Council of the
European Union

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NOTE

From:	Presidency
To:	Delegations
Subject:	Circular economy on construction - draft Council conclusions

With a view to the meeting of the Working Party on Technical Harmonisation (Construction Products) on 15 October 2019, delegations will find in the Annex draft Council conclusions prepared by the Presidency based on written contributions by delegations, previous discussions in the Working Parties, at the Informal Meeting of the Working Party on Technical Harmonisation: Circular Economy and Construction Products Regulation in the Future, in Helsinki, and on written answers by delegations on the questionnaire from July.

ANNEX

Circular economy on construction

Draft Council conclusions

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING:

The Council conclusions on

- More circularity – Transition to a sustainable society[1]

1. NOTES that half of the Earth's raw materials are used for construction[2], that 40% of the final energy consumption is used during the service life of buildings[3], that the embodied carbon of construction products represents 10–20% of total ~~energy~~ **embodied carbon in buildings in the EU**[4], and that construction and demolition waste accounts for a third of waste generated in the Union[5], **and ACKNOWLEDGES the increasing share of embodied energy with respect to the reduction of the energy demand of the service life of buildings;**

2. RECOGNISES the large potential for enhanced resource efficiency and circularity of construction materials and products;

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1 12791/19.

2 Herczeg, McKinnon, Milios, et al. (2014). *Resource efficiency in the building sector.* Final report to DG Environment.

3 Cao, Dai & Liu (2016). " Building energy-consumption status worldwide and the state-of-the-art technologies for zero-energy buildings during the past decade", *Energy and Buildings* 128: 198-213.

4 Material Economics, 2018 'Circular Economy – A Powerful Force for Climate Mitigation'

5 Eurostat (2019). *Waste Statistics.* Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Waste_statistics#Total_waste_generation

3. HIGHLIGHTS the need for a ~~rapid~~ transition to a climate neutral and more circular economy in the sourcing and manufacturing of construction products and their sustainable use in construction works;

4. NOTES that existing buildings and infrastructure form a materials' bank which should be exploited;

5. POINTS OUT that buildings are the single largest energy consumer in Europe, that construction is highly material and carbon intensive and that the maintenance and renovation of existing buildings and infrastructure, and new circular construction, can play a role in a climate neutral and green transition;

6. ACKNOWLEDGES the potential a circular economy can offer to the creation of jobs and to the overall EU economy. The transition into a circular economy can generate up to 60 million new jobs worldwide **during the next two decades.**[6] **In the EU, the construction sector is estimated to benefit the most, with an addition of 6.5 million new jobs until 2030**[7];

7. **STRESSES the importance of promoting and funding research, development and innovation actions to create more sustainable building materials, thereby increasing life-cycle assessment and energy efficiency and CO_2 incorporation capacity;**

8. ~~7.~~ URGES the Commission to ~~include and~~ facilitate ~~requirements aimed at supporting~~ the circularity of construction products ~~in the possible revision of the~~ **when revising the** Construction Products Regulation (EU) No 305/2011 (CPR) and to do the utmost to include corresponding ~~requirements~~ **characteristics** into (Harmonised) Technical Specifications;

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6 International Labour Organization, "A just transition to a sustainable future - Next steps for Europe," ILO-Brussels, Brussels, 2017.

7 G. Montt, J. Capaldo, M. Esposito, M. Harsdorff, N. Maitre and D. Samaan, "Employment and the role of workers and employers in a green economy," in *Greening with Jobs - World Employment and Social Outlook 2018*, 2018.

9. **HIGHLIGHTS the major stakes of the basic work requirement 7 for the circular economy, and the necessity for the BWR 7 to take into account the specificity of the standard designed for the environmental product declaration, and ENCOURAGES the Commission to explore EN 15804, in order to enable the use of the data declared for the assessment of the environmental performances of buildings;**

10. ~~9.~~ STRESSES the importance of enabling the delivery of **performance** information regarding **characteristics in relation to** the basic ~~works~~ requirement **for construction works** ~~(BWR)~~ 3 (Hygiene, health and **the** environment) and 7 (Sustainable use of natural resources) of Annex I to the CPR, also for construction products covered by harmonised product standards where such characteristics are missing;

11. ~~10.~~ UNDERLINES the voluntary nature of the re-use of construction products;

12. ~~11. URGES~~ **STRESSES** the importance of ~~securing~~ **ensuring** the **health and** safety **aspects** of a construction product also when it is being re-used or manufactured from recycled material; **especially considering potential contaminations and decreased durability of the recycled or re-used material, and the possibility of excluding the recycling of some materials for certain hygienic relevant applications;**

13. ~~15.~~ ACKNOWLEDGES that not all aspects relating to the re-use and recycling of construction products and materials they contain can be solved in the possible revision of the CPR alone and INVITES the Commission to develop a policy for **the re-use and recycling of construction products and materials** ~~built environment~~ based on life-cycle assessment and to integrate sustainability goals and targets;

14. ~~8.~~ SUPPORTS the integration of circularity principles, life-cycle thinking and modular design into construction by ~~adopting~~ **further elaborating and promoting the use by Member States of** tools**,** such as Level(s), **or national assessment systems for sustainable building,** Green Public Procurement criteria for construction works and the EU Construction and Demolition Waste Management Protocol **where feasible, and providing guidelines for waste audits before demolition and renovation works of buildings**;

15. ~~12.~~ ENCOURAGES the Commission to ~~consider~~ **explore with Member States measures** ~~options~~ such as**:**

a. clarification of the relationship between **the CPR and other EU legislation, especially the** Waste Directive~~s~~**, including end-of-waste criteria** as regards re-usable construction products and materials recovered from construction waste,

b. **clarification of the relationship between EU product-related legislation, such as the Ecodesign Directive and the Energy Labelling Regulation and the CPR as regards requirements for declarations,**

c. **clarification of the relationship between EU chemicals legislation, such as the Drinking Water Directive and the CPR, with a view to avoiding possible contradictions and problems in implementation,**

d. **clarification on how the relationship between relevant legislation, such as REACH (Regulation EC No 1907/2006) and CPR, can be better developed,**

e. more consistent use of the ~~already~~ existing definitions and terminology for "re-use"~~,~~ **and** "recycling" **in the CPR and related standards on the one hand,** and **the use of definitions and terminology for** "recovery" **existing in the waste legislation, on the other hand**,

f. **possibilities facilitating provisions for** ~~provisions facilitating~~ a market for high-~~value~~**quality** materials from **re-use, in priority, then** recycling,

g. conditions for creating **and financing** ~~a European~~ **systems such as digital** platform**s** for **the marketing of** recycled **and re-used** products,

h. **digitalisation as a tool to facilitate the circular economy on construction,**

i. **conditions promoting a** ~~an obligatory~~ life-cycle assessment of construction products**, where relevant,**

j. ~~an obligation for manufacturers to take back surplus construction products at the client's own expenses and responsibility~~ **measures aimed at limiting the surplus of construction products and materials, which may involve obligations or incentives for economic operators to take back such surplus**,

k. provisions promoting a material passport to list all construction products and materials used in a construction work to **enable traceability of substances or materials and to increase overall knowledge of the content of a construction product** ~~promote~~; **this collection of data is essential for the development of the Building Information Modelling (BIM),** sustainable long-term building management**,** ~~and~~ recycling **and the pre-demolition audit,**

l. **provisions promoting** an alternative for factory production control (FPC) **for re-usable construction products**, ~~for example a need to test one product per 100~~, **also taking into account the 'Think Small Principle';**

16. ~~13.~~ ACKNOWLEDGES the ~~excellent~~ work **undertaken** ~~of~~ **by** the Member States in developing pilot projects, and INVITES the Commission to examine the possibilities of scaling up ~~those offers~~ **the effects of such projects and their feasibility in terms of the specifics in different Member States**;

17. ~~14.~~ INVITES the Member States to **make** further **efforts in** develop**ing** and strengthen**ing** their national roadmaps and strategies in **relation to** ~~adopting~~ a circular economy in the construction sector, **taking into account the regional and local level, especially with regard to national assessment systems for sustainable building or systems for a circular economy of buildings**;

18. **RECALLS the importance of better regulation principles as a prerequisite for having a future-proof and evidence-based regulatory environment. In this regard, STRESSES the key role of Member States and stakeholders in the preparatory phase of the possible CPR revision. ENCOURAGES the Commission to enhance the coherence of the European product-related legislations in the framework of the REFIT programme.**