recycling.

To ensure the CEA is able to accelerate the transition to circularity, ECOS urges the Commission to embed the lifecycle thinking approach guided by the waste hierarchy as binding principles for the Act's policy design and implementation.

Establish harmonised definitions

To remove barriers in the single market and avoid fragmentation, the **Circular Economy Act must set clear, operational definitions that are consistent across Member States** for key terms such as circular economy. Clear definitions are not a semantic detail: they are the foundation for harmonised enforcement, comparable statistics, interoperable extended producer responsibility (EPR) schemes, effective digital product passport (DPP) data flows, public procurement specifications, and the design of targets (prevention, reuse, repair, recycling). Without them, businesses face heterogeneous requirements, market surveillance is weakened, and environmental outcomes are diluted.

The CEA should explicitly define **Circular Economy** as:

“A solutions framework designed to create a production and consumption system that meets societal needs while regenerating natural ecosystems and fostering the welfare of all beings on the planet. It aims to tackle global sustainability challenges like resource depletion, global warming, biodiversity loss, and environmental pollution. It is driven by systems thinking and design and grounded on the following principles: regenerating nature, eliminating waste and pollution, minimizing resource extraction, and circulating products and materials at their highest quality. The circular economy is underpinned by the use of renewable energy, and the utmost respect for the rights of all living beings on the planet”.

ⁱⁱ It is widely recognised that design decisions determine the majority of a product's environmental impact. See, for example: European Parliament (2021). Circular Economy: Definition, Importance and Benefits. <https://www.europarl.europa.eu/topics/en/article/20151201STO05603> or Ellen Macarthur Foundation (2022). An introduction to circular design: <https://www.ellenmacarthurfoundation.org/news/an-introduction-to-circular-design>

Set targets to drive ambition

Quantitative targets are indispensable tools to guide ambition and operationalise the transition to a circular economy. Targets also create accountability, align incentives across Member States, and provide a measurable signal to industry and investors. However, existing **CE targets lack convergence toward a unified goal, and do not align with science-based targets for sustainable resource use or a 1.5-degree warming scenario**. They are also limited and narrow in scope, focusing on areas like recycling and resource efficiency, while neglecting key areas such as reduction, reuse, and refurbishing.⁵ Without clear targets, policy implementation risks remaining fragmented and incremental.

To make the EU a world leader in the circular economy by 2030, the CEA must therefore **set binding, measurable, and science-aligned targets** that drive systemic change across the economy.

We call for the following targets under the CEA:

- Binding targets to keep the EU's **material footprint** within planetary boundaries to five tonnes of raw material consumption per capita by 2050.ⁱⁱⁱ
- Binding **waste prevention targets** of **20% reduction by 2030** and **30% by 2035**, complemented by **sector-specific targets** for electronics, textiles, vehicles, food, furniture, and construction and demolition waste.
- Separate binding targets for **reuse, repair, and preparation for reuse**, as already established in several Member States, e.g. Spain, France and European regions, e.g. Wallonia, Flanders). Include sector-specific targets for electronics, textiles, vehicles, food, furniture, and construction and demolition waste.

Waste prevention and reuse targets are well-established policy tools to drive action and set the ambition. The **Packaging and Packaging Waste Regulation (PPWR)** includes reduction targets (5% by 2030, 10% by 2035, and 15% by 2040). Similarly, the **EU Battery Regulation** sets waste prevention through collection rate targets, e.g. 63% for portable batteries by 2027 and 51% for light means of transport batteries by 2028.

The CEA should build on these precedents to establish a coherent and binding **EU-wide targets** that move the Union from waste management toward becoming a world leader in the circular economy.

Biobased content targets

The public consultation raises the possibility of setting biobased content targets. ECOS cautions that bio-based content targets should not indiscriminately support bio-based materials, as 'bio-based' does not mean sustainable, carbon neutral, nor circular by default.

When considering biobased content targets, the Commission should **adopt an evidence-based and product-by-product approach and set robust sustainability requirements**. Targets must be explored in priority in specific markets and products where reuse or recycling are difficult, and where bio-based materials offer a measurable environmental improvement compared with conventional alternatives. This process should be part of the implementation of the Ecodesign for Sustainable Products Regulation (ESPR) and the Packaging and Packaging Waste Regulation (PPWR).

ⁱⁱⁱ Targets are calculated on the basis of the 50 Gt/yr target for materials use on a global scale. This target is shared by the following research: Bringezu, 2015, 2019; Dittrich et al., 2012; O'Neill et al., 2018. It can be translated to 5t/cap/yr in 2050, estimating a population of 10 billion people (UN's "medium variant" prediction is 9.7 billion people by 2050). See more at: <https://ecostandard.org/publications/sustainable-resource-management-directive/>

- **Sustainability criteria must be comprehensive.** Only materials which meet strict sustainability criteria should be incentivised, with attention to impacts on the climate, human health, soil health, water use, biodiversity, and local communities. We strongly advise against referring to single-issue sustainability approaches, such as methodologies focusing only on greenhouse gas emissions and based on the comparative 'benefits' and 'substitution effects' of using one material type over another.
- **Eligible biomaterials must be responsibly sourced.** Content targets should only support biomaterials produced under **ecological land management principles** recognised by the EU, such as closer-to-nature forest management, organic production in line with the EU Organic Regulation, and agroecology as supported in EU projects such as the Agroecology Partnership.
- **Target areas should be selective and justified.** Bio-based content targets could be explored for **sustainably sourced bio-based natural fibres** which do not shed microplastics, and **bio-based construction products** as structural elements and for insulation.
- **Consumer-facing claims on biobased content must be truthful and contextualised:** Consumers should not be led to think that a higher percentage of biobased content results necessarily in a better environmental profile,⁶ particularly for single use products.

Recycled plastic targets

Recycled content targets for plastics should **incentivise the collection and management of waste from products that have already been placed on the EU market**. When setting targets for recycled plastics, the CEA should:

- **Define eligible material clearly:** In line with EU environmental legislation, communication, and case-law,⁷ 'eligible material' used to calculate, verify and report recycled plastic content should only include "post-consumer plastic waste and material stemming from post-consumer plastic waste" (like for the Single Use Plastics Directive) to avoid perverse incentives to generate pre-consumer waste merely to meet targets.
- **Accounting methodologies should ensure full traceability.** Segregation and controlled blending of the recycled content must ensure the highest level of traceability. Where mass balance is used, it must follow proportional attribution of recycled plastic content across as it is aligned with EU legislation⁸. Credit mass balance shall be excluded to guarantee an actual reduction of virgin plastic use and value retention, while avoiding greenwashing in economic operators' declarations of recycled plastic content, at product level (e.g. from pyrolysis processes).
- **Apply complete system boundaries:** To maintain a level playing field between recycling technologies, accounting must cover all processing stages. For chemical recycling technologies, it means including the additional upgrading necessary to strip out additives from plastic-derived oil, the steam cracking stage down to the repolymerisation stage and plastic shaping (at most only 0.03% recycled content is possible in new plastics when pyrolysis of polyolefins is used⁹).

Finally, the Commission should develop **European sustainability criteria** for plastic recycling technologies handling post-consumer plastic waste, as anticipated under the **Packaging and Packaging Waste Regulation (PPWR)** and apply it when setting targets. These criteria must ensure that the way recycled content is produced **does not negate the environmental benefits** of using it, thereby upholding high levels of protection for both the environment and human health.

Strengthen and revise key instruments

Public procurement for circular goods

Public procurement has the power to build the business case for decarbonised, circular products as it can help overcome barriers to market entry and support circular business models. It accounts for nearly 14% of the EU's GDP. More than 250 000 public authorities are Europe's largest consumers – from infrastructure to textiles and food. Mainstreaming public procurement provides unparalleled potential to drive systemic change in production and consumption patterns, by prioritising products returning the highest value for taxpayers' money.

Public buyers can do that by exploiting their large scale demand to create lead markets for low-carbon, circular products, as acknowledged by the Clean Industrial Deal. This is not about starting from scratch – a recent survey by European Environment Agency demonstrates that circular procurement is on the rise – with more than 50% of public authorities procuring some shade of circular¹⁰. This is a clear sign that public authorities are integrating these practices – and that they perceive benefits in doing so.

Yet, criteria are often insufficiently ambitious (either do not favour the waste hierarchy or only focus on a handful of products), and are generally fragmented across local, regional and national authorities¹¹. This represents a cost to public authorities (reinventing the wheel) and to companies, which could benefit from long-term clarity on their investment in circularity.

To support existing efforts across public buyers, the Circular Economy Act should:

- Deliver a **clear mandate for public buyers to procure circular products**. It must ensure they do so by choosing products that deliver the highest environmental benefits, beyond their upfront price. In tandem with the revision of the Public Procurement Directives, the CEA must clarify that public authorities must award bids to those products or services favouring the circular economy.
- Deliver clear and simple **public procurement requirements at EU level**, enabling or fast tracking existing procurement provision contained in existing regulations, for example, Ecodesign for Sustainable Products Regulation and Construction Products Regulation. It should do so by prioritising product categories with the highest volumes procured by public authorities, notably the construction sector, while focusing on delivering a common EU minimum approach to circular requirements at EU level.

Extended Producer Responsibility (EPR)

The principles behind EPR schemes are a cornerstone of the circular economy. They offer an important financial source for the environmentally sound management of products placed on the Union market throughout their entire life cycle, including at the post-consumer stage. It is a crucial instrument to implement the “polluter pays” principle. Well-designed EPR systems can also incentivise more sustainable product design and value chains and encourage producers to minimise waste generation and pollution. EPR systems reward sustainable business models and stimulate new markets for reuse, repair, and recycling.

In addition to optimising and harmonising EPR schemes, the CEA should:

- Ensure **EPR fees cover the full environmental costs** of products, including collection, sorting, reuse, recycling, and data management.
- **Set** waste prevention, collection, reuse/preparation for reuse and recycling **targets**.
- **Modulate fees** for waste prevention, sustainable design, reparability, and durability, while discouraging short-lived and non-recyclable products.

- Mandate the inclusion of a '**fee transfer mechanism**' within EPR schemes to finance the end-of-life treatment of second-hand products exported outside the EU, ensuring consistent responsibility regardless of the final destination.
- Enforce a **level-playing field** among producers regardless of the mode of selling, to prevent free-riders. This is particularly important in the case of traders located outside of the EU, without an EU-based importer, that sell to European consumers. Online marketplaces and fulfilment service providers that host such traders must ensure that they comply with EPR obligations and contribute to the schemes as EU-based producers do, or otherwise contribute to the EPR schemes themselves.
- Ensure that **governance of EPR schemes is inclusive** and that the performance of producer responsibility organisations have appropriate oversight. All actors, including social enterprises, municipalities, waste managers, and NGOs, must be included in the decision-making around the design, functioning, and governance of EPR schemes, instead of only having an observing role.
- Use **DPPs** to facilitate information exchange between producers and EPR schemes, enabling traceability and fair cost allocation

Waste Electrical and Electronic Equipment (WEEE) Directive

Since the entry into force of the WEEE directive in 2012, the challenges in dealing with Electrical and Electronic Equipment (EEE) has grown and considerable technical developments have taken place so that the current WEEE Directive is no longer fit for purpose. In particular, the main focus on end-of-life throughout the directive is no longer appropriate.¹² It is also essential to address electronics rich in Critical Raw Materials (CRM) to improve their return and recovery, especially valuable resources for the circular economy, and extend its scope, such as to wind turbines.

To ensure the sector transitions to a circular production and consumption model, the envisaged revision of the WEEE directive under the CEA must tackle two twin challenges: effectively recovering valuable resources from electronic equipment; and preventing, mitigating, and reversing the environmental harm caused by resource consumption and electronic waste.¹³ To achieve this, the revision under the CEA should ensure that:

- The Directive is grounded in the **Best Environmental Outcome** principle under Article 4 of the WFD, prioritising waste prevention and life extension over recycling or energy recovery.
- Set an overall **20% waste prevention target** on municipal solid waste to be achieved by 2030 by all Member States, and of 30% by 2035.
- Introduce overall waste prevention targets with **product-group specific targets**.
- **Set separate waste collection, reuse/preparation for reuse, and recycling targets**.
- Adopt a **residual (non-recycled) waste** target of 120 kilograms per capita by 2030 and of 100 kilograms per capita by 2035.
- Increase and enforce **producer and seller responsibility**, including for online platforms.
- Improve **collection systems** for consumer convenience and transparency.
- Modernise and extend **rules for WEEE treatment**, collection, logistics, and preparation for re-use, especially to recover CRMs.
- End **illegal exports** of WEEE.

Buildings and construction sector

The construction sector is among the most resource-intensive in the EU, accounting for **roughly half of all raw materials consumed and about one-third of total waste generated by weight**.¹⁴ Despite its significant environmental footprint and considerable circularity potential, the sector remains predominantly linear, with limited reuse and waste prevention practices, and only modest levels of high-quality recycling.

EU legislation exists but remains largely ineffective in driving circularity and tackling the sectors' waste problem. The Construction Products Regulation (CPR) provides ground for making products more circular by design, through product requirements. One year into implementation, no plans are in place to integrate circularity, both in existing product standardisation requests, nor in the draft working plan circulated to members of the technical expert group of the CPR Acquis.

For construction and demolition waste (CDW), the WFD has largely underperformed on enhancing waste prevention and fostering reuse and high-quality recycling. CDW is treated primarily for backfilling or low-grade recovery – end of life options higher up the waste hierarchy exist, but remain largely unexploited¹⁵. A recent report by the JRC acknowledges that existing recovery targets (art.11 WFD) are critically underdelivering¹⁶, posing a barrier to preparation for reuse and high-quality recycling. They also remain largely unsupported by waste prevention measures.

These gaps further slowdown progress on circularity in the construction sector. The CEA should aim at closing these regulatory gaps in three ways.

Turn buildings into the new frontier of material mining:

- **Make full use of what we have:** the circular economy act should provide a legal framework to tackle circularity at the highest of the stages – i.e., reduction of new construction. This is especially important in the context of the housing work done by the Commission. Fully exploiting the current building stock via reconversion, refurbishment and renovation must be the priority to quickly, sustainably and cheaply provide for new housing units – this can also support circularity in the built environment.
- **Support design for adaptability and disassembly:** the design stage is vehicular to streamline circularity in buildings. The CEA must incentivise practices that target adaptability and disassembly; only in this way the recovery of construction products will be enhanced.
- **Support the establishment of DDPs and digital building logbooks:** digitalisation is an enabler of circularity. It is key to be aware of what goes into a building to understand how to process it at its end of life.

Ensure construction materials are circular by design:

- Fast track the introduction of recycled content requirements in key materials (such as concrete, glass and insulation), as well as reusability and recyclability definitions per product group.

Strengthen end-of-life management and market incentives

Require selective demolition practices by mandating pre-demolition audits. At end of life, every project must undergo a mandatory pre-demolition or pre-redevelopment audit to identify products for reuse, recycling, and potential contaminations. Selective demolition guided by audits can reduce mixed CWF by 30-50%, and increase reuse and recycling rates by up to 90% for targeted materials, according to the EEA¹⁷. To this extent, it is important that the Commission mandates the development of a standardised template for assessors that resembles the check list in annex F in the EC Guidelines on Waste Audits (2024) and fully translates into law the EU Construction & Demolition Waste Protocol¹⁸.

Revise existing CDW recovery targets (WFD), in line with findings of the relevant JRC report¹⁹ – with priority given to:

- Replace generic recovery targets with **separate targets for preparation for reuse and for recycling**, excluding backfilling and energy recovery from target calculations.

- **Revise existing CDW recovery targets** (WFD), in line with findings of the relevant JRC report^{iv} – with priority given to:
 - Replace generic recovery targets with **separate targets for preparation for reuse and for recycling**, excluding backfilling and energy recovery from target calculations.
- **Ensuring these targets are specific, as different waste streams have different circularity potential.** These should be – de minimis – focus on (for non-hazardous waste): a recycling target for post-consumer non-hazardous waste focusing on a division between stony mineral waste and non-stony non-mineral waste, as follows: *“Of the non-hazardous construction waste fraction, at least 95% (by weight) of the stony mineral waste fraction and 70% of the non-mineral non-stony fraction generated on the construction site is prepared for reuse or recycled in a closed-loop”*. This would effectively target mineral streams (approx. 90% of C&DW), without overlooking the environmental impacts linked to non-mineral streams. This would also favor treatments higher up the waste hierarchy for wood waste, which can consist of up to 50% of the building stock in some Member States (Sweden, Finland, Denmark).
- **Ensure these targets are calculated following common methodologies**, which is not the case at the moment, as stated by the JRC report.
- **Support the creation of a European EPR scheme for construction products:** taking inspiration from the French system, the CEA should phase into EU legislation the economic value of recovery, complementing the (imperfect) mandatory provisions in the WFD and following the recommendations described in the EPR section above.
- **Streamline the development and upgrade of End of Waste (EOW) criteria for construction products:** it is key to make EOW criteria a flexible legal tool that the Commission can be leveraged. EOW criteria allow for the flow of new products recovered from waste to be transported across the single market and reach construction projects that commit to higher environmental standards.

Steel

Steel is often taken as a success story of recycling and circularity. While it is true that scrap-based steel makes up for around 40% of European crude steel production, a deeper level of analysis shows that a small percentage of the scrap is melted to become the same high-quality product it once was.

Downcycling is the norm in the industry, and with every downcycling the scrap stock increases the percentage of tramp elements in it (such as copper), making the use of new iron ores and new carbon-content reagents (such as coal) essential to require the level of purity of high quality products such as hot and cold rolled coils required by light vehicles and packaging, two examples of end-using sectors demanding high quality grades. This is an issue for the following reasons:

- It squanders the potential for circularity in the sector, which could rely on secondary material and primary electrification to produce virtually any kind of product, and instead relegate this production method to mostly lower quality products.
- It locks the industry and the EU into third-country imports and dependency of both iron ores and coal.

Therefore, the CEA must pull the following levers to contribute to break this vicious cycle:

- **Support the reuse of constructional steel elements.** The reuse of steel is the least emissive action. The greenest and most circular steel is the one we do not produce. There are many different examples of reuse of steel elements across Europe, with many shared by the European Convention for Constructional Steelwork. The CEA is the right tool to pull to streamline this across the industry.

^{iv} [JRC135470_01_1.pdf](#)

- Via the CEA, **transpose the dismantling provision in the End-of-Life Vehicles Regulation to every steel containing good** to prevent the pollution of scrap by tramp elements such as copper. Likewise, **include recycling targets for different steel goods beyond cars and buildings, to push different high-quality end-using sectors to require the use of higher quality scrap from their steel suppliers.**
- **Support recyclers financially and via knowledge sharing to improve sorting.** Support recyclers to upgrade their sorting and shredding technologies. The U.S. has an advanced system in place that allows it to have a higher share of crude steel produced via scrap, and can tap on different high-quality markets.
Advanced sorting technologies must become the norm in Europe; from intermediate methods such as magnetic and density separation to high-technology non-destructive ones such as spark test, gamma neutron as well as X-ray fluorescence (spectrometry). These technologies result in higher separation outputs than manual procedures, and must be streamlined across the European recycling industry to avoid (un)intended contamination. At the same time, it is important to upgrade and relocate the replaced manual labour in a socially fair way.
- **Update EOW criteria for iron and steel.** Drafted in 2011 and never revised since, these criteria are based on a set of voluntary checks that are unfit to avoid easy downcycling. Via the CEA, the Commission must have the chance to quickly update EOW criteria to keep up with circularity ambitions and technological developments.

Annex – Supporting evidence

This annex lists key evidence supporting ECOS' response to the European Commission's Call for Evidence on the Circular Economy Act. The materials include ECOS publications, joint NGO letters, policy briefs, and relevant external studies that substantiate the arguments and recommendations presented in our submission.

Circular Economy overarching

ECOS publications

- Policy recommendations: *ECOS Recommendations for an EU Circular Economy Act*. 2025. <https://ecostandard.org/publications/recommendations-circular-economy-act-eu/>
- Report: *Circling Forward to Sustainability*. 2024. <https://ecostandard.org/publications/circling-forward-to-sustainability/>
- White Paper: *Sustainable Resource Management in the EU*. 2024. <https://ecostandard.org/publications/sustainable-resource-management-directive/>

Secondary raw materials and critical raw materials

ECOS publications

- Joint position paper: *How to Reduce Our Dependency on Critical Raw Materials by Stimulating Circularity*. ECOS et al., 2024. <https://ecostandard.org/publications/joint-position-paper-how-to-reduce-our-dependency-on-critical-raw-materials-by-stimulating-circularity/>

External references

- Report: *How Far Is Europe From reaching its ambition to double the circular use of materials?* European Environment Agency, 2024 <https://www.eea.europa.eu/en/analysis/publications/how-far-is-europe-from>

Extended Producer Responsibility (EPR)

ECOS publications

- Policy recommendations: *Let's Reshape EPR*. 2024. <https://fairresourcefoundation.org/wp-content/uploads/2024/04/EPR-Position-Paper-Final.pdf>
- Joint letter: *Beyond Waste Management – EPR to Finance Circularity*. 2025. <https://ecostandard.org/publications/letter-epr-circular-economy-act/>
- Policy recommendations: *Essential Requirements and Fee Modulation for Packaging to Meet the Objectives of the European Circular Economy Strategy*. Rethink Plastic Alliance, 2019. <https://eeb.org/library/essential-requirements-and-extended-producer-responsibility-fee-modulation-for-packaging-to-meet-the-objectives-of-the-european-circular-economy-strategy/>

External references

- Journal article: *Pay as you own or pay as you throw? A counterfactual evaluation of alternative financing scheme for waste services*. Journal of Cleaner Production, 2023. <https://www.sciencedirect.com/science/article/pii/S0959652623015214>
- Policy recommendations: *Reforming Extended Producer Responsibility to Promote Repair*. Right to Repair Europe, 2024. <https://eeb.org/wp-content/uploads/2024/07/Reforming-Extended-Producer-Responsibility-to-Promote-Repair.pdf>
- Report: *Extended Producer Responsibility Compatible with Planetary Boundaries*. Zero Waste Europe, 2025.

<https://zerowasteurope.eu/library/extended-producer-responsibility-compatible-with-planetary-boundaries/>

- Policy recommendations: *Designing EPR to Foster the EU's Competitiveness and Strategic Autonomy*. Zero Waste Europe, 2025.
<https://zerowasteurope.eu/library/designing-epr-to-foster-the-eus-competitiveness-and-strategic-autonomy/>
- Report: *Items Shipped for Reuse and Extended Producer Responsibility Fees*. EEB, 2023.
- <https://eeb.org/library/items-shipped-for-reuse-and-extended-producer-responsibility-fees-a-case-for-extending-eu-epr-fees-to-cover-end-of-life-activities-of-products-shipped-outside-the-eu/>
- Report: *Items Shipped for Reuse – Two Case Studies for Used Electronics and Used Cars*. EEB & Footprints Africa, 2023.
- <https://eeb.org/library/items-shipped-for-reuse-and-extended-producer-responsibility-fees-two-case-studies-for-used-electronics-and-used-cars/>

Public procurement

ECOS publications

- Policy recommendations: *Buy Better to Build Better – Driving Public Purchase Towards Green Construction Products*. 2024.
<https://ecostandard.org/publications/report-buy-better-to-build-better-driving-public-purchase-towards-green-construction-products/>
- Report: *Driving Green Public Procurement in Construction*. Ramboll, 2024.
<https://ecostandard.org/wp-content/uploads/2024/10/Driving-GPP-in-construction-Ramboll-November-2024.pdf>

External references

- Report: *Circular Public Procurement in Cities*. Circular Cities & Regions Initiative et al, 2025.
https://advisory.eib.org/files/_tools/resources/documents/circular-public-procurement-in-cities.pdf
- White paper: *Circularity in the Built Environment*. World Economic Forum, 2023.
https://www3.weforum.org/docs/WEF_Circularity_in_the_Built_Environment_2023.pdf

Transparency and consumer information

ECOS Publications

- Policy recommendations: *Priorities for a Successful Revision of the Textile Labelling Regulation*. 2024.
<https://ecostandard.org/publications/revision-textile-labelling-regulation-eu/>
- Policy recommendations: *Success factors for the Digital Product Passport*. 2024.
<https://ecostandard.org/publications/policy-brief-digital-product-passport/>
- Report: *Too Good to Be True? A Study of Green Claims on Plastic Products*. 2021.
https://ecostandard.org/news_events/nearly-half-of-green-claims-on-plastic-products-could-be-misleading-ngo-study-finds/

Waste management

ECOS publications

- Policy recommendations: *Why We Need Waste Prevention Targets Now*. 2022.
https://ecostandard.org/news_events/new-joint-paper-why-we-need-waste-prevention-targets-now/

- Policy recommendations: *EU Bio-based, Biodegradable & Compostable Plastics Framework: Can Recommendations Help Control Pollution?* 2022.
https://ecostandard.org/news_events/plastics-framework/
- Joint letter: *Expand the scope of the EU Waste Framework Directive*. 2023.
<https://ecostandard.org/publications/waste-framework-directive-management-oils/>

External references

- Factsheet: *Best Practice Examples on Separate Collection in National Legislation*. EEB, 2020.
<https://eeb.org/wp-content/uploads/2020/03/Separate-collection-factsheet.pdf>
- Report: *Mixed Waste Sorting to Meet the EU's Circular Economy Objectives*. Zero Waste Europe, 2023.
<https://zerowasteurope.eu/library/mixed-waste-sorting-to-meet-the-eus-circular-economy-objectives/>
- Report: *Recyclables from Mixed Waste – Unlocking Potential for Maximisation of Recycling*. Zero Waste Europe, 2024.
<https://zerowasteurope.eu/library/recyclables-from-the-mixed-waste/>

(Waste) Electrical and Electronic Equipment

ECOS publications

- Report. *Urgent call to improve WEEE treatment, collection, logistics and preparation for re-use in Europe*. 2021.
[Joint position – Urgent call to improve WEEE treatment, collection, logistics and preparation for re-use in Europe - ECOS](#)
- Policy recommendations: *How Standards Can Support a Sustainable Circular Economy – WEEE Directive Review*. 2025.
<https://ecostandard.org/publications/standards-sustainable-circular-ewaste/>

External references

- Article: *What Gets Measured Gets Managed – Uncovering WEEE Flows in the EU*. Habib et al., 2022.
<https://www.sciencedirect.com/science/article/pii/S0921344922000702>
- Project report: *Requirements for Improving CRM Recycling from WEEE and Waste Batteries*. CEWASTE Project, 2021.
<https://cewaste.eu/wp-content/uploads/2021/04/CEWASTE-Normative-Requirements.pdf>
- Guidance: *Single-use Vapes Ban – Information for Businesses*. UK DEFRA, 2025.
<https://www.gov.uk/guidance/single-use-vapes-ban>

Construction, demolition waste, and steel

ECOS publications

- Joint letter: *No Time to Waste – Tackling the Construction Sector's Waste Problem*. 2025. Access :
<https://ecostandard.org/publications/no-time-to-waste-tackling-the-construction-sectors-waste-problem/>

External references

- Report: *Circular Construction in Regenerative Cities – Insights from the CIRCuIT Project*. 2025.
https://report.circuit-project.eu/assets/circuit-final-report_full_report.pdf
- Study: *Analysis of the EU Steel Supply Chain – Characterisation and Use of EU Steel Scrap in Relation to Global Trade Dimensions*. Joint Research Centre (European Commission), 2025 (JRC143885). <https://publications.jrc.ec.europa.eu/repository/handle/JRC143881>

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- ¹ Mission letter to the Commissioner for Environment, Water Resilience and a Competitive Circular Economy.
- ² Circular economy as explained in the European Commission's 2020 Circular Economy Action Plan: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0098>
- ³ Data from Eurostat shows that in the decade between 2013 and 2023, the CMUR increased from 11.2 to 11.8 per cent – only 0.6 points. See https://ec.europa.eu/eurostat/databrowser/view/cei_srm030/default/table?lang=en
- ⁴ EEA. 2023. Briefing no. 08/2023: [How far is Europe from reaching its ambition to double the circular use of materials?](https://www.eea.europa.eu/en/briefing-no-08-2023-how-far-is-europe-from-reaching-its-ambition-to-double-the-circular-use-of-materials) doi: 10.2800/69671
- ⁵ <https://ecostandard.org/publications/circling-forward-to-sustainability/>
- ⁶ Le Gallou, M., Kunz, E., & Corona, B. (2025). 3-CO Deliverable D2.2 Report on Best Practises in Sustainability Communication among LCS. Zenodo. <https://doi.org/10.5281/zenodo.15227581>
- ⁷ Rethink Plastic alliance. Recycled plastic content in SUP beverage bottles. (2021). Available at: https://ecostandard.org/wp-content/uploads/2021/10/Declaration-of-recycled-content-RPa-letter_20211026.pdf
- ⁸ ECOS feedback. EU accounting methodology for recycled plastic content: feedback to the Draft implementing decision, Single-Use Plastic Directive. (2025). Available at: <https://ecostandard.org/publications/supd-accounting-recycled-plastic-content/>
- ⁹ ECOS, ZWE, RPa. Technical paper: 'Dual-use output' issues for accounting recycled plastic content. (2025). Available at: <https://ecostandard.org/publications/dual-use-output-accounting-recycled-plastic/>
- ¹⁰ [Circular public procurement \(CPP\) | Enabling framework | Circularity Metrics Lab \(EEA\)](#)
- ¹¹ EC evaluation report on the public procurement directives
- ¹² European Commission (2025) Study supporting the evaluation of Directive 2012/19/EU on waste electrical and electronic equipment https://environment.ec.europa.eu/publications/final-report-study-supporting-evaluation-directive-201219eu-waste-electrical-and-electronic_en).
- ¹³ *Urgent call to improve WEEE treatment, collection, logistics and preparation for re-use in Europe*. 2021. Access: [Joint position – Urgent call to improve WEEE treatment, collection, logistics and preparation for re-use in Europe - ECOS](#)
- ¹⁴ European Commission. Construction and demolition waste. https://environment.ec.europa.eu/topics/waste-and-recycling/construction-and-demolition-waste_en
- ¹⁵ [The EU Construction & Demolition Waste Management Protocol \(2024 updated edition\) | BUILD UP](#)
- ¹⁶ [JRC135470_01_1.pdf](#)
- ¹⁷ [Construction and demolition waste: challenges and opportunities in a circular economy | Publications | European Environment Agency \(EEA\)](#)
- ¹⁸ [The EU Construction & Demolition Waste Management Protocol \(2024 updated edition\) | BUILD UP](#)
- ¹⁹ [JRC135470_01_1.pdf](#)