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**Preparation for the**

**Hearings of the Commissioner-designates after the EU elections in autumn**

Elaboration of questions from the sector of circular economy

Vienna, 01.07.2024

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# Market flood by third-country products

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| **Question** |
| The flood of cheap product imports from non-European countries, especially through quick commerce platforms, weakens domestic trade and deliberately exploits loopholes in customs regulations. For example, the People's Republic of China dumps large quantities of cheap products on the world market, threatening entire industries. In addition to overburdening customs authorities, the costs of proper waste disposal often exceed the production costs of the products themselves. At the same time, due to the lack of adaptation of current laws to the digital world, products containing harmful chemicals enter the European market. **How do you plan to ensure intra-European sustainability of products, given that imports often have no restrictions and result in market flooding?** |
| **Further questions** |
| * Would you support lowering the customs exemption threshold to zero euros? |

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| **Background** |

Solar panels, electric cars, wind turbines, cheap clothing, and plastic trinkets—Chinese companies push their products abroad at any cost, primarily exporting their problems to Europe. Many manufacturers face massive overcapacity and offer their goods at dumping prices in Europe to keep their factories running. For instance, the Chinese industry has such extensive production capacities for solar panels that it can meet the entire world's demand at least 2.5 times.

To avoid being completely pushed out of the market, demands for anti-dumping measures by European industries are becoming increasingly justified. Additionally, toys purchased online can contain harmful chemicals in high concentrations that are banned in the EU. With the booming online trade, more and more products are found to be contaminated with plasticizers or other carcinogenic substances. Compared to products sold in physical stores, these online products are significantly lagging in safety checks. Platforms like Amazon, eBay, or Alibaba operate in a "legal gray area" where they can easily bypass protective regulations due to a lack of consequences.

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# Waste tourism

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| **Question** |
| The Waste Shipment Regulation 1013/2006 governs the procedures and control measures for the shipment of waste, depending on the origin, destination, transport route, type of waste transported, and the treatment of the waste at the destination. Despite these regulations, waste from the European Union has often been exported to third countries whose quality standards do not match those of the EU. With the stricter waste shipment rules adopted in February 2024, the EU is now taking a step towards environmentally sound waste disposal in third countries. **How can you ensure that these stricter disposal practices are implemented and that evasion of waste shipment regulations through exports to third countries is effectively prevented?** |
| **Further questions** |
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| **Background** |

Each year, around 2.1 billion tons of waste are generated in the EU. To address this, the EU aims to reuse or recycle 60 percent of the municipal waste collected and treated by 2030. Additionally, according to the Landfill Directive, EU member states must reduce the amount of municipal waste sent to landfills to ten percent or less of total municipal waste generated by 2035. A significant portion of the EU’s waste is exported to countries outside the European Union. In 2022, this amounted to about 32.1 million tons, roughly 16% of global waste shipments. The majority of waste sent to third countries (55 percent) consists of ferrous metal waste (iron and steel), mainly exported to Turkey. The EU also exports a significant amount of paper waste (15 percent), primarily to India.

To combat illegal exports and ensure that waste is disposed of in an environmentally sound manner in destination countries, the EU Parliament approved stricter waste shipment rules in February 2024. These rules ban the export of plastic waste to non-OECD countries and introduce stricter conditions for exports to OECD countries. Furthermore, the shipment of waste to another EU member state will only be allowed in exceptional cases.

# Industrial relocation

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| **Question** |
| The global economy is at the beginning of a fundamental green transition towards climate-friendly technologies. In the summer of 2022, the USA passed the Inflation Reduction Act (IRA), a ten-year package of measures to support green and climate-friendly industries, under the premise that related products must be manufactured in the USA. In international competition, there is much to suggest that it could be a losing proposition for industrialists to remain in Europe much longer. **What measures do you intend to take to create conditions for re-industrialization instead of de-industrialization and to prevent the relocation of industry?** |
| **Further questions** |
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| **Background** |

The lack of skilled workers, high energy costs, and increasing regulatory requirements are increasingly threatening Europe's industrial base: While stricter requirements for quality and sustainability must be implemented, soaring costs for personnel, energy, raw materials, logistics, and sustainability reporting are reducing the profitability of European industry, thus fueling the risk of accelerated relocation abroad. State-subsidized companies in China are putting pressure on European competitors, while the US Inflation Reduction Act (IRA) is attracting many companies with lower energy costs, and India is becoming increasingly relevant as a production, development, and sales market.

Although the EU has responded to its dependence on China and the consequences of the Russian invasion of Ukraine by realigning its industrial policy and expanding state aid, there is still a lack of a comprehensive budget for joint investments. Without stronger measures, European industries could become extinct, according to economic associations. To ensure the retention of key industrial value chains, the availability of energy, skilled labor, and raw materials under acceptable conditions must be significantly improved to secure the future and global relevance of Europe's industrial base.

# Implementation of the landfill ban

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| **Question** |
| As part of the Circular Economy Package, the Landfill Directive was updated in 2018 to set new maximum limits for municipal waste deposited in landfills. Despite the necessary promotion of recycling within the waste hierarchy, exemptions will remain in place until 2040. The long-standing delay in implementing the Landfill Directive highlights the challenges of reducing greenhouse gases in the waste sector and its impact on recycling and climate goals. **After a delay of now 15 years, how do you plan to effectively and swiftly implement the landfill ban to support recycling efforts and achieve the set climate goals?** |
| **Further questions** |
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| **Background** |

The main objectives of the 1999 Landfill Directive 1999/31/EC on waste landfills include the obligation to prevent the generation of methane gas in landfills, thus mitigating global warming, ensuring effective gas control for landfills, and significantly reducing the disposal of organic waste. For the latter, the directive mandates a gradual reduction in the landfilling of biodegradable municipal waste. These targets were updated in 2018 with EU Directive 2018/850 as part of the Circular Economy Package, and a further target was added (Article 5, Paragraph 5). The key content of this update is that the maximum landfill rate must be reduced to only 10% by 2035. However, exceptions will still be in place until 2040, which are not aligned with achieving the set European climate goals.

# Battery deposit

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| **Question** |
| As part of the European Green Deal, the Battery Regulation that came into force in February 2024 covers the entire lifecycle of batteries, from production to recycling. On average, there are currently about two lithium batteries per ton of residual waste in Austria, which amounts to approximately three million units annually. Due to their high energy density, batteries pose a significant fire risk, resulting in massive consequential damage for commercial and municipal suppliers and exorbitant costs that are not covered by any insurance. **How do you intend to handle lithium-ion batteries and accumulators and solve the problem of increasing numbers in residual waste?** |
| **Further questions** |
| * Would you consider establishing a deposit system for batteries, or do you have other solutions in mind to ensure proper collection of batteries and their removal from mixed waste? |

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| **Background** |

Lithium-ion batteries are increasingly ending up in household waste through disposable e-cigarettes or wireless button headphones. In Austria alone, there are two batteries per ton of waste, amounting to nearly three million batteries annually found in household waste. Due to their high energy density, batteries in household waste pose a significant fire risk even with minimal friction, endangering workers and causing millions of euros in damage to waste disposal companies, as the batteries can easily ignite in garbage trucks, sorting, or recycling facilities. The amount of batteries in household waste in Austria has doubled in the past six years, and without countermeasures, another doubling to six million batteries is expected. A major reason for this is the massive increase in lithium batteries in circulation and the low legal collection rate of 45 percent.

The EU Battery Regulation, effective since February 2024, which covers the entire lifecycle of batteries from production to recycling, currently does not include a deposit system for batteries.

# Commodity security

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| **Question** |
| In many industrial sectors, such as the construction industry, the use of recyclable materials is an integral part of the European climate strategy. **How does the Commission intend to ensure the availability of recycled building materials, as well as other key raw materials such as phosphorus and other materials, to meet the needs of different sectors in the context of decarbonization and the energy transition?** |
| **Further questions** |
| * In Austria, this is well-regulated by the Recycling Building Materials Ordinance - however, it is unclear which materials can be counted towards the recycling quota. Do you plan to establish recycling quotas for these building materials? |

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| **Background** |

Advancing urbanization worldwide is leading to a sustained increase in demand for land and raw materials. Not only concrete, but also steel, glass, wood and numerous other materials are in such high demand regionally that demand often cannot be met in a timely manner. The construction industry is one of the world's largest consumers of natural resources and a significant emitter of greenhouse gases, associated effects on the environment and climate are manifold. The construction industry therefore faces a major challenge in terms of sustainable development, and alternative recycled building materials are in demand. Cement production causes considerable CO2 emissions, and the extraction of sand and gravel jeopardizes biodiversity. Sustainable alternatives and resource-saving construction methods are needed to reduce the environmental impact and achieve climate targets. For example, materials for thermal insulation can be obtained from renewable raw materials. These include wood fibres, cellulose from wastepaper, hemp, flax, wool, straw, reeds and seaweed, which are comparable in their insulating performance to non-renewable insulating materials such as polystyrene and also meet the fire protection requirements.

# Incineration residues

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| **Question** |
| The Waste Framework Directive 2018/851 stipulates, among other things, that metals that have been separated from incineration residues following the incineration of municipal waste can be taken into account for the calculation of the recycling quota if the metals fulfil certain quality criteria.  **Do you think that, in addition to metals, other recyclable materials (such as glass, mineral components or salts) that are separated from incineration residues and sent for recycling can also be considered for the calculation of recycling quotas?** |
| **Further questions** |
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| **Background** |

The Waste Framework Directive 2018/851, under Article 11a, paragraph 6, specifies the provisions for calculating the achievement of targets. It states that when calculating whether the targets for preparation for reuse and recycling are met, Member States may consider the recycling of metals that are separated from the residues of municipal waste incineration.

In July 2023, the EU Commission published its new proposal for the revision of the Waste Framework Directive, which primarily focuses on Extended Producer Responsibility for textiles and the reduction of food waste. However, the consideration of other materials such as glass, mineral components, or salts in the calculation of recycling rates is currently not part of the revision.

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# Recycling technologies

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| **Question** |
| There is currently no existing recycling process for certain substances and new materials, such as carbon and glass fibres. With a landfill ban in force since 2023 and the closure of incineration plants for these materials, the aim is to develop recycling technologies for this market in the meantime. **How do you intend to promote recycling technologies for new materials and make them marketable if they are not yet available?** |
| **Further questions** |
| * There is also a lack of large-scale technologies for existing materials, such as in the textile sector. What implementation strategies can you envisage to promote the required plants? (see question #9) |

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| **Background** |

The steady increase in carbon fibre production (between 2010 and 2017 by approx. 11.45% annually, with global demand estimated at 199,000 tons for 2022) inevitably leads to an increase in the amount of carbon fibre waste to be processed: recycling carbon fibres is of great economic importance.

Carbon fibre is disposed of in waste incineration plants due to the landfill ban. The retention time is too short for the fibres to be completely incinerated, leading to malfunctions in fabric filter systems and electrostatic precipitators. In addition, microscopic carbon fibres contaminate ashes and slag, which are classified as carcinogenic in Germany - however, incinerating carbon fibres is very complicated or even impossible in legal and procedural terms.

However, it is possible to recycle carbon fibres using thermochemical processes: When the fibres are recycled, they must be freed from their plastic matrix. Pyrolysis has proven to be the most suitable process for this. At high temperatures in the absence of oxygen, the plastic matrix decomposes, but leaves carbon deposits on the fibres. There is currently no state-of-the-art process that allows carbon fibres to be processed into qualities comparable to those of new carbon fibres.

The same applies to glass fibres, the demand for which is estimated at around 1,594,000 tonnes in Europe in 2025.

# Sorting capacities for textiles

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| **Question** |
| The textile sector is a significant environmental factor along its entire value chain and is therefore also considered one of the most resource-intensive sectors in the European Green Deal. Due to high consumption and shortened useful life, the amount of used textiles generated each year is increasing rapidly. For this reason, the 2018 revision of the EU Waste Framework Directive already stipulated a separate collection obligation for textiles from 1 January 2025. In contrast to lightweight packaging, optical and sensory sorting of textiles is more difficult and there is no corresponding infrastructure in the form of centralised sorting facilities. **What strategies are you pursuing to ensure that textiles can be sorted and to create sorting capacities for used textiles?** |
| **Further questions** |
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| **Background** |

The textile sector faces significant challenges due to insufficient sorting capacities, which are crucial for effective waste management and recycling. In 2020, the EU generated approximately 6.95 million tons of textile waste, equating to about 16kg per person. Out of this, only 4.4kg per person was collected separately for reuse and recycling, while the remaining 11.6kg ended up in mixed household waste, often destined for incineration or landfills. This lack of proper sorting infrastructure not only undermines recycling efforts but also exacerbates environmental pollution and waste management issues.

In more than half of the EU-27 Member States, separate textile collection is mandatory, but the primary focus has been on capturing reusable textiles rather than recycling. Without scaling up sorting and recycling capacities, a significant portion of textile waste will continue to be exported to regions outside the EU, where environmental standards may be lower. This poses risks of mismanagement and environmental harm in importing countries. Moreover, the current collection systems, predominantly based on street containers and civic amenity sites, face challenges such as contamination and inefficiency. Enhancing sorting capacities within the EU would ensure that textiles are appropriately processed, reducing reliance on exports and supporting the circular economy. Harmonizing definitions and mandatory reporting on textile waste management are essential steps to set future targets and monitor progress, ultimately fostering a sustainable and resource-efficient textile industry in Europe.

# Sewage sludge

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| **Question** |
| The current Sewage Sludge Directive, in effect since 1986, has not seen significant updates despite considerable advances in understanding pollutant loads in sewage sludge and the challenges associated with phosphorus recovery over the past decades. Nowadays, sewage sludge is also extensively used for energy generation, and several member states have already implemented stricter pollutant limits for soils. **Given last year’s evaluation, do you see the necessity for revising the directive? If so, which sections primarily need revision, and which areas require expansion or additional regulation?** |
| **Further questions** |
| * How do you envisage the future handling of organic matter and the valuable nutrients in sewage sludge, particularly phosphorus, potassium and nitrogen? * Are you pursuing the path of open technology (composting, hydrothermal carbonization, fermentation, mono-incineration, etc.) in the further use of sewage sludge or are you deliberately restricting this to mono-incineration? * What subsidies do you make available to the respective companies? * Are you considering regulating the direct agricultural application of sewage sludge? |

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| **Background** |

The composting of high-quality sewage sludge makes a significant contribution to nutrient and humus supply within the EU circular economy. High-quality sewage sludge compost provides not only valuable plant nutrients such as phosphorus, nitrogen, potassium, sulfur, and calcium but also organic matter. Maintaining and building humus is crucial for the sustainable resilience of fertile soils. Composting is a proven method for recycling biogenic waste back into closed material cycles. This process ensures that not only the available phosphorus but also all other essential nutrients and organic matter, which form the basis for humus, are preserved. Therefore, it is even more important to enable the composting industry in Europe to operate sustainably and, in accordance with the waste hierarchy, to prioritize composting over thermal treatment of sewage sludge.

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# Bio-based fertilizers

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| **Question** |
| At present, conventional fertilizers are still primarily used in agriculture. **How does the Commission intend to operate more resiliently for bio-based fertilizers within European borders and create a market ramp-up?** |
| **Further questions** |
| * In practice, it is still unclear whether anaerobic digestion is regarded as material recovery. Are there plans to clarify this by clearly designating fermentation as material recovery in the treatment methods listed in the Annex to the Waste Framework Directive? * The lack of clarification continues to be an obstacle to the market ramp-up of bio-based fertilisers, e.g. clear rules are needed as to when organic waste that undergoes material recovery through fermentation, hydrothermal carbonisation or composting loses its waste status. Are there plans to specify this both in the EU Waste Framework Directive, Fertiliser Regulation and as a requirement for the national fertiliser laws in the member states? |

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| **Background** |

The utilization of biogenic waste is an essential component for an efficient circular economy. Composting, hydrothermal carbonization, and anaerobic digestion are available pathways for processing biogenic waste, enabling these materials to be returned to closed material cycles and thereby making a significant contribution to achieving recycling targets and sustainability. Anaerobic digestion of organic waste is a combination of material and energy recovery.

To facilitate the market uptake of biobased fertilizers, it is essential to reflect this through the Waste Framework Directive, such as by clearly indicating that biogas technology is a form of material and not merely energy recovery (comparable to Art. 22 para. 2a of the Waste Framework Directive 2018/851/EU). This requires clarification that anaerobic digestion, when followed by the application of the digestate as fertilizer, constitutes material recovery and should not be mentioned only as a footnote. Practice shows that the lack of explicit clarification often leads to ambiguities. Additionally, clear rules are needed for the end-of-waste status and the end of the scope of animal by-products when a product generated through the anaerobic digestion of organic waste can be used as a biobased fertilizer.

# Precaution in environmental protection

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| **Question** |
| The legal basis for regulations currently under discussion, such as the Packaging Ordinance, is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU). This article makes it possible to adopt measures to harmonize environmental protection standards in order to ensure uniform environmental protection standards throughout the internal market. By way of derogation, Article 192 (TFEU) allows the Council, acting unanimously, to adopt rules in specific areas such as spatial planning, water management and energy supply. Do you intend to base more of the European Commission's precautionary environmental legislation on Article 192 instead of 114 in the future? |
| **Further questions** |
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| **Background** |

The Treaty on the Functioning of the European Union (TFEU), which came into force in December 2009, forms the basis of EU law and sets out the principles and objectives of the EU as well as its actions in various policy areas. Alongside the Treaty on European Union (TEU), it is one of the two primary treaties of the EU. These treaties include in their preambles the wording from the founding Treaty of the European Community, aiming to "lay the foundations for an ever-closer union among the peoples of Europe. The most extensive part of the TFEU (Articles 26 to 197) establishes the legal basis for the EU's internal policies and measures in areas such as the internal market, common agricultural policy, economic and monetary policy, industry, transport, and consumer protection. It is upon this basis that current directives are founded. For instance, in the case of the Packaging Directive, Article 114 TFEU, which is part of the chapter on the approximation of laws, serves as the legal basis. This article allows the EU to harmonize regulations and administrative measures across all member states, ensuring consistency within the internal market. However, in specific areas such as spatial planning, water management, and energy supply, the Council can unanimously adopt regulations based on Article 192 TFEU, which deviates from the general rule. Consequently, Article 192 TFEU provides a comprehensive and flexible legal framework enabling the EU to design and implement effective and tailored environmental policies. This is crucial for sustainably strengthening environmental protection within the EU and ensuring that environmental measures are effective and distributed.

In the example of the Packaging Directive, it is evident that environmental measures based on Article 114 TFEU can consider environmental aspects but primarily aim at harmonizing the internal market. Environmental protection is not the primary focus and can be overshadowed by economic interests. Therefore, Article 192 TFEU would be a more suitable legal basis if the primary goal of the measure is environmental protection.

# Ecodesign Directive - Digital Product Pass (DPP)

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| **Question** |
| The new Ecodesign Regulation aims to make sustainable products the new norm in the EU by promoting their energy efficiency, durability, reusability and recyclability. To support the sustainability goals and provide consumers with comprehensive information on the environmental impact of products, the introduction of a digital product pass (DPP) is of great importance. **Are you in favour of implementing the product pass in all sectors as soon as possible?** |
| **Further questions** |
| * Do you intend to apply product plan obligations to both manufacturers and distributors and what timeframe have you set for the implementation of a product pass? * Does the European Commission provide an interface between old and new product pass? * How can this data be harmonized and combined without creating additional, overly administratively burdensome systems? |

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| **Background** |

At the end of November 2023, the European Commission published a regulation for the creation of a Digital Product Pass (DPP). The aim of the DPP is to provide transparency over the entire lifecycle of a product. It will contain comprehensive information about the product's identity, origin, composition, environmental impact, as well as its repairability and recyclability, accessible via a QR code or hyperlink. The DPP is intended to help consumers make more sustainable purchasing decisions and to incentivize manufacturers to develop more environmentally friendly products. This initiative will enhance the repairability and recyclability of products, contributing to extending their lifespan and facilitating the reuse of raw materials. Starting in 2026, the first DPPs will be mandatory for batteries. In parallel, the EU is already promoting initial product pass approaches for the sectors of textiles, automotive, and electrical appliances. The EU plans to review and adjust the regulation every three years, which could lead to an expansion of the mandatory product groups.

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# Ecodesign Directive - protective measures for emergency services

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| **Question** |
| In 2023, the European Union recorded a share of around 14.6 per cent of electric cars in new car registrations. In the context of disaster relief operations and accidents, the unclear localization of batteries poses a life-threatening challenge for emergency services. How can effective protective measures for emergency services be developed and implemented in accordance with the Eco-design Directive, especially in light of the increasing electrification of road transport? |
| **Further questions** |
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| **Background** |

Generally speaking, electric vehicles that catch fire require greater demands on emergency crews and operational tactics than conventionally powered models. This is primarily due to the accessibility of the battery cells. In the protected battery packs, the burning cell heats up its neighboring cells until they also start to burn. In addition to internal short circuits, the main causes of fire are mechanical damage to the battery, for example if it is punctured by a metal object in an accident. If the separator made of PP film with pores between the two electrodes is damaged, lithium-ion batteries lose their integrated emergency switch and an exothermic chain reaction, in which all the energy is released in thermal form, can result. This consequence, a so-called thermal runaway, can only be stopped or controlled by massive, deep-penetrating cooling, as around 7 to 11 times the electrically stored energy is released in the form of thermal energy; the decay of cathode materials used also accelerates critical reaction processes.

By equipping their electric cars with standardized protection systems, manufacturers can support rescuers in their work: If the fire brigade first must identify the extinguishing system and search for access to the water in the event of a fire or rear-end collision, valuable time is lost. Therefore, standardized and even automatically triggered systems would be ideal.

# Certification of products

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| **Question** |
| According to the Ecolabel Index, the world's largest directory for environmental labels, there are currently 456 registered eco-certificates in 199 countries and 25 industries globally. However, not every sustainability logo represents a credible and independently verified certification. Consumers often cannot tell whether a logo is merely an award or an actual certification where an independent body verifies that a company meets the requirements of a sustainability label. **How should the proliferation of certifications be curtailed while ensuring that particularly in procurement, sustainable and transparent certification is guaranteed?** |
| **Further questions** |
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| **Background** |

Certification is a process through which an independent certification body publicly and formally confirms that a product, process, or system meets specific established requirements. Certification plays a crucial role in sustainable consumption, as consumers encounter certification in the form of labels while shopping. Additionally, certification indirectly impacts consumption by serving as a key indicator for verifying compliance with supply chain laws or regulating environmental claims. However, for consumers, it is often unclear how reliable different certifications are or whether they genuinely ensure sustainable production.

According to the Ecolabel Index, the world's largest directory for environmental labels, there are currently 456 registered eco-certificates globally across 199 countries and 25 industries. Not every sustainability logo represents a credible and independently verified certificate. Due to frequent significant errors in certification, stricter rules are needed for sustainability certification. Mandatory accreditation, legal minimum criteria, and liability regulations could enhance reliability and enable consumers to make sustainable choices.

# Bioeconomy - cascading utilization of organic waste

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| **Question** |
| Organic waste such as green cuttings can be utilized in various ways, including biogas production or composting. National efforts often aim to first extract biogas as an energy source and then use the remaining waste for composting and material recovery. However, there is currently no clear legal framework at the EU level that specifies the preferred usage. Wood is currently the only biomass raw material for which a significant cascade utilization has been implemented, particularly in the paper and pulp sector. Given the versatility of organic waste and the importance of sustainable waste management, the question arises: **Does the European Commission intend to introduce a cascade utilization for organic waste, similar to the existing one for forest biomass?** |
| **Further questions** |
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| **Background** |

The cascade utilization of biomass is frequently mentioned in numerous environmental strategies and programs as an important element for increasing resource efficiency. According to this principle, biomass should be used for material purposes as long, as often, and as efficiently as possible before being utilized for energy at the end of its lifecycle. The more meaningful intermediate steps are included in the utilization chain, the better the ultimate raw material and land-use efficiency, and the higher the value creation potential.

For example, wood is taken from the forest and initially used for material purposes, such as making a shelf, which, after use, is returned to the manufacturer for refurbishment and resale. Only after the shelf has changed hands several times is the raw material used for energy.

Currently, however, wood is the only biomass raw material for which significant cascade utilization has been implemented. The fact that this approach to cascade utilization can also be applied to other materials, such as organic waste, yet lacks a legal framework at the EU level, is surprising, given the clear advantages for resource and climate protection. By combining anaerobic digestion and composting processes, biogas is produced and can be used in the form of electricity, heat, or biomethane. This could reduce the use of fossil fuels and thus contribute to the reduction of greenhouse gases.

# Carbon capture, utilization and storage

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| **Question** |
| Given the urgency to curb climate change, the discussion around Carbon Capture, Utilization, and Storage (CCUS) has gained global significance. CCUS offers a way to reduce CO2 emissions by capturing and storing carbon from industrial processes and power generation. However, it also involves various risks, particularly concerning potential leaks and associated contaminant entries into groundwater and soils, as well as increased CO2 levels. **For which sectors is it initially planned to make CCS mandatory, and how can CCS be accounted for in waste incineration?** |
| **Further questions** |
| * Do you think that the technical and legal framework will be created during the legislative period and what timeframe is envisaged? * Are you considering the introduction of a carbon bank as an intermediate step, and if so, do you have any concrete ideas about its functionality? * What subsidies are planned for carbon capture technologies? |

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| **Background** |

The European Commission published a comprehensive Carbon Management Strategy in February 2024, aiming to reduce, store (CCS), and utilize (CCU) CO2 emissions through various technologies. The development and integration of CO2 transport infrastructures is also a key component of this strategy to establish a functioning CO2 market in Europe. The EU plans to expand CO2 storage capacities to at least 50 million tons per year by 2030 and further increase this capacity by 2040 and beyond.

Despite the generally positive statements about the role and necessity of CCUS in the strategy plan, it poses significant risks. The process requires large amounts of energy, which can negatively impact the CO2 balance, potentially leading to more emissions than are saved. Furthermore, stored CO2 is often quickly released again, especially when used in fertilizers and synthetic fuels. There is also the risk of leaks and contaminant entries into soil and groundwater. Long-term studies proving no harm to human health and the environment are lacking.

# Right to repair

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| **Question** |
| The recently reached agreement at the EU level on the "right to repair" for everyday devices such as vacuum cleaners, washing machines, and mobile phones marks a significant step in consumer and environmental protection. This initiative aims to reduce waste, extend the lifespan of products, and overcome the throwaway culture.  **What considerations are there from the perspective of consumer protection regarding products not produced in the EU and the right to repair, specifically to ensure the applicability and feasibility of battery or battery removal?** |
| **Further questions** |
| * For which materials and products can you envision implementing product-specific requirements in alignment with the Eco-design Directive? |

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| **Background** |

The disposal of repairable goods has significant environmental impacts. The "Right to Repair" directive, adopted in April 2024, is considered a crucial step towards the EU's plan to achieve a circular economy by 2050 as part of the European Green Deal. The directive aims to promote more sustainable consumption by facilitating the repair of defective goods, reducing waste, and supporting the repair sector. For instance, sellers are required to prioritize repairs over replacements within the legal warranty period if repairs are cheaper or cost-equivalent to replacements. After a repair, the warranty is extended by one year. Consumers also have the right to request repairs for products such as washing machines, vacuum cleaners, and smartphones even after the warranty period has expired. Additionally, a European online platform will be established to help consumers find local repair shops, and loaner devices will be offered during the repair period. This directive promotes sustainable consumption and supports the transition to a greener economy, complemented by other EU regulations like the Eco-design Directive.

# ETS emissions trading system - thermal utilisation and landfills

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| **Question** |
| For the possible inclusion of plants for the thermal utilization of municipal waste in the EU ETS, the EU member states will be obliged to submit reports on the relevant emissions from 2024. Based on these reports, the European Commission will review the inclusion in the EU ETS from 2028 by mid-2026. **Could you imagine that if thermal waste utilization is included, other waste management processes such as landfills that cause methane and nitrogen oxide emissions in the EU will also be taken into consideration in the EU ETS in order to prevent displacement?** |
| **Further questions** |
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| **Background** |

The EU Emissions Trading System (EU-ETS) is a crucial component of the EU's "Fit-for-55" climate package, which aims to reduce greenhouse gas emissions in the European Union to net-zero by 2050. Under this system, companies in energy-intensive industries and power producers are required to purchase CO2 certificates to emit CO2. Starting in 2024, EU member states must report emissions from thermal waste treatment. Based on these reports, the European Commission is expected to conduct a study by mid-2026 on the feasibility of including thermal waste treatment in the EU-ETS from 2028, considering potential shifts to landfills and exports to third countries. The Commission's original proposal did not include thermal waste treatment in the EU-ETS. To prevent market distortions, the inclusion of anaerobic digestion, composting, and landfills should also be considered.

# Public procurement law towards ESG

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| **Question** |
| Public procurement law faces the challenge of integrating sustainability criteria appropriately. Particularly in the context of the lowest bidder principle that is not in line with environmental sustainability, a genuine establishment of a best bidder principle is necessary. **Are you thinking of changing public procurement law in the direction of ESG and possibly anchoring this in the Ecodesign Directive through standards?** |
| **Further questions** |
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| **Background** |

With the European Green Deal, the European Union has presented an ambitious strategy to achieve climate neutrality by 2050 and decouple economic growth from the use of fossil resources. Directive (EU) 2022/2464 on corporate sustainability reporting came into force on 5 January 2023 and should be transposed into national law by July of this year. In light of these additional sustainability reporting requirements, many companies are facing new challenges and opportunities to harmonize environmental, social and governance (ESG) aspects with their business activities.

Public buyers are important investors in Europe, public procurement accounts for more than 16% of the EU's GDP and is a fundamental part of the European economy. Since the founding of the EU, public procurement has been continuously developed through legal reforms[[1]](#footnote-2). There is currently an opportunity to initiate socio-ecological processes in the economy, to focus more strongly on sustainable issues and to promote socially responsible behavior. By integrating ecological criteria such as quality, transport routes, delivery times, environmental aspects or alternative drive systems into the procurement system, positive social effects can be achieved.

A more environmentally friendly public procurement system means that not only the price, but also the above-mentioned criteria are considered when awarding public contracts, positively contributing to sustainability. Procurement processes could therefore be a powerful steering instrument, but many procurement law experts are unclear as to how they can measure sustainability criteria correctly.

# Resilient waste management

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| **Question** |
| With the EU Taxonomy, an EU-wide classification system for environmentally sustainable economic activities is being established for the first time. Its aim is to expand sustainable investments to support the implementation of the European Green Deal. Thermal waste treatment is currently not classified as a sustainable economic activity under the Taxonomy, even though the so-called "Do No Significant Harm" (DNSH) criterion is met for all six environmental objectives of the Taxonomy. This could result in it becoming more difficult to make the necessary investments in thermal waste treatment to achieve circular economy goals. **How do you plan to ensure that thermal-ecological waste incineration contributes to Europe's diversity and energy security?** |
| **Further questions** |
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| **Background** |

The combination of recycling, incineration, and landfill ensures safe waste disposal, protecting the environment, health, and resources. Waste incineration plants play a crucial role as they not only eliminate waste but also recover energy, reducing the use of primary raw materials. Since not all waste can be efficiently recycled, thermal treatment is often the most sustainable method of disposal, also supporting material recycling processes. The establishment of the EU Taxonomy classification system defines which economic activities are recognized as "green." Companies that comply with these taxonomy guidelines are expected to have better financing opportunities in the market compared to those that do not. It is also anticipated that access to EU funding will be linked to these taxonomy criteria to promote the green transition.

Particularly relevant for the circular economy is Annex 2 of the delegated act "Taxo4," which defines the economic activities that support the circular economy. However, the thermal treatment of mixed municipal waste is not listed as such an activity, thus threatening companies carrying out thermal incineration and consequently imperil energy security in Europe.

1. Europäisches Parlament. (2023, November). *Vergabe öffentlicher Aufträge*. Europäisches Parlament. <https://www.europarl.europa.eu/factsheets/de/sheet/34/vergabe-offentlicher-auftrage> [↑](#footnote-ref-2)