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Subject: Delivering on the EU Action Plan for the Circular Economy
- Council conclusions

Delegations will find in the Annex the Council conclusions on the abovementioned subject, as adopted by the Council at its 3627th meeting held on 25 June 2018.

Delivering on the EU Action Plan for the Circular Economy

- Council conclusions -

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

The Europe 2020 Strategy for smart, sustainable and inclusive growth adopted by the European Council on 17 June 2010, and its Flagship Initiative "A Resource-Efficient Europe";

The Regulation of the European Parliament and of the Council establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) ¹;

The Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" (7th EAP) ² for a resource-efficient, green and competitive low-carbon economy;

The Resolution of the European Parliament on "Resource Efficiency: moving towards a Circular Economy" ³;

The UNGA Resolution of 25 September 2015 on "Transforming our world: the 2030 Agenda for Sustainable Development" and the Paris climate agreement (COP 21) and the United Nations Environment Assembly (UNEA) resolutions 1/5 and 2/7 on chemicals and waste, 2/8 on sustainable production and consumption, 3/4 on environment and health, specifically the sections on chemicals and waste and on sustainable consumption and production, and 3/7 on marine litter and microplastics; the UNEA Ministerial Declaration at its third session, entitled "Towards a Pollution Free Planet";

¹ OJ L 347 of 20 December 2013, p. 104.

² OJ L 354 of 28 December 2013, p. 171.

³ 2014/2208(INI).

The Commission's Communications "Innovating for Sustainable Growth - A Bioeconomy for Europe"⁴; "The Eco-innovation Action Plan"⁵; "Building the Single Market for Green Products: Facilitating better information on the environmental performance of products and organisations"⁶; "Green Action Plan for SMEs"⁷ and the "Green Employment Initiative"⁸; "Closing the loop - An EU action plan for the Circular Economy"⁹ and the report on its implementation¹⁰; "Digitising European Industry - Reaping the full benefits of a Digital Single Market"¹¹; "International ocean governance: an agenda for the future of our oceans"¹²; "Investing in a smart, innovative and sustainable Industry - A renewed EU Industry Policy Strategy"¹³;

The Council conclusions on

- Sustainable materials management and sustainable production and consumption¹⁴;
- Greening the European Semester and the Europe 2020 Strategy¹⁵;
- A Roadmap to a Resource-Efficient Europe¹⁶;
- The EU and Responsible Global Value Chains¹⁷;

⁴ 6487/12 - COM(2012) 60 final + ADD 1.

⁵ 18874/11 - COM(2011) 899 final + ADD 1 + ADD 2 + ADD 3.

⁶ 8310/13 - COM(2013)196 final+ ADD 1 + ADD 2.

⁷ 11616/1/14 REV 1 - COM(2014) 440 final + ADD 1 REV 1.

⁸ 11572/14 - COM(2014) 446 final.

⁹ 14972/15 - COM(2015) 614 final+ ADD 1.

¹⁰ 5799/17 + ADD 1 - COM(2017) 33 final.

¹¹ 8100/16 - COM(2016) 180 final + ADD 1.

¹² 14332/16 - JOIN(2016) 49 final + ADD 1.

¹³ 12202/17 + ADD 1 - COM(2017) 479 final.

¹⁴ 17495/10.

¹⁵ 14731/14.

¹⁶ 18346/11.

¹⁷ 8833/16.

- Closing the loop - An EU Action Plan for the Circular Economy ¹⁸;
- The protection of human health and the environment through the sound management of chemicals ¹⁹;
- Eco-innovation: enabling the transition towards a Circular Economy ²⁰;
- The European Union priorities for the third meeting of the United Nations Environment Assembly ²¹;

REITERATING the potential of a truly Circular Economy to achieve sustainable growth and boost the EU's competitiveness, create jobs, decrease the EU's dependency on non-renewable primary raw materials, prevent and minimise waste generation and achieve resource and energy efficiency and a reduced environmental footprint while ensuring a high level of protection of human health and the environment and respecting existing protection standards; ENDORSING the aim of moving towards sustainable production and consumption patterns; STRESSING the responsibility of all stakeholders to take the necessary action for change, notably regarding the design, use and consumption of plastic and plastic products, towards a value chain approach taking into account the entire life cycle of these products;

UNDERLINING the importance of the waste hierarchy in supporting the implementation of the transition to a Circular Economy, starting with an increase in prevention, preparing for reuse and recycling, other recovery of waste, and minimising waste disposal;

¹⁸ 10518/16.

¹⁹ 15673/16.

²⁰ 15811/17.

²¹ 13070/17.

EMPHASISING that rethinking the functioning of value chains, as for plastics, is closely interconnected with creating non-toxic material cycles where hazardous substances are reduced to a minimum, fully in line with the goal to achieve the sound management of chemicals and waste throughout their life cycle, as agreed during the 2002 World Summit on Sustainable Development in Johannesburg and at the International Conference on Chemicals Management in Dubai in 2006 that adopted the Strategic Approach to International Chemicals Management (SAICM), and further developed in the outcome document of the 2012 UN Conference on Sustainable Development entitled "The future we want" and most recently in the 2015 UNGA Resolution entitled "Transforming our world: the 2030 Agenda for Sustainable Development"; HIGHLIGHTING the need to establish a cross-sectoral process or mechanism at EU level dealing with risks and pollution from chemicals along their lifecycle in order to ensure a coherent approach to achieve the EU's objectives as well as to meet its international commitments with regard to the protection of human health and the environment and the achievement of sustainable development;

Delivering on the Circular Economy Action Plan

1. WELCOMES the Commission Communications of 16 January 2018 on "A European Strategy for Plastics in a Circular Economy" ²², "Implementation of the Circular Economy package: options to address the Interface between Chemical, Product and Waste legislation" ²³ and "a Monitoring Framework for the Circular Economy" ²⁴; SUPPORTS the Commission's approach to put the life cycle of products in the focus of all efforts and policies to facilitate the transition to a Circular Economy and UNDERLINES the need to address more thoroughly the issue of managing plastic consumption, for uses with environmental impacts;

²² 5477/18 + ADD 1 - COM(2018) 28 final + ADD 2.

²³ 5479/18 - COM(2018) 32 final + ADD 1.

²⁴ 5478/18 - COM(2018) 29 final + ADD 1.

2. CONSIDERS that a successful implementation of measures to achieve the transition to a Circular Economy requires the involvement and commitment of a wide range of policies and sectors; NOTES as well the key role of governments in creating incentives to engage actively with the private sector and other stakeholders to commit to a Circular Economy and to fully integrate the benefits of closed resource-cycles in the value chain of products, processes and services taking into account consumer behaviour;
3. URGES the Commission to put the proposed actions into place in a timely manner, engaging all stakeholders; ENCOURAGES the Member States to establish and adopt relevant measures, also taking into account those listed in Annex II to the Plastics Strategy to fully integrate a life cycle based approach supporting the transition to a more Circular Economy in all relevant policies and strategies;

The European Plastics Strategy

4. UNDERLINES the crucial importance of resource efficiency for the transition to a Circular Economy to maintain the value of products, materials and resources in the economy for as long as possible and to prevent and minimise the generation of waste; EMPHASISES that there is a clear business case to transform the way plastic, plastic products and products that include plastic parts are designed, produced, used and recycled in the EU, and to reconsider consumption habits and to avoid unnecessary uses, and RECALLS that an increased recycling capacity in the EU will contribute to a decrease in plastic pollution, thereby also reducing CO2 emissions, and will also bring new investment and job opportunities;

5. CONSIDERS that the market for recycled materials and products must develop considerably and that only the increased demand for secondary raw materials can ensure the economic sustainability of the collection, sorting and recycling systems; UNDERSCORES that only the use of materials suitable for recycling can secure the profitability of the recycling process and facilitate investments; ENCOURAGES to this effect the eco-design of plastic and plastic products to take account of reuse and recycling requirements from the design phase on; in this regard IS LOOKING FORWARD to the revision and strengthening of the essential requirements for placing packaging on the market; CALLS ON the Commission to deliver as soon as possible an integrated product policy framework, as announced in the EU Action Plan ²⁵, and to broaden the principle of eco-design to all product groups with appropriate product regulation;
6. HIGHLIGHTS that the high quality and safety of recovered plastics is essential and thus CALLS UPON the Commission to speed up the development of quality standards for sorted plastics waste and recycled plastics in order to enhance trust in recycled plastics markets; RECOGNISES that the improvement of the sorting and the decontamination of waste remains a prerequisite for increasing the recycling of plastic and plastic products; in this regard SUPPORTS the Commission in developing guidance to allow for more standardised and effective practices regarding separate collection and sorting of waste across the EU; UNDERLINES the role of Extended Producer Responsibility schemes, primary sorting systems for different waste streams and deposit systems to boost high-quality separate collection and engage producers over the whole product life cycle in order to promote innovation and value chain cooperation;

²⁵ 14972/15 + ADD 1 - COM(2015) 614 final.

7. **STRONGLY ENCOURAGES** the Commission to ensure the enhancement and effectiveness of existing EU instruments relevant for rewarding eco-innovation in product design and innovation in reusing, sorting and recycling; in this regard **CALLS UPON** the Commission and the Member States to explore the opportunities for and enhance the use of environmental safe and sustainable alternative feedstock in plastic production, including the use of biobased renewable feedstock to reduce the contribution of the plastic to climate change; **INVITES** the Commission and the Member States to consider the combined use of mandatory and voluntary tools to facilitate systemic innovations;
8. **EMPHASISES** the crucial role of raising awareness and providing education programmes to promote proper collection of waste as well as sustainable behaviour and consumption and production patterns and **NOTES** that adequate labelling regarding the environmental characteristics of materials, products and services plays an important role in facilitating consumers' informed choices and improving confidence in recycled products; **CALLS UPON** the Commission to further work on harmonised definitions and rules for labelling plastic and plastic products; **ENCOURAGES** the Commission and the Member States to support awareness-raising activities directed at consumers in promoting the Circular Economy;
9. **WELCOMES** the Commission's commitment to the goal of ensuring that all plastic packaging placed on the EU market is either reusable or can be recycled in a cost-effective manner by 2030 and **HIGHLIGHTS** the importance of implementing the most recent targets and requirements for packaging waste; at the same time **EMPHASISES** the importance of stimulating the demand for recycled materials; **RECOGNISES** the need for objective verification and quantification of recycled content; **LOOKS FORWARD** to the assessment, by the Commission, of the pledges on recycled content and **AGREES** that if the quantitative objective set in Annex III to the Plastics Strategy is not reached, the Commission should start work on possible next steps, including regulatory action;

10. WELCOMES the new proposal for a Directive of the European Parliament and of the Council on the reduction of the impact of certain plastic products on the environment and COMMITS to deploy its best efforts for a rapid examination; RECOGNISES the importance of effective and sustainable measures for tackling land and sea-based sources of marine litter and to monitor and curb marine litter more effectively, including the coordinated implementation of EU marine environment protection and waste management legislation; CALLS UPON the Commission to take specific actions to address marine litter and in particular to reduce plastic pollution in the Mediterranean.

11. SUPPORTS the actions undertaken at EU and global level to restrict the use of microplastics intentionally added to products as well as the use of oxo-plastics in the EU and the actions envisaged in the Plastics Strategy concerning the reduction of microplastics from textiles, car tyres and leakages of preproduction pellets; CALLS UPON the Commission to explore options for a full ban on intentionally added microplastics in products from which releases to the environment are inevitable and propose further concrete measures to combat releases of microplastics from other major sources, such as introducing requirements in the Eco-design Directive and addressing microplastics through Best Available Techniques reference documents, and CALLS FOR an increase in research and innovation to reduce the unintentional leakage of microplastics into the environment;

12. RECOGNISES the importance of economic instruments to foster the prevention of waste and an increase in plastic reuse and recycling and UNDERLINES that green public procurement (GPP) plays a crucial role in steering investments and stimulating the transition to a Circular Economy; CALLS UPON the Commission to work on measures strengthening the requirements for public procurement relating to the use, reuse and recycling of plastic products as well as relating to the recycled content of plastics products and CALLS UPON Member States to enhance action in support of the broader application of GPP principles;

13. CALLS UPON the Commission and the Member States to create an enabling framework for investment and innovation regarding the life cycle of plastic products; WELCOMES the available support for the Circular Economy in EU funds and financial programmes and STRONGLY ENCOURAGES Member States and the private sector to actively utilise such support for the development and marketing of eco-innovative solutions along the whole value chain of plastics; CALLS UPON the Commission to assess and, where appropriate, provide additional support towards the development of innovative recycling technologies, including chemical recycling, and capacities in the EU;
14. Acknowledging the role that plastic has throughout the world, circular plastic value chains need to be developed globally, requiring adequate plastic waste prevention, collection, reuse and recycling systems; CONSIDERS that the EU is well placed to lead in this transition and CALLS UPON the Commission and the Member States to continue to support and promote international action and best practices worldwide; in this regard ENCOURAGES the Commission to explore possibilities of better controlling the export of plastic waste outside the Union to countries that cannot guarantee waste treatment that safeguards human health and the environment; CALLS UPON the Commission to promote the development of international standards to boost industry and consumer confidence in the quality of reusable, recyclable or recycled plastics;
15. CALLS UPON the Member States to promote a circular plastics economy in bilateral and multilateral cooperation activities with non-EU countries, to help to address at the global level issues related to plastics waste prevention, reuse and management as well as the presence of substances of concern in plastics products, and to mobilize private and public investments accordingly;

The Interface between Chemical, Product and Waste legislation

16. STRONGLY HIGHLIGHTS the importance of establishing non-toxic material cycles and to this effect CALLS UPON the Commission and Member States in collaboration with the European Chemicals Agency to define substances of concern to be minimised or eliminated in products and waste with the aim of promoting the circularity of products and achieving a high level of protection of human health and the environment; EMPHASISES the need for information on substances of concern for all actors and to ensure at the latest by 2030 the traceability of substances of concern in materials, including those in imported articles, through the entire supply chain, including end-of-life operations; RECALLS that under the REACH Regulation, articles suppliers already have the responsibility to provide information on articles containing substances of very high concern (SVHC) and that recently agreed provisions in the revised Waste Framework Directive complement REACH obligations in this respect; in this regard URGES the Commission to develop harmonised tools to track substances of concern throughout the supply chain, including the end-of-life operations, promoting the use of digital information systems and digital solutions;
17. STRESSES that secondary raw materials in general need to respect the same criteria as primary raw materials, but RECOGNISES that, while the detoxification of waste containing legacy substances should be the preferred option in order to reach non-toxic material cycles, certain derogations to such criteria may be appropriate in individual cases subject to conditions, in particular time-limits and possibly their review, provided that risks for human health and the environment are adequately controlled and properly communicated; ENCOURAGES the Commission's actions to develop a methodology addressing the management of waste containing substances of concern and also in consultation with Member States to identify waste types that typically contain legacy chemicals and that could successfully be recycled in a restricted set of specific applications that are safe for health and the environment;

18. STRESSES the importance to ensure a level playing field between EU-produced and imported articles, for example through promoting the timely use of restrictions and enforcement of chemicals, product and waste legislation at EU borders; CALLS UPON the Commission to ensure that SVHC in imported articles are restricted when these substances are not authorised for the production of similar articles in the EU under REACH;
19. RECOGNISES the need to enable the circularity of products through the use of the Eco-design Directive or other product specific legislation, and ENCOURAGES the Member States and other stakeholders to promote the use of voluntary methods of environmental performance certification, whenever possible, and consider voluntary approaches for the exchange of good practice in the substitution of materials containing substances of concern in the design phase; STRESSES the need for the development of sustainable alternatives including non-chemical solutions for materials and substances in the design phase while ensuring a high level of protection of human health and the environment;
20. STRONGLY SUPPORTS the effective implementation of end-of-waste criteria and by-product rules and efforts for their harmonisation and application at EU level starting with the most important waste streams; FAVOURS the establishment of guidelines to promote best practices and harmonised rules to allow a clear distinction between waste and product status avoiding duplication of burdens for the operators to comply with two sets of rules;
21. HIGHLIGHTS the need to ensure a more consistent approach between chemicals and waste classification rules; WELCOMES the new technical guidance on waste classification and the Commission's work on the harmonisation of test methods;
22. UNDERLINES the importance of the global efforts for the sound management of chemicals and wastes, especially those decided and undertaken through the United Nations Environment Programme, the Basel, Rotterdam, Stockholm and Minamata Conventions and SAICM; URGES the Commission and the Member States to continue to actively contribute to their further development and implementation and to the on-going process towards the sound management of chemicals and waste beyond 2020 taking place under the auspices of SAICM;

23. URGES the Commission to further develop concrete actions to remove technical, financial and market barriers preventing recycling and the uptake of secondary raw materials, including effective means to avoid, remove or reduce the presence of substances of concern as much and as soon as possible to ensure non-toxic material cycles; REQUESTS the Commission to urgently conclude the fitness check of all chemicals legislation except REACH and develop in close collaboration with the Member States an overarching ambitious strategy for a non-toxic environment in line with the 7th EAP and the Better Regulation agenda, building on the main conclusions and findings from the various ongoing chemical processes;

Monitoring and follow-up

24. UNDERLINES the importance of the monitoring framework to assess the progress towards a safe and sustainable low-carbon resource-efficient Circular Economy; CALLS UPON the Commission to further improve the proposed indicators or consider developing new ones in order to cover the full life cycle of products and services in close cooperation with the Member States, while making the best use of existing sustainability instruments and initiatives;
25. REQUESTS the Commission to provide the Council with an annual written report on the progress made on the implementation of the Action Plan for the Circular Economy, including the measures proposed in the Plastics Strategy and the results of consultations and measures addressing the Interface between Chemical, Product and Waste legislation;
26. CALLS ON the Commission to endeavour to maintain a high-level political commitment for an ambitious implementation of the whole Circular Economy Action Plan; STRESSES notably the need to continue to propose and implement sustainable consumption and production measures and tools in areas included in the first phase of the Action Plan; considering that the measures under the Action Plan cover the time period until 2018, CALLS UPON the Commission to review the Action Plan and develop it further in close cooperation with the Member States.