

# INFORMATION BULLETIN

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# Contents

<b>INTERNAL MARKET .....</b>	<b>4</b>
Digital Policy.....	4
Cybersecurity.....	4
Digital Markets Act.....	5
Construction Products Regulation (CPR).....	5
Pressure Equipment Directive (PED) .....	6
Digital Policy.....	6
Revision of the Directive on Security of Network and Information Systems (NIS Directive) .....	6
Digital Services Act .....	7
Machinery Directive (MD) .....	8
Standardisation Policy.....	8
Open call for applications to the High-Level Forum.....	8
<b>MARKET ACCESS.....</b>	<b>10</b>
Regulation on Prohibiting products made with forced labour .....	10
Foreign subsidies distorting the internal market.....	11
EU – UK (Brexit) .....	12
Free Trade Agreements – overview.....	13
RoHS2 Directive .....	16
<b>ENVIRONMENT .....</b>	<b>16</b>
Renewal of exemptions.....	16
RoHS General Review .....	17
Circular Economy Policy .....	18
Ecodesign for Sustainable Products Regulation.....	18
Empowering the consumer for the green transition .....	18
Sustainable consumption of goods – promoting repair and reuse .....	19
Waste Framework Directive .....	19
Waste Framework review .....	19
Waste Electrical and Electronic Equipment Directive .....	20
SCIP Database (previously ECHA Waste Database) .....	20
Regulation to strengthen the European Chemicals Agency (ECHA)’s governance .....	21
REACH .....	22
REACH review .....	22
Substances of Very High Concern (SVHC).....	22

Restriction.....	23
Authorisation .....	24
EU Ecolabel .....	25
Proposal for a Directive to empower consumers for the green transition.....	25
Green Public Procurement .....	26
GPP in the new Ecodesign for Sustainable Products Regulation .....	26
Environmental Footprint.....	26
PEF/OEF method webinar .....	26
<b>ENERGY .....</b>	<b>27</b>
Energy Efficiency .....	27
Energy Efficiency Directive .....	27
Energy Performance of Buildings (EPBD) .....	28
Ecodesign Directive .....	28
Ecodesign Directive - Update on Lots / implementing measures.....	29
<b>DECARBONISATION &amp; CLIMATE CHANGE.....</b>	<b>30</b>
F-gases.....	30
Ozone Depleting Substances.....	31
Sustainable finance.....	32
Revision of EU Emissions Trading Scheme .....	33
Revision of EU Emissions Trading Scheme.....	33
<b>PUBLICATIONS &amp; EVENTS .....</b>	<b>34</b>
PUBLICATIONS.....	Error! Bookmark not defined.
EVENTS.....	Error! Bookmark not defined.



# INTERNAL MARKET

## Digital Policy

### Cybersecurity

The European Commission's [proposal for a Cyber Resilience Act](#) was published on 15 September.

The proposed Regulation lays down:

- Rules for the placing on the market of products with digital elements (whose intended and reasonably foreseeable use includes a direct or indirect logical or physical data connection to a device or network) to ensure the cybersecurity of such products
- Essential requirements for design, development and production of such products: manufacturers to factor in cybersecurity in the design and development and production of products with digital elements, exercise due diligence on security aspects, be transparent on cybersecurity aspects that need to be made known to customers, ensure security support (updates) in a proportionate way, and comply with vulnerability handling requirements
- Essential requirements for the vulnerability handling processes put in place by manufacturers to ensure the cybersecurity of such products during their whole life cycle, and obligations for economic operators
- Rules on market surveillance and enforcement

Further crucial points:

- The Regulation will not apply to certain products listed in the text, which include type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles
- Critical products with digital elements are divided into two classes (in an Annex III, which is not included in the leaked document), reflecting their cybersecurity risk level, with class II representing a greater risk. The intended use in sensitive environments, such as an industrial setting, is taken into account in determining the classification of the product

- The provisional text includes two Articles (Articles 7 and 8) which link this Regulation to conformity requirements established by the AI Act (for high-risk AI systems) and the Machinery Regulation

The ITRE Committee was appointed as responsible Committee in the Parliament, while IMCO and LIBE were appointed as Committees for opinion.

The Parliament and Council are currently in their preparatory work phase.



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## Digital Markets Act

The Digital Markets Act was published in the Official Journal of the EU on 12 October 2022. This means that the legislation will enter into force on 1 November 2022 (20 days after publication) and the notification and review process by which the European Commission will designate companies as 'gatekeepers' will start on 1 May 2023.



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## Construction Products Regulation (CPR)

Regarding the latest updates since August for the Construction Products Regulation (CPR), an initiative which aims at laying down harmonised conditions for the marketing of construction products, it is worth mentioning that the feedback period which started on 17 June closed on 19 August.

On 29 September the Parliament Committee on the Environment, Public Health and Food Safety (EP ENVI), the Committee for opinion, issued an [opinion](#) report on this initiative.

On 10 October, the Parliament Committee on the Internal Market and Consumer Protection (EP IMCO), the Committee responsible for the file, organised a **Public Hearing** entitled "Making the Internal Market for Construction Products fit for the 21st century". The Parliament also organised a **Public Hearing** on 12 October. Both events were an opportunity for stakeholders to shape the opinion of MEPs and in particular the EP IMCO rapporteur, **Christian Doleschal (EPP, Germany)**, whose report is expected to be published on 8 November.



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# Pressure Equipment Directive (PED)

On 28 September, the European Commission published a **new list of harmonised standards under the Pressure Equipment Directive (PED)**, as an **Implementing Decision (EU) 2022/1844** amending Implementing Decision (EU) 2019/1616 on harmonised standards for metallic industrial piping, portable fire extinguishers, non-destructive testing, pipe fittings, industrial valves, water-tube boilers, GRP tanks and vessels, expansion joints and valves for the refrigerating systems and heat pumps (L254/58) in the [Official Journal of the EU](#).



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## Issues of General Interest

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## Digital Policy

### Revision of the Directive on Security of Network and Information Systems (NIS Directive)

On 13 May, the European Parliament and the EU Council reached a political agreement on the revised NIS Directive (NIS 2).

The revised Directive:

- Sets out minimum rules for a regulatory framework and establishes cooperation mechanisms between relevant authorities in each EU Member State
- Updates the list of sectors and activities subject to cybersecurity obligations
- Improves obligations enforcement
- Formally establishes the European Cyber Crises Liaison Organisation Network, called EU-CyCLONe. The organisation will support the coordination and management of cybersecurity incidents
- Excludes parliaments and central banks from the scope

The political agreement was adopted by the ITRE Committee (Committee on Industry, Research and Energy) on 13 July. It is expected that the Parliament will vote on it in its plenary of 9 November 2022.

Once formally adopted by both the Parliament and the Council, Member States will have 21 months after the entry into force of the Directive to transpose it into national law.



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## Digital Services Act

On 22 April, the European Parliament and Council reached a provisional political agreement. The compromise text included:

- Measures to counter illegal goods, services or content online, such as a mechanism made available to users to flag illegal content and new obligations on traceability of business users in online marketplaces
- Measures for users and civil society to challenge platforms' content moderation decisions and transparency measures on the algorithms used for recommending content or products to users
- Measures to assess and mitigate risks, together with enhanced supervision and enforcement by the European Commission on very large online platforms

The text was finalised at technical level and verified by lawyer-linguists, before being put forward to both the Parliament and Council for their formal approval.

The Parliament's IMCO Committee endorsed the provisional agreement (36 votes in favour, 5 against and 1 abstention) on 16 June.

On 5 July, the Parliament sitting in plenary adopted the final compromise amendments for the proposal for a Regulation. The [amended proposal](#) constitutes the European Parliament's position at first reading.

The provisional agreement is now pending approval by the Council. This approval is expected to take place in September.

Once formally adopted by the Council, the Act will be published in the EU Official Journal, and will enter into force 20 days after publication. The rules will start to apply 15 months later.



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# Machinery Directive (MD)

As a reminder, on 12 July the trilogue negotiations were initiated under the Czech Presidency of the Council. This first trilogue was more political and the details of the content were not discussed. Since September, the discussions on the future Machinery Products Regulation (MPR) have been in the form of technical discussions. The discussions more accurately involve blocks of topics on the basis of their [4-columns comparative table](#). The second High-Level trilogue previously scheduled for 11 October has been postponed and the new timing is not yet known. An agreement could be found by Christmas given the state of discussions and the strong will of the Czech Presidency to close the file. If this is the case, the publication in the Official Journal of the EU should take place one month later.

Regarding the substance of the text, it is important to note that there are still some points of disagreement such as the date of application of the Regulation, the number of machinery categories subject to third party conformity assessment in Annex I and the proposed digital format of instructions.

Apart from the decision-making process, also worth mentioning is the last [Machinery Expert Group](#) which took place on 10 and 11 October. This European Commission group, whose aim is to provide advice and expertise to the Commission in the preparation of legislative proposals and policy initiatives, gave a number of insights on the progress of the file. From this meeting it appears that there is strong support for making the development of the new MPR guide a priority. Another element that came out of this discussion was the confirmation by the Commission that existing harmonised standards that do not require to be modified because the essential health and safety requirements they cover have not been changed will continue to offer a presumption of conformity through the new MPR.



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## Standardisation Policy

### Open call for applications to the High-Level Forum

On 1 September, the European Commission adopted a Decision C(2022) 6189 setting up the group of experts 'High-Level Forum on European Standardisation' (HLF), as announced in its [standardisation strategy](#) on 2 February 2022.



According to this Decision, the Forum's primary responsibility is to **advise the Commission on how to better anticipate, prioritise, and manage European standardisation needs** in a multi-stakeholder format and with "high-level endorsement and ownership". The scope of the HLF seems to extend beyond the boundaries of the formal standardisation process, which is focused on 'harmonised standards' requested by the Commission in support of EU acquis and policies.

The HLF Sherpa sub-group's task is to prepare the technical work and contribute experience in relation to the themes announced in the Commission Strategy, especially the importance of standards for a resilient single market and the green and digital transition. To do this, various Sherpa level meetings will be held in accordance with thematic logic and a predetermined work plan, yet to be defined.

The Forum may have up to 60 members, including organisations representing industry or trade associations "with a demonstrated interest in European standardisation". Applicant members are required to propose up to three representatives, one for each area of competence, to enable this Sherpa level with multiple areas of interest (green, digital and resilience). In 2023, other specialised sub-groups, focussing on areas such as Digital, can be anticipated.

**The call for applications** for the selection of members of the HLF and its Sherpa sub-group **is now open until 14 November**; the requirements for expertise and the selection criteria are clearly explained in the call, which is available online:

[More](#)



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# MARKET ACCESS

OS  
10

meeting on  
November

## Issues of General Interest

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### Regulation on Prohibiting products made with forced labour

On 14 September, the European Commission published a legislative proposal for a Regulation prohibiting products made with forced labour on the EU market. The text of the legislative proposal can be found [here](#).

The proposal focuses on products (produced in the EU and imported), irrespective of the size and sector of the company that places them on, or exports them from, the EU market and of the country of origin of the product. The proposal imposes an obligation on economic operators not to make available on the EU market or export from the EU market products made with forced labour.

The proposal defines, 'product made with forced labour' as "a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including working or processing related to a product at any stage of its supply chain".

Regarding the implementation and enforcement, national authorities designated by Member States will be in charge of enforcing the Regulation and will be required to carry out investigations. If the use of forced labour is found during investigations, national authorities can call for the withdrawal of products already placed on the market. Re-exports will also be prohibited, and companies will be required to dispose of the goods. Customs authorities will oversee enforcement at the borders, relying on decisions of the national competent authorities to identify the products concerned and carry out controls for imports and exports.

This adopted act is [open for feedback](#) until 30 November. All feedback received will be summarised by the Commission and presented to the European Parliament and Council intending to feed into the legislative debate.



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## Foreign subsidies distorting the internal market

Further to the publication of a [proposal for a Regulation on foreign subsidies distorting the internal market](#), the legislative process is ongoing.

The EU institutions reached a [provisional political agreement](#) on 30 June, deciding to maintain the notification thresholds proposed by the Commission for mergers and public procurement procedures, which are €500 million for mergers and €250 million for public procurement procedures. Moreover, they established that the Commission would investigate subsidies granted up to five years before the entry into force of the regulation which result in a distortion of the internal market. The Commission will also be exclusively competent to enforce the regulation. Moreover, the co-legislators decided that the Commission will have to issue guidelines on how it assesses the distortive nature of foreign subsidies and judges a subsidy's market-distorting effect against its potential benefits. The co-legislators also confirmed that companies could consult the Commission to verify if they need to disclose the subsidies received.

After the European Parliament International Trade (INTA) Committee which is responsible for the file voted in favour of the provisional agreement, the European Plenary will also have to vote on the agreement on 9 November 2022.

Once approved by the Council and the Parliament, the regulation will enter into force on the 20th day after its publication in the Official Journal of the European Union. The Regulation will become directly applicable across the EU six months after its entry into force. The notification obligations will start to apply nine months after entry into force.



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# EU – UK (Brexit)

Previously, the European [Commission launched](#) infringement proceedings against the UK for not complying with significant parts of the Protocol on Ireland / Northern Ireland, despite repeated calls on the UK government to implement it; on 22 July, the Commission decided to launch four new additional infringement procedures against the United Kingdom for the following reasons:

- The UK failed to comply with the applicable customs requirements, supervision requirements, and risk controls on the movement of goods from Northern Ireland to Great Britain. This significantly increases the risk of smuggling via Northern Ireland.
- The UK did not notify the transposition of EU legislation laying down general EU rules on excise duties, which will become applicable from 13 February 2023. Member States and the UK in respect of Northern Ireland were required to transpose this Directive and notify the Commission of their transposition measures by 31 December 2021.
- The UK also failed to notify the transposition of EU rules on excise duties on alcohol and alcoholic beverages, which facilitate access for small and artisan producers to lower excise duty rates, among other provisions. Member States and the UK in respect of Northern Ireland were required to transpose this Directive by 31 December 2021.
- The UK did not implement EU rules on Value Added Tax (VAT) for e-commerce, namely the Import One-Stop Shop (IOSS). The IOSS is a special scheme that businesses have been able to use since 1 July 2021 to comply with their VAT obligations on distance sales of imported goods.

For more information:

[Commission Press Release.](#)



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# Free Trade Agreements – overview

Country	Current Status	Next steps
Singapore	Trade and investment agreements were adopted in October 2018. On 21 November 2019, the Free Trade Agreement entered into force.	Investment Protection Agreement to be ratified by all the Member States before entering into force. See <a href="#">here</a> for more information.
Vietnam	The Free Trade Agreement entered into force on 1 August 2020. The Commission has updated its <a href="#">Guidance on the Rules of Origin</a> .	See <a href="#">here</a> for more information.
Mercosur	Ongoing negotiations for a free trade agreement. In June 2019, EU and Mercosur reached a <a href="#">political agreement</a> .	The Commission has published the <a href="#">agreement in principle</a> and <a href="#">its texts</a> though these are not fully final yet.
China	Ongoing negotiations for an Investment Agreement. Agreement in principle reached on 30 December 2020.	The text of the agreement is being finalised and will need to be legally reviewed before submission for approval to the EU Council and the European Parliament.
Australia	Ongoing negotiations for a free trade agreement. The <a href="#">12<sup>th</sup> round of negotiations</a> took place on 7-18 February 2022 via videoconference.	The 13th round of negotiations for a free trade agreement is ongoing.
New Zealand	On 30 June 2022, the EU and New Zealand concluded negotiations for a <a href="#">Trade Agreement</a> . The text of the agreement can be found <a href="#">here</a> .	Once adopted by the Council, the EU and New Zealand can sign the agreement. Following the signature, the text will be transmitted to the European Parliament for consent. After the consent from the Parliament, and once New Zealand also ratifies it, the agreement can enter into force. Click <a href="#">here</a> for more information.

Indonesia	Ongoing negotiations for a free trade agreement. The <a href="#">latest round of negotiations</a> took place on 15-26 June 2020. The European Commission has published the conclusions of the <a href="#">sustainability impact assessment</a> .	The 12 <sup>th</sup> round of negotiations will start on 28 October 2022.
Tunisia	Ongoing negotiations for a free trade agreement. The 4 <sup>th</sup> round of negotiations took place on 28-30 April/1-2 May 2019 in Tunis.	Negotiations are at a standstill due to the change of government in Tunisia and civil society protests. See <a href="#">here</a> for more information.
Chile	Ongoing negotiations to revise and modernise the free trade agreement. The <a href="#">10<sup>th</sup> round of negotiations</a> took place in April 2021.	The 11 <sup>th</sup> round of negotiations is not yet scheduled. See <a href="#">here</a> for more information.
ESA (Eastern and Southern Africa countries: Comoros, Madagascar, Mauritius, Seychelles, and Zimbabwe)	Ongoing negotiations to deepen the existing Economic Partnership Agreement (EPA). The <a href="#">9<sup>th</sup> round of negotiations</a> took place in September.	The next round of negotiations will take place in December, probably in Brussels.
India	On 25 April 2022, the EU and India launched the <a href="#">EU-India Trade and Technology Council</a> . On 17 June 2022, the EU and India formally <a href="#">relaunched negotiations</a> on a free trade agreement, an investment protection agreement, and geographical indications.	See <a href="#">here</a> for more information.



# EU trade agreements 2021



\* European Economic Area (EEA) / Overseas Countries and Territories (OCT).  
 \*\* Free Trade Agreement (FTA), Deep and Comprehensive Free Trade Agreement (DCFTA), Investment Agreement, Enhanced Partnership and Cooperation Agreement (EPCA), Partnership and Co-operation Agreement with preferential element (PCA).  
 + The agreements with Chile, Tunisia, and Eastern and Southern Africa are currently being updated; the updated agreement with Mexico is under ratification. The DCFTA with Georgia does not apply in South Ossetia and Abkhazia. The agreement between the EU and the United Kingdom is applied provisionally, pending ratification by the EU.



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# ENVIRONMENT

## RoHS2 Directive

### Renewal of exemptions

Further to the series of renewal requests submitted by the industry in January 2020, the Commission has contracted external consultants, namely Oeko-Institut together with Fraunhofer IZM, to perform the technical assessment. The assessment of 16 requests for 9 RoHS exemptions started in December: it is named [RoHS project \('Pack 22'\)](#). The study covers lead related exemptions 6(a)/6(a)-I, 6(b)/6(b)-I, 6(b)-II, 6(c), 7(a), 7(c)-I and 7(c)-II (Annex III). The [stakeholder consultation](#) ran until 3 March 2021 and the final [technical study report](#) was published in January 2022. For more details, please see the [Technical specifications](#) and the [Project Description](#).

In September, a new **project (RoHS CD QD Follow-up Study)** started. The study aims to provide technical and scientific support to the Commission on the review of cadmium (Cd) quantum dot (QD) applications. Such applications were the subject of an assessment of exemptions performed under Pack 15 Task 5, finalised in 2020 and published in January 2021 (see final report [here](#)). A decision on the fate of these exemptions is still pending, and Oeko-Institut has been requested to review the current state of scientific and technical progress of Cd QDs in lighting and display applications and the comparative status of possible Cd-free substitutes for such applications, to consider if exemptions for Cd in these applications are still justified under the RoHS2 regime. In this context, stakeholder contributions submitted have been posted online and can now be viewed [here](#). The final report is in the finalisation stage and is expected to be published soon.

Additionally, in September, the final report on the "Study to assess request for one (-1-) exemption, for lead as a thermal stabiliser in polyvinyl chloride (PVC) used as base material in amperometric, potentiometric and conductometric electrochemical sensors which are used in in-vitro diagnostic medical devices for the analysis of Creatinine and Blood Urea Nitrogen (BUN) in whole blood, in Annex IV of Directive 2011/65/EU (Pack 26)" was published. The report stated that an exemption on the



basis of Article 5(1)(a) main criteria (III) can be granted. The negative impacts of a substitution of lead would lead to the premature waste of medical devices and socio-economic impacts for healthcare facilities faced with the need to phase out all relevant blood-gas devices in operation in the EU stock, so they are also in support of granting the exemption. The consultants recommend the formulation proposed by the applicant: lead as a thermal stabiliser in polyvinyl chloride (PVC) used as the base material in amperometric, potentiometric, and conductometric electrochemical sensors which are used in in-vitro diagnostic medical devices for the analysis of Creatinine and Blood Urea Nitrogen (BUN) in whole blood. As regards the validity period, the future REACH restriction for lead in PVC has to be considered. Considering an average typical duration of 18 months as a transition period for a restriction and assuming that the restriction will be adopted in December 2022, Pb in PVC will be restricted by approximately June 2024. Considering the planned timeline provided by the applicant, substitution is expected by the end of 2023. Thus, if the exemption is granted, 31st December 2023 is recommended as the expiration date.

The report can be found [here](#).

## RoHS General Review

The [public consultation on the RoHS review](#) was open until 16 June 2022. The purpose was to collect information and views from stakeholders on how the RoHS Directive could be improved in order to maintain its relevance and increase its efficiency. The [evaluation of the Directive](#) flagged the following as potential areas for improvement:

- the exemption process ;
- the process of reviewing the list of restricted substances ;
- the alignment of RoHS with other EU legislative frameworks (e.g. the more horizontal Regulation on chemicals, REACH) and the [European Green Deal](#) objectives, and in particular the Circular Economy Action Plan ([CEAP](#)), the [Chemicals Strategy for Sustainability](#), the [Zero Pollution Action Plan](#), and the [Sustainable Products Initiative](#).

The revision of RoHS was scheduled for Q4 2022, but it was postponed. The RoHS revision is likely to be published after the completion of the REACH revision to ensure consistency and coherence between RoHS and REACH. This also means that RoHS will not be integrated into REACH.



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# Circular Economy Policy

## Ecodesign for Sustainable Products Regulation

Following the recent elections in Italy, Simona Bonafe (S&D, Italy) – the rapporteur of the European Parliament ENVI Committee, who was leading the [Ecodesign for Sustainable Products Regulation](#) (ESPR) proposal – will become a member of the Italian Parliament. In turn, her colleague [Alessandra Moretti \(S&D, Italy\)](#) has been appointed as the new rapporteur.

A similar substitution is also foreseen for the shadow rapporteur, Jessica Polfj rd (EPP, Sweden), who will become a member of the Swedish national parliament following their parliamentary elections. The name of her substitute has not yet been officially announced.

The change of rapporteur has been also followed by a new timeline for the Parliament Committee on the Environment, Public Health and Food Safety (ENVI), which has been changed as follows:

- Consideration of draft report - 12 January 2023
- Deadline for amendments - 17 January 2023
- Vote - 05 June 2023

As regards the Council of the EU, the Competitiveness Council held a public discussion on the ESPR on 29 September, during which the Member States shared their individual main comments and positions.

The recording of the session is available [here](#).

Finally, these are the next steps for the Council of the EU:

- Consideration of draft report - 12 January 2023
- Deadline for amendments - 17 January 2023
- Vote - 05 June 2023



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## Empowering the consumer for the green transition

On 26 October, the leading European Parliament Internal Market and Consumer Protection Committee (IMCO) on the [‘Empowering the consumer for the green](#)

[transition](#)' proposal, held a meeting to discuss their draft report of amendments to the file. The draft is expected to become public shortly.

As a reminder, the next milestones of the legislative process are as follows:

- European Parliament:
  - Deadline for amendments: 8 November 2022
  - Vote in the ENVI Committee: 1 February 2023
- Council of the EU:
  - Competitiveness Council – Progress report / General Approach: 1 December 2022



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## Sustainable consumption of goods – promoting repair and reuse

The European Commission's legislative proposal on the "Sustainable consumption of goods – promoting repair and reuse" initiative, was expected to be published on 30 November 2022 in the Second Circular Economy Package.

However, it has been further delayed due to a negative evaluation of the Commission's Scrutiny Board. A new expected date has not yet been announced yet, but it will definitely be after 2022.



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# Waste Framework Directive

## Waste Framework review

The revision of the Directive aims to improve waste management in line with the waste hierarchy. The key aims of the revision are to decrease waste generation, improve separate waste collection to yield optimal recycling results (including by avoiding contamination of recyclable waste), and increase the amounts of waste oils collected and treated in line with the waste hierarchy. The [call for evidence](#) was launched on 25 January and was open until 22 February 2022 and a [public consultation](#) was open until 16 August 2022. The Commission's legislative proposal is expected for

Q2 2023, however, it is worth mentioning that this proposal was not included in the [Commission Work Programme 2023](#).

## Waste Electrical and Electronic Equipment Directive

The Commission has recently published a [call for evidence](#) for the evaluation of **Directive 2012/19/EU on waste electrical and electronic equipment (WEEE Directive)**.

The evaluation of the WEEE Directive is expected to provide evidence on whether the Directive is still fit for purpose, to explore any untapped potential for simplification and burden reduction as well as help determine whether a review is needed. The evaluation of the Directive will assess the five evaluation criteria: effectiveness, efficiency, relevance, coherence, and EU-added value. The assessment will include, inter alia, a costs and benefits analysis.

The call for evidence will be open until **Thursday 3 November 2022**.

## SCIP Database (previously ECHA Waste Database)

Following a lengthy debate, the European Chemicals Agency (ECHA) eventually launched the [SCIP database](#) on 28 October 2020, and suppliers have been obliged to submit SCIP notifications since 5 January 2021.

'SCIP' is the database for information on Substances of Concern in articles as such or complex objects (products) established under the Waste Framework Directive.

In June 2022, ECHA released a [new package](#) that is aligned with each inclusion of additional substances to the Candidate List. This helps manufacturers to create SCIP notifications which include the new substances.

During the first half of this year, an evaluation of the SCIP database was conducted and finalised by an external provider. The study aimed to assess to what extent the objectives of the SCIP database have been met and whether ECHA fulfilled its duty in setting up and maintaining the database.

The SCIP Evaluation report has recently been published and the key recommendations from the report are the following:

- tailoring future iterations of the database towards information-seekers so that they have streamlined access to information relevant to them.
- making non-EU entities able to register and report to SCIP to make the database more relevant.

- the European Commission and ECHA should prioritise integration with tools facilitating access to information for consumers.
- simplifying notifications submissions.
- the Commission should consider providing clarifications regarding the coherence between REACH Art. 33 and WFD SCIP obligations to address perceptions of lack of coherence.

The report can be found [here](#).



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## Issues of General Interest

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# Regulation to strengthen the European Chemicals Agency (ECHA)'s governance

In September, the European Commission published a call for evidence on a proposal for a basic regulation for ECHA. The initiative aims to strengthen ECHA's governance, streamline the working methods of ECHA's bodies and make their financing more sustainable. The deadline for comments was 10 October 2022.

After the entry into force of REACH, the ECHA took on extra work due to the arrival of additional legislation. This has added complexity to ECHA's workload which risks being compounded by the implementation of the Chemicals Strategy for Sustainability. Therefore, with this proposal, the Commission aims at clarifying the legal framework governing ECHA and its bodies as well as how the ECHA should collaborate with other agencies. Moreover, the proposal aims at producing a more sustainable financial framework for the agency.

The proposal is expected to be published by the Commission in Q2 2023. There will not be an impact assessment as the changes in ECHA's governance will be taken into consideration under impact assessments of other proposals, such as the REACH revision proposal.

For more information: see [here](#).



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# REACH

## REACH review

The [Chemicals Strategy for Sustainability](#), adopted by the European Commission on 14 October 2020, lists a series of measures to achieve the EU's zero pollution ambition for a toxic-free environment and is a key component of the European Green Deal. The Strategy recognises the need for a **targeted revision of the REACH legislation to achieve its objectives**. It is worth mentioning that the REACH Regulation was [last evaluated in 2018](#), when the conclusion was that REACH is effective but that there are opportunities for further improvement, simplification, and a reduction in administrative requirements. Following the evaluation, a number of non-legislative actions have been launched (some of them finalised, others still ongoing) to improve the implementation of REACH.

The REACH revision proposal was scheduled for Q4 2022, and the Commission was expected to present it as part of its second circular economy action plan. However, as noted in the [Commission's work programme 2023](#) presented on 18 October, the REACH revision proposal will be published in Q4 2023.

The [webpage](#) on the REACH Revision has been recently made available. This is part of an updated webpage on the [implementation](#) of the Chemicals Strategy for Sustainability.

## Substances of Very High Concern (SVHC)

Nine proposals to identify new substances of very high concern. The substances and examples of their uses are:

- [4,4'-sulphonyldiphenol](#) (bisphenol S; BPS) (EC 201-250-5, CAS 80-09-1). The substance is used for the manufacture of pulp, paper and paper products, textile, leather or fur, and chemicals.
- [Perfluoroheptanoic acid and its salts](#) (EC -, CAS -). The substances are not registered under REACH.
- [Melamine](#) (EC 203-615-4, CAS 108-78-1). The substance is used in polymers and resins, coating products, adhesives and sealants, leather treatment products, and laboratory chemicals.
- [Isobutyl 4-hydroxybenzoate](#) (EC 224-208-8, CAS 4247-02-3). The substance is used in the manufacture of substances and in coating products, fillers, putties, plasters, modelling clay, and inks and toners.

- [Bis\(2-ethylhexyl\) tetrabromophthalate covering any of the individual isomers and/or combinations thereof](#) (EC -, CAS -). The substance is used as a flame retardant and as a plasticiser for flexible polyvinylchloride and for use in wire and cable insulation, film and sheeting, carpet backing, coated fabrics, wall coverings and adhesives.
- [Barium diboron tetraoxide](#) (EC 237-222-4, CAS 13701-59-2). The substance is used in paints and coatings.
- [Reaction mass of 2,2,3,3,5,5,6,6-octafluoro-4-\(1,1,1,2,3,3,3-heptafluoropropan-2-yl\)morpholine and 2,2,3,3,5,5,6,6-octafluoro-4-\(heptafluoropropyl\)morpholine \(FC-770\)](#) (EC 473-390-7, CAS -). The substance is used in articles, by professional workers (widespread uses), in formulation or re-packing, at industrial sites and in manufacturing.
- [2,2',6,6'-tetrabromo-4,4'-isopropylidenediphenol \(tetrabromobisphenol-A; TBBPA\)](#) (EC 201-236-9, CAS 79-94-7). The substance is used as a reactive flame retardant and as an additive flame retardant in the manufacture of polymer resins, in products such as epoxy coated circuit boards, printed circuit boards, paper and textiles.
- [1,1'-\[ethane-1,2-diylbis\(oxy\)\]bis\[2,4,6-tribromobenzene\]](#) (EC 253-692-3, CAS 37853-59-1). The substance is not registered under REACH.

## Restriction

ECHA has recently received a restriction report for the following substance:

- [4,4'-isopropylidenediphenol \(bisphenol A\) and other bisphenols and bisphenol derivatives](#) (EC -, CAS -) with endocrine disrupting properties for the environment, prepared by the German authority.
- placing on the market, re-use, and secondary use of wood treated with [creosote or related substances](#) (EC -, CAS -), prepared by the French authority.

The proposals will now be evaluated by ECHA's scientific Committees for Risk Assessment (RAC) and Socio-Economic Analysis (SEAC). A consultation will be opened for the public after the committees agree that the reports conform with the legal requirements for a REACH restriction proposal.

For more information: [Registry of restriction intentions until the outcome.](#)

Moreover, ECHA is collecting further information for a potential restriction proposal on

[4,4'-methylenebis\[2-chloroaniline\] \(MOCA\).](#)



MOCA is on the REACH Authorisation List and ECHA screened its uses and their risks in products (articles) as required by Article 69(2). ECHA is currently looking for further information to determine whether a restriction proposal needs to be prepared to control the risks to people from this carcinogen, which has no safe level of exposure.

The deadline for comments is **16 November 2022**. Current calls for comments and evidence can be found [here](#).

Furthermore, a consultation on the proposed restriction of medium-chain chlorinated paraffins (MCCPs) and other substances has been recently launched. ECHA has submitted a proposal to restrict the manufacture, use, and placing on the market of substances, mixtures, and articles containing **medium-chain chlorinated paraffins (MCCPs)** as well as other substances containing chloroalkanes with carbon chain lengths ranging from C<sub>14</sub> to C<sub>17</sub> (EC -, CAS -) with PBT and/or vPvB properties. This consultation is open from 21 September 2022 to 22 March 2023.

Recently, the European Commission has requested ECHA to collect information on the potential risk to human health and the environment from polyvinyl chloride (PVC) additives and PVC itself, including aspects relating to the circular economy. ECHA will also look into the impacts on society of a possible restriction and the need for EU-wide action beyond any measures already in place. The results of the investigation are expected by May 2023. Based on these, the Commission may ask ECHA to prepare a REACH restriction proposal.

## Authorisation

ECHA has recently informed stakeholders that as a high number of authorisation applications are expected for hexavalent chromium (Cr(VI)) uses in the coming years, ECHA will change the way they hold information sessions for these uses. In the future, these will be organised for groups of several applicants. If you already have an agreed date for an individual session, this will be organised as planned. The first group session will take place on 15 February 2023, followed by further sessions to be organised based on need. Future dates will be announced in this bulletin. For substances other than Cr(VI), ECHA will continue to hold individual information sessions as requested.

More information: see [here](#).



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# EU Ecolabel

## Proposal for a Directive to empower consumers for the green transition

As a reminder, the proposal for a Directive to empower consumers for the green transition amends both the Unfair Commercial Practices Directive and the Consumer Rights Directive. The proposal aims, *inter alia*, at providing information on the existence and length of a producer's commercial guarantee of durability for consumer products (all types of goods), or the absence of such a guarantee in the case of energy-using goods.

In the European Parliament, the lead Committee on the Internal Market and Consumer Protection (IMCO) will consider the draft report on 26 October, with a vote expected on 1 February 2023. On 15 September 2022, the opinion-giving Environment (ENVI) Committee published its [draft opinion](#) led by rapporteur Edina Tóth. In short, the opinion contains the following amendments and proposals:

Banning carbon-neutral claims, as they could be highly misleading to consumers

Strengthening the requirements on claims related to future environmental performances

Controlling and identifying compliant labels, including a proposed transitional period of 36 months instead of 24

Highlighting the importance of creating scoring systems and a proposal to include provisions to that end

The vote in the EP ENVI is scheduled for 1 December 2022. In the Council, a General Approach (negotiating position) is also expected for 1 December 2022.

On 10 October, Members of the European Parliament (MEPs) in the ENVI Committee considered the draft opinion submitted by MEP rapporteur Edina Tóth and underlined the crucial role played by consumers in the EU green transition. They also raised the need to include the service sector, strengthen the ban on greenwashing, set out a detailed definition of commercial information and provide support and guidance to SMEs. The Commission stressed the importance of retaining carbon-neutral claims in order to incentivise the most innovative companies and recommended leaving the idea of a reparability scoring system to the Ecolabel Directive. The recording of the debate can be watched [here](#).



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# Green Public Procurement

## GPP in the new Ecodesign for Sustainable Products Regulation

The proposal for a new Ecodesign for Sustainable Products Regulation ([2022/0095](#)), the ESPR, will enable mandatory GPP criteria to be set in delegated acts for public contracting authorities.

On 29 September, during a policy debate within the Competitiveness Council, Member States provided their opinions on the ESPR proposal. Bulgaria stressed the need for clear rules regarding GPP, as well as the need for Member States to build an appropriate system for incentives related to products covered by the Regulation that fall into the two highest classes of indicators. The recording of the discussions can be watched [here](#). Furthermore, on 14 October a policy debate took place in COREPER I, including an introductory discussion about the best ways to share information amongst stakeholders.

In the lead European Parliament's Environment Committee (EP ENVI), the draft report will be debated on 5 December 2022, with a deadline for submitting amendments on 7 December 2022.



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# Environmental Footprint

## PEF/OEF method webinar

According to the 11 October 2022 European [Commission agenda](#), the Proposal for a Regulation on substantiating environmental claims using the Product/Organisation Environmental Footprint methods (green claims initiative) is foreseen for adoption on 30 November 2022, as part of the Circular Economy Package II.



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# ENERGY

## Energy Efficiency

### Energy Efficiency Directive

On 6 October, the first trilogue meeting on the recast of the Energy Efficiency Directive took place. On 13 October, MEP rapporteur Niels Fuglsang (S&D, Denmark) reported back to the European Parliament (EP) Committee on Industry, Research and Energy (ITRE) saying that he:

- Introduced the EP position, highlighting its commitment to a binding target of 40% energy efficiency by 2030, using the 2007 baseline year
- The Czech ambassador highlighted that the Council's position on the target was currently 9% (2020 baseline) and 36% (2007 baseline). This led to a strong EP recommendation that the Council should raise its target, together with binding targets for both the European Union and Member States.
- Believed that the Council was moving towards the Parliament's position on final energy targets
- Mentioned that the EP had more ambitious positions than the Council on a number of topics, including the need for milestones for 2025 and 2027, stronger energy saving obligations and a provision on one-stop-shops for citizens to renovate their houses and increase energy efficiency
- Gave a mandate for the technical meetings to begin and confirmed that the first would start later that day (13 October 2022)
- Aims to conclude the negotiations as fast as possible, and, if feasible, before the new year

On 7 October, COREPER I met to hear the Presidency debrief on the outcome of the trilogue. On 10 October, the General Secretariat of the Council shared with delegations the [Four-column document](#) which details the positions of each institution. The next trilogue is scheduled for 22 November 2022.



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## Energy Performance of Buildings (EPBD)

On 25 October, the EU energy ministers discussed their general approach concerning the European Commission's proposal for [recast of the Energy Performance of Buildings Directive \(EPBD\)](#). Their final position is expected to be adopted on 19 December 2022.

Furthermore, the European Parliament Committee on Transport and Tourism (TRAN), providing an opinion to the lead Committee on Industry, Research and Energy Committee (ITRE), adopted its draft on 26 October, which should become publicly available shortly.

The ITRE Committee itself is expected to vote on its position on 28 November 2022.

Once the positions of the Parliament and Council are adopted, the triologue negotiations will be able to start.



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## Ecodesign Directive

- **Methodology for Ecodesign of Energy related Products (MEErP):**

As a reminder, on 23 June 2022, the second stakeholder meeting on the revision of the methodology for Ecodesign of Energy related Products (MEErP) took place. The aim of the meeting was to discuss Tasks 1-5 of the review study.

All documentation, including the meeting presentation and minutes, which became available only after the publication of the previous Orgalim Bulletin, is available [here](#).

The next steps of the process are foreseen as follows:

- Draft of final report on the MEErP revision – autumn 2022
- European Commission practical guidelines for consultations to implement the revised methodology – autumn 2022.
- The revised MEErP becoming the reference methodology for Ecodesign studies – October 2022.

The current methodology will be used for the ongoing work on the various actively revised and studied product groups.



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## Ecodesign Directive - Update on Lots / implementing measures

**ENER Lot 1 & 2: Boilers and space & water heaters:** the final draft revision acts should be presented in a Regulatory Committee in Q2 2023. In the meantime, technical meetings on issues such as data monitoring and compensation methods will continue.

**ENER Lot 10: Air conditioners and ENER Lot 20: Local space heaters:** as previously reported, the European Commission is considering the merger of the energy labels of both lots into one. The draft legislative proposal is expected in Q3 2023.

**ENER Lot 11: Fans and circulators:** an Interservice Consultation was expected to begin in the summer of this year, but will probably start in Q4 2022. This consultation has been delayed several times because of the Commission's lack of availability.

**ENER Lot 21: Central heating products and commercial air conditioners:** a revision preparatory study is expected to start in Q1 2023.

**ENER Lot 33: Smart appliances (demand-side flexibility):** currently, the Commission does not see enough evidence to justify a regulation for implementation of the study results in a legislation. This is partly because of the incompatibility with the Cybersecurity Act and the lack of staff resources on the side of the Commission. A measure outside the Ecodesign framework could be possible – most likely to be a Voluntary Agreement with recommendations and requirements. As a reminder, the Commission's Joint Research Centre (JRC) had started a supporting study in August 2021, which is aimed to be finalised in April/May 2023.

**ENTR Lot 1: Professional refrigeration:** The second interim report, which was due by the middle of September 2022, has been further delayed. It is expected to be published shortly before the upcoming Consultation Forum on ENTR Lot 1 that will take place on 28 November 2022. Afterwards, the Commission is expected to launch a call for evidence and a public consultation and expects to finalise the work before the new Ecodesign for Sustainable Products Regulation comes into force.



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# DECARBONISATION & CLIMATE CHANGE

## F-gases

The legislative process on the [proposal for a revision of the F-gas Regulation](#) is ongoing.

Both the European Parliament's Environment Committee (ENVI) [draft report](#) and the Committee for Industrial Affairs (ITRE) [draft opinion](#) are available.

The rapporteur's (Bas Eickhout, Greens, NL) main proposals include :

- Phasing-out both HFC production and consumption by 2050.
- Accelerating the HFC consumption phase-down.
- Moving several (sub)sectors, such as refrigeration, airconditioning, heat pumps and switchgear, to F-gas free alternatives.
- Strengthening the training and certification requirements for natural refrigerants.
- Including a maximum validity period for certificates of five years, after which new certification should be required.
- Taking further action on illegal trade by proposing minimum penalties for non-compliance, eliminating exemptions and thresholds for reporting, and increasing investments in customs and monitoring.

The rapporteur for opinion, Sara Skyttedal (EPP, Sweden) also proposes to extend EU training and certification requirements to all types of refrigerants, including non-fluorinated alternatives. In addition, the draft opinion includes amendments to ensure the availability of a full and diverse range of refrigerants for heating and cooling installations as well as a proposal to extend the ban date for 12 to 24 kV (12 kV excluded) voltage level switchgear from 2026 to 2028.

As regards next steps, a debate will take place in the ENVI Committee on 7 November and the deadline for amendments is 15 November. The ITRE Committee will discuss the draft opinion on 27 October, which is also the deadline to table amendments, followed by the vote currently scheduled for 5 December.

In the EU Council, three meetings of the Working Party on the Environment took place in September and October. It is likely that discussions will continue under the Swedish Presidency starting in January 2023.



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## Ozone Depleting Substances

The legislative process has started in both the European Parliament and EU Council on the [proposal for a revision of the Regulation on Ozone Depleting Substances \(ODS\)](#).

The European Parliament's Environment Committee draft report is available. The rapporteur, Jessica Polfj rd (EPP, Sweden), proposes to:

- Include a reference to the Environmental Crimes Directive (ECD) aligning the ODS regulation with the ECD regulation and avoiding duplications.
- Introduce a rolling review clause on the feedstock exemption in order to assess on a regular basis any developments regarding the future availability of viable alternatives with a cumulatively more positive effect, with the aim to be able to react and exclude such exemptions as soon as viable alternatives are available.

In the EU Council, the Working Party on the Environment met twice to discuss the proposal, on 5 September and 17 October.

As regards next steps, the ENVI Committee will hold a debate on the draft report on 7 November and the deadline for amendments is 15 November.



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# Issues of General Interest

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## Sustainable finance

In mid-October, it is expected that the Platform on Sustainable Finance (PSF) will adopt the taxonomy recommendations for the European Commission regarding the *"Manufacture, installation and servicing of high, medium and low voltage equipment for electrical transmission and distribution"*, including the horizontal framework for enabling activities. The framework will serve as the basis for the assessment on whether an activity can be considered enabling. It also forms the methodological basis for the future development of technical screening criteria for enabling activities in the taxonomy.

The PSF's recommendations should provide feedback to the Commission ahead of the publication of the draft delegated act on Taxo4. However, the delegated act on Taxo4 will not come into force on 1 January, as originally foreseen. The draft proposal for Taxo4 from the Commission, expected later this year, will have to undergo public consultation before being formally adapted by the Commission. Following this, the Taxo4 proposal will be subject to a 3-6 month scrutiny period by the Council and European Parliament.

In short, this means that the Taxo4 delegated act is not likely to come into force before mid-2023. Consequently, the requirements on corporates to report on Taxo4 are not likely to commence before 1 January 2024 for the financial year 2023.

Furthermore, on 11 October the Platform on Sustainable Finance published two reports with important insights for the Commission. The publications include i) a [report](#) on the implementation of the EU Taxonomy and ii) another [report](#) on the application of minimum safeguards set out in Article 18 of the Taxonomy Regulation.

On 14 October 2022, the Commission launched a call for applications for the new Platform on Sustainable Finance, also known as Platform 2.0. The call can be accessed [here](#) and will run until 9 November 2022.



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# Revision of EU Emissions Trading Scheme

## Revision of EU Emissions Trading Scheme

Following the adoption of the negotiating positions from both the European Parliament and the Council, a first trilogue to launch the discussion took place on 11 July 2022, and a second trilogue took place on 10 October 2022. The rapporteur Peter Liese (EPP, Germany) is expected to report back on the negotiations to the lead Environment Committee on 24 October 2022. In the Council, a Presidency debriefing on the trilogue outcome took place on 14 October 2022.



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# PUBLICATIONS & EVENTS

## PUBLICATIONS

Author	Date	Title
European Commission JRC (Joint Research Centre)	7 September 2022	<a href="#">Science for Policy Report: glossary of human-centric artificial intelligence</a>
European Commission JRC (Joint Research Centre)	7 September 2022	<a href="#">Technical Report: AI watch – AI-enhancing Robotics: the intersection of robotics with the AI landscape</a>
European Commission JRC (Joint Research Centre)	12 September 2022	<a href="#">The development of digital technologies by top R&amp;D investors</a>
EUROSTAT	28/09/2022	<a href="#">Sold production of high- tech increased by 11%</a>
EUROSTAT	14/10/2022	<a href="#">Euro area international trade in goods deficit €50.9 bn</a>

# EVENTS

Organiser	Date	Name & Location
Clean Hydrogen Partnership	24 - 28 Oct 2022	<a href="#">The European Hydrogen Week 2022</a> Brussels & Online
Euractiv	25 Oct 2022	<a href="#">What is the future of the EU's energy sector?</a> Brussels & Online
European Commission	3 November 2022	<a href="#">Common European Data Spaces and the Data Economy</a> Online
Czech Presidency of the Council of the European Union	9 - 10 Nov 2022	<a href="#">The SET Plan Conference</a> Prague
European Patent Office (EPO)	17 November 2022	<a href="#">The Unitary Patent system: a game-changer for innovation in Europe</a> Online
ENISA – European Union Agency for Cybersecurity	23-24 November 2022	<a href="#">ENISA Cybersecurity Market Analysis Conference</a> Brussels & Online
Enlit Europe	29 November - 1 December 2022	<a href="#">Enlit Europe</a> Frankfurt, Germany

European Commission	2 December 2022	<a href="#">Open source workshops for computing &amp; sustainability</a> Brussels
Euractiv	07 Dec 2022	<a href="#">EU Energy Transition: what role for critical raw materials?</a> Brussels & Online
European Innovation Council	7-8 December	<a href="#">European Innovation Council Summit 2022</a> Brussels

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