Raising standards for consumers

POSITION PAPER

ANEC Position Paper on the forthcoming EU Circular Economy Act

Response to Circular Economy Act Call for Evidence.

Contact: Michela Vuerich – mvu@anec.eu

ANEC is supported financially by the European Union & EFTA

Ref: ANEC-SUST-2025-G-070

05/11/2025

The European Consumer Voice in Standardisation aisbl

Rue d'Arlon 80 – 4th Floor - B-1040 Brussels, Belgium
T: +32-2-7432470 / anec@anec.eu / www.anec.eu

SUMMARY

The European Union's ambition to advance a circular economy presents a critical opportunity to reshape production and consumption patterns in ways that protect both the environment and consumers.

In response to the European Commission's Call for Evidence for the forthcoming Circular Economy Act, ANEC- the European consumer voice in standardisation - calls for a systemic shift toward a resource-saving and consumer-centric circular economy.

This position paper outlines ANEC's key recommendations to ensure that circularity does not come at the expense of consumer safety or product quality. It emphasises that recycling alone is not a sufficient solution and must be embedded within a broader strategy that prioritises waste prevention, product durability, and chemical safety.

Our key proposals include:

- Strengthening Extended Producer Responsibility (EPR) schemes to incentivise sustainable product design; ensure transparent and harmonised fee structures, and promote reuse and repair.
- Improving consumer engagement through mandatory visible eco-fees; awareness campaigns, and accessible take-back systems for Waste Electrical and Electronic Equipment (WEEE) and other waste streams.
- Mandating high-quality treatment standards for WEEE across Member States, including the legal adoption of EN 50625 standards to ensure safe and effective recycling.
- Addressing hazardous substances in recycled materials by applying the principle of prevention, enforcing REACH compliance, and banning substances of very high concern (SVHCs) beyond sunset dates.
- And also speeding up the phase-out of hazardous substances beyond the current slow pace through e.g. REACH restrictions (but sometimes through other pieces of legislation) and preferably through broad restrictions involving whole groups of substances of concern (or the most harmful substances).
- Removing barriers to secondary raw material markets, including infrastructure gaps, supply chain opacity, and illegal waste flows.
- Expanding the scope of WEEE to include renewable energy equipment and emerging technologies, ensuring their end-of-life management is addressed.

ANEC calls on EU policymakers to adopt a coherent and harmonised regulatory framework that empowers consumers, holds producers accountable, and ensures that circularity leads to safer, longer-lasting, and more sustainable products. The Circular Economy Act must be a catalyst for change, not only in how products are managed at end-of-life, but in how they are designed, used and valued throughout their lifecycles.

CONTENTS

1 | Strengthening producer responsibility and consumer engagement for a resource-saving circular economy

ANEC advocates a systemic shift toward a resource-saving and sustainable economy, where Extended Producer Responsibility (EPR) serves as strategic lever to reduce unnecessary consumption and foster sustainable product lifecycles.

While acknowledging the role of collection strategies used by EPR to increase waste collection and quality such as Deposit Return Schemes and door to door collection - among others - in improving material recovery rates, ANEC cautions against viewing recycling as a universal solution. Instead, waste prevention must take precedence, supported by policies that promote durable, repairable and reusable products.

Recycling is effective only when embedded in a broader strategy aimed at conserving resources and generating high-quality outputs. This approach must also be economically viable and avoid negative impacts on human health and the environment. For example, it is unacceptable to expose consumers to higher levels of hazardous substances simply to promote recycling. The principle of prevention must apply to harmful chemicals by eliminating them at the beginning of the product lifecycle, rather than attempting to manage the occurrence of such chemicals at the waste management and recycling stage.

Beyond prioritising this preventive approach, implementing closed-loop systems for enhanced sorting and the segregation of various potentially-contaminated waste streams remains essential. Additionally, in certain cases it will be imperative to adopt recycling methodologies that effectively eliminate harmful chemicals; that do not undermine separate collection or mechanical recycling and ensure closed loops and performance verification. Such methodologies also need to be sustainable, e.g. with regard to energy use.

The circular economy policies need to aim at avoiding a scenario where recycled materials contain higher levels of hazardous substances than newly-produced items. This could compromise safety in favour of achieving high recycling rates and reduced costs. This concern is exemplified by the ongoing deliberations regarding the broad restriction of PFAS under the REACH framework, currently being examined by ECHA's committees.

EPR frameworks should therefore be designed to hold producers responsible, not only for end-of-life management, but also for product design choices that minimise environmental impact throughout the entire lifecycle.

1.1 Deposit Return Systems

Deposit Return Schemes – DRS are circular economy mechanisms designed to increase the collection and recycling of beverage containers. They apply a refundable deposit to each container, reimbursed to consumers when the empty packaging is returned to authorised collection points. This system aims to encourage returns; reduce littering, and enhance reuse, refill and recycling rates. In the same way DRS nowadays prove to be efficient in the disposal of beverage containers, they could be an answer in achieving similar benefits for other products too.

However, to be truly effective, such schemes must operate within a broader regulatory framework that discourages the disposable culture and actively fosters reuse and refill.

ANEC calls for regulatory measures that challenge market practices driving superfluous consumption, and for the establishment of harmonised, consumer-friendly Extended Producer Responsibility - supported by technologies such as Deposit Return systems - aligned with the EU's overarching sustainability and circular economy objectives. It will be crucial for the Circular Economy Act to build on and reinforce the implementation of the Ecodesign for Sustainable Products Regulation (ESPR), the Packaging and Packaging Waste Regulation (PPWR), as both are instrumental in advancing circularity through improved product and packaging design, transparency, and extended producer responsibility.

Building on the need for better product design, the next section explores how EPR schemes can incentivise circularity.

2 | How to improve the Extended Producer Responsibility Schemes

ANEC considers that eco-modulation fees are necessary to promote the best practices in terms of ecodesign and design for a circular economy (i.e. long life, reuse, repair, upgrade, refurbishment and recycling). Positive effects might be a significant reduction in the use of resources and environmental impact due to durable products; products that are designed for repair, and ultimately the increase in the collection and recycling-quality of recycled materials, with consequent improvement in the recyclability of products.

With a well-designed system for eco-modulation, a price-incentive for products that are designed for circularity should thus be created for both producers and consumers, ensuring a general increase of the product quality in the market. This would not occur with non-modulated fees.

In certain cases, eco-fees are not set to promote good practices and a fund is merely set up into which fees and penalties are then paid (and the higher costs are passed on to consumers). For example, Germany - under the leadership of the Federal Environment Agency (UBA) - is introducing a fund into which the fees and penalties are to flow. Manufacturers are obliged to check the recyclability of their packaging. They should be able to rely on a positive catalogue, which is based on the minimum standards of the Central Office for Packaging Registers (ZSVR).

In addition, some products that are more difficult to be designed for circularity and recycling, might also result in higher costs in terms of eco-fees which will increase also the costs for consumers. To tackle this, part of the fee could be used instead for Research & Development in developing products that can serve as a relevant substitute for consumers.

2.1 EPR Fee structures, and transparency for consumers

A general challenge of the EPR-fees is that they do not create significant incentives to change product design and promote circularity. In many cases, the EPR-fees have served as a measure for financing waste collection and (low-grade) treatment but have failed to serve as a tool to push for circularity. It is important a future (harmonized) EPR structure fee not only address waste collection, sorting and treatment but also – as dictated by the Waste Hierarchy and EU Circular Economy ambitions – activities related to design, reuse and repair. Many European consumers ask for better products, and better access to reuse and repair services, but lack access. The European EPR requirements are an evident tool for creating funding, infrastructure and a general push for promoting these products and activities.

EPR schemes should establish minimum quality criteria regarding environmental sustainability and performance, addressing specifically the (low) content of hazardous substances in the recycled material. These criteria and standards should encompass both the recycling process and quality of the resulting recycled material. Without the implementation of such criteria, there may be a tendency for recycling and waste management practices to prioritize cost-efficiency over environmental integrity, leading to substandard and potentially harmful outcomes.

In line with the joint position paper "Let's Reshape Extended Producer Responsibility [1] " co-signed by ANEC and other civil society and environmental organisations, ANEC stresses the need to strengthen EPR schemes, so they effectively drive eco-design and waste prevention. Current EPR models too often fail to incentivise improvements in product durability, reparability, and recyclability. To address this, ANEC supports the introduction of mandatory eco-modulation of EPR fees based on product performance against circularity criteria, ensuring producers of more sustainable products are appropriately rewarded.

Moreover, ANEC calls for the transparent reporting, robust enforcement and harmonised implementation of EPR across Member States to prevent market fragmentation and mitigate risks of greenwashing. EPR must evolve beyond a financing instrument into a transformative mechanism that reshapes production and consumption patterns, so advancing the EU's transition toward a genuinely circular and resource-saving economy.

ANEC supports EU-wide harmonisation to ensure high environmental standards and prevent market fragmentation or greenwashing, while also recognising the need for local adaptation and implementation flexibility, given that waste management systems; infrastructure and conditions vary across Member States and at regional / local level.

ANEC would support making visible fees mandatory across Member States, as this would allow more transparency towards consumers for them to be aware of:

- The environmental costs of the products they buy.
- What the producers - and ultimately partly the consumers themselves - are paying for in costs associated with life extension, collection, treatment, and recycling of electrical and electronic equipment (EEE).
- Also, visible fees might make it easier to create awareness about necessity to dispose of electric and electronic equipment in the right place to increase reuse and recycling.

Evidence from Portugal shows that optional visibility of eco-fees results in low consumer awareness, with only 49% of consumers knowing that they are paying eco-fees when they buy a new product to be used in the waste management of these devices at the end of life. In contrast, Germany's prohibition of visible fees[2], while intended to prevent market distortion, risks obscuring the environmental responsibility shared by producers and consumers. ANEC therefore calls for mandatory fees that are visible across the Member States to enhance transparency, foster behavioural change, and support the EU's circular economy objectives.

[1] Joint NGOs paper 'Let's Reshape Extended Producer Responsibility' (http://tinyurl.com/53s4m9ru).
[2] see § 7 ElektroG

2.2 Good practices of financial incentives for reuse and repair being integrated in WEEE EPR schemes

In our view, the French model of a manufacturer-financed repair bonus can be seen as a valid reference.

The Austrian government's Repair Bonus is also a good model, although it is not integrated in WEEE but is a complementary tool.

With [ReparaturBONUS Berlin](https://www.berlin.de/sen/uvk/umwelt/kreislaufwirtschaft/projekte/reparaturbonus/)[3], funding is available for the repair of all routine household electrical and electronic appliances. Regardless of whether the repair is carried out by a tradesman, electrical retailer, repair café or repair initiative, the repairs can be carried out by both commercial and non-commercial repair businesses. The purchase of spare parts is also supported. (However, the programme has weaknesses, such as the fact that the application can be submitted only digitally).

According to a Portuguese statistical survey, 93% of consumers know that WEEE is not to be disposed of as general waste. Of those, only around 57% disposed of WEEE in the right places available across the country. Nevertheless, 85% consider that an (economic) incentive would lead them to be more likely to dispose of WEEE at the right cost at the right collection points.

2.3 Standardised methods to achieve circular product design

ANEC brought the consumer perspective to the development of EN 45560:2024 'Methods to achieve circular design of products' and finds it constitutes a valuable toolbox in achieving circular product design under Ecodesign. ANEC ensured key changes, such as the requirement for spare parts to be available for the service life of products.

The standard allows the assessment of design features against circular targets. It includes questions, examples and references to other standards. It does not cover only design, but also communication of circular goals and user information.

To support the transition to a circular economy, ANEC strongly advocates the promotion and uptake of the EN 45560:2024 and its use in product specific standards. Its implementation can serve as a benchmark for eco-modulation of EPR fees, ensuring that products meeting higher circularity criteria are incentivised through lower fees.

ANEC also calls for increased promotion of products "Designed for disassembly" - based on the definition in ISO 14021:2016 + A1:2021. The revision of ISO 14021 (currently in progress) introduces the term "Designed for dismantling", these two terms strengthen the requirements around such environmental claims. Despite ISO 14021 covers self-declared claims these definitions provide additional avenues to encourage circular product designs.

[3] https://www.berlin.de/sen/uvk/umwelt/kreislaufwirtschaft/projekte/reparaturbonus/

3 | Strengthening WEEE management

3.1 Enhancing WEEE collection and Take-back schemes

While producer responsibility is essential, achieving circularity also requires active consumer participation. In this section we examine how improved collection systems and incentives can empower consumers to contribute to a more effective WEEE management framework.

In European countries where ANEC members and experts are engaged in implementing the WEEE directive, we see a value in following collection practices that should be more widely promoted throughout Europe at local level:

- **Door-to-door collection**: While this service can significantly enhance convenience for consumers, it is also expensive. The associated costs may ultimately be passed on to consumers through higher prices for electronic and electrical equipment (EEE). To mitigate this, we recommend exploring alternative funding mechanisms.
- **Deposit return schemes:** Implementing deposit return systems can encourage consumers to return their waste electrical and electronic equipment (WEEE) instead of discarding it improperly.
- **Active involvement of retailers**, which should make consumers aware of WEEE collection possibilities.
- **Awareness raising campaigns.** It is important to promote the locations of collection points, ensuring they are conveniently close to consumers.
    - **Ecological islands** Collecting bins in places where all other waste is collected ().
- **Seasonal waste collection** : Reviving a culture of seasonal waste collection. This has been a habit in the past in some countries such as Slovenia, and can help reinforce the habit of responsible disposal .
- **Community engagement Campaigns** of collection focused on at schools, fire departments and community events, such as beach clean ups (exemplified in Portuguese good practices).
- **Economic incentives** such as vouchers (or other bonuses) for consumers to bring their WEEE to collection points can motivate participation in recycling programmes. It is important to develop incentives that would work for consumers, but equally important to limit focus on selected options to avoid confusion among consumers.

Altroconsumo, the Italian consumer association, surveyed 1.000 consumers on their disposal habits, and the challenges and opportunities they face with WEEE collection. Only 44% of respondents were aware of the eco-contribution to recycle e-waste. However, 86% of respondents said that, if it were more-clearly indicated, they may change their disposal habits. Municipal collection centres and city-specific bins are the most recognized methods, while options for returning things to retailers. There is a need to further promote retail take-back schemes amongst consumers.

Altroconsumo found that economic incentives could enhance collection, but it would depend on the value of the individual item. For example, they found that while €5 would incentivise just over half of smartphone owners to return their old device, it would be enough to motivate 2 out of 3 people to return USB flash drives (62%) or batteries (65%). Deposit return schemes were less appreciated by Italian consumers. 48% of respondents said they never buy second hand products.

In addition to the collection practices and awareness raising initiatives mentioned earlier, ANEC supports the implementation of mandatory awareness investments, such as allocating a percentage of EPR fees to encourage consumer behaviour[4], as long as these costs are not disproportionately passed on to consumers.

Enhancing consumer behaviour and advancing research and development in this field – in particular in the absence of good practices – is essential. "Better behaviour" should not only refer to increased awareness, but also active participation in product life-extension, reuse, refill and repair activities.

3.2 The role of consumer information tools for proper disposal

While there may be variability in the national implementation of Annex IX requirements of the WEEE directive concerning the marking of WEEE, ANEC stresses the importance of a uniform approach across Europe to enhance consumer communication. Consistency in marking fosters clearer awareness for consumers, enabling them to understand their responsibilities in disposing of EEE correctly. National authorities should continue to ensure compliance through systematic inspection actions, promoting accountability among producers.

To increase the knowledge and effectiveness of the crossed-out wheelie-bin symbol, ANEC advocates for complementary measures, such as intensive communication campaigns aimed at consumers. These campaigns should focus on educating the public about the implications of the symbol and the importance of proper disposal methods. Raising consumer awareness through targeted initiatives is essential to improving WEEE collection rates.

This information/awareness should be provided "At Point of Sale", and in the "Intended Audiences[5]" accessible mediums.

Consumers need better clarity around circularity claims - broad self-declared environmental claims that a product has achieved circularity or is circular are misleading and shall not be made. However, indicators as described in ISO 59020:2024 (e.g. recycled content) may be the

[4] This is happening already in several countries. For example, in Portugal, it is mandatory that the annual expenditure on awareness-raising, communication and education cannot be less than 7.5% of EPR's annual income, although it may be reduced to 1.5% if targets of the Integrated Waste Electrical and Electronic Equipment Management System (SIGREEE) are fully met. Also, EPR for WEEE must ensure that annual expenditure on R&D is not less than 2% of annual income (calculated on the basis of the forecast income from the budgeted financial contribution for that year).

[5] The intended audience can be a purchaser or potential purchaser, an investor, a consumer, or the general public.

subject of a self-declared environmental claim using Clause 8, provided it makes no claim about circularity. Better product surveillance is needed to avoid greenwashing.

ANEC views the Digital Product Passport (DPP) as a promising tool that can complement the crossed-out wheelie-bin symbol in enhancing consumer awareness regarding the disposal of EEE. DPP can provide detailed information about the proper handling, reuse, and recycling processes for each specific product.

While the DPP hold substantial promises, it may face limitations concerning confidential information, particularly regarding materials or product composition. It is essential to ensure that information related to reuse and recycling remains accessible to consumers without compromising competitive interests. Furthermore, ANEC stresses that the design of DPPs should account for user-friendliness. A standardised format building on the CEN Workshop Agreement *CWA 'Guidelines to create a Digital Product Passport – the EU project CircThread experience'*[6] would facilitate easier navigation and comparison of product information among consumers.

3.3 Harmonisation of the use of WEEE categories and criteria used for modulation

Considering that modulated eco-fees should promote products that are fit for a circular economy, and also promote ecodesign, we urge that rules and criteria to calculate the eco-fees are harmonized across European countries. As most of the products are present in several European markets, the way of calculation should be harmonized at European level, even though the value of the eco-fee might be different. A simple, harmonized system would lower administration burdens for businesses operating in many (or all) European markets, ultimately creating a better foundation for better products at reasonable prices, something of great interest to consumers.

3.4 Recycling and recovery of Critical Raw Materials (CRM)

Although ANEC does not work in detail on Critical Raw Materials, we underline their strategic importance to Europe's recycling efforts, and the technological challenges associated with this process which justify the need for continued research and innovation.

According to the Global E-waste Monitor 2024 report[7], a record 62 million tonnes (Mt) of e-waste was produced in 2022, up 82% from 2010, and on track to rise another 32%, to 82 million tonnes, in 2030. Of those, less than one quarter (22.3%) of the year's e-waste mass was documented as having been properly collected and recycled in 2022. This leads to billions of dollars' worth of strategically valuable resources being squandered or dumped, as only 1% of demand for rare earth elements is met by e-waste recycling.

[6] *CWA 'Guidelines to create a Digital Product Passport – the EU project CircThread experience'* https://tinyurl.com/46rrnncx
[7] https://ewastemonitor.info/the-global-e-waste-monitor-2024/

Meanwhile, the demand for materials, including CRM, to produce new EEE is increasing exponentially year by year. Most primary CRM needed for EEE production are not in Europe, which means it may be crucial to also increase exponentially the amount of CRM materials being recycled and recovered to increase the availability of secondary CRM is the European market.

3.5 Expanding and standardising WEEE management

The management and treatment of Waste Electrical and Electronic Equipment (WEEE) has become a critical issue as the volume of e-waste continues to rise. To ensure effective and consistent treatment across Member States, the establishment of mandatory treatment standards - such as the CENELEC EN 50625 standards - is essential.

- **Adequacy of current standards**

The current CENELEC EN 50625 treatment standards are deemed sufficient and appropriate as mandatory requirements across Member States. These standards enhance the manner in which WEEE is collected and treated, providing clear guidance for all stakeholders involved. By offering a standardized framework, these guidelines allow operators to assess performance and compliance effectively. Moreover, the standards facilitate adherence to WEEE obligations without imposing unnecessary administrative burdens on entities of varying sizes, including Small and Medium Enterprises (SMEs). Continuous monitoring and updates to these standards will be essential to maintain their relevance and effectiveness.

As the Commission considers the scope of WEEE expanding to include renewable industrial equipment, such as solar panels and wind turbines, adaptations to existing standards or the development of new, specific standards may be required. ANEC supports this expansion, recognising the need to address growing concerns about the uncertainty surrounding the end-of-life management of renewable technologies. Including these products within the WEEE framework will help ensure their responsible treatment and recovery, contributing to a more comprehensive and future-proof circular economy.

- **Necessity of mandatory standards**

There are no viable alternatives to the EN 50625 standards at this time. Making these standards mandatory across Member States will create a level playing field in the collection, transport, and treatment of WEEE. Despite the WEEE Directive mandating that e-waste be treated to an adequate quality level, interpretations and implementations have varied significantly. Voluntary standards have proven insufficient, leading to competition that is often skewed towards low-quality operations. The lack of enforcement of these standards has allowed substandard practices to flourish, further exacerbating the issue of e-waste mismanagement.

- **Enhancing recycling quality and quantity**

The uneven quality requirements among Member States have fostered a situation where WEEE is often exported to regions with lower treatment quality and oversight. Implementing legally binding EN 50625 standards would significantly improve recycling practices, facilitating higher recovery rates of secondary raw materials. This aligns with the broader objective of achieving a circular economy. The effective removal of hazardous components, such as batteries and capacitors, will also be enhanced, preventing harmful substances from contaminating the environment.

- **Impact on the environment and EU competitiveness**

Enhancing the treatment standards will lead to improved environmental outcomes and social cohesion. Higher quality recycling practices are expected to facilitate recovery of strategically-valuable secondary raw materials, thus reducing reliance on primary resources. While the implementation of these standards may result in increased operational costs for compliance, the economic benefits from higher recovery rates - and the potential for reduced raw material extraction - can offset these expenses.

Currently, substantial flows of WEEE are diverted to Member States with lax compliance. This not only distorts the recycling market but also diminishes the overall recycling quality within the EU. Mandatory compliance with EN 50625 standards would aid a competitive landscape, thereby improving the level of recycling services provided. While it’s important to acknowledge that compliance with stringent standards might increase treatment costs, this can lead to a better quality of recycling. Ultimately, Europe could position itself as a leader in the recovery of rare materials, potentially attracting new electronic equipment production back to the region.

4 | Barriers to market for secondary raw materials

Wide differences exist in waste management and recycling infrastructures at local and cross-border level. This is an obvious obstacle to the development of markets for secondary raw materials in the EU. However, the potential to exploit these "urban mines" represents a major opportunity for the EU to reduce its reliance on importing critical raw materials (CRMs) from third countries.

The current landscape produces significant regulatory obstacles to establishing a well-functioning single market for secondary raw materials. Variations in interpretations and rules between countries, - such as those on waste classification, end-of-waste status, and by-products – create confusion and hinder progress. Also, cross-border transport of secondary raw materials is often subject to the Waste Shipment Regulation, which involves long approval times and excessive administrative burdens that discourage trade and circular business models. The challenges associated with cost and technology required for effective extraction of critical raw materials (CRMs) from recycled products present significant barriers.

Furthermore, the lack of EU-wide standards, defining quality, safety, and traceability of secondary raw materials, exacerbate these challenges.

Producers are often not aware of the origin of the materials/substances in their products due to increased complexity of supply chains and a lack of transparency.

The European Commission acknowledges that only 38% of EU waste is recycled, and over 60% of household waste still goes to landfill in some countries, showing significant disparities across Member States. The European Environmental Agency Report, “Investigating Europe’s secondary raw material markets”, finds that among eight common recyclable materials, only aluminium, paper and glass have well-functioning secondary markets[8].

This was confirmed by companies, such as IBM and Oracle, which find supply chain transparency is increasingly difficult due to global complexity, fragmented data, and lack of standardized reporting. Many companies struggle to trace the origin of materials, especially in multi-tier supply chains[9].

Our Italian colleagues in Altroconsumo collaborated with Erion WEEE on a survey of WEEE (Waste Electrical and Electronic Equipment) to improve its disposal in Italy, as required by the WEEE Directive. The survey found some WEEE is not properly disposed of, but ends up in illegal and irregular locations so wasting important resources[10].

[8] https://www.eea.europa.eu/en/analysis/publications/investigating-europes-secondary-raw-material

[9] Source: Supply Chain Transparency Defined: Why It Matters and Its Benefits.

[10] To combat this phenomenon, Altroconsumo is calling for increased controls, harsher penalties, and better information for citizens, making the collected information available for legal action and reporting to the competent authorities.

The organizations conducted research by tracking WEEE with GPS devices to verify whether it was being disposed of correctly.

The investigation found that, out of 350 WEEE traced, some ended up in unauthorised or illegal destinations, rather than in the correct treatment facilities. These illicit flows of WEEE deprive the country of important resources that could be recovered through recycling.

The market for secondary raw materials is hampered by a lack of knowledge and information regarding the chemical content, including the possible presence of hazardous substances. Some of these substances are already restricted, while others may have restrictions under consideration. As a result, many potential users of recycled materials avoid these items due to uncertainties about their quality and compliance with regulations. Furthermore, use of such materials poses business risks - legal and reputational - which diminish the attractiveness of the secondary raw materials market.

To address this situation, actions must encompass various strategies, including accelerating the phase-out of substances of concern, and improving information requirements under REACH and other legislation. This involves enhancing the information flow in the supply chain and ensuring better traceability. Moreover, downstream measures - such as improved sorting procedures and development of recycling methodologies to eliminate or reduce the content of hazardous substances - are essential.

Implementing a form of certification for recycled materials should also be considered.

A key solution to the challenges surrounding chemical information and traceability, as currently emphasized by the Commission, is the introduction of digital product passports (DPP). We believe that DPPs can enhance the traceability of chemicals within the supply chain. However, the implementation of DPPs is progressing slowly, and it will still depend on access to data concerning the chemical content of materials and articles. Adhering to requirements in chemical legislation will remain vital to improving access to such data.

5 | Addressing hazardous components and substances

The current hazardous components listed in Annex VII of the WEEE Directive remain relevant given their continued use in Electrical and Electronic Equipment (EEE). Expanding selective treatment requirements for additional hazardous substances can further strengthen the environmental protection framework. It is essential to ensure that treatment operators are adequately supported in meeting these expanded requirements.

We don’t expect a huge increase of administrative costs related with reporting of hazardous substances removed. In fact, even if EN 50625 is not mandatory, most of the pre-treatment operators/PROs in compliance with WEEE Directive are reporting hazardous substances.

For this reason, legally binding standards will create the conditions for fair competition among compliance schemes and manufacturers, as all of them will have similar costs.

A general problem is the presence of hazardous substances in recycled materials and how this is managed in chemicals legislation. The basic principle is articulated in the first bullet point below - that the same limit values for restricted hazardous substances should apply in newly produced and recycled materials. The EU chemicals strategy echoes this "*As a principle, the same limit value for hazardous substances should apply for virgin and recycled material. However, there may be exceptional circumstances where a derogation to this principle may be necessary. This would be under the condition that the use of the recycled material is limited to clearly defined applications where there is no negative impact on consumer health and the environment, and where the use of recycled material compared to virgin material is justified on the basis of a case by case analysis*."

Currently, there are some established derogations, such as those pertaining to phthalates and lead in recycled PVC. However, a significant concern arises from the recently-submitted dossier for a PFAS restriction which proposes an unlimited and potentially open-ended derogation for PFAS in recycled materials, including paper and plastics. This could lead to a widespread occurrence of PFAS in recycled materials - a presence that will gradually be more common if contaminated materials are used and recycled again.

Moreover, this situation complicates the enforcement of future REACH restrictions on PFAS. It will be increasingly challenging to determine whether PFAS is intentionally added to products or originates from recycled materials. This ambiguity may undermine regulatory efforts and pose risks to consumer safety and environmental health.

5.1 Presence of substances of concern in recycled materials (and in articles made from such materials, including imported articles)

Recycling makes sense only if embedded in an overall concept of resource-saving, leading to high quality products (rather than down-cycling) in an economic way that avoids detrimental effects on health or environment. For instance, it is not acceptable to expose consumers to increased levels of hazardous substances in support of one-sided recycling support policies. It is essential to apply the principle of prevention also to hazardous substances by primarily eliminating them at the outset of the product cycle, rather than trying to tackle the issue at the end of the process.

However, due to the prevalence of existing materials and products that contain these hazardous substances, additional measures will be necessary. As previously noted, these measures should include enhanced information and traceability, improved sorting practices, and application of recycling techniques designed to eliminate or reduce hazardous content. In cases where these approaches are insufficient, there must also be provisions for the safe disposal of such materials.

Furthermore, it is important to recognise new hazardous chemicals will likely be identified over time, similar to the ongoing situation with PFAS which are widespread in various products and materials in our society. Hence a proactive and comprehensive strategy is essential to manage hazardous substances throughout the product lifecycle effectively.

The recycled materials and articles made thereof have to comply with the applicable regulatory provisions for such materials and articles. It is the obligation of the manufacturer of any product to ensure that the materials used make it possible to comply with relevant REACH restrictions or provisions in any sectoral legislation. In case of doubt about the (continued) compliance with these provisions, recycling materials cannot and should not be used.

ANEC recommendations on the presence of substances of concern in recycled materials:

- Substances that are present in recovered materials should not be treated differently from substances contained in virgin materials.
- Options for incorporating chemical provisions in end of waste criteria need to be further explored, taking into account different uses of recycled materials subject to different chemical restrictions.
- Research is required to systematically collect and assess chemicals used in the manufacture of products, including those that could adversely affect recycling.
- As a matter of priority, legal provisions for chemicals in virgin materials used in the manufacture of products, including (food) contact materials, must be strengthened by implementing or enhancing sectoral product legislation.
- This involves (but is not limited to) the elimination of Substances of Very High Concern (SVHCs) and other substances of concern from those materials or products in a generic fashion.
- Additionally, specific provisions to facilitate recycling aimed at reducing the variety of materials including their chemical composition to make them "fit for recycling".

- To ensure homogenous and clean single-type waste streams (a prerequisite for primary recycling resulting in high quality products) efficient collection and sorting systems allowing separation of different materials for different purposes are required.
- The recycling of materials that include SVHCs listed in Annex XIV to REACH above a threshold (e.g. 0,1%) should be disallowed after the sunset date indicated in Annex XIV.
- The presence of SVHCs listed in Annex XIV to REACH in imported articles above a threshold (e.g. 0,1%) should be disallowed after the sunset date indicated.
- This general exclusion provision should be complemented by lower thresholds (e.g. 0,01%) for SVHCs in certain products (such as articles for children), and/or by restrictions for specific substances in Annex XVII of REACH or separate product legislation.

6 | Conclusions and policy recommendations

The transition to a circular economy must go beyond recycling and waste management—it must be rooted in **resource-saving, product durability, and consumer protection**. ANEC is a staunch supporter of the EU's ambition to establish a robust Circular Economy Act, and urges policymakers to ensure that consumer interests are placed at the heart of this transformation.

To achieve a truly circular and sustainable economy, ANEC recommends the following:

- **Prioritise waste prevention** over recycling, with clear targets for reuse, repair and product durability.
- **Strengthen Extended Producer Responsibility (EPR)** schemes to incentivise circular product design, ensure transparent fee structures, and harmonise implementation across Member States.
- **Promote consumer awareness and engagement**, including mandatory visible eco-fees and accessible well-marked and promoted take-back schemes, supported by targeted education campaigns.
- **Ensure chemical safety in circular systems**, applying the principle of prevention to eliminate hazardous substances at the design stage and enforcing REACH compliance for both virgin and recycled materials. It is key to speed up the banning and phase-out of hazardous chemicals in products, materials, and articles.
- This should be complemented by measures to **increase traceability and downstream measures** such as improved sorting procedures.
- **Mandate high-quality treatment standards for WEEE**, including legally-binding adoption of EN 50625, to improve recycling outcomes and reduce environmental harm.
- **Address market barriers for secondary raw materials**, including infrastructure gaps, supply chain transparency, and enforcement against illegal waste flows.
- **Expand the scope of WEEE** to include emerging technologies, such as renewable energy equipment, ensuring their end-of-life management is addressed proactively.

ANEC calls on the European Commission and Member States to adopt a systemic, consumer-centric approach to circular economy legislation - one that not only reduces environmental impact but also empowers consumers to make informed, sustainable choices. Only through coordinated, ambitious action can Europe realise the full potential of a circular economy that truly serves people and the planet.

ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

Raising standards for consumers

The European Consumer Voice in Standardisation aisbl

Rue d'Arlon 80, box 3
B-1040 Brussels, Belgium

+32 2 743 24 70
@anectweet
anec@anec.eu
www.anec.eu

EC Register of Interest Representatives:
Identification number 507800799-30

BCE 0457.696.181

ANEC is supported financially by the European Union & EFTA