

To:

Ms. Teresa Ribera, Executive Vice-President of the European Commission for Clean, Just and Competitive Transition

Mr. Stéphane Séjourné, Executive Vice-President for Prosperity and Industrial Strategy

Ms. Jessika Roswall, Commissioner for Environment, Water Resilience and a Competitive Circular Economy

Ms. Ilze Juhansone, Secretary-General of the European Commission

Mr. Peter Van Kemseke, Senior Adviser to the Executive President of the European Commission

Brussels, 18 November 2025

RE: Legal basis for the Circular Economy Act

Dear Executive Vice-Presidents Ribera and Séjourné,

Dear Commissioner Roswall,

Dear Secretary-General Juhansone,

Dear Senior Adviser Van Kemseke,

We, the undersigned 56 organisations, are writing to express our strong concern regarding the potential use of solely Article 114 TFEU (Internal Market) as the legal basis for the forthcoming Circular Economy Act. We endorse that *the ambition of the Clean Industrial Deal is to [make the EU the world leader on circular economy by 2030](#)* and while we fully support measures aimed at harmonising the market for secondary materials and waste, we believe that relying exclusively on the internal market legal base fundamentally misrepresents the environmental objectives and historical context of the Circular Economy policy.

A dual legal basis, incorporating Article 114 TFEU alongside an appropriate environmental legal basis, e.g. Article 192 TFEU, **is essential to ensure the Act is legally robust, politically coherent, and achieves its goals.** Furthermore, Article 11 TFEU requires that environmental protection be integrated into all Union policies and activities to promote sustainable development. The Circular Economy Act must therefore reflect this obligation by embedding environmental objectives in its legal foundation, not solely internal market considerations.

The following considerations underscore the necessity of including an environmental legal basis:

The necessity of an environmental component is affirmed by the Commission's own political structure and mandate.

The title of Commissioner Roswall - Environment, Water Resilience and a Competitive Circular Economy - explicitly links the CE agenda to environmental responsibility. Furthermore, framing this work under the umbrella of the Clean Industrial Deal confirms its overarching environmental and sustainability ambition, as stated in [President von der Leyen's mission letter to Commissioner Roswall](#): "As part of the Clean Industrial Deal, you will lead, with the Executive Vice-President for Prosperity and Industrial Strategy, on a Circular Economy Act..."

The European Union has legislated extensively on the Circular Economy under previous policy cycles (CEAP I and CEAP II). Acts stemming from these Circular Economy Action Plans have frequently employed a dual legal basis or, in some cases, a purely environmental legal basis. The CEAP legislative history demonstrates that when the environmental component of an act is as significant and indispensable as the internal market component, a dual legal basis is the legally sound and institutionally preferred path. For example:

- The revision of the **Waste Framework Directive (WFD)** (2008/98/EC), the **Packaging and Packaging Waste Directive (PPWD)**, and the **Landfill Directive** (2018/851/EU) were central to CEAP I. Both the PPWD and Landfill Directive were adopted under a dual legal basis (Articles 114 and 192 TFEU), while **the WFD relied solely on environmental legal base** (Art 192 TFEU). These directives, and especially the WFD,

demand continuity to ensure fundamental principles work in practice in key areas, requiring, for instance, that the waste hierarchy underpins all subsequent measures.

- The **Battery Directive** 2006/66/EC, already used a dual legal basis (combining the Internal Market and Environment articles). For the **new Regulation**, while the Commission initially proposed only **Article 114 TFEU**, the Council successfully insisted on adding **Article 192(1) TFEU** for the provisions concerning waste management.

These precedents demonstrate that policies aiming for circularity have inextricably linked internal market and environmental objectives, thus requiring a dual legal basis.

There is an inconsistency between the problem and the proposed legal solution.

The Commission's own [Call for Evidence](#) explicitly identifies environmental pressure as a critical, systemic problem the Circular Economy Act is intended to solve: *"to improve our competitiveness, and reduce pressures on the environment, a strong circular economy is essential."* However, confining the legislative basis solely to Article 114 TFEU creates a structural gap, failing to provide the adequate legal mandate -Article 192 TFEU- necessary to fully address the environmental dimension of the stated issue. We welcome the explicit recognition in the Call for Evidence that *"Additional measures might emerge from the impact analysis, which may rely on a different legal base"* which confirms the appropriateness of this request.

By adopting a dual legal basis, the Commission would accurately reflect the true, dual nature of the Circular Economy: driving competitive, innovative markets while simultaneously protecting the environment and reducing resource dependency. This approach is vital for the Act's long-term success and legal resilience, and would reinforce its legitimacy in the eyes of EU citizens and stakeholders, who view the circular economy as an environmental and societal transition, not merely a market harmonisation exercise.

We urge the Commission services to review the proposed legal basis and ensure the Circular Economy Act is founded on both Article 114 and Article 192 of the TFEU.

Yours sincerely,

Valeria Botta, Programme Director, ECOS – Environmental Coalition on Standards

On behalf of:

- Janez Potočnik, Co-chair **International Resource Panel** & Co-founder **Systems Transformation Hub**
- Françoise Bonnet, Secretary General **ACR+ Association of Cities and Regions for Sustainable Resource Management**
- Katharina Gihring, COO **African Circular Economy Network**
- Karolína Brabcová, International Campaign Manager **Arnika**
- Mange Ram Adhana, President **Association For Promotion Sustainable Development**
- Benjamin Clarysse, Policy Coordinator **Bond Beter Leefmilieu**
- Gabriela Měsířová, Public Affairs Manager **Change for the Better, Czech business association**
- Urska Trunk, Senior Campaign Manager **Changing Markets Foundation**
- Suzanne Astic, Policy and Advocacy Adviser **Child Rights International Network (CRIN)**
- Anders Wijkman, Co-chair **Club of Rome Materials and Consumption Taskforce**
- Lewis Akenji, Co-chair, **Club of Rome Materials and Consumption Taskforce** & Executive Director, **Hot or Cool Institute**
- Vicky Cann, Researcher **Corporate Europe Observatory**
- Eri Bizani, Board Member **ECOCITY**
- Arthur ten Wolde, Executive Director **Ecopreneur.eu**
- Jaka Kranjc, Secretary General **Ekologi brez meja**

- Elena Schäg, Deputy Head of Circular Economy
Environmental Action Germany (DUH)
- Christina Dixon, Ocean Campaign Lead
Environmental Investigation Agency
- François Belin – COO
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- Eva Maria Bille, Head of Circular Economy
European Environmental Bureau (EEB)
- Özgecan Kara, Policy and Advocacy Director
European Youth Forum
- Thea Kleinmagd, Circular Economy Manager
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- Maximilian Herzog, EU Advocacy Officer
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- Marc Jessel, Chief Engagement Officer
Forest Stewardship Council (FSC) International
- Nicolas Oddo, EU Affairs Advocacy Officer
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- Antonia Christou, President of the Board
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- Adriana Espinosa, Head of Natural Resources
Friends of the Earth Spain
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Fundación Vida Sostenible
- Antoinette Vermilye, Co-Founder
Gallifrey Foundation
- Cornelia Heydenreich, Head of Division
Corporate Accountability
Germanwatch e.V.
- Anna Leitner, Expert for resources and supply chains
GLOBAL 2000
- Lone Hjorth Mikkelsen, Head of Circular Economy and Chemicals
Green Transition Denmark
- Benjamin Hague, Head of Think Tank
Institute of Circular Economy (INCIEN), Czechia
- Ninni Kähkönen, Steel Specialist
Just Shift
- Marion Hasper, Head of KNU
KNU - Coordination network for German environmental NGOs on standardisation
- Vanya Veras, Secretary General
Municipal Waste Europe
- Ingvild Jenssen, Founder & Director
NGO Shipbreaking Platform
- Muriel Papin, Director
- **No Plastic In My Sea**
- Meike Schützek, Founder
Ocean. Now!
- Jeroen Dagevos, Head of Programs
Plastic Soup Foundation
- Piotr Barczak, Co-founder and Board Member
Polish Zero Waste Association
- Luc Deriez, Coordinator
Repair Together Asbl
- Cédric Vanhoeck, CEO
Resortecs
- Cristina Ganapini, Campaign Coordinator
Right to Repair Europe coalition
- Neva Nahtigal, Director
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- Valentina Muñoz, Marine Litter and Community Engagement Officer
Sciaena
- Frédérique Mongodin, Senior Marine Litter Policy Officer
Seas at Risk
- Michael Schragger, Founder & Executive Director
The Sustainable Fashion Academy; The Scandinavian Textile Initiative for Climate Action (STICA)
- Karin Lexén, Secretary General
Swedish Society for Nature Conservation
- Stephan Lutter, senior scientist, Global Resource Use, Institute for Ecological Economics
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- Véronique Moreira, President
WECF Women Engage for a Common Future
- Lisa Hough-Stewart
Wellbeing Economy Alliance (WEAll)
- Alexandros Kassapis, Advocacy Manager
Youth and Environment Europe (YEE)
- Susana Fonseca, Vice-president
ZERO - Association for the Sustainability of the Earth System
- Kristiina Kerge, Technology and Innovation Development Manager
Zero Waste Estonia
- Aline Maigret, Head of Policy
Zero Waste Europe