

INFORMATION BULLETIN

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Brexit

Internal Market

The European Commission published on 22 January 2019 an updated "[Notice to stakeholders on the UK withdrawal from the EU](#)" and its impact for industrial products placed on the EU-27 market as of the withdrawal date ("Brexit date"). The document focuses on:

- Consequences for the identification of economic operators: a UK-based manufacturer or importer will no longer be considered as an economic operator in the EU. The EU product legislation foresees that "responsible persons" (e.g. authorised representatives) which are designated by the manufacturer shall be established in the EU-27 as contact points to liaise with the authorities and ensure the compliance of the product with the applicable legislation. As of the Brexit date, manufacturers are advised to ensure that their designated responsible persons are established in the EU-27.
- Consequences for conformity assessment procedures and Notified Bodies (NBs): UK Notified Bodies will lose their status as EU NBs. Therefore, for products that require a third-party intervention, economic operators who currently hold UK-issued certificates are recommended to do the following: either apply for a new certificate issued by an EU-27 NB or arrange a transfer of the file and the corresponding certificate from the UK NB to an EU-27 NB that will assume responsibility for that file. This transfer must be made prior to the Brexit date.

The Commission also issued a [Q&A document](#) based on this Notice, to provide further guidance to economic operators on the outcomes in terms of placing on the market of goods, in the event of a hard Brexit (i.e. the UK becoming a third country on 30 March without a ratified withdrawal agreement and, therefore, without a transition period). The guidance document provides a number of concrete examples for goods that are considered as placed on the EU-27 market before and after the Brexit date. For those placed on the market before the Brexit date, there is no need for relabelling, re-certification, or product changes. For those goods placed on the market after the Brexit date, they will have to comply with the EU law applicable at the time of placing on the market and, when required, be relabelled (for instance to include the contact details of the EU-27 "responsible person"). Also, for post-Brexit placing on the market of products, the Declaration of Conformity and the NB certificate will need to be updated to indicate that the new EU-27 NB holds the responsibility for the certificate. If the product has already been placed on the market or produced before the transfer

of certificates has happened, there is no need to change the existing NB number. However, products manufactured after the transfer has been made need to be re-marked with the new EU-27 NB number.

Trade

On 18 of February, the European Commission (EC) presented its [“no-deal” outreach](#) to EU businesses in the area of customs and indirect taxation, considering the risk that the United Kingdom may leave the EU on 30 March without a deal.

The outreach campaign is part of the EC’s ongoing efforts to prepare for the UK’s exit from the EU without a deal, calling for intensified preparedness work for all scenarios. This campaign aims to advise businesses that want to continue trading with the UK after 30 March on what they need to do to ensure a transition which is as smooth as possible.

A [range of materials](#) has been made available to businesses, including a simple [5-step checklist](#), providing an overview of the steps to be taken. Given the uncertainty of the Brexit negotiations, this plan would be applicable if the UK leaves the EU without an agreement. On the contrary, if a Withdrawal Agreement is ratified before 30 March 2019, EU legislation will cease to apply to and in the UK on 1 January 2021 - after a transition period of 21 months.



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INTERNAL MARKET

Construction Products Regulation (CPR)

The European Commission evaluation report – so-called “Staff Working Document” – on the Construction Products Regulation (305/2011/EU) is expected in spring 2019. This follows up on the external study on the CPR evaluation and impact assessment, the [final reports](#) of which were published in November 2018. As a reminder, the study recommended improving the legislation via soft law, complemented by a limited legislative revision.

The industry and authorities unanimously agree that a repeal of the CPR would not be beneficial since it will dismantle the current achievements towards an internal market for the construction products sector. However, it seems that the results of the study are not fully supported by the European Commission. Therefore, they have launched a new impact assessment study to be completed by early 2020. This will include targeted and public consultations later in 2019. This new study will focus on possible options for a revised CPR.

As regards the citation of standards, the publication of reference to harmonised standards (hENs) in the Official Journal under the CPR framework is still blocked. So far, 126 standards provided by European standardisation organisations have not been published. Only 4 hENs have been cited in 2017: this is equivalent to 10% of standards offered for publication in 2017 and 2018. The citation of references to hENs will remain suspended until the European Commission develops a new process to streamline its internal procedure on the publication of harmonised standards. As a reminder, this was announced in the [Communication on standardisation](#) at the end of 2018. However, it should be noted that the European Assessment Documents (EAD) are not covered by the current blockage.

CEN- CENELEC organised an event dedicated to Harmonised European Standards under the CPR in October 2018, the presentations of which are available (see [event page](#)).



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Issues of General Interest

Artificial Intelligence

European Parliament report on AI and robotics

On 30 January, the European Parliament adopted an [own initiative report](#) on “A comprehensive European Industrial Policy on AI and robotics”, building, amongst others, on its previous report on Civil Law rules on Robotics.

In this report, the Parliament develops a series of proposals grouped in six chapters devoted to:

- “a society supported by AI and robotics”, insisting on training and upskilling and on respect of fundamental rights,
- “technological paths towards AI and robotics”, focusing on R&D, investments, infrastructures, regulatory sandboxes and social acceptance,
- “industrial policy”, with seven strategic sectors to be considered in priority (public service, health, energy, agriculture and food chain, transport, cybersecurity and SMEs,
- “legal framework”, considering a sectoral approach depending on the range of products and applications, and focusing on the Internal market (including mutual recognition and use of standards), on personal data and privacy, on liability, on consumer protection and empowerment and on IPRs,
- “ethical aspects”, calling for the creation of an ethical charter of best practices and for AI and robotics to be human-centric, ethical by design, limiting the autonomy of AI and robotics, and based on transparency and explainability of algorithms as well as on accountability (algorithm impact assessment – AIA),
- “governance”, calling for the creation of a European Regulatory Agency for AI and international cooperation to promote the European values-based approach of AI and robotics.

Council Conclusions on the Commission Coordinated Plan

On 18 February, the Competitiveness Council adopted [Conclusions](#) on the Commission Communication of 7 December proposing a “Coordinated Plan” between the EU and the Member States on AI.

These conclusions insist, amongst others, on the need:

- to increase investments (and to better coordinate efforts between the EU and Member States),
- to develop high-end applications in all economic sectors, particularly those contributing to solving the world’s biggest challenges,
- to encourage all companies to contribute to and benefit from the development and uptake of AI,
- to facilitate a secure access to more high quality private and public data,
- to reinforce the education policies efforts to increase the AI-educated workforce at all levels and beyond ICT,
- to develop AI-enabled public administration solutions,
- to push for the drafting of international standards.

The Competitiveness Council also calls for the Commission to consider the cross-border development and application of AI-based technologies when reviewing existing or considering new legislation, particularly as regards safety, privacy and liability. It highlights ethics in AI both in view of ensuring full respect of European citizens’ rights and to make ethics in AI a competitive advantage for the EU.

5G

On 24 January 2019, the Commission adopted an [Implementing Decision](#) related to the relevant technical conditions for using the spectrum in the 3,400 - 3,800 MHz frequency band for the terrestrial provision of electronic communications services, amending Commission Decision 2008/411/EC. This Decision organises the defragmentation by Member States of this band in time to authorise sufficiently large blocks of spectrum by 2020, thus allowing for the deployment of 5G.

Building on the new EU Electronic Communications Code, the EU will ensure coordination and systematic review of the spectrum release (timing, coverage criteria, licence duration).



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Data framework

Directive on re-use of public sector information (PSI Directive)

On 22 January, the European Parliament and the Council reached a political agreement on the European Commission proposal to revise the Directive on the re-use of public sector information – PSI Directive (political agreement between the on 22 January 2019)

[The revised Directive](#) - with the new name “Open Data and Public Sector Information” - updates the framework setting out the conditions under which public sector data should be made available for re-use, aiming at increasing amounts of available high-value data.

- All public sector content that can be accessed under national access to documents rules is in principle freely available for re-use. Public sector bodies will not be able to charge more than the marginal cost for the re-use of their data, except in very limited cases. This will allow more SMEs and start-ups to enter new markets in providing data-based products and services.
- A focus will be placed on high-value datasets such as statistics or geospatial data. These datasets have a high commercial potential and can speed up the emergence of a wide variety of value-added information products and services.
- Data from public service companies in the transport and utilities sector will be covered by the new Directive. This means that they will have to comply with the principles of the Directive and ensure the use of appropriate data formats and dissemination methods, while still being able to set reasonable charges to recover related costs.
- Safeguards will reinforce transparency and limit the conclusion of agreements which could lead to exclusive re-use of public sector data by individual partners.
- More real-time data will allow companies to develop innovative products and services
- The revised Directive will also cover publicly-funded research data: Member States will be required to develop policies for open access to publicly funded

research data while harmonised rules on re-use will be applied to all publicly-funded research data which is made accessible via repositories.



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Platforms

On 14 February, the European Parliament and the Council reached a [political agreement](#) on the Commission proposal for an EU regulation on promoting fairness and transparency for business users of online intermediation services (online platforms). This agreement aims to eliminate potentially harmful trading practices, such as sudden, unexplained changes in terms and conditions, termination of accounts, unexplained delisting of products and incomprehensible ranking criteria, as well as a lack of effective redress mechanisms, which have been among the problems in platform-to-business (P2B) relations.

The new rules require online platforms to, amongst others:

- explain the reasons for removing goods or services from search results or delisting them;
- provide a description of the parameters determining the ranking;
- put an end to several unfair trading practices listed in this regulation (“blacklist” introduced in a new article);
- set up an internal complaints-handling system (small platforms would be exempted) and facilitate out-of-court dispute resolution;
- ensure effective enforcement of the regulation;
- give a right to business users to terminate their contracts if platforms impose new unacceptable terms and conditions.

Businesses will be able to sue platforms collectively, if they fail to deal with complaints properly.

The Regulation complements the [Observatory on the online platform economy](#) created by the Commission in April 2018, and which is tasked with:

- Providing the Commission with advice and expertise on the evolution of the online platform economy, notably on potentially harmful practices in commercial transactions between providers of online intermediation services and of online search engines and companies established in the EU that use

those online services to offer their goods or services to consumers located in the Union;

- Performing expert analysis on issues of importance that may arise in relation to the online platform economy and the potentially harmful practices.



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Cybersecurity

On 19 February the European Parliament's ITRE Committee adopted a report on the European Commission proposal establishing a Cybersecurity Industrial, Technology, and Research Competence Centre and a Network of National Coordination Centres. In the [draft report](#), the Rapporteur insists to limit the Centre's activities to the civilian domain, to focus on vulnerability aspects (especially of Free and Open Source Software) and to take into account the societal and ethical implications of its activities.

On 10 December 2018, the European Commission, European Parliament and Council reached a political agreement on the [Cybersecurity Act](#).

The Cybersecurity Act reinforces the role of the EU Agency for Cybersecurity ("ENISA") to better support Member States in responding to cyber threats and cyber attacks, and establishes an EU framework for cybersecurity certification, ensuring the cybersecurity of online services and consumer devices.

The Act creates a voluntary cybersecurity certification framework. The European Commission will evaluate on a regular basis whether a scheme should be made mandatory through an EU legal act. Elements to be taken into account by the Commission during the assessment phase include costs for manufacturers and societal economic benefits.

A permanent Stakeholder Certification Group will be appointed by the Commission to issue opinions on the certification framework, including opinions on the rolling programme. Ad-hoc committees involving stakeholders to elaborate and prepare the candidate certification schemes will be established on a systematic basis and for each scheme.

The European Parliament is expected to adopt the agreement in plenary on 12 March 2019. It will then be published in the EU Official Journal and will enter into force immediately.



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Machinery Directive (MD)

The European Commission issued the [Inception Impact Assessment](#) on the revision of the Machinery Directive, which was open for stakeholders' comments by 11 February. The revision of the MD is expected to improve legal clarity in the scope and specific definitions; enhance coherence with the wider EU framework and overall enforcement (through the alignment with the New Legislative Framework); as well as consider the need for simplification (cost reduction for economic operators by allowing digital format documentation) and for adaptation to technical progress (with a focus on the challenges posed by digitalisation). In line with the objective of adaptation to technical progress, the inception impact assessment particularly refers to the need to increase consumers' and operators' trust in digital technologies.

Four options are put forward for consideration during the impact assessment process:

- option 0 — baseline scenario (no change);
- option 1 – alignment of the MD with the 'New Legislative Framework', with no change to the substance of the current act (scope, definitions, essential health and safety requirements);
- option 2 – alignment of the MD with the 'New Legislative Framework', with changes to:
 - its scope and definitions, e.g. adapting the list of excluded low-voltage products and improving the definition of 'partly completed machinery'; and/or
 - the essential health and safety requirements, so as to allow digital documentation; and/or explicitly address aspects relating to emerging digital technologies, e.g. AI, cybersecurity, IoT.
- option 3 – adaptation of the MD's scope and definitions and/or essential health and safety requirements (as in option 2) without aligning it with the 'New Legislative Framework'; and
- option 4 (together with option 1, 2 or 3) — conversion of the Directive into a Regulation.

In terms of next steps, the impact assessment study has been launched and will run until February 2020. As part of the impact assessment, a public consultation is

foreseen in Q2 of 2019. It is estimated that the proposal for the new Machinery legislation will be adopted in 2021.



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Outdoor Noise Directive (OND)

Further to the publication of the VVA study report (available [here](#)), the European Commission is now finalising its evaluation of the Outdoor Noise Directive (OND). The EC evaluation report (so-called “Staff Working Document”), which summarises the main conclusions of the evaluation study and highlights required changes, will be released in spring 2019. This document will be presented at the next EC Noise WG meeting scheduled on 18 June 2019.

The European Commission will then prepare its proposal for a revision of the OND together with the impact assessment. In this context, a public consultation is expected in the second half of 2019. Since the Commission’s proposal is announced for the second half of 2020, the revision process will not be finalised before 2022.



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Low Voltage Directive (LVD)

The LVD Working Party meeting took place in Brussels on 7 February. It primarily covered the following topics: a brief report of the activities of the Administrative Cooperation Group (ADCO) on LVD; the ongoing developments related to the Radio Equipment Directive (RED) which are also relevant in the LVD context (namely the inception impact assessment on a Delegated Regulation on software); and the three ongoing formal objections on: EN 60335-2-14 on particular requirements for kitchen machines; EN 60335-2-24 on particular requirements for refrigerating appliances; and EN 60335-2-60 on particular requirements for whirlpool baths and whirlpool spas.

On 8 February, the Commission organised a stakeholder workshop on the evaluation of the LVD, in order to discuss the following themes: 1. Understanding of the LVD; 2. LVD implementation and 3. LVD enforcement. It is too early to determine if the LVD should be revised or not, but the following preliminary conclusions can be drawn up on the basis of the discussions held at the workshop:

- The scope and definitions of electrical products are clear enough. There is an open question whether lower limits (below 50V) should be considered or not.
- Most stakeholders are opposed to merging the RED, EMC and LVD as they have different purposes and objectives, but there were some suggestions that the RED could also incorporate EMC products, while electrical safety requirements (from LVD) could be embedded in the MD.
- LVD is a good example of an NLF-aligned legislation and its implementation seems to work rather well, but there is room for improvement in the standardisation process and in terms of market surveillance/enforcement. It did not seem logical for many stakeholders that there should be the same standards referenced in LVD and RED to meet the safety objectives.
- The participatory approach in the standardisation system should be enhanced, to enable all parties (including member states) to participate in the process from the outset and respect the consensus principle.
- In terms of the conformity assessment, module A is generally considered effective and the absence of Notified Bodies has no impact on the safety of products and does not affect the quality of compliance documents; moreover, even if Notified Bodies were formally part of the conformity procedure in the LVD, third party intervention would not per se prevent rogue traders from entering the EU market.
- Regarding labelling changes, many Member States are adamant about keeping instructions physically with the product. Industry stakeholders support electronic labelling (for instance moving the CE marking, name and address on electronic format or having a display on the product with an internet link to bring the user to the Declaration of Conformity, safety instructions). Some Member States brought the idea of a product registration database, but experience shows that there are severe issues with the governance of such databases and maintaining it up-to-date.
- As part of the “enforcement discussion”, it is generally recognised that the functioning of market surveillance is inconsistent across the EU, because of different national practices, priorities and the funding received to carry out market surveillance. There is a risk that countries that have limited resources for market surveillance have an undue focus on formal non-compliance
- There is a wide agreement that there should be further coordination of market surveillance authorities’ activities, through regular exchange of information, to make authorities aware of the results of market surveillance activities/actions in the other European countries. Most stakeholders do not agree with creating a

European market surveillance agency to take away the competence of the Member States in terms of market surveillance.

In terms of next steps, the study on the evaluation of the LVD will be concluded by May/June 2019. In the meantime, stakeholders can provide their input on the open public consultation by 4 April 2019.



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Electromagnetic Compatibility Directive (EMCD)

The European Commission made available an [updated version](#) of the EMCD Guidelines on 24 January. The Guide provides clarifications on the scope, the EMCD essential requirements, the obligations of economic operators (in terms of conformity assessment, risk assessment, technical documentation, the use of harmonised standards, EMC assessment when harmonised standards do not exist etc.), fixed installations and other provisions related to market surveillance and accreditation.



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Regulation on market surveillance and compliance

A [provisional agreement](#) of the Regulation “on market surveillance and compliance of products” (formerly called the compliance and enforcement Regulation) was reached between the Romanian Council Presidency and the European Parliament on 7 February. Subsequently, the Permanent Representatives Committee of the Council (COREPER) endorsed the agreement and the Internal Market Committee of the EP also adopted it on 21 February.

Under the provisional agreement, the draft Regulation lists the economic operators who are responsible for compliance information as well as their obligations in Article 4: essentially to ensure that the technical documentation and Declaration of Conformity (DoC) have been drawn up, and to keep this documentation at the disposal of the market surveillance authorities (MSAs) for the duration defined in applicable EU harmonisation legislation. Article 5 on the DoC has been deleted to

avoid imposing a strict requirement of publishing the DoC on the manufacturer's website without giving alternatives.

Article 9 on cooperation between MSAs and economic operators which has been strongly defended by industry stakeholders allows the MSAs and economic operators to cooperate in carrying out joint activities. These activities are aimed at promoting compliance, identifying non-compliance, raising awareness and providing guidance in relation to the applicable Union harmonisation legislation, especially with regard to products presenting a serious risk, including products sold online. Most importantly, establishing an agreement on joint activities is subject to the following conditions: not creating unfair competition between economic operators, and not affecting the objectivity, independence and impartiality of the parties involved.

Articles 10-14 relate to the powers and duties of MSAs which have been simplified compared to the original Commission proposal. As requested by the industry, MSAs should follow a risk-based approach and carry out their duties independently, impartially and without bias (Article 11), and taking account of the proportionality principle (Article 14). Article 12 is now renamed "peer reviews" which was one of the red lines of the EP. The peer reviews are supposed to cover best practices developed by some MSAs which may be beneficial to other authorities. The Union product Compliance Network (UPCN) is given the task to develop the methodology and rolling plan of these peer reviews.

Articles 29-34 provide a detailed description of the composition, functioning, role and tasks of the UPCN. An important aspect is that organisations representing the interests of industry at EU level (e.g. Orgalim) may be invited to attend as observers meetings of either the ADCOs (Administrative Cooperation Groups) or the Network of MSAs (UPCN) on the basis of the subject matter of discussion, and to provide written contributions.



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ENVIRONMENT



RoHS2 Directive

A series of [delegated directives](#) renewing RoHS exemptions was published on 5 February in the Official Journal of the EU. In line with the first series published in May 2018 ([Pack 9](#), batch 1), the European Commission has renewed exemptions 7c-II, 7c-IV, 8b, 15, 21, 29, 32 and 37 ([Pack 9](#), batch 2), which expired in 2016, for 5 years. As a main result, these delegated directives allow manufacturers to use lead and cadmium for specific applications until July 2021. To extend the validity of these exemptions beyond 2021, the industry should submit renewal requests to the European Commission by January 2020.

Moreover, two additional [delegated directives](#) have been published to renew the RoHS exemption 18 allowing the use of lead in discharge lamps and grant a new exemption for the use of in bearings and bushes in certain non-road mobile equipment (exemption 42). The latter applies only to new equipment falling into the RoHS scope in July 2019, i.e. category 11.

Finally, the European Commission has published a [revised version of its overview](#) of RoHS Annex III and IV exemptions, including their validity status and submitted exemption requests.



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WEEE2 Directive

The [Official Journal](#) has published an Implementing Regulation establishing the format for registration and reporting of producers of electrical and electronic equipment to the register. This Regulation has been adopted in the context of Article 16(3) of the WEEE Directive ([2012/19/EU](#)) and it was approved at the WEEE TAC meeting in December 2018. The implementing regulation contains two Annexes: Annex I on the format of registration in a Member State and Annex II on the format of reporting to the register. Annex I is divided in two parts, containing different formats

for registration of a producer and of an authorised representative. Member States will be able to remove some of the elements compared to the Annexes, but they may not include new information requirements. Lastly, compared to previous versions of the text, there is no longer a mention of the “**frequency of reporting**”. Member States were unable to compromise on a harmonised frequency of reporting and the WEEE Directive. This regulation will enter into force on 12 March and will apply from 1 January 2020.



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Circular Economy Policy

Plastics Strategy: Single Use Plastics

The institutions reached a [compromise agreement](#) on the proposal for single use plastics (SUPs) on 18 December. This legislation will establish bans on throwaway products for which there are currently alternatives. None of the banned articles apply to the mechanical and electrical engineering sectors: eating and drinking utensils, oxo-degradable products and cotton bud sticks. Furthermore, the agreement imposes stricter conditions of use for the types of products and packaging frequently found polluting the natural environment.

The text will next be voted in the March Plenary session, after which it will be endorsed by the Member States before final publication in the Official Journal.

Circular Economy Stakeholder Conference 2019

The European Commission and European Economic and Social Committee will host the 2019 Circular Economy Stakeholder Conference, that will take place in Brussels on 6 and 7 March. The theme of this year is “Success Stories and New Challenges”. Although the registration period is now closed, it will be possible to view the first day sessions via [webstream](#). Please find further information [here](#).



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Waste Database

The European Commission has allocated €9 000 000 for the development of the database. During a period of time ECHA suspended the work on the database given that it did not have the necessary resources to develop the database after its last-minute inclusion in the negotiations.

There is a lack of transparency on the current state-of-play. During the October stakeholder workshop that took place in Helsinki, ECHA announced it would launch two technical focus groups. These groups, dealing with product categorisation and IT user groups, have not met yet and ECHA has not made any other official updates on the status of the database.



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Eco-Management and Audit Scheme

The Eco-Management and Audit Scheme (EMAS) is a voluntary system introduced in 2009 to promote environmental best practices in organisations.

Following a consultation organised last year, the Commission published in January the [EMAS sectoral reference document for the electrical and electronic equipment \(EEE\) manufacturing sector](#) for best environmental management practices, sector environmental performance indicators and benchmarks of excellence.

The target group of this document are companies belonging to the EEE manufacturing sector, i.e. to the following NACE codes: 26, 27, 28.12, 28.13, 28.22 and 28.23.



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Issues of General Interest

REACH

- **Candidate List**

The [Candidate List](#) was updated on 15 January to include [six new substances](#). The list currently has 197 substances in total. From the substances that have been included a few could impact the mechanical and electrical engineering industries such as: [Fluoranthene](#), [Phenanthrene](#) and [Pyrene](#) which can be used mainly in coatings and binders, and [Benzo\[k\]fluoranthene](#) which can be found in construction materials and lubricants. The next update will take place during June-July 2019.

- **Authorisation**

ECHA has updated the [requirements](#) for applications for authorisation in order to simplify them. The changes include: updated formats for exposure scenarios and chemical safety reports, and instructions for applicants on how to present their analyses for alternative substances and socio-economic impacts. This format will become mandatory on 1 June 2019, with a transition period until 31 May 2019. The purpose is to increase transparency and to facilitate and speed up the application process.

The REACH Committee voted on 15 February on the application of the CTAC consortium for six uses of chromium trioxide. The given authorisation requires users of this substance to implement strict risk management measures. Authorities require companies within the authorisation consortium, namely CTAC sub, to revise their risk management measures within 3 months and to confirm them on the basis of monitoring data up to 18 months. As regards the length of the granted authorisation, companies will have for some uses 2.5 years to improve or submit new applications; for other uses the period is 3.5 years. Companies will have maximum 7 years to assess the availability of alternatives or substitutes. The Commission will adopt the decision in the following weeks. Further information from DG GROW is available [here](#). In addition, the CTAC consortium has published a [press release](#) detailing a timeline for the requirements and sharing an unofficial copy of the text that was adopted at the REACH Committee meeting.

In parallel, ECHA has launched eight [public consultations](#) on applications for authorisation for chromium trioxide. Some of the uses applied for are the same as those covered by the CTAC consortium application, namely functional chrome plating

with decorative character for sanitary applications. The deadline for comments is 10 April.

- **Restriction**

Germany submitted a [proposal](#) to restrict the manufacture and placing on the market of **undecafluorohexanoic acid (PFHxA), its salts and related substances** in the [registry of restriction intentions](#). PFHxA and its salts mainly occur as impurities or as a result of degradation of products. The precursors are mainly used in semiconductors, metal surface treatment and surface coatings, adhesives and the fire-fighting industry. The substance can also be present in machinery, mechanical appliances and electrical/electronic articles.

- **Microplastics**

ECHA published in January its [restriction proposal](#) for microplastics which would cover the use of intentionally added microplastic particles in consumer or professional products of any kind. Given their persistence in the environment, it is not possible to currently assess the impact of the long-term exposure on the environment. Therefore, ECHA finds that the use of microplastics released in the environment cannot be adequately controlled. Several Member States have already implemented bans on the use of microplastics in certain sectors, most notably the cosmetics industry. A public consultation will be launched in April 2019.

- **UK's withdrawal**

In view of a potential no-deal scenario, ECHA published a series of instructions for companies placing chemical substances onto the EU and EEA markets. UK-based manufacturers and formulators are recommended to transfer their business to the EU or to appoint an only representative. ECHA will open a *Brexit window* on their online platform, REACH-IT, to make all the necessary changes from 12-29 March. More information available [here](#).



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REACH and Nanomaterials

The Joint Research Center (JRC) has published the report "[An overview of concepts and terms used in the European Commission's definition of nanomaterial](#)". The purpose of this report is to provide support to stakeholders and legislators on the

implementation of the Commission's definition and key concepts, and to avoid different interpretations.

In parallel, the EU Observatory for Nanomaterials (EUON) launched a survey to assess its performance and how it may best meet the needs of stakeholders. The deadline to reply to the [survey](#) was 25 February.



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EU Ecolabel

The European Commission has launched an [online consultation](#) on the future of the EU Ecolabel. The objective is to identify opportunities to increase the EU Ecolabel uptake by focusing on the most promising products and services groups. The questionnaire targets consumers, Ecolabel license holders, retailers and industry representatives. The consultation is open until 3rd March 2019.

On 11 January 2019, the European Commission published a [decision establishing the EU Ecolabel criteria for graphic paper and the EU Ecolabel criteria for tissue paper and tissue products](#). The product group does not include packaging.



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Green Public Procurement

On 15 January 2019, the European Commission published new voluntary [EU green public procurement criteria for Road Transport](#). Criteria include CO₂ and air pollutants emissions limits for cars and light commercial vehicles, and specific technologies for heavy duty vehicles and L-category vehicles. Regarding E-mobility, energy efficiency criteria are introduced for electric cars and light commercial vehicles.



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Environmental Footprint – Sustainable finance

In the Council, Member States' attachés part of the Working Party on Financial Services are currently discussing two Commission proposals related to sustainable finance. The objective of these texts is to redirect capital flows towards sustainable investments and to ensure that harmonised transparency rules are applied to the financial market participants.

The [Proposal](#) for a Regulation amending Regulation (EU) 2016/1011 on low carbon benchmarks and positive carbon impact benchmarks and the [Proposal](#) for a Regulation on disclosures relating to sustainable investments and sustainability risks (2018/0179(COD)) were both reviewed by the Parliament.

A third European Commission proposal, for a [Regulation on the establishment of a framework to facilitate sustainable investment](#) (COM(2018)0353) is awaiting vote in the European Parliament's Committees of Environment and of Economic Affairs on 20 February. The proposal aims at establishing a unified EU classification system of sustainable economic activities ('taxonomy'), improving disclosure requirements relating to sustainable investments and sustainability risks and creating a new category of benchmarks which will help investors compare the carbon footprint of their investments.

The Commission has launched a [targeted consultation](#) on new guidelines for company reporting on climate-related information, open from 20 February to 20 March 2019. These guidelines are intended for use by large listed companies, banks and insurance companies, with more than 500 employees.

The objective of the consultation is to finalise new guidelines for company reporting on climate-related information. This consultation proposes ways to assess how climate change can impact the financial performance of companies, as well as how companies can have positive and negative impacts on the climate. It builds on the [report](#) published in January by the [Technical Expert Group on Sustainable Finance](#), and stakeholders' responses to the call for feedback on that report.



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Revision of the Drinking Water Directive

The progress on the revision of the [Drinking Water Directive](#) (DWD) is slowing down. After the European Parliament (EP) adoption of its [report](#) in October 2018, the Council is still deliberating its position on the issue of materials in contact with drinking water. It was not possible under the Austrian Presidency's mandate, that ended in December 2018, to find a common agreement.

In February, several Member States ('Like-Minded Member States') issued a proposal (available from the [secretariat](#)) on materials and products in contact with drinking water issues (Article 10) in which the link between DWD and product legislation is clearly identified. The proposal is very specific on positive lists and conformity assessment procedures for products.

In mid-February, the new Romanian Council Presidency submitted a compromise proposal for Article 10 (available from the [secretariat](#)), in response to the Like-Minded Member States' one. This proposal seems more ambitious than the previous one it submitted at the beginning of its term and it is aligned with the one from the 'Like-Minded Member States'. These two proposals have been welcomed by the industry since they do not link DWD with the Construction Products Regulation and define common European hygienic requirements through "positive lists" defined through implementing acts. These measures would allow to develop a framework for increased harmonisation, the principal priority for the majority of the stakeholders involved.

As for the next steps, the Romanian Presidency is aiming at finalising the Council common position by the end of June 2019. Based on this scenario, the negotiations on this file will not be finalised before the end of the current legislative mandate. Only once the Council has adopted its common position triilogue negotiations can start, delaying the adoption of the final text after the new Commission and Parliament are set up.



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ENERGY

Energy Efficiency

Energy Efficiency Directive

The European Parliament voted during the plenary session on 14 February in favour of an [amendment](#) to the recently adopted Energy Efficiency Directive [2018/2002](#). This is a technical amendment to account for the UK withdrawal from the EU. The headline target will remain 32.5% of energy efficiency for 2030. The absolute values will be adapted for the EU-27, under which the energy consumption levels will not surpass 1128 Mtoe of primary energy consumption and no more than 846 Mtoe of final energy consumption. The values for the EU-28 were not to surpass the 1273 Mtoe of primary energy and no more than 956 Mtoe of final energy consumption.

The Council endorsed the report on 30 January and therefore there will be no negotiations between the European institutions. Both the Council and Parliament are expected to adopt their decision before the end of March, after which the final text would be published in the Official Journal.

In parallel, the JRC has published a [report](#) "Assessment of second long-term renovation strategies under the Energy Efficiency Directive". Under Article 4 of the previous Energy Efficiency Directive ([2012/27/EU](#)), Member States had the obligation to submit every three years a report on their long-term strategies for mobilising investment in the renovation of the national building stock as part of their "National Energy Efficiency Action Plan". This report provides an assessment of the reports submitted by Member States in 2017. As a reminder, the obligation to submit long-term strategies on the renovation of the Building Stock was amended in the recently adopted Energy Performance of Buildings Directive ([2018/844/EU](#)). The next submission is expected in 2020.



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Energy Performance of Buildings (EPBD)

In the context of the amended Energy Performance of Buildings Directive (EU) [2018/844](#) (EPBD), Article 19a established the requirement for the European Commission to develop a feasibility study on the potential of implementing inspections for standalone ventilation systems and the development of an optional building renovation passport complimentary to energy performance certificates. This report is due before 2020 and the Commission has recently launched the study.

The study will be carried out by a consortium led by [INIVE](#) and [BPIE](#). The consortium foresees engagement with stakeholders by means of a digital survey and two stakeholder meetings – the first one is scheduled for 24 June 2019 in Brussels. You may register [here](#) as a stakeholder and further information is available on the study [website](#).

Smart Readiness Indicator

The second preparatory study on the practical implementation of the Smart Readiness Indicator (SRI) was launched in January 2019. This second phase in the development of the SRI will be much more dynamic and will require strong involvement from stakeholders. The study team informed stakeholders they would structure participation through five pillars:

1. Stakeholder consultation meetings: Three meetings will be organised in Brussels, the first one taking place on Tuesday, 26 March.
2. Written comments: Stakeholders are invited to submit comments on the draft deliverables.
3. SRI testing: Stakeholders will have the opportunity of testing the draft framework on buildings of their choice. The purpose would be to provide the study team with feedback to fine-tune it.
4. Topical groups: A limited group of stakeholders will meet and contribute to help shape the framework of the SRI. The study team envisions having two topical groups: *SRI value proposition and implementation* and *SRI calculation methodology*. The deadline to submit an expression of interest was 15 February.
5. Expert feedback: Stakeholders are encouraged to contribute with their expertise on specific topics at any time. During this first stage, they would particularly welcome information on existing initiatives that could be linked to the SRI. Should you wish to contact the study team to provide input, you may do so at the following address: info@smartreadinessindicator.eu



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Energy Labelling Regulation

The implementation of the EU Product Database for Energy Labelling (EPREL) is currently in PRODUCTION mode. As a reminder, as from 1 January 2019 producers or importers of products that are subject to a product energy label must submit information to the EPREL database.

The database is still not fully finalised, and there are still some updates that are being implemented: new product groups, system-to-system data input, modifications to the exchange models and bug fixes. The latest functionalities to be included are a) a missing fields list, b) deleting trademarks from organisation and c) deleting contacts from organisation.

In order to ensure that product manufacturers or importers could comply with their legal obligations, the functionalities for Market Surveillance Authorities were delayed. The European Commission considers this to be a “grace period” to allow manufacturers or importers to familiarise themselves with the database. The functionalities for Market Surveillance Authorities will become available as from March 2019.

Lastly, the recent ruling of the European Court of Justice [Case T-544/13 RENV](#) annulled the [Regulation \(EU\) 665/2013](#) on the energy labelling of vacuum cleaners. This entails that there is no longer a legal basis to enter information on vacuum cleaners into the database. It will no longer be possible to register models for this product group and existing registrations will be deleted.



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Ecodesign Directive

Ecodesign Directive - Update on Lots / implementing measures

Local space heaters, ENTR Lot 1, and air conditioners, ENER Lot 10: Viegand Maagøe who are developing both preparatory studies have reached out to stakeholders to receive their feedback on the potential merger of the energy labels in one regulation for both these product groups. The consultants shared a note with

stakeholders where they elaborate on the principles of how this could be done. The documents and further information are available from the [secretariat](#).

Water heaters, ENTR Lot 2: The first final report on the review of ecodesign and energy labelling measures for water heaters and tanks covering Tasks 1-2 has been published in the study [website](#) following the first stakeholder meeting on 23 January.

Electronic Displays, ENER Lot 5: The ecodesign measures on electronic displays were adopted in December ([text](#) and [annex](#) available here). The text has undergone substantial modifications, and the scope for exemptions, notably for components integrated or to be integrated in other equipment, has been significantly reduced.

External power supplies, ENER Lot 7: The Regulatory Committee unanimously adopted the measures for external power supplies on 16 January. This new version introduces in Annex I a series of electrical and electronic household and office equipment using external power supplies covered by the regulation. A draft of the text is available [here](#).

Lighting products, ENER Lots 8, 9 and 19: The ecodesign measures were adopted in the Regulatory Committee in December (text available [here](#)). Exclusions for non-road mobile machinery have been maintained.

Water Pumps, ENER Lots 11: The final preparatory study on the review of pumps has been published in December on the study [website](#).

Commercial refrigeration, ENER Lot 12: The text was adopted at the Regulatory Committee meeting of 29-30 January. As a next step the Parliament and Council scrutiny will take place during March-April of 2019. The formal adoption is expected in August/September.

Motors, ENER Lot 30: The Regulatory Committee has approved the measure on motors. However, according to available intelligence, the text has undergone substantial modifications including the removal of one exemption, changes to the level of information requirements, and more. Further details on the full changes will become possible once the full text is published in late February or early March.

Compressors, Lot ENER 31: The study team has finalised the preparatory study on low-pressure and oil free compressors. It is now developing a working document that should become available in the spring of 2019. A consultation forum meeting is envisioned to take place in June only for low-pressure and oil-free compressors, even if the Commission intends to present a legislative text combining low pressure and oil free compressors with standard air compressors.

Smart Appliances, ENER Lot 33: After the publication of the [final report](#) last year, a Consultation Forum meeting is expected to take place during the second quarter of 2019.

High Pressure Cleaners: The JRC hosted two webinars to present tasks 1-4 of the codesign preparatory study on 23-24 of January. The meeting clarified key points on the scope, the market, user behaviour and an analysis of technologies. A summary is available from the [secretariat](#). As a next step, the JRC will publish during June-July the revised tasks 1-4, and tasks 5-7. A third stakeholder meeting will take place in July and the final report is expected for the end of the year.

Batteries: The Commission held on 20 December a stakeholder meeting in Brussels to present the [draft Tasks 1-5](#) of the preparatory study. During the meeting, the study team presented their findings and clarified the scope: **rechargeable industrial batteries with a high density (above 100 Wh/kg) and high capacity (between 2 and 1000 kWh)** portable batteries are excluded. The main focus will be on batteries used in electric vehicles. Notes of this meeting are available from the [secretariat](#). The draft final report and the second stakeholder meeting are foreseen for the end of April. In parallel, the Commission published in January an [inception impact assessment](#) for the development of sustainability requirements. This initiative ties in directly with the ongoing preparatory study.



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Issues of General Interest

Energy Union: Clean Energy Package

In December 2018, decision-makers in the European Parliament, Council and European Commission reached an agreement on the final two proposals part of the “Clean Energy Package for all Europeans”, namely the Electricity Regulation and Electricity Directive. The legislation aims at boosting the clean energy transition by modernising the EU economy will therefore be implemented in Member States or transposed in national law in the next few months.

Legislation	Entry into force
Energy Performance of Buildings Directive	9 July 2018
Directive on Renewable Energy Sources	10 January 2019
Directive on Energy Efficiency	10 January 2019
Regulation on the Governance of the Energy Union	10 January 2019
Regulation on risk-preparedness in the Electricity sector	
ACER Regulation	

Electricity market Regulation	To be adopted in the European Parliament on 25 March 2019
Electricity market Directive	



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DECARBONISATION & CLIMATE CHANGE

Long-term decarbonisation strategy

On 28 November 2018, the European Commission adopted “A Clean Planet for all”, its [long-term decarbonisation strategy for 2050](#). The Commission's vision for a climate-neutral future covers nearly all EU policies and is in line with the Paris Agreement objective to keep temperature increase to well below 2°C, and pursue efforts to keep it to 1.5°C.

The long-term strategy looks into the portfolio of options available to contribute to the decarbonisation and modernisation of our economy. The text requires joint action in seven strategic areas: energy efficiency; deployment of renewables; clean, safe and connected mobility; competitive industry and circular economy; infrastructure and interconnections; bio-economy and natural carbon sinks; carbon capture and storage. *(Please refer to the December 2018 edition of the Bulletin for a more detailed description).*

The Commission's Communication on long-term strategy has been debated in the European Parliament's Environment Committee (ENVI) and Industry and Energy Committee (ITRE). On 20 February, the ENVI Committee adopted a [resolution](#) that highlights the importance of the 2030 mid-term milestone to reach the 2050 decarbonisation goals. MEPs call Member States to raise the level of ambition in the EU's Nationally Determined Contribution at the Special Summit on the Future of Europe in May 2019 in Romania. They consider as well that technology developments and solutions, energy efficiency and sustainable renewable energy in the transport and power sectors will be key and underlines the importance of technology-specific strategies.

The ITRE Committee adopted its [draft resolution](#) on 19 February. MEPs are supportive of the Commission's proposed long-term strategy and highlight the important role of industrial innovation in the transition towards a net-zero carbon economy.

In the Council, Member States discussed the strategy at the Energy Council meeting in December 2018, at the Environment Council and Competitiveness Council meetings, both on 18 and 19 February. Ministers shared the view that climate goals

and industry policy should go hand in hand. Differences of opinion could be felt with countries with more traditional energy generation base who pleaded for thorough impact assessment studies to be made. The feedback of ministers will be used for drafting a political declaration to be adopted in May at the Sibiu Summit.

Climate Diplomacy

In parallel, the Council adopted [conclusions on Climate Diplomacy](#) on 18 February, that refer to the long-term strategy for decarbonisation. These conclusions closely link climate change issues with peace and security protection across the globe. European Members States invite the UN bodies to urgently take decisive action and consistently include climate and environmental risks in the assessment of peace and security



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Renewable Energy Sources

Eurostat published on 12 February a [press release](#) in which it stated that 11 Member States have reached their 2020 targets. The data from 2017 shows that the current share of renewable energy has reached 17.5% in the EU. This shows a 0.5% increase compared to the data from 2016. Under the [Europe 2020 Strategy](#), Member States are supposed to achieve a headline target of 20% energy from renewable sources. While this press release shows that Europe is heading towards the right direction, it is important to note that compared to the previous years the growth in the share of renewables has been very small. Further work will be needed towards achieving the 32% binding target for 2030 that was recently adopted in [Directive \(EU\) 2018/2001](#).

The countries who have reached their target ahead of schedule are: Sweden, Finland, Denmark, Estonia, Croatia, Lithuania, Romania, Bulgaria, Italy, Czech Republic, and Hungary.



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F-gases

On 19 December, the European Commission issued a [notice to stakeholders](#) on the withdrawal of the UK and EU rules on fluorinated greenhouse gases. The notice provides clarifications on a number of issues related to quota allocation, reporting,

verification report and accreditation of auditors, “only representative” in case of imports, and certified persons and undertakings.

In February, the European Commission carried out a public consultation on *revised reporting obligations on hydrofluorocarbons following the Kigali Amendment to the Montreal Protocol*. The Montreal Protocol decision XXX/10 revises the reporting forms to be prepared by its Parties (including EU and its Member States), in particular for hydrofluorocarbons. The revised forms require, inter alia, detailed data on HFC-23 production/by-production and emissions as well as on imports and exports of polyols containing hydrofluorocarbons. In order to ensure compliance with that Montreal Protocol decision it is necessary to revise the Implementing Regulation and add the new elements. The consultation, which closed on 22 February, sought comments on this revision.

On 20 February, The European Commission launched a [public consultation](#) on the draft *Implementing Regulation ensuring the smooth functioning of the electronic registry for quotas for placing hydrofluorocarbons on the market*. The draft regulation lays down general, operational requirements for registration in the central electronic registry to manage quotas for the placing of hydrofluorocarbons on the market, and the reporting, including on equipment placed on the market charged with hydrofluorocarbons. The consultation is open until 20 March 2019.

Illegal trade is gaining more and more prominence at EU level:

- An Information note from the Commission on Better enforcement of the EU phase-down for hydrofluorocarbons will be [discussed](#) at the Council (Environment) meeting on 5 March 2019
- It will feature on the [agenda](#) of the next F-gas Committee due to meet on 6 March 2019
- In a [reply to an MEP question](#), the Commission recently presented its different lines of action to combat illegal trade



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Issues of General Interest

Revision of EU Emissions Trading Scheme

The list of industrial sectors that will qualify for the maximum number of free allowances under the revised EU Emissions Trading System (ETS) was adopted by Commission delegated decision on 15 February. Information on the decision and the related impact assessment can be found [here](#).

The decision applies from 1 January 2021 onwards, notwithstanding possible review by the Council and the European Parliament, should they react by 15 April 2019. The new carbon leakage list will cover the entire 10-year period of phase 4 of the EU ETS. The carbon leakage list identifies 63 sectors and sub-sectors covering about 94% of industrial emissions (98% of industrial emissions covered by the carbon leakage list 2015-2020) that have satisfied the criteria laid down in the revised EU ETS Directive.

On 13 February, the Commission opened a [targeted consultation of interested sectors](#) on the Revision of the EU ETS State aid Guidelines.

Member States can partly compensate indirect emission costs faced by industrial sectors due to the ETS as long as this is in accordance with the Guidelines on State aid measures in the context of the EU ETS. The Guidelines date from 2012 and will expire on 31 December 2020. They therefore have to be revised for the next period.

The purpose of this consultation is to gather information enabling the determination of the sectors exposed to carbon leakage risk due to the indirect emission costs they face, and also the determination of the level of compensation that should be granted to sectors exposed to carbon leakage risks due to indirect emission costs. The consultation is open until 9 April 2019.



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PUBLICATIONS & EVENTS

PUBLICATIONS

Author	Date	Title
European Environment Agency	December 2018	Report – Fluorinated greenhouse gases 2018
European Commission	December 2018	Study – Smart grid laboratories inventory 2018
European Commission	December 2018	Study – Global energy and Climate Outlook 2018
European Commission	2018	Second annual report on the implementation of EU Trade agreements
European Commission	2018	Smart Grid Laboratories Inventory 2018
European Commission	January 2019	Report on Energy prices and costs in Europe
European Commission	January 2019	Study – Mapping the role of raw materials in

		sustainable development goals
European Environment Agency	January 2019	Report – Chemicals in European waters
Coalition for Energy Savings	January 2019	ENERGY EFFICIENCY 2030 targets: time for action
International Renewable Energy Agency (IRENA)	January 2019	Report – A new world: the geopolitics of the energy transformation
European Parliament	January 2019	Briefing – Revised Energy Efficiency Directive
European Parliament	January 2019	Briefing – Governance of the Energy Union
European Parliament	January 2019	Briefing – Promoting renewable energy sources in the EU after 2020
European Parliament	February 2019	Briefing – Digital transformation
European Commission	February 2019	Technical report on the Revision of the EU Green Public Procurement Criteria for Transport

EVENTS

Organiser	Date	Name & Location
Romanian Presidency	5-6 March	The future of Industrial Property in Europe – challenges and perspective Bucharest, Romania
Orgalim and the European Forum for Manufacturing (EFM)	6 March	European Forum for Manufacturing: An industry vision for a renewed Europe Brussels, Belgium
European Commission	6-7 March	European Circular Economy Stakeholder Platform Brussels, Belgium
European Association for Storage of Energy (EASE)	12-14 March	Energy Storage Europe 2019 Düsseldorf, Germany
European Commission	19-20 March	PCI Energy Days Brussels, Belgium
European Commission	20-21 March	Startup Europe Summit 2019 Cluj-Napoca, Romania
The Economist	21 March	Sustainability Summit 2019

		London, UK
European Commission	22 March	Stakeholder meeting on the establishment of a multilateral investment court Brussels, Belgium
European Commission	11 April	The future of manufacturing in Europe Brussels, Belgium
European Commission	13-17 May	EU Green Week 2019 Brussels, Belgium
EIT Raw Materials	20-22 May	EIT Raw Materials Summit 2019 Berlin, Germany

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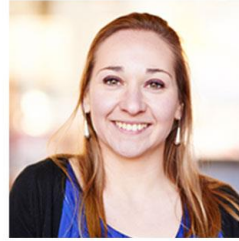
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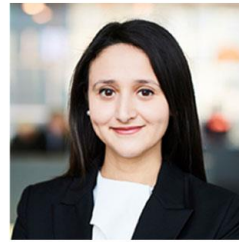
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