



Progress Toward a Circular Economy in Europe

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Outline

- Basics – What is “Circular Economy”?
- Overview of EU Circular Economy Initiative
- Implications for US-based ICT Lawyers
- Discussion

What is the Circular Economy?

Minimize generation of waste and maintain value of products and materials

Product design

- Repairability & reusability
- Durability
- Upgradeability
- Recyclability

Sustainable sourcing

- Raw materials
- Improve market for secondary materials

Consumption

- Green claims
- Labeling
- Procurement incentives

Waste management

- Improve recycling rates
- Reduce landfilling
- Expand EPR regimes

EU Circular Economy Package

Waste-Related Legislative Proposals

- **Initial focus on revisions to *waste legislation***
- **Proposed changes to WFD will require Member States to:**
 - Achieve major reductions in municipal waste generation by 2035
 - Meet minimum requirements for all extended producer responsibility
 - Recycle 65% of household and business waste by 2035
 - 70% target for recycling of packaging by 2030, and
 - Ban landfilling of recyclable waste by 2030
- **Likely adoption this summer**



EU 2018 Circular Economy Package

January 2018 Update

EU Strategy for Plastics

By 2030, all plastic packaging should be recyclable

Reduce impact of single-use plastics, microplastics, etc.

Design requirements under EcoDesign re recyclability of plastics in EEE

Chemicals, Products and Waste Interface

New tracing and tracking and information systems to provide info re chemicals in recycling streams

New criteria to evaluate regulatory trade-off between chemical restrictions and recycling impacts

Refresh waste classification to align with product hazard classification (GHS)

Critical Raw Materials

Highlights potential to make use of 27 critical materials in economy more circular

Increasing recycled content criteria in green public procurement criteria

Extend EcoDesign requirements to set standards for repairability

Implications for ICT Lawyers

- Increased significance of waste/non-waste determinations
- Increased significance of waste/end-of-waste determinations
- Changes to waste classification criteria
 - to facilitate recycling and reprocessing and use of secondary resources
 - to align with hazard classification of products
- Changes to regulatory obligations and product liability associated with new “product as a service” business models
- Expansion of extended producer responsibility programs
 - More product categories
 - More prescriptive
- Increased attention to relationship between material restriction rules and obstacles to recycling posed by legacy contaminants
- Increased pressure on need to seamlessly move used equipment, and waste within countries and between countries
- Expansion of attention to regulation of reverse logistics

Discussion and Questions