

## **EBC position on the circular economy package**

### **Waste Framework Directive & Landfill of Waste Directive**

#### **About EBC**

Established in 1990, the European Builders Confederation - EBC - is a European professional organisation representing national associations of micro, small and medium-sized enterprises working in the construction sector. EBC is a member of UEAPME (the European association of micro-enterprises and SMEs), on behalf of which it chairs the UEAPME Construction Forum.

The construction sector is of vital importance to the European economy. With 3 million enterprises, an annual turnover of around € 1600 billion and a total direct workforce of 13 million, the construction sector contributes at around 10% to the GDP of the European Union.

99.9% of the European construction sector is composed of small and medium-sized companies, which produce 80% of the construction industry's output. Small enterprises (less than 50 employees) are responsible for 60% of the production and employ 70% of the sector's working population.

#### **A. GENERAL REMARKS**

The construction sector is one of the sectors with the most important environmental impact in the European Union. Construction crafts and SMEs are fully aware of the role they must play to reduce their impact on the environment: this is why EBC welcomes the publication of the new Circular Economy package.

EBC believes that EU legislation on waste is essential for the environment and supports actions that reduce the production of waste and encourage sorting, re-use and recycling where this is technically feasible and cost-effective. The construction sector being responsible for about 35% of total generated waste in the EU, craftsmen and SMEs take sustainability issues very seriously and are therefore continuing their efforts to minimize and recycle waste at any stage.

The revision of the waste legislation must be the occasion to improve the legislative framework at European and national level. Indeed the impact assessment has shown that the current EU legislation on waste is one of the most burdensome legislations, as already highlighted by the commonly known TOP TEN Commission consultation on the most burdensome EU legislation, placing the Waste Directive in Number 5. On top of this, its implementation at national level has shown discrepancies, which are usually also the result of MS gold-plating and over-regulation.

In the present paper, EBC provides comments on the modification proposals to the Waste Framework and Landfill of Waste Directives and where appropriate gives recommendations as improvement to the text.

It is really important that the translation of the proposals into the different EU languages reflect the original meaning to avoid any confusion; this is even more important when it comes to the translation of definitions.

## B. COMMENTS AND RECOMMENDATIONS

### WASTE FRAMEWORK DIRECTIVE

#### Article 3 – Definitions

##### ***“Construction and demolition waste”***

EBC welcomes the introduction of the definition of “construction and demolition waste” into the directive in order to avoid any confusion.

##### ***“Backfilling”***

The Commission proposes to insert a definition on “backfilling”. EBC welcomes the introduction of this definition but believes that for coherence purposes “backfilling” should be specifically mentioned in Annex II of the Directive, which contains a list of recovery operations.

On top of this it is important that the translation into the different EU languages reflects exactly the original meaning.

#### **RECOMMENDATION**

- **Include the word “backfilling” in the list of Annex II “Recovery Operations” of the Waste Framework Directive**

#### Article 8 - Extended Producer Responsibility

The Commission proposes to add the following characteristics to the Extended Producer Responsibility: *“such measures may also include the establishment of extended producer responsibility schemes defining specific operational and financial obligations for producers of products”*. This means that producers shall cover the costs of the actions beyond the use phase of a product on which the producer has no influence.

EBC cannot accept such a large responsibility for producers since the administrative and economic costs would be excessive for SMEs and harm their competitiveness.

#### **RECOMMENDATION**

- **The word “operational” should be deleted from par. 1 and the following sentence should be added: “the producer responsibility should be accompanied by the principle of shared responsibility between producer, consumer and municipality”.**

## **Article 9 – Prevention of waste**

The proposal asks Member States to take measures to prevent waste generation. To this end the measures shall notably “reduce waste generation in processes related to industrial production, extraction of minerals and construction and demolition, taking into account best available techniques”.

EBC acknowledges the importance of reducing construction waste but believes that it is very difficult to reduce demolition waste. On top of this, it is important to keep in mind that in renovation works including a demolition, sorting of the waste is not always possible since materials can be tangled. Finally microenterprises do not always have access best available techniques.

### **RECOMMENDATION**

- **Before a demolition takes place, a management of the waste should be organised.**
- **The reduction of waste generation should take into account cost-optimal techniques.**

## **Article 11 – Re-use and recycling**

The Commission adds a paragraph stipulating that Member States shall take “measures to promote sorting systems for construction and demolition waste and for at least the following: wood, aggregates, metal, glass and plaster”. EBC supports this proposal as long as it is technically, economically and environmentally feasible.

### **RECOMMENDATION**

- **Sorting systems for construction and demolition waste and notably for wood, aggregates, metal, glass and plaster, should take into account technical, economic and environmental conditions.**

## **LANDFILL OF WASTE DIRECTIVE**

At periodic intervals and when construction works are completed, construction companies have to transport their waste. EBC supports the progressive ban on landfilling as long as suitable alternatives are accessible, and that workers do not have to drive too far to access them, especially for specific or hazardous waste.

## **Article 5 - Waste and treatment not accepted in landfills**

The Commission shall make propositions by 31 December 2024 to reduce landfilling of non-hazardous waste other than municipal waste. EBC believes it is essential for companies to easily find a replacement channel in order not to degrade the proximity criterion. These replacement channels can take the shape of “transit” facilities and must allow the concentration of small waste quantities that will end-up in recycling or recovery sites. These facilities must constitute a homogeneous network, so businesses can deposit their waste in the respect of the proximity principle. The costs must be adapted to the type and quantity of waste.

On top of this, if the EU wants to reduce waste in landfills, actions must be taken towards recycled products. The aim to recycle or recover materially 70% of non-hazardous construction and demolition waste by 2020 will only be achieved if the market for recycled materials evolves. Nowadays, mistrust towards recycled construction products is still very important, offer for these kind of products is insufficient and prices are too high.

### **RECOMMENDATION**

- **Replacement channels such as waste grouping platforms/transit platforms should be available for construction businesses prior to the banning of landfilling.**
- **Member States must support craftsmen initiatives to put in place collective actions for recovery of waste.**
- **Fiscal policy should be established towards recycled construction products.**