

## **Background information to workshop invitees (Member States, industry- and NGO stakeholders)**

### **Scoping the development of further EU-wide end-of-waste criteria and by-product criteria**

#### **Policy Background**

Scoping the development of further<sup>1</sup> EU-wide end-of-waste (EoW) criteria and by-product criteria is among the key actions to be completed by 2021 under the Circular Economy Action plan adopted in March 2020<sup>2</sup>. To establish a well-functioning internal market for secondary raw materials, the Commission undertook to “assess the scope to develop further EU-wide end-of-waste criteria for certain waste streams based on monitoring Member States’ application of the revised rules on end-of-waste status and by-products, and support cross-border initiatives for cooperation to harmonise national end-of-waste and by-product criteria”.<sup>3</sup>

A study was carried out in 2019 for the Commission and was published last year by Umweltbundesamt GmbH and ARCADIS Belgium NV.<sup>4</sup> The study examined Member States’ practices and set out recommendations. It was followed up by a stakeholder consultation. The study and the consultation provided an overview of the situation in Member States as regards EoW and by-product criteria. Building on these efforts, the Commission aims to draw up a shortlist of priority waste streams for the possible development of such criteria at EU level. If

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<sup>1</sup> Methodology for developing specific criteria for individual waste streams was designed by the Joint Research Centre in 2010, and subsequently the EU adopted EoW criteria for certain waste streams: iron, steel, aluminium and copper scrap and glass cullets, <http://ftp.jrc.es/EURdoc/JRC53238.pdf>, <http://ftp.jrc.es/EURdoc/JRC58206.pdf>, and <https://ec.europa.eu/growth/tools-databases/tris/en/>

<sup>2</sup> Circular Economy Action Plan For a cleaner and more competitive Europe, COM/2020/98 final, Section 4.3, <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN> and Annex, [https://ec.europa.eu/environment/circular-economy/pdf/new\\_circular\\_economy\\_action\\_plan\\_annex.pdf](https://ec.europa.eu/environment/circular-economy/pdf/new_circular_economy_action_plan_annex.pdf)

<sup>3</sup> On the basis of the revised EU Waste Framework Directive (Directive 2008/98/EC, and amended by Directive (EU) 2018/851),

-The Commission may in terms of further harmonisation adopt implementing acts in order to establish detailed EoW criteria related to specific substances or objects.

-Those detailed criteria shall ensure a high level of protection of the environment and human health and facilitate the prudent and rational utilisation of natural resources.

-The Commission shall take account of relevant criteria established by Member States and take as a starting point the most stringent and environmentally protective of those criteria.

<sup>4</sup> STUDY TO ASSESS MEMBER STATES (MS) PRACTICES ON BY-PRODUCT AND END-OF WASTE, Reference: N° 070201/2018/793241/ENV.B.3 Final Report, 30/04/2020, <https://op.europa.eu/en/publication-detail/-/publication/beb56eaa-9fc0-11ea-9d2d-01aa75ed71a1/language-en/format-PDF/source-130854906>. In addition, the Interface Communication on Chemicals, Waste and Products (CWP), and related studies (IMPEL), have provided relevant information that could serve as inputs to the scoping project, including results from the stakeholders’ consultations held ex-ante (2017) and ex-post (2018) the CWP Communication. These show a strong call for the development of EU-wide EoW criteria coming from many industrial stakeholders as well as numerous Member States; The “Make it work” project by IMPEL and the Dutch EPA. This project provides guidance for MS competent authorities as to how to enable eco-innovation on circular economy for the production of secondary raw materials.

information received<sup>5</sup> indicates that the priority waste and material streams selected could meet the criteria in the EU Waste Framework Directive and the case is clear that the adoption of EU wide criteria would promote the internal market for secondary raw materials and support the Circular Economy, further work to develop detailed criteria could be carried out by the JRC. This would be the basis on which the Commission could prepare a proposal for an Implementing Act. This work is envisaged to last several years and cover a limited number of selected streams from a list of priority streams. After the workshop and written consultation, the JRC will start work to develop EoW or by-product criteria for the highest priority stream identified, whereas two or three other streams, from the same prioritisation exercise, may be further considered for EoW or by-product criteria development in the near future by the Commission, probably to be done after 2023.

### **Objectives of the workshop and written consultation**

At the on-line stakeholder workshop on 14-15 September 2021<sup>6</sup>, the Commission plans to present the ongoing project, to present its preliminary findings on candidate waste and material streams, and to provide information on the written consultation and how to engage in this project.

For this workshop the Commission has prepared a preliminary list of waste and material streams to be considered as possible candidates for EoW or by-product criteria, see [Annex I](#). This list has been developed based on information that is currently available to the Commission, including the results from the stakeholder consultation done in late 2020 and using selection criteria that have been considered as relevant. The criteria have been developed based on Articles 5 and 6 of the EU Waste Framework Directive and take into account related elements that could serve to identify waste and material streams with a likelihood of meeting these conditions and being successfully taken up by the market. The criteria also relate to overarching policy objectives: the Circular Economy; the proper functioning of the Internal Market and high environmental protection. The final selection of waste and material streams will be made using the data and information available and provided by Member States and stakeholders during this written consultation. **The Commission therefore invites Member States and stakeholders to complete the attached fiches in Annex 2 and also send links to relevant information which can be freely accessed through internet, or reports which contain such information, via e-mail to [JRC-END-OF-WASTE@ec.europa.eu](mailto:JRC-END-OF-WASTE@ec.europa.eu), by Wednesday 6 October 2021.** All organisations and Member States should send one consolidated reply per organisation or MS. Annex 2 already contains information gathered as a result of the consultation done in 2020, as well as from other sources identified by the Commission services.

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<sup>5</sup> You will have the opportunity to provide your feedback using the written consultation until 6 October 2021.

<sup>6</sup> MS representatives and other stakeholders were invited to express their interest for participation to the Workshop on 2 July 2021.