



#NoTimeToWaste

EXPLAINED: EUROPE'S NEW WASTE PREVENTION AND REUSE LAWS

EXAMPLES OF WASTE PREVENTION POLICIES AND OTHER MEASURES TO PROVIDE INCENTIVES FOR THE REDUCTION OF WASTE GENERATION

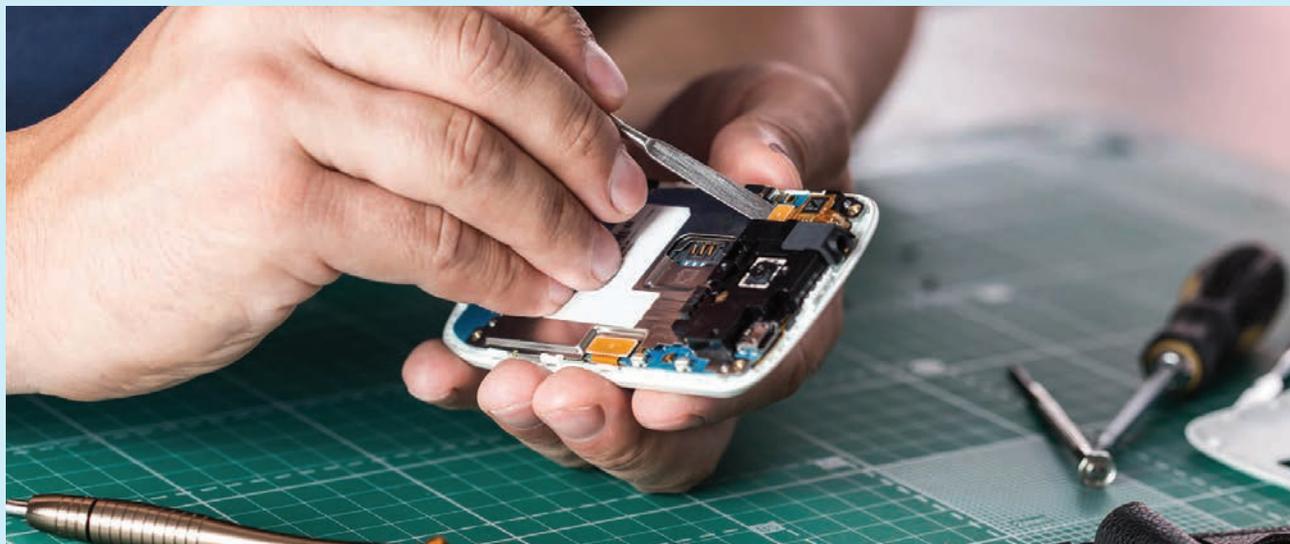
Revised EU waste directives that came into effect in July 2018 included a set of measures to boost recycling and cut waste.

All EU Member States (MS) must put in place new measures **by July 2020** to help them achieve these targets.

By July 2021, governments will also have to introduce legal measures addressing single-use plastic items, as part of the Single-Use Plastics Directive.

This legal briefing provides an overview of the most important new EU waste obligations from **The Waste Framework Directive (WFD)**, **The Landfill Directive (LD)**, **The Packaging and Packaging Waste Directive (PPWD)** and **The Single-Use Plastics Directive (SUP)** and good examples of how countries have translated these into national law. The briefing can be used to inspire the ongoing development of national transposition of revised waste directives in order to make sure it is ambitious and in line with sound environmental waste management.

The best way to deal with waste is to prevent it from being created (see [10 policy measures to reduce waste \(EEB 2019\)](#)).



According to the **EU waste hierarchy** ([Article 4 WFD](#)), waste prevention measures, followed by reuse, are the top priority when it comes to waste management and policy. Waste prevention is the most efficient way to improve resource efficiency and to reduce the environmental impact of waste. The WFD prescribes measures for preventing and reducing the generation of waste, in order to break the link between economic growth and the environmental impacts associated with the generation of waste, and to make the transition towards a circular economy. [Article 9 \(1\) \(j\) WFD](#) obliges MS to reduce the generation of waste, in particular waste that is not suitable for preparing for reuse and recycling.

The PPWD in [Article 4](#) prescribes measures to prevent the generation of plastic packaging and [Article 5](#) prescribes measures to encourage an increase in the share of reusable packaging placed on the market.

The SUP Directive prescribes restrictions for certain plastic products and less use of plastic materials, thus reducing plastic waste generation and lowering the impact of plastic products on the environment.

The [new Circular Economy Action Plan](#) is making waste prevention measures top priority. It stipulates new waste reduction targets for specific streams as part of a broader set of measures on waste prevention, as well as specific targets for cutting food waste and residual waste streams.

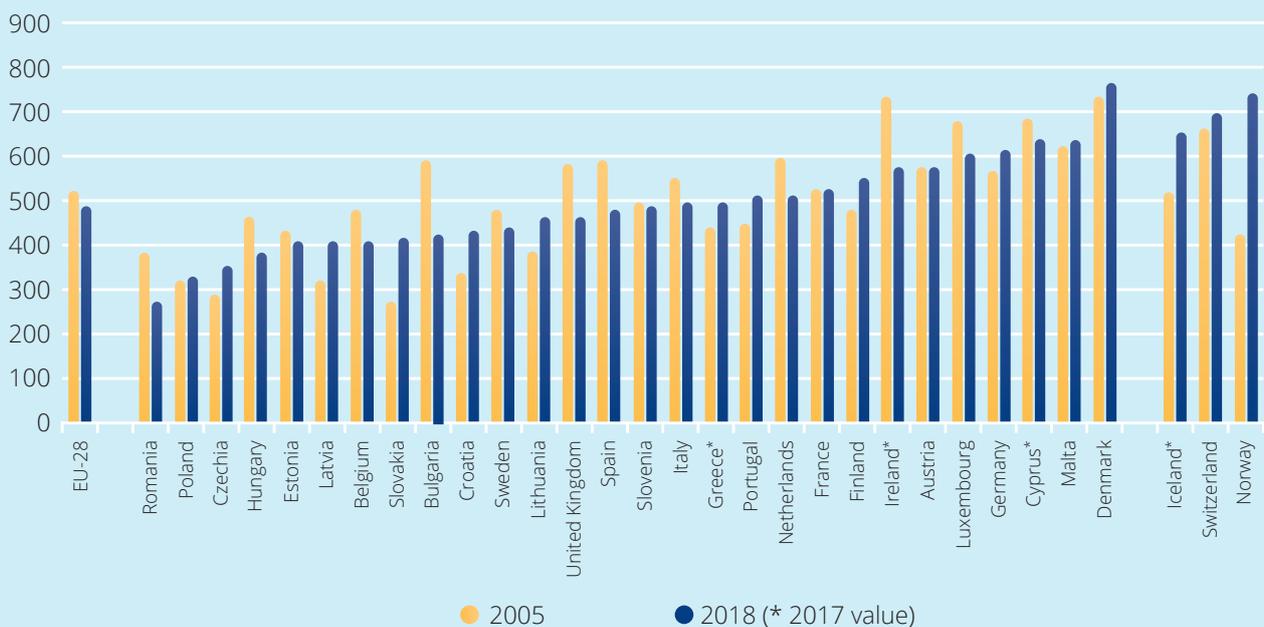
Any new national legislative proposals and strategies, and the implementation of existing ones, need to adhere to the EU waste hierarchy and make waste prevention top priority.

In this briefing, the European Environmental Bureau (EEB) provides an overview of the revised EU obligations for MS and shares good national practice.

CONTEXT

[Waste generation is increasing](#). Waste generation from all economic activities in the EU amounts to 2.5 billion tonnes per year or 5 tonnes per capita, while each citizen produces nearly half a tonne of municipal waste per year. The amount of municipal waste generated per person in 2018 was 489 kg.

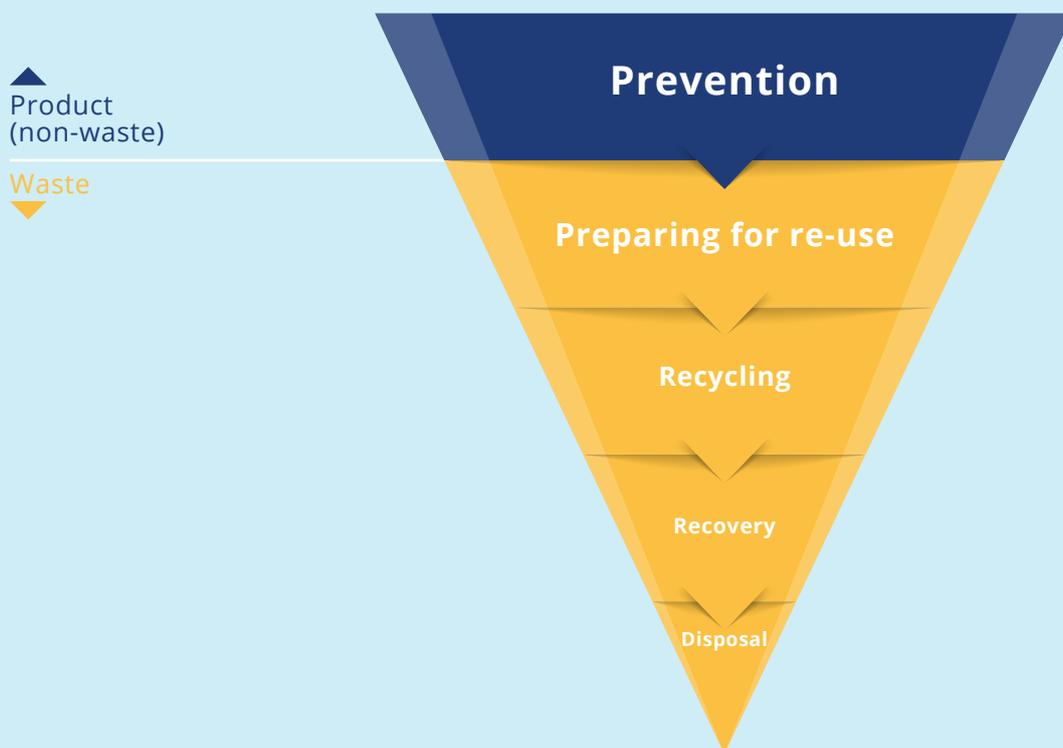
MUNICIPAL WASTE GENERATED, 2005 AND 2018 (kg per capita)



The WFD lays down basic waste management principles. It requires that waste be managed without endangering human health or harming the environment, and in particular without risk to water, air, soil, plants or animals, and without causing a nuisance through noise or odours.

The order of priority is outlined in the waste management hierarchy:

THE EU WASTE HIERARCHY



Waste prevention measures are taken before a substance, material or product has become waste. They aim to reduce the quantity of waste, the content of hazardous substances in materials and products, and the adverse impacts of waste on the environment and human health ([Article 3 \(12\) WFD](#)).

Reducing the quantity of waste can be achieved by decreasing the quantity of materials used in the production of products, increasing product efficiency and lifespan limiting unnecessary consumption, and designing and consuming products that generate less waste. Repair, refurbishment and reuse actions should be taken in order to reduce waste quantity.

Reducing or restricting the use of hazardous substances in products and materials is a prerequisite for establishing a circular economy and protecting the health of people and the environment.

MS are obliged to adopt **waste prevention programmes** ([Article 29 WFD](#)) incorporating at least those waste prevention measures that are listed in [Article 9 WFD](#). MS shall also adopt specific programmes relating to **food waste**. Waste prevention programmes must be evaluated at least every six years. MS shall use economic instruments and other measures from [Annex IV](#) and [Annex IVa WFD](#) to provide incentives for waste prevention ([Article 4 \(3\) WFD](#)). Examples are presented in the EEB briefing on economic instruments and other measures from [Annex IVa WFD](#).

MOST RELEVANT WASTE PREVENTION AND REUSE MEASURES WITH GOOD EXAMPLES FROM MS

([ARTICLE 9 WFD](#))



1. Reducing the generation of waste

MS are decreasing the generation of waste by setting measures such as addressing overproduction and overconsumption, introducing restrictions and bans on single-use plastic products, banning the destruction of new/usable products and foods, and other fiscal and waste reduction measures. Policies to reduce the total quantity of residual waste lead to more reuse and recycling of materials.

[Article 9 \(3\) WFD](#) obliges MS to monitor the quantity of waste that they are generating and assess the implementation of their waste prevention measures.

MS SET NATIONAL/REGIONAL QUANTITATIVE TARGETS TO LOWER THE OVERALL GENERATION OF WASTE

- **Spain, Catalonia**

[The Catalan General Waste and Resource Management and Prevention Programme 2019–2025](#) (PREMET25) has set ambitious waste reduction targets:

- **reduce total primary waste generation** and, specifically, to achieve a 15% weight reduction in waste generation by 2020 (baseline 2010)
- maximum of 150 kg of **residual** waste generated per inhabitant per year by 2025.

- **France**

Through its new [Waste Reduction and Circular Economy Bill](#), France wants to achieve a decrease of 15% in municipal solid waste generation per capita and 5% in commercial waste by 2030.

- **Spain, Balearic Islands**

The [Balearic Islands Waste and Polluted Soils Law \(Law 8/2019\)](#) sets **binding targets to reduce waste generation** by 10% by 2021 and by 20% by 2030, compared to 2010.



Belgium, Flanders, sets a legal goal for the maximum level of residual waste per capita per year

Flanders' [Implementation waste plan 2016–2022](#) obliges municipalities to reduce the total quantity of residual waste from households, companies and organisations by 2022. The targets are tailored to the specific profiles of the municipalities, e.g. coastal municipalities are assigned a less stringent target (258 kg per inhabitant) since they produce more residual waste due to tourism than rural municipalities (116 kg per inhabitant) per household per year. The targets are indicative until an evaluation is carried out. If measures taken by municipalities to reduce the total quantity of residual waste are positively evaluated, then they will become binding. If municipalities don't reach their targets, the Flanders Waste Agency will develop instruments to incentivise municipalities to achieve them.



Slovenia, Ljubljana, signs up to zero-waste goals and aims to significantly reduce municipal waste generation

Through its [Zero-Waste Strategy](#), Ljubljana has committed to:

- reduce annual waste generation to 280 kg per person
- reduce annual residual waste to 60 kg per person by 2025.

MS SET BANS AND RESTRICTIONS TO LOWER WASTE GENERATION



France prohibits the destruction of unsold non-food products

France is the first EU country to introduce a ban on destroying unsold new products. This includes textiles, electronic products, daily hygiene products, shoes, books and household appliances. Unsold items must be prepared or donated for reuse, or recycled.



The French [law relating to anti-waste and the circular economy \(No 2020-105, Article 35 'Struggle for reuse and fight against waste'\)](#) will ban producers, distributors and online selling platforms from destroying, incinerating or landfilling their products unless it is justified in the waste hierarchy. **Sanitary products** (soap, toothpaste, diapers, toilet paper and hygienic protections) and **childcare products** must not be destroyed. It is a **mandatory requirement that these particular products are donated** to social associations. Administrative fines will be given to those not complying with the waste hierarchy when dealing with their unsold products. The law will come into force from **January 2021**.

Producers or holders of waste must follow the waste hierarchy when dealing with their products

[Article 6](#): Producers or holders of waste shall not eliminate or have their waste disposed of in waste storage or incineration facilities unless they justify compliance with the sorting obligations laid down in this Chapter.

[Article 35](#): Producers, importers and distributors of new non-food products intended for sale shall be required to reuse, in particular through the donation of essential products to associations, or recycle their unsold products, in accordance with the hierarchy of treatment methods. Sanitary and childcare products which have remained unsold must necessarily be reused, except in the case of products with a minimum durability of less than three months, or in cases where there is no possibility of reuse following discussion with the associations.

In not complying, administrative **finances will be charged** up to the amount of €3,000 for a natural person and €15,000 for a legal person.

As only the reuse of hygiene and childcare products is obligatory, it is important to monitor implementation in practice to make sure that stakeholders are acting according to the waste hierarchy and prioritising reuse over recycling when it comes to their new unsold products.



Spain, Balearic Islands, introduce bans and measures to prevent (plastic) waste generation

Plastic waste prevention is considered a priority in the Balearic Islands as it is one of the main waste generation streams and a threat to the environment. The Islands are addressing waste generation by introducing market interventions to restrict certain products, i.e. **banning products that generate the most waste, such as single-use plastic products and certain non-reusable and non-rechargeable products**. They are also encouraging the provision of access to free non-packed water in the hospitality and events sectors, and public services, thus preventing the generation of waste packaging. New Balearic waste law is setting determined measures to impose the waste hierarchy.



The [Balearic Islands Waste and Polluted Soils Law \(Law 8/2019\)](#) imposes bans and restrictions in order to prevent waste generation:

Ban on single-use plastic products

From 2021, the law bans single-use plastic products such as bags, cutlery, plates, straws and cotton bud and sweets sticks, as well as products containing microplastics or nanoplastics. Only compostable or cellulose products can be used.

Ban on certain non-reusable and non-rechargeable products

Non-reusable and non-rechargeable toners and cartridges for printers and photocopiers and models of lighters which cannot guarantee at least 3,000 effective lights will be forbidden.

From 2025, distribution and selling of non-rechargeable shaving razors will be forbidden.

Restricting single-use packaging and access to free non-packed water

Distribution of beverages in one-use-only packages will not be allowed in buildings hosting public services. Public and sports events supported by the public sector must ensure access to a non-packaged water supply or water in reusable bottles. The law encourages the installation of water fountains. The hospitality sector must offer access to a free non-packaged water supply.



France introduces advanced waste prevention measures

[Article 77 of the law related to anti-waste and the circular economy \(No 2020-105\)](#) states:



- **free distribution of plastic bottles containing drinks is forbidden** from 2021
- **establishments open to the public are required to be equipped with at least one accessible drinking water fountain** from 2022
- any retail business selling unprocessed **fresh fruit and vegetables is required to exhibit them without plastic packaging if sold in batches below 1.5 kg** from 2022
- **catering establishments** are required to **serve meals** and drinks consumed on the premises in reusable cups (including their means of closure and lids), **reusable plates and containers as well as with reusable cutlery** from 2023.



1.1. Reducing the generation of food waste

An estimated [20% of the total food produced](#) in the EU is lost or wasted, with 70% of food waste generated in households, food service or retail.



[Article 3 \(4\) \(a\) WFD](#) defines food waste as all food that has become waste. What is food is defined by [Regulation \(EC\) No 178/2002](#), laying down the general principles and requirements of food law and food safety.

MS should take measures to prevent and reduce food waste in primary production, in processing and manufacturing, in retail and other distribution of food, and in restaurants and food services, as well as in households ([Recital 31 WFD](#)). [Article 9\(1\)\(g\) WFD](#) states that **MS should reduce the generation of food waste by 50% per capita by 2030**. MS should establish specific food waste prevention measures as part of their waste prevention programmes ([Article 29 \(2\)\(a\) WFD](#)).



Spain, Catalonia, sets ambitious targets for food waste reduction

[The Catalan General Waste and Resource Management and Prevention Programme 2019–2025 \(PREMET25\)](#) has set ambitious food reduction targets:

- reducing food waste by 50% in 2020 compared with 2010, in the retail, hospitality, catering and domestic sectors
- establishing food waste reduction targets for the primary and agrifood sectors, including wholesale distribution.

MS should encourage food donation and other types of redistribution. Priority should be given to redistributing surplus food for human consumption over animal feed and reprocessing into non-food products ([Article 9 \(1\) \(h\) WFD](#)).

Some of the barriers for reduction of food waste are a lack of clear regulation related to food donations, such as potential donors' liability for donated food, and a lack of VAT exemptions for donated food. Legislation and implementation should follow the waste hierarchy, which prioritises food donations for human consumption, as well as providing clear legal definitions on labelling food products when it comes to expiry dates.



France fights food waste

In its [Environmental Code](#) France is introducing measures to fight food waste by banning the destruction of unsold food, and obliging retailers to donate food.

The hierarchy for food waste prevention actions is prioritising the redistribution of safe, edible food for human consumption

[Article L. 541-15-4.](#): the fight against food waste involves empowering and mobilising producers, processors and distributors of food, consumers and associations. Actions to combat food waste are implemented in the following order of priority:

- 1 prevention of food waste
- 2 the use of unsold goods suitable for human consumption, by donation or transformation
- 3 recovery for animal feed
- 4 use for composting purposes for agriculture or energy recovery, in particular by methanation.

[Article L. 541-15-6](#) obliges all supermarkets and retailers with premises larger than 400 m², as well as the mass catering and food manufacturing sectors, to sign a food donation agreement with authorised charitable organisations.

A general ban is introduced on food distributors disposing of products



[Article L. 541-15-5-1.](#) obliges distributors not to deliberately allow unsold products which are still fit for consumption to be made unfit for consumption.

The legislation prescribes sanctions for non-compliance

A food sector distributor who deliberately allows unsold food still consumable to become unsuitable for consumption, without prejudice to regulatory provisions relating to health security, is punishable with a fine of €3,750. He also incurs the additional penalty of having to display or disseminate notice of the fine.

The shortcoming of this legislation is that it does not set a minimum amount of unsold food that needs to be donated, so supermarkets can donate only 1% and still be in compliance with the law.



Italy limits food donors' liability related to food safety rules and protects food donors from legal prosecution



Potential food donors often do not donate in order to avoid risks associated with liability for donated food. Italy, with its [Good Samaritan Law \(No. 155/2003\)](#), considers food banks as the final consumers of donated products. This prevents individuals who receive food from food banks from being able to file a lawsuit against the food donors. Safety and hygiene conditions should be ensured by the food banks after receiving food donations. The legislation provides legal safety to food donors and does not compromise food safety.

Article 1 stipulates that non-profit and social utility organisations that carry out for charity purposes a free distribution of food products to those in need have an equal status to that of final consumers, within the bounds of the service provided, in order to meet the required standards of preservation, transport, storage and use of food.



Czech law fights food waste



Through section 11 article 2 of the [Act on Foods and Tobacco Products](#), which came into effect on 1 January 2018, food business operators in Czechia were given a new obligation to donate unsatisfactory food products to food banks (charity). Failure to comply with this obligation is an offence, for which a fine of up to CZK 10,000,000 (€400,000) may be imposed.

Consumer awareness of the meaning of 'use by' and 'best before' dates should be improved in order to reduce food waste ([Recital 32 WFD](#)). National laws should clearly define what 'surplus food' is and isn't. Tax reductions can incentivise food business operators to donate food to social organisations.



Italy regulates the donation and distribution of food and pharmaceutical products



The aim of Italy's [law concerning the donation and distribution of food and pharmaceutical products for social solidarity purposes and for the limitation of waste \(No.166/2016\)](#) is to reduce food and pharmaceutical waste during production, transformation, distribution and management of products. The law promotes donation and recovery of surplus food, while setting a priority for human use, and using pharmaceutical products for the purposes of social solidarity. The law provides tax reductions to businesses donating food to charitable organisations. It also defines surplus food, sets out a food waste hierarchy and addresses the lack of knowledge about food durability and date marking ('best before' and 'use by' labels) in order to bypass one of the barriers for effective food donations.

The law is promoting food donation while still ensuring food safety

All subjects involved in food donation shall ensure proper conditions for conservation, transport, storage and use of food products.

Article 5 states that organisations which for solidarity purposes distribute food products for free to the most deprived that are supplied by operators of the food supply chain, including hospital, charitable and school canteens, and food business operators supplying food products for free, shall ensure a proper state of conservation, transport, storage and use of the food products, each according to its responsibility. This objective is also achieved through the arrangement of specific national guides of good practice.

Italian law defines surplus food: "It is agriculture and agribusiness food which, without prejudice to the maintenance of the requirements of product hygiene and safety are, by way of example and not exhaustive: unsold or not administered due to lack of demand; withdrawn from sale as they do not comply with company requirements sales; inventories of promotional activities; next to reaching the expiry date; leftover evidence of placing on the market of new products; unsold due to damage caused by weather events; unsold due to errors in production programming; not suitable for marketing for alterations of the packaging that do not affect the suitable storage conditions."

Article 2 **clarifies that the date of minimum durability, i.e. 'best before' date, is not the same as the 'use by' date.** The law states that products beyond their minimum conservation limits can be donated or sold, if the integrity of the packaging is ensured.

The law incentivises food business operators to donate food to charities by offering them tax deductions, such as reductions on waste taxes, depending on how much they donate.

Article 3 defines donating surplus food for the purposes of social solidarity.

1. Food business operators can pass on surplus food, free of charge, to donors who can collect the food directly or entrust the collection to another donee.
2. The recipients referred to in paragraph 1 shall, allocate the surplus food received, fit for human consumption, primarily for the benefit of the most deprived persons.
5. Surpluses of agricultural products in the field or farmed products suitable for human and animal consumption may be transferred free of charge to donors.

MS must measure generation of food waste from 2020

[Article 9 \(5\) WFD](#) obliges MS to report how much food they waste yearly as of 2020 and measure their progress in the reduction of food waste. Reporting on food waste should take place on an annual basis.

An EU Delegated Decision establishing **a common EU methodology to measure food waste** was adopted with the [Delegated Act 2019/1597 of 3 May 2019](#). It defines what needs to be measured as food waste at each stage of the food supply chain and how this should be carried out by MS. MS are expected to submit the first report on food waste generation from 2020, in order to provide the first new data on food waste levels to the European Commission (EC) by mid-2022. On the basis of submitted MS reports the EC shall consider the feasibility of establishing an EU-wide food waste reduction target to be met by 2030 ([Article 9 \(6\) WFD](#)).



2. The sustainable production models

In the production phase, waste can be prevented by improving material efficiency, by product and service innovations, and by using processes that generate less waste and non-toxic products.

Hazardous substances and especially substances of very high concern (SVHC) should be prevented and phased out in order to achieve a non-toxic environment and zero pollution. The presence of hazardous substances should be communicated throughout the life cycle of products and materials. A public information system about harmful substances present in products needs to be put in place.



2.1. The reduction of hazardous substances in materials and products as a way of fulfilling the qualitative prevention goal of Article 9 WFD



The WFD in [Article 9 \(1\) \(i\)](#) is prescribing that MS should promote the reduction of SVHC in materials and products. They should also ensure that suppliers of products provide the necessary information about chemicals and substances to relevant authorities and to consumers **from 5 January 2021**, as stated in [the REACH Regulation](#).

The WFD obliges The European Chemicals Agency (ECHA) to establish a database in order to ensure more transparency on SVHC in products and materials from 2020. The ECHA should ensure that the information about the presence of SVHC is available throughout the life cycle of products and materials, including at the waste stage ([Recital 38 WFD](#)). Access to the database will be given to waste treatment operators and to consumers upon request ([Article 9 \(2\) WFD](#)). The SVHC database is crucial to the circular economy and to protection of human health and the environment.



France obliges producers and importers to make available to the public information on products containing (or suspected to contain) endocrine-disrupting properties



[The law related to anti-waste and the circular economy \(No 2020-105\)](#) in Article 13 and 14 obliges producers and importers to make **available to the public information on whether a product contains hazardous substances, as well as substances with confirmed or suspected endocrine-disrupting properties.**

“... the regulatory authority may impose on manufacturers of the products concerned the affixing of a pictogram or other means of marking, labelling or displaying specific recommendations to pregnant women on certain categories of products containing substances with endocrine-disrupting characteristics.”



Spain, Balearic Islands, prescribes the reduction of toxic products



The [Balearic Islands Waste and Polluted Soils Law \(Law 8/2019\)](#) prescribes the **reduction of toxic products**, e.g. prohibiting the use of dangerous cleaning products in public spaces, and prohibiting the sale of products containing microplastics or nanoplastics.



France limits the use of certain dangerous substances in electrical and electronic equipment

France's [Environmental Code, Article R543-171-3](#), states that any electrical and electronic equipment placed on the market, **including cables and spare parts intended for repair**, should not contain any of the substances listed in [Annex II to Directive 2011/65 / EU](#) on the limitation of the use of certain dangerous substances in electrical and electronic equipment in a concentration by weight in the homogeneous materials higher than that specified by Annex II.



France bans Bisphenol A, as an SVHC in food contact products



From 2015 France's [law aiming to suspend the marketing of any packaging containing bisphenol A and intended to receive food products \(No 2010-729\)](#) has prohibited the use of Bisphenol A (BPA) in all packaging, containers and utensils intended to come into direct contact with food. France has banned placing these products on the market.

Article 1 suspends the import and placing on the market, free of charge or for a fee, of any packaging, container or utensil containing BPA and intended to come into direct contact with foodstuffs.

The EU has prohibited the use of BPA in baby bottles since 2011. France did not want to risk the food of its citizens coming in contact with this chemical substance, thus the French law is more stringent than EU legislation on this issue.



2.2. Ecodesign and manufacturing products that are resource-efficient, durable, repairable, reusable and upgradable

[Article 9 \(1\) \(b\) WFD](#) obliges MS to encourage the design and production of products that are resource-efficient, durable, repairable, reusable and upgradeable in order to prevent waste generation.

The concept of ecodesign involves the systematic integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its life cycle.

The [Ecodesign Directive \(2009/125/EC\)](#) sets minimum requirements for access to the internal market, which helps to set a level playing field, driving sustainable investments and design, as well as saving consumers money and emissions. Initially the directive focused on energy efficiency, it now also looks more systematically at resource efficiency aspects. In autumn 2019, product specific requirements covering repairability and recyclability were adopted for several household appliances (e.g. fridges and washing machines). Requirements for other electronic products are currently under development.

These measures concentrate on specific aspects to increase the likelihood of repair to extend the lifetime of the product, and therefore prevent waste. This includes making spare parts available, delivering spare parts in a reasonable timeframe, providing access to repair and maintenance information, and designing products in a way that they can be dismantled using commonly available tools.

The recent [Circular Economy Action Plan](#) (CEAP) announced that the EC will “widen the Ecodesign Directive beyond energy-related products to make the ecodesign framework applicable to the broadest possible range of products and make it deliver on circularity”. This will likely mean that in the near future resource-efficiency requirements will be established for other high-impact product groups such as textiles, construction products and furniture.

Ecodesign requirements apply to all products placed on the European market including imports. However, there are a number of ways in which MS can support their implementation:

- establish market-based incentives which encourage manufacturers to go beyond the ambition of the minimum requirements (e.g. through the modulation of extended producer responsibility (EPR) fees, or through mandatory public procurement criteria)
- establish incentives which favour value retention activities including repair and refurbishment (e.g. VAT reductions for these services)
- boost the resources available to market surveillance authorities working on ecodesign and energy labelling, which is an MS competence
- define national registries of repair professionals to include a broad spectrum of actors such as independent professionals and repair cafes, in order to avoid a monopolistic repair market.

France regulates the ecodesign of electrical and electronic equipment

France's [Environmental Code, Article R543-176](#), states that the equipment falling under Article R543-172 **must be designed and manufactured in such a way as to facilitate its reuse, repair, dismantling and recovery**.

Items of electrical and electronic equipment are designed so that used batteries and accumulators can be easily removed. When these cannot be easily removed by the end user, it should be possible for a qualified professional independent of the manufacturer to do this. All electrical and electronic equipment in which batteries or accumulators are incorporated are accompanied by instructions indicating how the end user or an independent qualified professional can safely remove these batteries and accumulators. If necessary, the instructions also inform the end user of the types of batteries or accumulators incorporated in the equipment.

France fights planned obsolescence

From 2015, France banned the planned obsolescence practice through the [Consumer Code, Article L213-4-1](#):

1. **Planned obsolescence is defined** by all the techniques by which a marketer aims to deliberately reduce the life of a product to increase the replacement rate.
2. Planned obsolescence is punished with a sentence of two years' imprisonment and a fine of €300,000.
3. The amount of the fine may be increased, in proportion to the benefits derived from the default, to 5% of the average annual turnover, calculated on the last three annual turnover figures known on the date of the event.



2.3. Reducing waste generation in processes related to industrial production, extraction of minerals, manufacturing, construction and demolition, taking into account best available techniques

As stated in the [CEAP](#), the circular economy can deliver substantial material savings throughout value chains and production processes, generate extra value and unlock economic opportunities, if implemented by the industry.

MS should provide information on waste prevention techniques with a view to facilitating the implementation of [best available techniques by industry](#) (Annex IV (5) WFD).

Construction and demolition waste is a priority stream for the EU as it is the heaviest and highest volume waste stream. It accounts for approximately [25–30%](#) of all waste generated in the EU.

[Article 11 \(1\) WFD](#) promotes selective demolition in order to enable removal and safe handling of hazardous substances, and facilitate reuse and high-quality recycling by selective removal of materials. Selective demolition also ensures the establishment of sorting systems for construction and demolition waste, at least for wood, mineral fractions (concrete, bricks, tiles and ceramics, stones), metal, glass, plastic and plaster.

[Article 9 \(1\) \(d\) WFD](#) encourages the setting up of systems promoting repair and reuse activities related to construction materials and products.



UK, Wales, prevents construction and demolition waste as well as industrial waste

The [Welsh waste prevention programme](#) has set a target for reduction of construction and demolition waste at 1.4% annually up until 2050 for waste treated off-site.

Wales has also set a reduction of industrial waste target of 1.4% annually until 2050.



Austria introduces pre-demolition audit and selective demolition requirements for buildings

Construction components and materials can be diverted from waste if dismantled properly.

Austria has introduced [the Recycled Construction Materials Regulation](#). The regulation sets an obligation to carry out a pre-demolition audit for potentially reusable or hazardous construction components and selective demolition requirements. This prevents overall generation of waste and reduces hazardous waste, thus enabling reuse of construction and demolition materials. If there is a demand for reusable construction parts/materials, they have to be dismantled in a way that enables reuse, e.g. bricks, stoneware, roof tiles, doors, windows, sanitary objects, radiators and wooden parquets, etc.

The regulation also prescribes an audit for hazardous substances that has to be carried out before any demolition work producing above 750 tonnes of waste and if the building's gross volume is larger than 3,500 m³.



Poland sets waste prevention target and good practice for mining sector

[The Polish waste prevention programme](#) is setting waste prevention targets and indicators for the mining sector.

- Target: a reduced quantity of mining waste in relation to production volume
- Indicator: lowering the ratio of waste generated in the mining industry (tonnes) to production volume

It is also prescribing good practice, such as waste reduction at source by using extractive methods instead of open-pit mining, and using deposits with higher concentrations of minerals and ores, enabling the accurate exploitation of mineral seams while minimising waste.



3. The sustainable consumption models

[Article 9 \(1\) \(a\) WFD](#) obliges MS to promote and support sustainable consumption models in order to prevent waste generation.

As stated in the [CEAP](#), consumers should receive trustworthy and relevant information on products at the point of sale, including on their lifespan and on the availability of repair services, spare parts and repair manuals. The CEAP announces initiatives which would support rights for consumers including a **'European Right to Repair'**. This would increase the availability of spare parts or access to repair and, in the case of ICT and electronics, access to upgrading services. The CEAP also aims to support the protection of consumers against premature obsolescence.

Consumers should be empowered to reduce the environmental footprint associated with their consumption, for example by choosing products that last longer, are more repairable and produce less waste over their lifespan. Consumers should be enabled and incentivised to use repaired, refurbished second-hand products. Also, consumers can increase the efficiency with which products are used, e.g. by renting products or sharing products instead of purchasing.



3.1. The use of products that are resource-efficient, durable, repairable, reusable and upgradable

[Article 9 \(1\) \(b\) WFD](#) obliges MS to encourage the use of products that are resource-efficient, durable (including in terms of lifespan and absence of planned obsolescence), repairable, reusable and upgradable, in order to prevent waste generation.



France obliges producers and importers to inform consumers about a product's environmental characteristics



The [law related to anti-waste and the circular economy \(No 2020-105\), Article 13](#), obliges producers and importers of waste-generating products to inform consumers about the environmental characteristics of a product. This should include information on **the incorporation of recycled materials, use of renewable resources, durability, compostability, repairability, reusability, recyclability and the presence of hazardous substances, precious metals or rare materials**, based on an analysis of the life cycle of the product. Consumers should also be informed of the premiums and penalties paid by the producer on the basis of **environmental performance criteria**.

[Article 4 of PPWD](#) obliges MS to implement measures to prevent the generation of packaging waste and to minimise the environmental impact of packaging.



France enables and promotes sale of products without packaging or in containers which can be reused



The [law related to anti-waste and the circular economy \(No 2020-105\), Article 41](#), states that, from **January 2021**, 'any final consumer may ask to be served in a container supplied by him, so far as the latter is clearly clean and suitable for the nature of the product purchased.'



France incentivises clean purchases and other measures in order for consumers to use reusable packaging and containers

The law related to anti-waste and for circular economy (No 2020-105) makes the following stipulations.

[Article 42](#) states that the **sellers of takeaway drinks shall adopt a lower price when the beverage is sold in a reusable container presented by the consumer**, compared to the price charged when the drink is served in a disposable cup.

[Article 43](#) **obliges retail shops with a sales area greater than 400 m² to ensure that clean or reusable containers, which replace non-reusable packaging, are available to the final consumer, whether free of charge or for payment, in connection with the sale of products without packaging.**

[Article 44](#) enables **consumers to use their own reusable or recyclable container**. An establishment display shall inform the final consumer about the rules for cleaning and the suitability of reusable or recyclable containers. The consumer is responsible for the hygiene and the fitness of the container. The institution may refuse to serve the consumer if the consumer's container is demonstrably dirty or unsuitable.

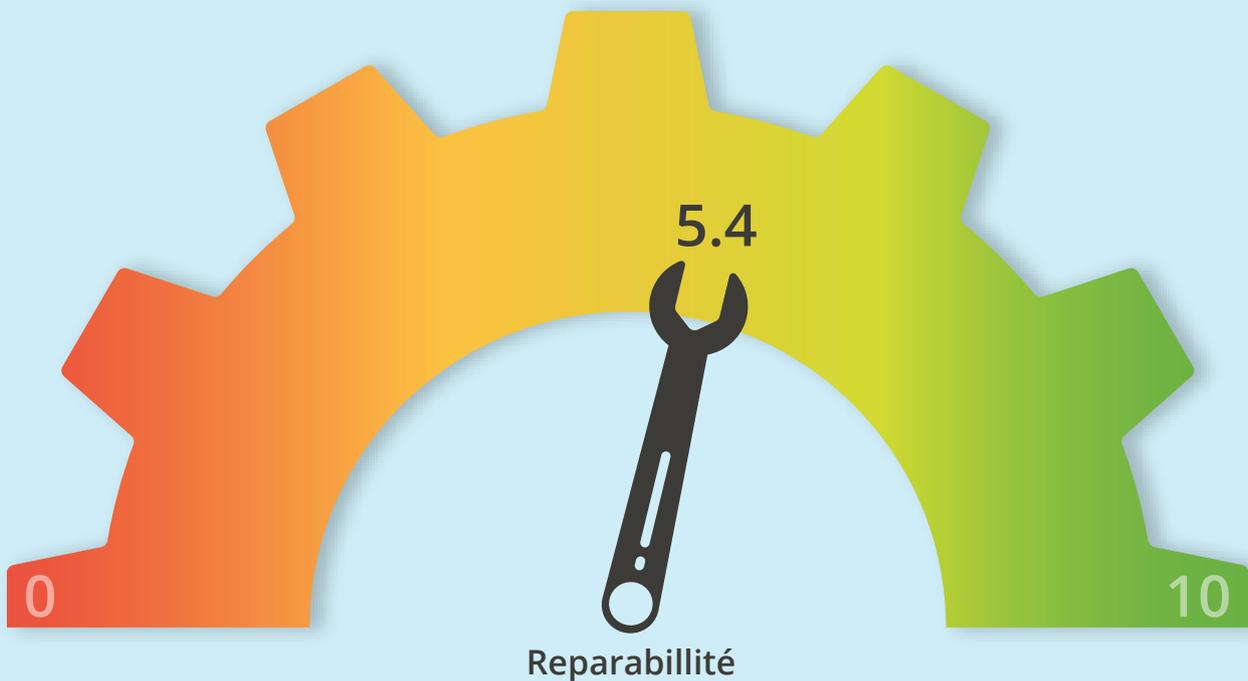


France introduces a repair label: the index of product repairability for electrical and electronic equipment

In order to fight planned obsolescence, a repairability index allows the consumer to know whether their product is repairable, difficult to repair or not repairable.



[Article 16 of the law related to anti-waste and the circular economy \(No 2020-105\)](#) obliges producers, importers and distributors to communicate to the sellers of their products (and any person who requests it) the index of the repairability for electrical and electronic equipment placed on the market. The purpose of this index is to inform the consumer about the ability to repair the product concerned. From 1 January 2024 it will be replaced with the index of sustainability which includes extra criteria such as the reliability and endurance of the product.



Source: https://www.ecologique-solidaire.gouv.fr/sites/default/files/en_DP%20PJL.pdf



France introduces the obligation to inform on the period of availability of the spare parts necessary for a product's repair and the availability of software



[Article 19 of the law related to anti-waste and the circular economy \(No 2020-105\)](#) obliges manufacturers or importers of goods **to inform the retailer of the availability or non-availability of indispensable spare parts [...] for electric and electronic equipment and furniture.** When this information is not given to the retailer, spare parts are considered not available.

Obligation to inform consumers on the availability of software

[Article 27](#) obliges the manufacturer of goods containing digital elements to inform the seller of how long updates to the software supplied at the time of purchase of the goods will remain compatible with normal use of the equipment. The seller shall make that information available to the consumer.



3.2. Green Public Procurement using waste prevention criteria

Green Public Procurement (GPP) has the ability to promote sustainable consumption and production by reinforcing the market uptake of products that generate less waste or are non-toxic. Most MS are using GPP tools as voluntary mechanisms, but Italy has introduced obligatory GPP for public authorities including waste prevention and reuse criteria.



Italy obliges all public authorities to apply waste prevention criteria into calls for tenders and contracts

The [Italian Code for Public Contracts \(Legislative Decree 50/2016, as modified by legislative decree n. 57/2017\)](#) in Article 34, sets mandatory environmental sustainability criteria that must be applied by public authorities in public procurement. It sets the waste prevention criteria: efficiency and savings in the use of resources, reduction in the use of hazardous substances and quantitative reduction in waste products, as public procurement minimum environmental criteria for 11 product/service categories, such as furnishing, building work, electronics, textiles, catering, energy services, building management services, etc.



3.3. Creditable eco-labels can promote longer-lasting, repairable goods and build consumer confidence in reused goods



Austria introduces a quality standard label for reused products in order to facilitate better usage

The [Austrian waste prevention programme](#) has set the goal of promoting reuse product labels. [ReVital](#) is the eco-label that certifies good quality standards for second-hand goods. Used electrical appliances, sports and leisure equipment, furniture and other household items are being collected then repaired and refurbished. A ReVital label guarantees their quality.



4. The reuse of products and the setting up of systems promoting repair and reuse activities

[Article 9 \(1\) \(d\) WFD](#) obliges MS to encourage the reuse of products and the setting up of systems promoting repair and reuse activities, including in particular for electrical and electronic equipment, textiles and furniture, as well as packaging and construction materials and products, in order to prevent waste generation.

Reuse is any operation by which products or components that are not waste are used again for the same purpose ([Article 3 \(13\) WFD](#)).

Reuse and repair are extending products' lifespans and thus preventing them from becoming waste. Reuse is preserving raw materials and energy used in production and distribution, and it is one of the key elements in the transition to a circular economy.

In order to boost reuse some MS have introduced national binding targets for reuse of overall waste or specific waste streams.



Belgium, Flanders, introduces a national binding target for reuse

With the [Implementation Plan For Household Waste And Comparable Industrial Waste](#), accredited reuse centres have to ensure that each Flemish person reuses 7 kg of goods annually by 2022.



Spain sets national binding target for reuse of large electrical appliances and small IT and telecommunications equipment

[The Spanish Royal Decree \(No 110/2015\) on waste electrical and electronic equipment](#) prescribes that large electrical appliances and small IT and telecommunications equipment need to be prepared for reuse. The decree requires that 3% of large household appliances and 4% of IT equipment should be prepared for reuse from 2018. The law sets requirements for separate collection, transport and storage to create appropriate conditions to enable reuse. Collection points are required to have a space dedicated to reusable goods.



Spain facilitates information sharing between producers and reuse organisations

[The Spanish Royal Decree \(No 110/2015\)](#) obliges producers to provide reuse centres with the product information necessary for preparation for reuse and repair related to large electrical appliances and small IT and telecommunications equipment.



Spain supports repair and reuse centres

[Spain's waste management plan 2016–2022](#) introduced the obligation that social enterprises handling second-hand goods have **priority access to municipal waste collection points** in order to acquire goods for repair and reuse.



Belgium sets financial incentives for the promotion of reuse

Belgium [introduced a reduced VAT rate of 6%](#) for goods and services provided by social reuse/repair enterprises if they are engaged in the social development of disadvantaged groups.

MS must measure the reuse of products

[Article 9 \(4\) WFD](#) obliges MS to monitor the reuse of products on the basis of a methodology that is to be established by the EC. MS will have to report on these indicators from 2020 onwards. The EC will assess data on reuse provided by MS until the end of 2024 and will consider setting quantitative targets for reuse of products and the feasibility of other measures to encourage reuse ([Article 9 \(9\) WFD](#)).



4.1. The right to repair



**RIGHT TO
REPAIR**

[The right to repair campaign](#)

[Article 9 \(1\) \(e\) WFD](#) obliges MS to enable the repair and reuse of products without compromising their quality and safety by providing the availability of spare parts, instruction manuals, technical information or other instruments, equipment or software as appropriate, and without prejudice to intellectual property rights. But often manufacturers are hampering fixing or upgrading devices by restricting access to repair and maintenance information, repair tools, or restricting repair with technical or legal requirements.



France enables the right to repair



The [French law related to anti-waste and the circular economy \(No 2020-105\)](#) is banning any restrictions to repair and enabling easier repair of products through the introduction of new measures from January 2021.

The mandatory availability of spare parts

[Article 19](#) obliges producers of domestic appliances, small IT and telecommunications equipment, screens and monitors, to make spare parts available for a period fixed by decree of the Conseil d'Etat, **which may not be less than five years from the date on which the last unit of the model concerned is placed on the market.**

From January 2022, when a spare part essential for the use of goods is no longer available on the market the manufacturer or importer must, subject to respect for intellectual property rights and in particular the consent of the holder of the intellectual property, provide professional vendors or repairers who request it with a schematic for manufacturing the spare part using 3D printing.

Enabling the right to repair by prohibiting restricting access to repair

France prohibited all agreements or practices which have been created to restrict access to repair by professional repairers or restrict access to spare parts, instructions for use, technical information or any other instrument, equipment or software enabling goods to be repaired.

[Article 25](#) lays down the principle that **repairability is an essential characteristic of the product**, thus the article prohibits restrictions to product repairability. It prohibits technical solutions or software by which a distributor on the market intends to make it impossible to repair or repackage a product outside its authorised premises.

Removing the liability of the manufacturer for repair

Article 25 states that if the manufacturer has made available guidelines for self-repair and if it has presented cases that explain how a user can perform a safe repair, the manufacturer cannot be held liable for damage inflicted if the repairer has not followed the instructions.



5. EPR related to waste prevention and reuse

EPR schemes can be used to strengthen reuse and waste prevention. An overall approach is that the costs of waste treatment should be covered by the producers through an EPR scheme. Waste treatment should be in line with the waste hierarchy, prioritising waste prevention and reuse.

[Article 8a \(4\) WFD](#) states that waste treatment costs should be fully covered by the producer that puts products on the market. MS shall take the necessary measures to ensure that the waste holders targeted by EPR schemes are informed about waste prevention measures, centres for reuse and preparing for reuse, take-back and collection systems, and measures for litter prevention. The costs of providing adequate information to waste holders should be covered by the scheme.



France prescribes EPR scheme including waste prevention, reuse and repair

EPR schemes can support waste prevention and the development of reuse and repair by granting access for reuse centres and networks to the waste stream, in order to separate what is reusable.

France's [Environmental Code Article L541-10](#) prescribes that as part of the EPR scheme, any natural or legal person who develops, manufactures, handles, processes, sells or imports waste-generating products or elements and materials used in their manufacture is obliged to implement or contribute to waste prevention measures. They should also adopt an ecodesign approach for products, to favour an extended lifespan, and ensure that all users and professional repairers have the means essential for efficient maintenance of products, thus supporting reuse and repair networks.



#NoTimeToWaste



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