



European Union Network for the  
Implementation and Enforcement  
of Environmental Law

## Guidance ‘Making the Circular Economy Work’



### Introduction

A crucial element in the transition to the Circular Economy are the innovations at production and recycling facilities that aim at resource efficiency, the prevention of waste and the use of production residues or materials recovered from waste as secondary raw materials. A key condition for making these circular innovations work is to better connect policy, law and regulation on the ground. This guidance was developed to support regulators, policy- and law-makers and businesses in enabling and carrying through such innovations and rise to some of the commonly shared challenges.

The circular economy is a broad issue to explore and many activities are taking place. This includes new business models, new manufacturing processes, etc. The aim is a transition from a linear to a circular economy. There is not a single action to take, but many different ones, each of which contributes to circularity.

The Making it Work and IMPEL guidance focuses on circular innovations at production and recycling facilities, but this still covers a range of different activities. Circular innovations may raise economic, environmental and legal uncertainties and risks. Businesses, policy makers and regulators are struggling with these – at EU level and the range of different practices at MS level.

### TARGET GROUP

- Inspection authorities
- Permitting authorities
- Operators, businesses
- Technical support organisations
- Policy- and law-makers

### EU LEGISLATION

- Industrial Emission Directive
- Waste Framework Directive
- Waste Shipment Regulation
- REACH Regulation

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So it was thought to be useful to look at the different perspectives of the actors involved and also at the different areas of law relevant for CE-economy, focussing at prevention and recycling of waste and the use of secondary (raw) materials (by-products and end-of-waste materials).

For regulators, the [guidance](#) explores difficult issues, it identifies opportunities in EU law, how they can organise themselves, how to work proactively with business, as well as practical tools for end-of-waste.

### Outcomes and Follow-up

Regarding end-of-waste (EoW) there is a need for a common understanding of the rules and of the inspection system. So the guidance has two tools: on EoW assessment and on inspection. There is also a proposal for a database collecting EoW decisions.

The tool on EoW assessment looks at what regulators need to do to make such assessments. There are different approaches in the MS: permitting, legal opinion and self-assessment systems. The guidance explores these in detail. It provides a checklist to help to ensure the conditions of the Waste Framework Directive (WFD) are met. It also explores procedures to promote innovative EoW procedures.

The inspection tool explores different elements of inspection and what changes they may need to make, such as in combatting different forms of illegal activity. It sets out what needs checking at different stages of the waste recovery chain. It provides a checklist for each of these and guidance on how to prioritise inspections in a strategic way.

On the proposed database, it is mandatory for MS to notify national criteria for EoW materials to the European Commission (TRIS database), but there is no collection of case by case EoW decisions, so the database aims to collect this important information.

The follow-up of the project will start to populate the database, but there are still some questions concerning who will feed and maintain the database.

### LINKS

- [Guidance Making the Circular Economy Work](#)
- [IMPEL Waste management and Circular Economy project](#)
- [Make it Work Initiative project](#)
- [IMPEL Waste and TFS](#)

### KEY WORDS

- Making the Circular Economy Work
- Guidance for regulators
- Prevention and recycling of waste