



Industry response to JRC proposal EoW criteria for mineral C&DW of 25 February 2026

Preface

In the meeting of JRC with Industry on 25 February 2026, JRC has presented a revised proposal for EoW criteria. Industry appreciates amendments made but considers that many concerns expressed both in our letter dated 16 February 2026, and at earlier stages in the EoW process as well as during the meeting of 25 February 2026 have not been fully recognised. **It is the conviction of Industry that additional time is needed to develop appropriate EoW criteria that can be beneficial for recycling**, imposing evolving potential criteria requiring further development is likely to inhibit and discourage recycling due to the increased cost and administrative burden. This document describes the most significant concerns that Industry has identified so far. This paper provides a brief analysis based on the slides presented by the JRC on 25 February 2026 and within the demanding timescale permitted by JRC.

1. Demonstrated compliance with REACH-, POP- und CLP-legislation

Regarding the JRC proposal stating that "Output material shall **demonstrably** fulfil compliance with REACH, POP, and CLP legislation," we wish to express significant concerns regarding the proportionality and feasibility of this requirement. Whilst we fully agree on the need to be compliant, the JRC proposals on how to demonstrate compliance would in practice be major obstacles for recycling.

The regulations referred to do not require demonstration of compliance. And if they do so, it is unnecessary to repeat any obligation in another (EoW) regulation – they already apply. This is particularly important to stress, as JRC is proposing self-monitoring where “representative samples of the output recycled aggregates shall be analysed to measure the concentration and nature of hazardous substances and substances restricted under the REACH and POPs Regulations”. This would result in exhaustive and prohibitive testing protocols of hazardous substances that are not present in recycled aggregates. This level of verification is technically and economically unfeasible for the recycling industry and is not stemming from the referenced

regulations. It is important to emphasize that recycled aggregates are already subject to strict existing environmental and health and safety legislation.

To ensure both environmental safety and the viability of the circular economy, we suggest that the wording be aligned with the existing requirements of the Waste Framework Directive. The focus should remain on ensuring that the material is produced in accordance with applicable environmental and health legislation without imposing high levels of secondary, non-standardized testing that lack a clear legal basis under current REACH interpretations.

2. Waste under CPR

Not all recycled aggregates currently CE-marked (e.g. EN 13242) and safely used under national regulations can meet the proposed EoW criteria, thus staying waste. To avoid excluding these materials from the market in Member States where this is permissible, the option to place recycled aggregates on the market under waste status must remain a valid fallback option. This is crucial to maintain regional flexibility, as certain performance conditions, such as high sulfate levels in the Paris region or specific salt-water environments, justify more lenient thresholds for local reuse without compromising environmental safety.

Furthermore, the general option to place recycled aggregates on the market under waste status allows manufacturers to avoid the significant administrative and financial burdens of REACH and additional EoW documentation when the transition to "product" status is not economically viable. A pragmatic framework must ensure that these materials are not excluded from the circular economy due to overly rigid bureaucratic requirements.

We are preparing a legal opinion setting out the possibility of supplying waste under the CPR.

3. Leaching method

Some fundamental aspects regarding the CPR and the tasks of CEN/TC's should be taken into account to avoid legal uncertainty and unintentional burden for the producer.

The Principle of single assessment under the CPR

The Construction Products Regulation (CPR) and harmonized European Standards (hEN) operate on the fundamental principle that only one test method shall be applied per essential characteristic. This ensures that the data provided in the Declaration of Performance and Conformity (DoPC) is directly comparable across the EU. For aggregates, technical testing methods are defined by CEN/TC 154, while the assessment of dangerous substances falls under the remit of CEN/TC 351.

Standardized leaching procedures: EN 16637-3 vs. EN 12457

Following extensive development, CEN/TC 351 established the EN 16637 series specifically for construction products, e.g. recycled and manufactured aggregates.

- EN 16637-3 (Column Test): This is the designated reference method for granular materials and is currently being implemented into aggregate standards such as EN 12620 and EN 13242.
- EN 12457 Series: Developed by CEN/TC 444, this series focuses on the environmental characterization of soil, solid and liquid waste, biowaste and sludge - not construction products.

Consequently, member states must align their national product limit values with the results obtained via EN 16637-3. Establishing product limit values based on a different leaching method like EN 12457 would be inconsistent with the regulatory framework for construction products and would question the work of CEN/TC 351 experts (note that common practice is to only carry out tests on the final product without additional testing on the input waste beforehand).

Challenges with alternative testing methods

While EN 16637-1 mentions EN 12457-2/-4 as potential alternative methods, their application is restricted and impractical for broader regulatory use:

- Working relationship requirements: The methods used for Factory Production Control (FPC) must correspond to the methods specified in the product hEN for Initial Type Testing (ITT). Manufacturers may only use alternative methods within their FPC if a specific working relationship to the reference method (EN 16637-3) is established for each product.
- Types of recycled aggregates: Due to the varied composition of recycled aggregates, these working relationships are product-specific, making it legally and technically unfeasible to set general limit values for alternative methods.
- Regulatory Logic: **Limit values must be defined based on the reference method (EN 16637-3).** While manufacturers could theoretically derive product-specific internal limits for alternative tests, a general transferability of limits between the two methods is impossible.

Avoiding redundancy and administrative burden

Both the hEN for aggregates and national regulations concerning soil and groundwater protection will mandate regular testing based on the reference method.

- Double testing: If EoW criteria were introduced based on different leaching procedures for the same parameters, the industry would face redundant testing cycles.
- Testing Frequencies: Test frequencies are currently set very differently in the member states and will therefore only be determined after careful discussion in CEN/TC 154. EoW criteria should align with these to avoid costs and additional bureaucratic burden.

EU-wide leaching limit values for recycled aggregates present a major challenge. We therefore recommend not to introduce EoW leaching limit values and instead refer to the limit values currently in force at national level. The values proposed by the JRC could, however, be recommended in Member States that do not yet have any regulations in place.

4. Content / Asbestos

In general, the proposed limit value for asbestos is acceptable, but to avoid unnecessary and expensive costs, the requirement for asbestos testing should be replaced by a risk-based approach. In practice, the potential presence of asbestos depends strongly on the type and origin of the demolition material. A risk-based approach therefore allows resources to be focused where the likelihood of asbestos is relevant.

Asbestos-containing materials (such as hazardous waste category 17 06 05*) are not allowed to be used for producing recycled aggregates in any case. This is already ensured through pre-demolition audits, selective demolition and strict acceptance controls carried out by recycling companies. Experience in member states (e.g. Netherlands) has shown that limit values are not exceeded.

As the JRC recommends, “Restricting the input material can be a more practical and cost-effective approach than implementing comprehensive and expensive testing of the output materials”. This approach is already being applied in practice.

Careful inspection of input materials for asbestos is more cost-efficient and helps prevent reputational risks, given the high sensitivity of the topic. Even the suspicion of asbestos can cause significant uncertainty in the marketplace.

5. Practical implementation of proposed EoW criteria

We are concerned that the proposed two-tier approach with the possibility for Member States to set more stringent limit values or to add additional parameters and limit values could lead to confusion, as the following example shows:

- If a Member State would set more stringent EoW limit values than prescribed in a Delegated Act under the CPR, the result could be that recycled aggregates meet CPR-EoW limit values but not Member State-limit values. This would mean the recycled aggregates would be in a state of both waste and product simultaneously.
- The confusing situation may occur that recycled aggregates are not allowed in a Member State-1 with more stringent limit values but allowed in a neighbour Member State-2. Transborder shipment will be impacted as Member State-1 will require shipment to be in accordance with waste rules for transboundary shipment (note: Transboundary shipment has already been EU regulated and is no issue for the sector).
- Following that, the situation may also occur that an increase of transboundary shipment is instigated, as more lenient criteria in Member State-2 attract. More lenient criteria may result in less efforts to manage contaminant levels, thus facilitating sham recovery. Finally, more transboundary shipment means more traffic and emissions.

6. Application to other secondary aggregates

During the meeting held on 25 February, it was stated that the regulation of EoW status would be extended from only aggregates produced from CDW to all kind of secondary aggregates. This represents a significant shift in the scope of the current discussions. An analysis of the transferability of these limit values to other secondary aggregates has not yet been carried out. There is a profound industry concern that if this universal application is not strictly enforced or validated, recycled aggregates will face a significant competitive disadvantage in the market.

We strongly urge that the scope remains solely focussed on aggregates produced from CDW and before any further steps toward regulation are taken, a thorough impact assessment and consultation process must be initiated. It is essential that these complexities are fully addressed to ensure regulatory clarity and fairness across the entire sector.