

INFORMATION BULLETIN

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INTERNAL MARKET

Construction Products Regulation (CPR)

The European Commission has postponed the publication of its evaluation report – so-called “Staff Working Document” – on the Construction Products Regulation (305/2011/EU). It is now expected in the summer.

As a reminder, the CPR evaluation and impact assessment study (see [final reports](#)) recommended improving the legislation via soft law, complemented by a limited legislative revision. However, the European Commission does not seem to fully support these study results and would prefer a revision of the legislation. Therefore, the conclusions of the impact assessment study will be re-assessed by the new Commission that will take office in November this year. Although we understood that a new impact assessment study was launched, this is not the case yet. The next step will depend on the new Commission’s analysis and priorities. This new study would focus on possible options for a revised CPR.

As regards harmonised standards, the European Commission published new ones (see Commission Implementing Decision (EU) [2019/451](#) of 19 March 2019) for fire detection and fire alarm systems, fibre-cement slates and fittings, glass in building and fibre-cement flat sheets. This publication contains mistakes regarding dates that should be corrected in the OJ. According to the new procedure, the full list of harmonised standards is not published anymore; the [last relevant list](#) was published in March 2018. Further harmonised standards are expected to be published before the summer (see draft delegated acts in the [register](#) – use ‘305/2011’ in the search tool).

In addition, the Commission published new European Assessment Documents (EAD) in the Commission Implementing Decision (EU) [2019/450](#) of 19 March 2019.

Finally, the European Construction Sector Observatory (ECSO) - part of DG Growth – has recently published two reports on the digitalisation of the construction sector: ‘[Building Information Modelling \(BIM\) in the construction sector](#)’ and ‘[Integrating digital innovations in the construction sector: the case of 3D Printing and Drones](#)’. The European Commission has also launched a study on principles for the ‘Design for Deconstruction’ in building design: this study is run by Ecorys and the final results are expected by the end of 2019.



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Issues of General Interest

Industrial Policy

Industrial policy has become one of the major topics of the 2019 European elections campaign, building on a renewed debate on the role of public authorities, notably as regards the EU competition policy.

Conclusions of the European Council (22 March)

In a chapter of these [Conclusions](#) devoted to “jobs, growth and competitiveness”, the European Council invited the Commission to present by the end of 2019 a long-term vision for the EU’s industrial future, and proposed to work in several areas, notably

- The deepening and strengthening of the EU Internal Market (the Commission is invited to develop by March 2020 a long-term action plan for a better implementation and enforcement of its rules)
- The development of a “competitive, secure, inclusive and ethical” digital economy, focusing on data (access, sharing, use and security) and Artificial Intelligence
- Investments in research and innovation, notably by further supporting the European Innovation Council and facilitating the deployment of IPCEIs (Important Projects of Common European Interest – art. 107 TFEU).
- Update of the European competition network to new technologies and global market developments (the Commission will identify before the end of 2019 “how to fill the EU law gaps in order to address fully the distortive effects of foreign state ownership and state-aid financing in the Internal Market”).
- A push for free trade, including bilateral and multilateral (WTO) agendas, and for reciprocity in public procurement

European Commission “Brochure” on Industrial Policy

Based on the outcome of the third edition of the Industry Days, held on 5th and 6th February, the European Commission published a [document](#) outlining the main elements of its industrial policy:

- Promoting investments (and screening foreign investments),
- Developing the Internal Market, including its digital and public procurement aspects,
- Focusing on strategic value chains, including IPCEIs,
- Promoting the social dimension including employment and skills,
- Implementing a long-term vision for a clean and circular economy,
- Using trade defence instruments
- Deploying the competition policy in support of global competitiveness, and closing the legal gaps related to foreign state-owned companies and state subsidies as well as reflecting on the future challenges of digitalisation for competition policy

European Political Strategy Centre (EPSC) document on EU Industrial Policy

In March 2019, the European Commission’s internal “think tank” (the EPSC) issued a [reflection paper](#) on the “EU industrial policy after Siemens-Alstom”. The paper builds on the debate that followed the joint call in December 2018 by 18 Member States for a more ambitious and more strategic EU industrial policy, the Franco-German Manifesto of 19 February 2019 “for a European industrial policy fit for the 21st century”, and the Commission’s decision of 6 February 2019 to block Siemens’ proposed acquisition of Alstom. In the paper the EPSC explores the possibility of a new balance between openness and protection to better safeguard an international level-playing field.

It starts by defending the Commission decision in the Siemens-Alstom case, insisting that the EU competition policy never prohibited the creation of European champions, and that most mergers are accepted (9 rejected in the period 2009-2019 compared with over 3,000 granted), and by warning against a possibility given in the future to the Council to overrule Commission decisions on competition issues.

It continues by analysing a series of European industry’s weaknesses, notably

- The slow and low adoption of digitalisation tools and technologies, partly due to the lack of highly-qualified skills,
- The difficulties to access fast-growing global markets,
- The difficulties/lack of willingness for the EU to complete its Internal Market

- Issues negatively impacting on the growth of start-ups, notably access to finance (lack of an EU capital market) and take-overs by foreign companies
- The speed at which Asia, and China in particular, have grown over the last 15 years, notably through a very strong state-owned industry, a state-driven industrial policy, an aggressive foreign trade policy and a systematic protection of the domestic market

It then proposes several actions to level the global playing field, including

- Considering the WTO's weaknesses while continuously pushing for their respect by all its members,
- Using trade defence instruments, completed by a screening of foreign direct investments and better protecting the EU's critical technologies and value chains,
- Negotiating more systematically reciprocal market access in bilateral negotiations

Finally, the paper proposes a series of actions to be undertaken jointly by the EU and the Member States, based on

- The renaissance of the Internal Market, notably its digital regulatory and technological penetration dimensions,
- The push for R&D investments by the private sector (notably venture capital) and for support to breakthrough innovation, building on the newly created European Innovation Council, and for knowledge transfer
- The creation of a European Sovereign Wealth Fund,
- The push for international regulatory and technical standard rules that reflect European interests and values
- A greater EU economic diplomacy and a more coordinated use of national and EU foreign promotion instruments

EU Strategic Forum for Important Projects of Common European Interest (IPCEI)

The EU Strategic Forum on IPCEI is moving towards the conclusions of its work. This Forum was set up in May 2018 with the objective of identifying a small number of key value chains and new investments in those areas. As per article 107 of the TFUE, state aid granted to such projects is considered as compatible with the EU Internal Market.

The Forum has defined six value chains:

- Connected, automated and electric vehicles
- Smart Health: medical devices and personalised medicine & analytics

- Low-carbon industries
- Hydrogen technologies and systems
- Industrial IoT
- Cybersecurity

These add to a preliminary list of three value chains defined earlier on microelectronics, batteries (European Battery Alliance), and high-performance computing (Euro High-Performance Computing Joint Undertaking).

For each value chain, the Forum, via task forces and the organisation of workshops, is currently preparing an action plan covering all instruments to make the value chain stronger in Europe (financing schemes, policies, regulation, skills, trade), including potential candidates for strategic projects (to be implemented jointly by Member States with the help of the Commission, when necessary) and proposing mid-term roadmaps (4-7 years) covering industry needs in terms of both protection and acceleration. The Forum's end report is due by the end of June 2019.



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Digitalisation

Ethics Guidelines for Trustworthy AI

On 8 April, the High-Level Expert Group on AI made public its Ethics Guidelines on Trustworthy AI, a 39-page document setting a voluntary framework for achieving Trustworthy AI. Trustworthy AI, presented as a competitive differentiator for the European AI Industry, is defined with three components: it should be lawful (respecting all applicable laws and regulations), ethical (ensuring adherence to ethical principles and values) and robust (from both a technical and social perspective). The Guidelines only address the ethical and robust dimensions.

The Guidelines, which aim at going beyond a "simple" list of ethical principles by providing guidance on how these principles can be operationalised in socio-technical systems, consist of three chapters:

Chapter 1:

It sets out foundations for Trustworthy AI, grounded in fundamental rights (which essentially belong to the first dimension of Trustworthy AI), and four ethical principles (*respect for human autonomy, prevention of harm, fairness, explicability*). To solve potential tensions between these principles, the chapter ends up with some trade-off considerations.

Chapter 2:

a) it lists seven requirements that should be met by developers, deployers and end-users of AI and the broader society to implement and realise Trustworthy AI. These are: *human agency¹ and oversight, technical robustness and safety (including resilience to attack and security, fall-back plan and general safety, accuracy, reliability and reproducibility), privacy and data governance (including privacy and data protection, quality and integrity of data, access to data), transparency (including traceability, explainability, communication), diversity, non-discrimination and fairness (including avoidance of unfair bias), accessibility and universal design, stakeholder participation, societal and environmental well-being (including societal and environmentally friendly AI, social impact, society and democracy), accountability (including auditability², minimisation and reporting of negative impacts, trade-offs, redress).*

b) it provides a series of technical and non-technical methods which can be incorporated in the design, development and use phases of an AI system or play a valuable role in securing and maintaining Trustworthy AI, as ways to implement the seven requirements.

Chapter 3 (to be developed further during the pilot phase)

It provides a non-exhaustive assessment list and a governance mechanism to operationalise Trustworthy AI and will be tailored, during the piloting phase, to the specific use cases and contexts in which the systems operate a, using the following mechanisms. The Assessment List and governance structure will be developed in close collaboration with stakeholders across the public and private sectors. The process will be driven as a “piloting” process, allowing for extensive feedback from two parallel processes:

- a qualitative process ensuring representability where a small selection of companies, organisations and institutions across the EU (from different

¹ Understood as human as an autonomous agent

² Internal or external

sectors and of different sizes) will sign up to pilot the Assessment List and the governance structure in practice and to provide in-depth feedback;

- a quantitative process where all interested stakeholders can sign up to pilot the Assessment List and provide feedback through an open consultation.

Moreover, Chapter III states that the Assessment List particularly applies to AI systems that directly interact with users and is primarily addressed to developers and deployers of AI systems (whether self-developed or acquired from third parties). It does not address the operationalisation of the first component of Trustworthy AI (Lawful AI). Compliance with this Assessment List is not evidence of legal compliance, nor is it intended as guidance to ensure compliance with applicable law.

European Commission Communication on “Building Trust in Human-Centric Artificial Intelligence”

On 8 April, the European Commission published a Communication aiming at recalling its strategy on Artificial Intelligence (AI) while welcoming the publication of the “Ethics Guidelines for Trustworthy AI” by the High-Level Expert Group on Artificial Intelligence on the same day.

In the Communication, the Commission recalls its strategy on AI presented in April 2018, insisting on the investment plan of €20 billion per year, of which €1 billion would come from the Digital Europe and Horizon Europe programmes.

It welcomes the Ethics Guidelines as a complement to a ‘strong regulatory framework’, and further describes its own role as supervisor of the piloting phase to be put in place in the second half of 2019 to fine tune the practical implementation of these Guidelines.

The Commission also

- Proposes an international approach including
 - Cooperation with like-minded partners (Japan, Canada, Singapore) and companies
 - Contribution to international discussions
- Announces its axes of action by the third quarter of 2019
 - Launching of a set of Networks of AI Research Excellence
 - Development of a Network of Digital Innovation Hubs

- Together with Member States and stakeholders, preparatory discussions to develop and implement a model for data sharing and make best use of common data spaces, focusing on transport, healthcare and manufacturing
- And refers to other work streams currently involved with AI (safety and liability report, guidance document on the Product Liability Directive, work on the next generation of supercomputers, on microelectronic components and on low-power processor technology).

Report of the High-Level Expert Group (HLG) on the Impact of the Digital Transformation on EU Labour Markets

On 8 April 2019, the HLG set up by the European Commission in 2018 to provide a study on the impact on labour markets of the economy's digital transformation, presented its [report](#), developing recommendations in three areas:

- A skilled workforce supporting digitalisation
- Managing new labour relations
- A new social contract.

A skilled workforce - ready to contribute to tomorrow's world of work, with the establishment of digital skills personal learning accounts, allowing workers to acquire relevant skills throughout their careers (the accounts would belong to the worker and would be portable from job to job), scaling up career counselling and creating innovative learning environments to enable better career choices, and supporting labour market intermediaries to reduce structural skill gaps

New labour relations - adapting structures to today's realities by preventing occupational safety and health risks, equalising the (administrative) treatment of standard and non-standard work arrangements and reinvigorating social dialogue through intensified and better organised dialogue of workers and social partners.

A new social contract - upgrading the social fabric of our labour markets, by ensuring neutral social protection against unemployment, sickness and other life circumstances independent of employment status, creating a Digital Single Window for employment contributions and taxes for self-employed working on online platforms for multiple and rapidly changing employers, and redistributing the value of digital ownership.



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Machinery Directive (MD)

The latest list of harmonised standards in the framework of the application of the Machinery Directive (MD) was published in the Official Journal of the EU on 19 March (OJEU L75/108) in the form of an [EC Implementing Decision \(EU\) 2019/436](#). The references of harmonised standards were published in the L series of the Official Journal (which denotes a legislative document), instead of the C series as done in the past (signifying a non-binding Communication). In correlation with this change, the lists of harmonised standards will be published in and withdrawn from the OJEU by means of Commission Implementing Decisions. Also, all future consolidated lists of standards will no longer be published on the OJEU website but on the relevant Europa webpages.

The latest EC Machinery WG meeting took place in Brussels on 25-26 February. The European Commission provided updates on several horizontal issues such as the ongoing impact assessment study on the revision of the MD, the preparation of the report on broader implications for, potential gaps in and orientations for, the liability and safety frameworks for AI, Internet of Things and robotics, and the next update of the MD Guidelines (edition 2.2).

As regards the impact assessment study, VVA (the consultant in charge of the study) presented the timeline and the policy options under consideration. VVA will use the following data collection methods: 80 stakeholder interviews, online targeted survey (May), company phone interviews and open public consultation. The public consultation is expected in spring 2019 and the final report will be released in February 2020. The Commission provided an overview of the feedback received on the inception impact assessment document. 115 contributions were received, most of which were submitted by business organisations. Most responses are in favour of an alignment with the New Legislative Framework, the use of digital documentation, and the conversion of the Directive into a Regulation. There are however divided opinions about the option to change the scope and certain definitions. While business organisations prefer the status quo, some national delegations are in favour of clarifying some definitions (e.g. partly completed machinery), addressing possible overlaps (e.g. borderline between Low Voltage Directive and MD) and modifying the Annex I to include requirements for machines embedding AI functions. There are also mixed views on whether or not the MD should be further adapted to cover requirements on new technologies.

The Commission plans to analyse in depth the wider implications of AI, robotics and the Internet of things for the liability and safety frameworks, through a comprehensive report that will focus not only on the MD, but also on other relevant safety legislation, as well as the Product Liability Directive. Since this is a cross-cutting

issue, the report will be elaborated by three Commission services (DG GROW, DG CONNECT and DG JUST) and is expected to be published in June/July 2019.

In terms of the MD Guidelines, the Editorial Group of machinery experts has worked in the last two years on improving the text of the Guide, mainly in the following sections: software, power furniture, 3D printing, logic units to ensure safety functions. As the mandate of the Editorial Group has now ended due to the Commission's prioritisation of the MD revision, the latest agreed comments made on the Guide will be integrated in the next update (edition 2.2) which is planned for publication by the autumn 2019.



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Outdoor Noise Directive (OND)

The European Commission is now finalising its evaluation of the Outdoor Noise Directive (OND). We are waiting for the publication of the EC evaluation report – so-called “Staff Working Document” – planned in June. This document will summarise the main conclusions of the evaluation study, which was run by an external consultant (VVA report is available [here](#)), and highlights the required changes. The European Commission intends to present the main outcomes of its evaluation at the EC Noise WG meeting on 4 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 final report of the study on the evaluation of the LVD is expected by the end of June 2019, taking stock of the results of the public consultation (which ended on 4 March), the stakeholder survey from January 2019 and the feedback of stakeholders from the LVD workshop on 8 February. The next LVD Working Party meeting is scheduled for 4 November 2019.



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Electromagnetic Compatibility Directive (EMCD)

The European Commission plans to start the evaluation of the EMCD once the LVD evaluation has been concluded, considering that some findings drawn from the LVD evaluation could also be relevant to the EMCD. Further information is likely to be made available at the next EMCD Working Party scheduled for 19 September 2019.



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Regulation on market surveillance and compliance

Further to the approval of the [provisional agreement](#) on the Regulation “on market surveillance and compliance of products” by both the Permanent Representatives Committee of the Council (COREPER) and the Internal Market Committee of the EP, the Parliament [endorsed](#) the final text in plenary on 17 April. Before the official publication of the Regulation in the EU Official Journal, the Council of Ministers also needs to adopt the final text in a common position.



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Standardisation Policy

The latest SMAART meeting was held in Brussels on 19 February. The Commission presented the content of the Communication on harmonised standards published in November 2018, notably the four strategic actions aimed at improving the EU standardisation system. Amongst these actions, the Commission intends to publish a Guidance document on practical aspects of implementing the Standardisation Regulation, which will focus on the division of roles in the process of developing harmonised standards with the aim of maximising the efficiency and speed of the

procedures. The Guidance will particularly pay attention to the following articles in the Standardisation Regulation to provide further legal clarity: Article 10 (1) – standardisation requests from the Commission to the ESOs; Article 10 (5) – joint assessments of draft harmonised standards by the ESOs and the Commission, and Article 10 (6) – verification of final text of harmonised standards prior to the publication of their references in the OJEU. During the meeting it was confirmed that the draft Guidance will be subject to written consultation of all relevant stakeholders, including the industry representatives, before its final publication. For further information, the report of the SMAART meeting is available from the [secretariat](#).

On the state of play of the Joint Initiative on Standardisation (JIS), the last JIS Steering Group meeting took place on 3 May. Ahead of this meeting, a draft brochure highlighting the main achievements of JIS actions was developed to mark the official closure of the JIS at a [high-level conference](#) organised in Bucharest on 7 June.

Although the JIS mandate and actions will be brought to a close on 7 June, the SMAART platform is in principle supposed to continue its work. The next SMAART meeting is scheduled to take place 2 to 4 weeks before the next Committee on Standards (CoS) meeting planned on 24 June (tentative date).

On other standardisation activities, the Commission published the [2019 Rolling Plan for ICT Standardisation](#) in April 2019, identifying standardisation actions to support EU policies. There are five priority areas set out in the document: 5G, cloud, cybersecurity, big data and the internet of things (IoT) as these areas are considered as the most urgent to tackle to complete the digital single market.



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ENVIRONMENT



RoHS2 Directive

The European Commission held a stakeholder meeting on 24 April about the ongoing study aimed at revising the methodology to restrict substances under the RoHS Directive. This meeting aimed to present results of the [stakeholder consultation](#), carried out at the end of 2018, and the draft updated methodology. This draft methodology, which is based on the existing manual prepared in 2013 by the Austrian Umweltbundesamt (AUBA) is divided into 3 parts to identify, prioritise and assess substances in view of their restriction. The final methodology is estimated to be published in June 2019.

On 26 April the Commission launched two public consultations about the [draft](#) Delegated Directive on RoHS exemption for lead in solders used in certain combustion engines, as well as about the [draft](#) Delegated Directive on RoHS exemption for bis(2-ethylhexyl) phtalate (DEHP) in certain rubber components used in engine systems. Both consultations will be open until 23 May.



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WEEE2 Directive

The Commission is working on a study about the quality standards for WEEE treatment. This study will assist the Commission in a possible implementing act laying down minimum quality standards for the treatment of WEEE. The outcomes of this study will also help in developing a delegated act laying down the criteria for the assessment of equivalent conditions for the treatment of WEEE outside the EU.

Thus far, there is stakeholder engagement at the Member State level with several seminars and workshops. The study is expected to be finalised by the end of December 2019, with a final workshop in Brussels.



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Circular Economy Policy

Implementation of the Circular Economy Action Plan

The European Commission published in March a comprehensive [report](#) on the implementation of the Circular Economy Action Plan. The report assesses whether the Commission has been able to deliver on the 54 actions that were announced in the 2015 [Circular Economy Action Plan](#).

The report finds that several measures are needed to continue building on the success of the Circular Economy (CE): a) Ecodesign policies should be expanded to non-energy related products, b) information requirements will become more important in order to increase consumer engagement with the CE, c) there is support to increase the traceability of substances in the supply chain and to create a level playing field with non-EU operators, and d) in order to assist in the financing of sustainable growth the CE Finance Support Platform will work with the European Investment Bank.

However, the report also identified a series of challenges: a) developing the market for secondary raw resources, b) investment gaps, c) alignment with the [long-term decarbonisation strategy for 2050](#), and d) the rise of artificial intelligence and digitalisation.

In addition to the report, the Commission also issued a series of supporting documents, including three Staff Working Documents. All documents can be found [here](#).

Circular Plastics Alliance

The Commission held kick-off meetings during the EU Industry Days in February for the Circular Plastics Alliance. This initiative is being led by Vice-President Katainen and its purpose is to promote voluntary action by the industry to increase the amount of recycled plastics in products to 10 million tons by 2025. Orgalim is part of this industry alliance.

The Commission is aiming to issue a declaration from the alliance by September, in which the members of the alliance outline their commitments to achieve more circular plastics by 2025.



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Waste Database

As a reminder, ECHA was able to obtain [funding](#) to develop a prototype for the database following months of negotiations with the Commission. However, this funding does not resolve underlying issues on the absence of a long-term financing plan and unresolved staffing issues. Therefore, discussions with the Commission are still ongoing and ECHA has not started the implementation of the prototype of the database.

ECHA is expected to publish the information requirements during the summer. By January 2020 a prototype of the database is expected to become available for testing. All of the information submission tools of the database should be fully operational before 5 January 2021 - the legal deadline under the Waste Framework Directive ([2018/851/EU](#)).



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Waste Framework Directive

The Waste Framework Directive ([2018/851/EU](#)) (WFD) requires the introduction of Extended Producer Responsibilities (EPR) – avoiding overlaps with the EPR schemes already established by the following Directives: End-of life vehicles ([2000/53/EC](#)), Batteries ([2006/66/EC](#)) or WEEE ([2012/19/EU](#)). In this context, the Commission intends to issue by the end of the year a series of guidelines on cross-border cooperation on EPR schemes and on the modulation of financial contributions.

[Eunomia](#) assists the Commission with a study. A first workshop took place in March, and a second is scheduled for the end of June. Eunomia will present a draft guidance during the second workshop.



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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.

The [Minutes](#) of the Final Meeting of the Technical Working Group for the EMAS Sectoral Reference Document on Best Environmental Management Practice in the

Fabricated Metal Products Manufacturing Sector have been published after a long delay. The meeting took place on 27-28 November 2017.



Author :

Laure Dulière

Issues of General Interest

REACH

- **Candidate List**

ECHA launched in March [public consultations](#) for three substances to be potentially included in the Candidate List (CL): a) 2,3,3,3-tetrafluoro-2-(heptafluoropropoxy)propionic acid, its salts and its acyl halides, b) 2-methoxyethyl acetate, and c) Tris(4-nonylphenyl, branched and linear) phosphite (TNPP) with $\geq 0.1\%$ w/w of 4-nonylphenol, branched and linear (4-NP). The deadline for comments was 29 April. These substances may already be added to the CL in the next update in June-July 2019.

- **Authorisation**

The application for authorisation for certain uses of chromium trioxide by the CTAC Sub consortium was approved during the REACH Committee meeting on 15 February. However, since its approval two important developments took place:

1. [Case T-837/16](#), annulled the authorisation for lead chromates red and yellow and it established a series of strict conditions for REACH authorisations. It particularly places the "burden of proof" on the availability of alternatives with the authorisation applicant. Given the importance of this ruling, ECHA decided to re-open the discussions on the recently agreed authorisations (including the one on chromium). In the meantime, the Commission and ECHA are assessing whether to appeal this ruling. During the REACH Committee meeting on 11-12 April, Member States discussed the different applications which had been successfully approved and did not reach a conclusion on the next steps.
2. In parallel, the European Parliament adopted on 27 March a [Motion for Resolution](#) objecting to the draft Commission implementing decision granting an authorisation for certain uses of chromium trioxide by the CTAC Sub consortium. This motion was adopted by a slim majority. It called on the

Commission to withdraw the authorisation and to exceptionally grant downstream users a short deadline to submit their own application.

- **Restriction**

ECHA launched in April a [public consultation](#) on the draft restriction dossier on microplastics intentionally added in products. The dossier would ban certain uses, while others would be subject to labelling/information requirements. The mechanical engineering industries do not appear to be directly impacted by the proposal. The deadline for comments is 20 September.

In preparation for the upcoming CARACAL meeting on 19-20 March, ECHA has published a document (available from the [secretariat](#)) regarding the comments received to the draft guideline on the restriction of nickel and its compounds. In this document, ECHA informs that alongside the Commission they have decided to “discontinue the preparation of the guideline”. ECHA argues that this decision is due to difficulties in assessing which articles would fall in/out of the scope, the lack of consensus amongst experts and the difficulty of having the guideline endorsed in CARACAL.

- **Evaluation**

As part of the Integrated Regulatory Strategy, ECHA has developed a map of registered substances in the EU market. This mapping categorises registered substances into three categories: a) high priority for risk management, b) high priority for data generation and assessment, and c) low priority for further regulatory action at present. The purpose is to develop a more systematic approach on substances that need to be evaluated for future regulatory action. A full list will be published by the end of the year.

- **UK Withdrawal**

ECHA has continued to issue [recommendations](#) for companies to transfer their registrations ahead of the UK’s withdrawal from the EU, given the extension deadline. The full ECHA supporting tools on UK’s withdrawal can be found [here](#).



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REACH and Nanomaterials

A [study](#) developed by JRC scientists and partners from the [NanoDefine](#) project has been published. This study develops a categorisation scheme “which matches

material properties with the capabilities of techniques for particle size measurement". This scheme would assist the regulatory assessment of different nanomaterials as it would allow the proper identification of nanomaterials.



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Environmental Footprint – Sustainable finance

Member States and Parliament have reached a common position on 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.

On 26 March, the European Parliament adopted the [final agreement](#) on the Regulation amending Regulation (EU) 2016/1011 on low carbon benchmarks and positive carbon impact benchmarks. The legislation provides a tool for investors to pursue low-carbon investment strategies by establishing a new category, comprising two types of financial benchmarks: EU climate transition benchmarks, which aim to lower the carbon footprint of a standard investment portfolio, and EU Paris-aligned benchmarks, which have the more ambitious goal to select only components that contribute to attaining the 2°C reduction target set out in the Paris climate agreement.

In addition, all financial benchmarks have now to provide an explanation of how environmental, social and governance factors are reflected in their investment strategy, and how the latter contributes to the target of reducing carbon emissions.

On 18 April, the European Parliament adopted the [final agreement](#) on a Regulation on disclosures relating to sustainable investments and sustainability risks (2018/0179(COD)). The text sets out a harmonised EU approach to the integration of sustainability risks and opportunities into the procedures of institutional investors. The provisions aim at limiting the risks of greenwashing in investment strategies.

A third European Commission proposal - proposal for a [Regulation on the establishment of a framework to facilitate sustainable investment](#) (COM(2018)0353 - has been reviewed by the European Parliament. 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 [proposal amended](#) by the Environment and of Economic Affairs Committees was adopted in plenary on 28 March. In the Council, the Working Party on Financial services is still examining the text.

European Commission Technical Working Group on Sustainable Finance (TEG)

The [Technical Expert Group on Sustainable Finance](#) has been established to assist the European Commission to develop four instruments to encourage sustainable finance investments:

1. screening criteria for environmentally sustainable economic activities under the EU taxonomy
2. an EU Green Bond Standard
3. minimum standards for the methodology of "EU Climate Transition" and "EU Paris-aligned" benchmarks, and improving the transparency of benchmarks on ESG factors and Paris alignment
4. metrics allowing to improve disclosure on climate-related information

The Commission has published an overview of the [TEG outreach plans](#) to achieve the four objectives.

Regarding the criteria for environmentally sustainable economic activities under the EU taxonomy, the TEG organised "taxonomy workshops" on 26-27 March to review activities in different economic sectors including electricity, gas, water, air conditioning supply, manufacturing and transport.



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Revision of the Drinking Water Directive

The EU Council agreed its [general approach](#) in March. As regards the issue of materials in contact with drinking water, the Council's position is significantly aligned with industry's requests to increase harmonisation.

Article 10a introduces the establishment of European positive lists. The article lays down the requirements for developing common calculation and test methods for starting substances and compositions covering different materials (organic, cementitious, metallic, enamels, ceramic or other inorganic materials). They would

also introduce test methods for substances in their final form. According to the timeline laid down in the agreement, these positive lists should be established four years after the entry into force of the Directive.

Furthermore, substances that would be approved by these positive lists would then be considered compliant with the Directive and it would eliminate existing trade barriers within the EU. The agreement also introduces a new label for products in contact with drinking water to show their compliance with the requirements of the Directive. However, because the legal basis of the DWD is environmental legislation (and not trade legislation), this would not impede Member States from establishing more stringent requirements.

Estonia and Latvia, and the Commission, issued [statements](#) after the Environmental Ministers meeting on 5 March. The two Member States raise concerns over establishing these positive lists without a prior impact assessment and are concerned that an additional marking would create confusion with the existing CE marking. The Commission raises concerns over the lack of legal coherence.

As a next step, the trilogue negotiations are expected to start in the autumn after the new Commission leadership is appointed. The negotiations are expected to mainly take place under the leadership of the Finnish Presidency - to take over the rotating EU Council Presidency on 1 July.



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ENERGY

Energy Efficiency

Energy Efficiency Directive

In view of Brexit preparedness, an amendment to the Energy Efficiency Directive (EED) and Governance of the Energy Union Regulation has been published in the Official Journal. This amendment updates the absolute values calculated in the Directive, to account for the EU-27. Under this framework, the EU's energy consumption should not surpass 1128 Mtoe of primary energy consumption and no more than 846 Mtoe of final energy consumption. This compares to the initial values of 1273 Mtoe and 956 Mtoe respectively.

In this context, the Energy Efficiency Directive Committee published on 7 March the draft regulation amending Annexes VIII and IX on the revised requirements for a comprehensive assessment on the potential for energy efficiency in heating and cooling ([text](#) and [annexes](#) here). According to the EED 2012/27/EU Member States must carry out an assessment on the potential for efficient heating and cooling every five years. This obligation remains valid under the amended EED [2018/2002](#). The next assessment is due by 31 December 2020.

This proposal establishes the updated criteria needed to carry out these assessments. The purpose is to simplify the comprehensive assessments by reducing the amount of information Member States need to provide and is structured around 4 blocks:

- a) Overview of current demand, supply and infrastructure, along with a visual representation of this on a map and projection of future demand;
- b) Objectives, strategies and policy measures contributing to the 5 dimensions of the Energy Union;
- c) Economic and financial analysis of the potential for efficient heating and cooling;
- d) Potential new strategies and policy measures.

This text will enter into force tentatively after the summer following the period of scrutiny from the European Parliament and EU Council.



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Energy Performance of Buildings (EPBD)

Under the framework of the recently adopted Energy Performance of Buildings Directive 2018/844 (EPBD), the Commission launched a feasibility study in February on the potential of implementing inspections for standalone ventilation systems and the development of an optional building renovation passport. Under the framework of Article 19a, this study must be finalised before 2020.

The study team responsible for carrying out this feasibility study issued two separate surveys for this study. The deadline for comments was 30 April. As a next step, there will be a stakeholder meeting on 24 June in Brussels. Information on registration is available [here](#).

Smart Readiness Indicator

The first stakeholder meeting of the second stage for the development of the Smart Readiness Indicator (SRI) took place on 26 March (a summary is available from the [secretariat](#)). The meeting mainly introduced the outcomes of the previous study on the calculation methodology and presented how this second study on practical implementation will be structured. The study team is analysing three different levels of assessment for the potential SRI:

1. **Simplified online quick-scan:** performed by building occupants who could tick off boxes from an online checklist of the services present in their building. This option would have a low cost and would mainly be targeted towards residential building occupants or owners.
2. **Expert SRI assessment:** would be performed by a third-party expert to assess the different services of the building and to calculate the score. This analysis would be more detailed and is estimated to last one or half a day. It would mainly be targeted towards non-residential buildings.
3. **In-use smart building performance:** would quantify the actual performance of in-use buildings. This system also requires benchmarking to assess the energy savings, flexibility, and comfort improvements that are delivered. This

system is not foreseen to be practicable at this stage, but it could become the natural evolution of the SRI.

During the stakeholder meeting, selected experts were divided into two groups focusing on: **calculation methodology** and **SRI value proposition**. As regards the calculation methodology, the study team presented three different approaches they are considering for the impact criteria: a) eight impact categories (which were identified during the first study); b) three impact categories corresponding to those identified in the EPBD (energy performance, response to user needs and to the grid); and c) a hybrid approach combining the previous options.

Regarding the SRI value proposition, stakeholders identified that there is a real need for the SRI to provide advice on how to improve the smart readiness of the building, and that these should be personalised to the greatest extent possible. However, the study team pointed out the need to balance this demand with what is feasible – considering the cost and time to issue an SRI rating.

This study depends on a high-degree of stakeholder engagement. It will be possible for stakeholders to test the SRI in buildings of their choice as from September 2019, for them to become acquainted with it.



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Energy Labelling Regulation

On 28 March there was the EU Product Database for Energy Labelling (EPREL) Consultation Forum. During the meeting the European Commission announced that the public site will be ready by mid-June. The Open Data Portal is expected to be ready by October and it will be open to external apps. A Consultation Forum Meeting may take place in May focusing on the public site.

As a next step, Market Surveillance Authorities will gain access to the database in mid-May. The information from the existing database for Market Surveillance Authorities, ICSMS, will be gradually imported to the EPREL database, starting in September 2019.



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Ecodesign Directive

The European Court of Auditors launched in March a performance audit on the ecodesign and energy labelling legislation. The audit will analyse how these legislations have contributed to their energy efficiency and environmental objectives, and the impact of Member States' market surveillance activities.

Furthermore, the European Commission is expected to launch during the second half of 2019 a study on the next Ecodesign Work Plan. This study will be led by the Directorate for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW).

Additionally, DG GROW will host on 28 May a [workshop](#) in Brussels on "The future of the MEErP (Methodology for the Ecodesign of Energy-related products) – reinforcement of circular economy aspects in the methodology". The purpose is to gather stakeholder's views on the review of the methodology, in view of a study that will be launched early 2019.

Ecodesign Directive - Update on Lots / implementing measures

Boilers, ENTR Lot 1: The study team is running in parallel the study on space heaters and water heaters. The second stakeholder meeting took place on 26 April. The study team published on the [website](#) the Tasks 3-7. Some of the proposed horizontal measures include: readying combustion-type space heaters for a carbon neutral EU, establishing new energy efficiency and energy label class limits, third-party verifications, extending the scope, etc.

Water heaters, ENTR Lot 2: The draft Tasks 3-7 have been published on the [website](#). The second stakeholder meeting took place on 26 April in Brussels. There is a lack of consensus amongst industry actors on the positioning as regards Third Party Conformity Assessments. You may find stakeholder positions on the website.

Ventilation units, ENTR Lot 6: The Commission has launched a review study in February covering the ecodesign and energy labelling measures. A first stakeholder meeting is scheduled for 29 May 2019 in Brussels. Further information available [here](#).

Small air conditioners, ENER Lot 10: The study team from Viegand Maagøe circulated early 2019 a note on how to potentially merge the energy label with the one of boilers (text available from the [secretariat](#)). The Commission is expected to start drafting soon the proposal for an energy label and they have finalised the draft ecodesign measure. It is expected that there will be two Consultation Forum meetings in the second quarter: one day dedicated to the Lot 10 review, and a half day dedicated to the potential merger of labels.

Fans, ENER Lot 11: The opinion of the Regulatory Scrutiny Board (RSB) on the revised impact assessment is still pending, after it rejected the initial impact assessment last year. Given the pressure to finalise the current package, this process has been placed on hold and is expected to resume early 2020.

Compressors, ENER Lot 31: A Consultation Forum meeting is expected to take place in June-July focusing on low-pressure and oil-free compressors – even if the Commission intends to present a combined measure with standard air compressors. However, given previous delays this meeting may be postponed.

Smart Appliances, ENER Lot 33: A Consultation Forum meeting is expected to take place during the second quarter of 2019 to discuss the outcomes of the [final report](#) published last year. No dates have been confirmed yet.

Building Automation and Control Systems, ENER Lot 38: The full preparatory study is foreseen to be launched in May, although it is possible there may be some delays.

High Pressure Cleaners: The JRC has launched an expression of interest to potentially host the third Technical Working Group meeting on 20 June in Brussels. The purpose is to present the drafts for Tasks 5-7 on the economic base case, design options and policy analysis. The working documents will become available ahead of the meeting on the [study website](#).

Batteries: The study team has published a draft of the [seven Tasks](#) of their report. The scope of the study is **high energy rechargeable batteries of high specific energy with lithium chemistries for e-mobility and stationary energy storage**. The study proposes several policy measures such as: implementation of a recyclability information, information requirements on batteries' carbon footprint and relevant information on hazardous substances and recyclability of batteries. The full report was presented during the 2nd Stakeholder meeting that took place on 2 May. A summary of the report is available from the [secretariat](#). Furthermore, the deadline to submit comments is 22 May. See [here](#) for details on how to submit comments.

Ecodesign Package: The product specific measures included in the upcoming package (electronic displays, motors, lighting products, commercial refrigeration, external power supplies, transformers, etc.) are currently being assessed by the European Parliament and the EU Council as part of their right of scrutiny. The formal adoption and publication in the Official Journal remain foreseen for late August/September.



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Issues of General Interest

Energy Union: Clean Energy Package

On 9 April, the Commission adopted the [4th report on the State of the Energy Union](#).

The report takes stock of the progress of the European Union in achieving the vision it set in 2014, to ensure that energy supply is safe, sustainable and accessible to all, bringing about a transition to a low-carbon, secure and competitive EU economy. The Commission gave a positive assessment of the progress made at regulatory level with a number of new pieces of energy legislations adopted as part of the Clean Energy Package.

However, there is concern on reaching energy efficiency and renewable energy objectives. Due to an increase in energy consumption for the past two years, the 20% efficiency target by 2020 seems difficult to attain. On renewables, progress is likely to stagnate after 2030 when a more ambitious target of 32% will be implemented.

The Commission reiterates its call for securing funding for the energy transition. It states that the financial sector in the EU has the potential to deliver the yearly investment needs of EUR 180 billion to achieve the 2030 energy and climate targets.

National Energy and Climate Plans

The European Commission published the EU Member States' [draft National Energy and Climate Plans \(NECPs\)](#) on 11 March. These plans have been drafted as part of the obligations under the [Regulation on the Governance of the Energy Union](#).

NECPs provide a comprehensive plan for the period 2012-2030, covering the five dimensions of the Energy Union:

- Security, solidarity and trust (diversifying the energy sources and ensuring energy security)
- A fully integrated internal energy market
- Energy efficiency
- Climate action and decarbonising the economy
- Research, innovation and competitiveness

The Commission is currently assessing the draft NECPs to ensure that individual countries and the EU as a whole make sufficient progress towards these objectives. The Commission may issue recommendations to Member States by 30 June 2019 to

amend their drafts, before having to submit their final NECPs before the end of 2019.

Clean Energy Package

The final proposals part of the “Clean Energy Package for all Europeans”, namely the [Electricity Regulation](#), [Electricity Directive](#), [ACER Regulation](#) and [Regulation on risk preparedness of the electricity sector](#) were adopted by the European Parliament on 26 March. The legislative package aiming at advancing the clean energy transition is now completed. At the time of writing, these texts were still to be published in the Official Journal of the European Union.



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DECARBONISATION & CLIMATE CHANGE

Long-term decarbonisation strategy

On 28 November 2018, the European Commission adopted the Communication “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 to pursue efforts to keep it to 1.5°C (*please refer to the December 2018 edition of the Bulletin for a detailed description*).

On 14 March, the European Parliament adopted a [resolution](#) on “climate change – a European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy in accordance with the Paris Agreement”. The resolution highlights the need for Europe’s long-term strategy to set intermediate targets for 2030 to reach the 2050 decarbonisation goals. Regarding energy policy, the Parliament calls for further integration of the European energy market in order to decarbonise the power sector in the most effective way, facilitate investments in renewable energy production and encourage the active participation of citizens (especially in demand-response systems). It is also considered as essential to raise the level of interconnectivity between Member States. On industry policy, the resolution stresses the need for investments in industrial innovation, including digital technologies and clean technology, in order to spur growth, strengthen competitiveness, boost future skills and create millions of jobs in circular economy and bioeconomy. In addition, the Parliament advises the Commission to look at ways to protect European industries at risk of carbon leakage in respect of imports of non-EU products.

In the Council, Member States debated the climate change strategy at the Council meeting on 21-22 March (conclusions available [here](#)). Ministers are expected to further discuss the topic at the Energy Council and Environment Council on 25-26 June. There was no reference made on a potential political declaration on decarbonisation at the Special Summit on the Future of Europe. This is showing a rift between a majority of Member states in favour of a zero-carbon target by 2050, and countries relying on coal for their energy supply (Germany, Hungary, Poland and Czech Republic).



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Renewable Energy Sources

The European Commission is expected to launch during the summer a study on the potential of renewable energy solutions for cooling. The Commission is currently finalising the negotiations with the potential consultancies that would carry out this project.

Once the project is officially launched, we expect a first stakeholder meeting to take place during the fourth quarter of 2019.



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F-gases

On illegal trade, the NGO Environment Investigation Agency (EIA) released a [report](#) claiming that 13.3 million tonnes of CO₂ equivalent and bulk HFCs were illegally placed on the market in 2018, representing more than 16% of the quota. The European Commission is still working on various measures to improve the situation and cooperates closely with Member States. EFCTC, the European trade association of fluorocarbon producers, has launched an [Action Line](#) to report alleged suspect HFC offerings. As regards the phase-down, the [notice](#) to undertakings intending to place hydrofluorocarbons in bulk on the market in the European Union in 2020 was published in the EU Official Journal.

Finally, two implementing regulations were recently published in the EU Official Journal:

- [Implementing Regulation \(EU\) No 1191/2014](#) as regards the reporting of data on production and on imports and exports of polyols containing hydrofluorocarbons pursuant to Article 19 of Regulation (EU) No 517/2014
- [Implementing Regulation \(EU\) No 2019/661](#) ensuring the smooth functioning of the electronic registry for quotas for placing hydrofluorocarbons on the market



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Issues of General Interest

Revision of EU Emissions Trading Scheme

Since 1st April, verified EU ETS emissions data and compliance information are available on the [European Union Transaction Log \(EUTL\)](#) (via the European environment agency website). The EU ETS data viewer provides aggregated data on emissions and allowances, by country, sector and year.



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RESEARCH & INNOVATION

Horizon Europe" (2021-2027)

On 17 April, the European Parliament adopted in first reading the 9th multiannual R&D framework programme (Horizon Europe succeeding Horizon 2020), following a political agreement with the Council.

The text adopted still excludes the financial part, which is negotiated as part of the overall Multiannual Financial Framework. While the Commission has proposed a budget of €94.1 billion for the programme, the European Parliament has proposed €120 billion.

Horizon 2020, in a nutshell, will consist of

- Five mission areas:
 - Adapting to climate change, including societal transformation
 - Cancer
 - Healthy oceans, seas, coastal and inland waters
 - Climate-neutral and smart cities
 - Soil, health and food
- Eight partnership areas:
 - Faster development and safer use of health innovations for European patients, and global health.
 - Advancing key digital and enabling technologies and their use, including but not limited to novel technologies such as artificial intelligence, photonics and quantum technologies.
 - European leadership in metrology, including an integrated metrology system.
 - Accelerate competitiveness, safety and environmental performance of EU air traffic, aviation and rail.

- Sustainable, inclusive and circular bio-based solutions.
- Hydrogen and sustainable energy storage technologies with lower environmental footprint and less energy-intensive production.
- Clean, connected, cooperative, autonomous and automated solutions for future mobility demands of people and goods.
- Innovative and R&D intensive small and medium-sized enterprises.

It will also bring changes to the European Innovation Council, replacing the current SME Instruments by an “Accelerator”, intended to support innovation in small and medium sized enterprises (SMEs) through a mix of grants and equity investment.



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Pierre Lucas

PUBLICATIONS & EVENTS

PUBLICATIONS

Author	Date	Title
European Parliament	March 2019	Briefing – Common rules for the internal electricity market
European Parliament	March 2019	Briefing – Strengthening market surveillance of harmonised industrial products
European Parliament	March 2019	Briefing – Standards and the digitalization of EU industry
European Environmental Agency	March 2019	Report – Industrial waste water treatment pressures on environment
International Energy Agency	March 2019	Report – Material efficiency in clean energy transitions
European Commission	March 2019	Report – EU trade defence measures

OECD	March 2019	Study - Trends in Trade in Counterfeit and Pirated Goods
International Energy Agency	April 2019	Report – Perspectives for the Clean Energy Transition: The critical role of buildings
European Parliament	April 2019	Report – 5G Deployment: State of play in Europe, USA and Asia
European Parliament	April 2019	At a glance – Establishing and implementing Horizon Europe
European Parliament	April 2019	Briefing – An EU framework to facilitate investments in environmentally sustainable economic activities
European Commission	April 2019	Quarterly report on European Electricity Markets
European Commission	April 2019	Quarterly report on European Gas Markets
European Commission	April 2019	Renewable Energy Progress Report
European Commission	April 2019	Factsheet on Infrastructure Map of a Resilient Energy Union,

European Commission	April 2019	Report – EU exports to the world: Effects on employment and income
EUROFOUND	April 2019	Report - Future of manufacturing in Europe: Reshoring in Europe: Overview 2015–2018
European Parliament	May 2019	In-depth analysis - The Juncker Commission's ten priorities : An end-of-term assessment
WTO	2019	Report - Technological innovation, supply chain trade, and workers in a globalized world

EVENTS

Organiser	Date	Name & Location
European Commission	13-17 May	EU Green Week 2019 Multiple locations
European Commission	17 May	European 5G Observatory – Is Europe ready for 5G? Brussels, Belgium
EIT Raw Materials	20-22 May	EIT Raw Materials Summit 2019

		Berlin, Germany
Orgalim	21-22 May	Orgalim Workshop "Lobbying in Practice" Brussels, Belgium
ECHA	21-22 May	Safer Chemicals Helsinki, Finland
European Commission	23-24 May	Energy Infrastructure Forum 2019 Copenhagen, Denmark
ECHA	29 May	Workshop on strategy to support substitution of chemicals of concern Helsinki, Finland
Euractiv	5 June	AI & Ethics: where does Facial Recognition sit? Brussels, Belgium
Romanian Presidency	7 June	High-level Conference on European Standardization – Standards Advance and Deepen the Single Market Bucharest, Romania
European Commission	17-21 June	EU Sustainable Energy Week 2019 Brussels, Belgium
Euractiv	19 June	EUROPEAN CHAMPIONS VS.

		HIDDEN CHAMPIONS: WHAT'S THE FUTURE OF EUROPEAN INDUSTRY? Brussels, Belgium
EuroPACE	19 June	Investing 4 Cities: Opportunities and Solutions to finance home renovation in Europe Brussels, Belgium
Innovation and Networks Executive Agency	25-27 June	Horizon 2020 Energy Info Days Brussels, Belgium
European Commission	2 July	Workshop on Artificial Intelligence for Manufacturing Brussels, Belgium

PUBLICATIONS & EVENTS

EDITORIAL TEAM



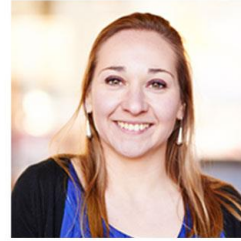
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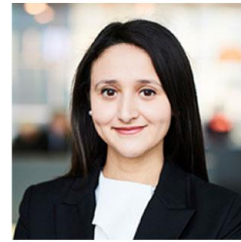
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