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TABLE OF CONTENTS

INTERNAL MARKET	3
Construction Products Regulation (CPR)	3
Pressure Equipment Directive (PED).....	3
Industrial Policy and Digitisation	4
Building a European Data Economy.....	4
Industrial policy	6
Cybersecurity	6
Civil laws for robotics.....	7
Contractual rules for online sales	8
Machinery Directive (MD)	9
Outdoor Noise Directive (OND)	9
Electromagnetic Compatibility Directive (EMCD).....	9
Standardisation Policy	10
EU Patent	11
ENVIRONMENT	12
RoHS2 Directive	12
WEEE2 Directive	13
Circular Economy Package	13
Circular Economy: Waste Package	13
Eco-Management and Audit Scheme	14
REACH	15
Action Plan on Environmental Compliance Assurance.....	16
Revision of the Drinking Water Directive	16
EU Ecolabel.....	17
Environmental Technology Verification (ETV)	18
ENERGY	19
Energy Efficiency	19
Energy Efficiency Directive.....	19
Energy Performance of Buildings (EPBD)	20
Energy Labelling Directive.....	20
Ecodesign Directive	21
Ecodesign Directive - Update on Lots / implementing measures	21
Energy Union	22
DECARBONISATION & CLIMATE CHANGE	23
Renewable Energy Directive	23
Revision of the Regulation on fluorinated gases (F-gas Regulation)	24
Revision of EU Emissions Trading Scheme	25
PUBLICATIONS & EVENTS	26
PUBLICATIONS	26
EVENTS	27
CALLS/ CONSULTATIONS.....	28

INTERNAL MARKET

Construction Products Regulation (CPR)

The European Commission published a study on the cost of implementation of the Construction Products Regulation. Results concluded that complying with CPR obligations costs the European industry 2.62 billion € / year, which is equivalent to 0.6% of the total sector turnover (see [study report](#)).

In addition, the European Commission published [outcomes of the fitness check of the construction sector](#). These studies specifically covered the policy areas of the internal market, energy efficiency, environment and health & safety. They provide an overview of positive impacts, such as new market opportunities and cost savings, and negative impacts (costs). The conclusions of both studies will be considered for future legislative actions for construction products.



Author :

Anne-Claire Rasselet

Pressure Equipment Directive (PED)

The latest meeting of the PED Working Party Guidelines (WPG) took place on 23 February in Brussels. The meeting took stock of the latest status of the PED Guidelines, as regards those subject to written consultation, those related to risk assessment / hazard analysis, and those related to installation. A question was raised by the industry regarding transition from the old PED to the current PED in relation to the Declaration of Conformity, and whether a new PED Guideline should be drafted in this respect (no concrete proposal for the text of such a Guideline was made). The meeting also discussed the status of the SPVD Guidelines, notably those that were identified as priority during the update process. The working documents of this meeting are available from the [secretariat](#).

The next Working Group Pressure meeting will take place on 21 March.



Author :

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ISSUES OF GENERAL INTEREST

Industrial Policy and Digitisation

Building a European Data Economy

On 10 January, the European Commission presented a “package” of initiatives related to “data”.

The first element is a [Communication on Building a European Data Economy](#), with the aim to launch a debate on the (lack of a) Digital Single Market for data and to explore potential obstacles to the free flow of data and other legal issues. The data economy as defined by the Commission concerns both personal and non-personal data. A new EU legislative framework is already provided regarding personal data via the General Data Protection Directive (to be fully implemented as of May 2018), and will be completed by a revision of the e-Privacy Directive (see below). The Communication therefore addresses the non-personal data aspects of the issue, particularly

- data location restrictions, where Member States have enacted or are enacting legislation imposing data localisation in such areas as financial services, health or overall public sector data
- access to and transfer of data, particularly non-personal data generated, collected, acquired, processed and used by machines, sensors, processes or autonomous/connected systems, where the Commission feels that EU legislation is “ill-equipped”
- liability of non-personal, machine-generated digital data in such environments as the Internet of Things or autonomous products and services, where several suppliers interact and therefore liability is more difficult to assign. The Commission explores ways to overcome such legal uncertainties, including by launching a specific public consultation on the application of the Product Liability directive
- data portability, where no legal obligation exists at EU level regarding non-personal data but only contract stipulations, contrary to the general right of portability of personal data contained in the General Data Protection Regulation. This issue is linked with interoperability aspects where some pieces of legislation are in place (Public Sector Information and Infrastructure for Spatial Information Directives) and with the need to develop standards (particularly regarding cloud services).

Secondly, the Commission Communication is accompanied by a Staff Working Document and two public consultations.

With the public consultation on “Building the European Data Economy”, the Commission wants to collect information on:

- whether and how local or national data localisation restrictions inhibit the free flow of data in Europe

- whether and to what extent digital, non-personal, machine-generated data are traded and exchanged
- the nature and magnitude of any barriers to accessing such data
- ways of tackling those barriers
- emerging Internet of Things and robotics liability challenges
- practices and issues relating to data portability, interoperability and standards.

The other [public consultation](#) concerns Directive 85/374/EEC on liability for defective products. This directive was only revised once, in 1999, to include agricultural and fisheries products. The Commission wants to collect feedback regarding its application and performance, in particular:

- whether and to what extent the Directive meets its objectives of guaranteeing at EU level the liability without fault of the producer for damage caused by a defective product
- whether it still corresponds to stakeholders' needs
- if the Directive is fit-for-purpose vis-à-vis new technological developments such as the Internet of Things, software or autonomous systems/robots.

Both consultations are open until 26 April 2017.

Thirdly, the Commission has proposed a revision of the [e-Privacy Regulation](#). This proposal concerns “the respect for private life and the protection of personal data in electronic communications” and aims at adapting the current text ([Directive 2002/58/EC](#)) to the requirements of the new [General Data Protection Regulation](#), and at complementing it as regards business to business or communications between individuals. The main elements of the proposed regulation are :

- All electronic communications must be confidential and disclosure can only occur with the consent of the equipment's user
- Confidentiality of user's online behaviour and devices has to be guaranteed
- User's consent must be obtained by websites using cookies or other technologies to access information stored on their computer
- Processing of communication content and metadata is subject to consent or anonymisation (unless necessary for billing purposes)
- Users must give their consent before unsolicited commercial communication is addressed to them, whichever technology is used.

The Commission wants the legislative process to be completed on time for the Regulation to become applicable at the same time as the General Data Protection Regulation (May 2018). The rules contained in this Regulation will be enforced by the same national Data Protection Authorities as those foreseen in the General Data Protection Regulation.

Finally, the Commission is also preparing a review of the [Directive of 2003 on the re-use of public sector information](#).



Author :

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Industrial policy

On 16 February a group of no less than 92 European Industry associations signed a [Joint Declaration for an ambitious EU industrial strategy](#) addressed to the EU Competitiveness Council ahead of its meeting on 20 February. The declaration calls upon the European Commission to a) reaffirm its commitment to reaching the target of 20% of GDP from industry, with an ambitious and realistic timeline; b) adopt an Action Plan to tackle the challenges that the industrial sectors are facing, in the framework of a Communication that would include concrete steps and milestones; and c) commit to implementing this Action Plan in a timely manner and regularly report on progress.

Despite repeated calls by the Council and the European Parliament and by industry, the Commission did not introduce any industrial strategy in its work programme for 2017, but merely kicked off a debate at an EU Industry Day on 28 February, with the participation of Commission President Juncker, and of the three Commissioners in charge: Vice President Katainen ([Jobs, Growth, Investment and Competitiveness](#)) and Commissioners Moedas (R&D) and Bienkowska (Internal Market, Entrepreneurship, Industry, and SMEs).

Although Commissioner Bienkowska acknowledges that “all Member States called on the European Commission for an overall coherent industrial policy document”¹ and that the “time has come to really have a European vision for industry”, it seems that she still has to convince President Juncker and other members of the College of Commissioners to act further on this issue.



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Cybersecurity

The European Commission has launched a [public consultation](#) to seek views on the past performance of the European Union Agency for Network and Information Security (ENISA) and a possible revision of its mandate.

ENISA was established in 2004 and its mandate and objectives were reviewed in 2013 ([2013 ENISA Regulation](#)). Since then, its responsibilities have included the implementation of the NIS Directive (provision of the Secretariat to the network of CSIRT - Computer Security Incident Response Team), the coordination of pan-European cybersecurity exercises ([Cyber Europe 2016](#) being the largest EU exercise to date), the drafting of guidelines and recommendations and the provision of training on key cybersecurity issues, support to the contractual public-private partnership on cybersecurity, and a contribution to the exploratory work for a possible EU certification framework for ICT security products.

The consultation is open until 12 April 2017.

¹ <https://tvnewsroom.consilium.europa.eu/event/competitiveness-council-february-2017-16192/press-conference-part-4-qa-16586>

As part of its portfolio of activities, in January 2017 ENISA presented its annual [Threat Landscape Report](#), summarising the 15 major cyber threats addressing the EU economy and society.



Author :

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Civil laws for robotics

On 16 February, the European Parliament adopted an own-initiative report on “Civil Laws for Robotics” prepared by its Legal Affairs (JURI) Committee. MEPs asked the Commission to propose EU-wide rules on robotics and artificial intelligence, in order to fully exploit their economic potential, to guarantee a standard level of safety and security, to prevent diverging regulatory measures between Member States, and for the EU to take the lead on setting rules, so as not to be forced to follow those set by third countries.

MEPs stressed that legislation is needed to clarify liability issues, especially for self-driving cars. They called for a mandatory insurance scheme and a supplementary fund to ensure that victims of accidents involving driverless cars are fully compensated. MEPs also asked the Commission to consider creating a specific legal status for robots in the long run, in order to establish who is liable if they cause damage. They asked the Commission to follow closely trends on labour markets as the rapid development of robots might result in changes through the creation, displacement and loss of certain jobs. However they refused to follow their rapporteur on a tax on robots which would finance a general basic revenue scheme. Finally, MEPs proposed a voluntary ethical code of conduct on robotics for researchers and designers (to ensure that they operate in accordance with legal and ethical standards and that robot design and use respect human dignity), and the creation of a European agency for robotics and artificial intelligence, to supply public authorities with technical, ethical and regulatory expertise.

In order to receive comments on this report and provide the European Parliament with an overview of experiences of all concerned stakeholders and their expectations for an EU regulatory framework related to robotics and Artificial Intelligence (AI), the JURI Committee launched a public consultation aimed at obtaining a better understanding of the possible risks and problems that robotic and AI developments may pose for stakeholders and how these problems could be dealt with at the European level.

The public consultation document explains that in order to maximise the opportunities of this technological development, and minimise possible negative disruptions, EU policy makers need to address a number of related challenges by finding a balanced regulatory approach to robotics and AI developments that promotes and supports EU industrial innovation, productivity and competitiveness, while simultaneously providing citizens with high levels of security and health protection, a guarantee of fundamental rights and freedoms, consumer protection and social security. The document addresses six regulatory themes: (1) rules on ethics; (2) liability rules; (3) connectivity, intellectual property, and flow of data; (4) standardisation, safety and security; (5) education and employment; (6) institutional coordination and oversight.

The public consultation will close on 30 April 2017.

Further reading:

- European Parliament's [Civil Law Rules in Robotics](#)
- European Parliament's [Ethical Aspects of Cyber-Physical Systems](#)



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Contractual rules for online sales

Work is ongoing in the European Parliament and in the Council for the examination of both legislative proposals tabled on 9 December 2015 by the European Commission on contractual rules for online sales aimed at easing e-commerce:

- a [proposal for a directive on contracts for supply of digital content](#) (COM(2015)634 final) which would cover, with a single set of rules, contracts for the sale of music, films, e-books and mobile applications, for rental of digital content, as well as contracts for digital services such as cloud computing and social media. The proposal envisages a maximum level of harmonisation, meaning that it will be prohibited for Member States to enact or retain more consumer-friendly rules within the directive's scope
- a [proposal for a directive containing contractual rules for online sale of \(tangible\) goods](#) (COM(2015)635 final), which provides for full harmonisation of conformity criteria for goods sold online, introducing a hierarchy of the remedies available to customers and legal guarantees. Customers are given the right to terminate the contract in case of minor defects and the period for the transfer of the burden of proof is extended to two years. The directive would only apply to B2C transactions and does not apply to goods incorporating digital content, such as DVDs or CDs.

Both proposals provide for a list of remedies in the case of non-conformity to the contract. Customers are entitled to repair or replacement of the goods, and to a price reduction, or termination of the contract where lack of conformity is not or cannot be remedied through repair or replacement.

Regarding the directive on digital content, the draft report prepared jointly in the IMCO (Internal Market and Consumer Protection) and JURI (Legal Affairs) Committees was tabled in November 2016, as well as the draft report for opinion of the LIBE (Civil Liberties, Justice and Home Affairs) Committee. The LIBE report drew particular attention to the need to increase personal data protection in the online environment.

In December 2016, the Council held a policy debate on the proposal in order to provide further guidelines for the work to continue at technical level. Ministers discussed three issues: the problem of so-called "embodied digital content", i.e. digital content such as software, embedded in consumer goods; the question of "other data" (different from personal data) which the consumer could provide in exchange for digital content; and finally the need for a balance between objective and subjective criteria for assessing the conformity of digital content.

Regarding the directive on online sales of goods, the IMCO and JURI Committees' joint draft report was tabled in November 2016, and amendments issued in January 2017. The Council held a debate on the proposal in March 2016.



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Machinery Directive (MD)

The European Commission and the consultant Technopolis who is in charge of the study on the review of the Machinery Directive are currently consolidating the responses of stakeholders to the public consultation and the targeted questionnaire, and will soon release the results of the input received. The study's final report is expected to be published by the end of April. However, the Commission's impact assessment process will not start before the end of 2017.

The next Machinery Working Group meeting will be held in Brussels on 28 March. One day before the meeting, the Commission will organise the first meeting of the Editorial Group (composed of different MD experts from both industry and the Member States). This Group has been set up specifically to work on the MD Guide and find consensus on open issues. The agreed texts will be presented for approval to the Machinery WG.



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Outdoor Noise Directive (OND)

The review of the Outdoor Noise Directive has been on hold for a few months. As a next step, the European Commission will launch the impact assessment study within the next few weeks. It aims to assess possible changes in the OND such as stricter noise limits and removal of third party certification, noise labelling and data collection. The Commission legislative proposal to review the OND is foreseen in 2019 at the earliest.



Author :

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Electromagnetic Compatibility Directive (EMCD)

The draft final EMC Guide (dated 13 January) was discussed at the latest Electromagnetic Compatibility Working Party (EMC WP) meeting which took place on 1

February 2017. The Commission clarified that so far the most substantial comments on the Guide have been received on the following sections: “placing on the market (1.3.1)”, “putting into service (1.3.2)”, “components/subassemblies (1.5.3)”, “notified bodies (7)”. Further written comments can still be submitted by 15 March 2017. The EMC WP also provided an update of the EMCD transposition: five Member States have still not notified their transposition acts to the European Commission.

The next EMC WP meeting is scheduled for end of September - early October 2017.



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Standardisation Policy

The first meeting of the Standardisation Market Relevance Roundtable (SMARRT) took place on 17 February 2017.

Industry stakeholders from a plethora of EU associations discussed various draft standardisation requests on cooling and heating applications using fluorinated gases, polycyclic aromatic hydrocarbons in plastic and rubber etc. On the issue of ICT in standardisation, the Commission announced that the implementation of the Communication 'ICT Standardisation Priorities for the Digital Single Market' is ongoing. Five central elements of ICT standard-setting which are also building blocks of the Digital Single Market have been identified: 5G communications, cloud computing, the internet of things, big data and cybersecurity.

The SMAART meeting also discussed the current state of implementation of the Joint Initiative on Standardisation (JIS), notably JIS Action 6 (SMAART) and JIS Action 8 (Provide high-quality standards delivered and referenced in a timely manner). As regards the implementation of Action 6, the operational principles and guidelines for SMAART (in terms of participation, date and venue of meetings, documents, leadership, exchange of information with the Committee on Standards) were adopted ahead of the 17 February meeting. The industry felt that SMAART should provide a regular dialogue mechanism to help bridge the gap between the EU 'top-down' policy interests and the industry 'bottom-up' market-driven approach.

In the framework of Action 8, the Commission presented the recent adoption of an internal methodology for the verification of conditions for the publication of harmonised standards in the Official Journal. This methodology is aimed at harmonising the process of development and assessment of harmonised standards within the Commission.

The industry representatives recommended a pragmatic approach in the verification procedure and the steps to be carried out, in order to avoid deadlocks and situations with a negative impact, such as the non-publication of harmonised standards in the current Radio Equipment Directive case. In this respect, it would be advisable that the duration of transitional periods is proportionate to the availability of the required harmonised standards to ensure a smooth transition and adoption of the necessary standards.

In terms of next meetings, the second SMAART meeting is expected to take place three-four weeks before the next Committee on Standards (CoS) meeting scheduled for 5 July 2017.



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EU Patent

The Unitary Patent and Unified Patent Court (UPC) were discussed at the recent EU Competitiveness Council on 20 February. Member States which have already ratified the UPC Agreement were reminded to also consent as soon as possible to the Agreement's [Protocol on Provisional Application](#) if not already done. Italy, being one such country having ratified the UPC Agreement at the beginning of February, gave its consent to the Protocol accordingly. The provisional application concerns solely the institutional, organisational and financial provisions of the UPC Agreement to ensure a smooth transition into its operational phase.

Industry associations repeatedly call for Member States to swiftly ratify and consent to the Unitary Patent and UPC system to ensure the entry into force as planned by the end of 2017. This requires the entry into force of the provisional application by May 2017 at the latest. Furthermore, to safeguard industry relevance, the broadest possible geographical coverage of the system should be ensured. The UPC Agreement was signed on 13 February 2013 by all Member States except Spain, Croatia and Poland, although the latter participates in an enhanced cooperation regime.



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ENVIRONMENT

RoHS2 Directive

- [RoHS scope review](#)

The European Commission tabled its long-awaited legislative proposal to revise the [scope of the RoHS2 Directive](#) on 26 January 2017. This review tackles a series of problems that cannot be solved by exemptions and guidance. The proposed amendments are in line with the previous draft and are very positive for the industry: they remove obstacles to the repair of EEE and withdraw the ban on secondary market operations (deleting Article 2.2, specifying a compliance date for newly-in-scope EEE in Article 4.3, introducing an exclusion for cables and spare parts of EEE newly in scope in Article 4.4). In addition, the proposed change will provide legal certainty for manufacturers, notably in clarifying the maximum validity period for exemptions applicable to the 'open scope' (= category 11): 5 years from 22 July 2019. Lastly, the proposal suggests extending the current exclusion for NRMM for professional use to NRMM with a traction-drive.

As a next step, this RoHS review proposal will be discussed in the European Parliament and the Council, but the timeframe has not been agreed yet. In the European Parliament, MEPs nominated the Rapporteur to lead this dossier: MEP Adina-Ioana Vălean (Romanian, EPP) in the Environment Committee.

- [RoHS exemptions](#)

The European Commission drafted delegated acts to renew lead-related exemptions, including lead in alloying elements, copper and solders ([Pack 9](#)). The Commission suggests renewing these exemptions without amending the wording, except for exemption 6b. As a reminder, these exemptions were discussed with Member States in December 2016 ([Expert Group: minutes](#)). The Commission will launch a 4-week public consultation on draft delegated acts in March/April 2017. Publication is foreseen in September 2017 at the earliest.



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WEEE2 Directive

The European Commission tabled a [draft Implementing Regulation](#) establishing a common methodology for the calculation of the weight of EEE placed on the national market in each Member State. It also sets a common methodology for the calculation of the quantity of WEEE generated by weight in each Member State. In addition, the European Commission published a manual for the use of the WEEE calculation tool (available upon request from the [secretariat](#)). This manual aims to facilitate the use of the tool and clarify possible questions. These documents were discussed with the Technical Adaptation Committee in mid-February 2017.



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Circular Economy Package

The European Commission published its [report on the implementation of the Circular Economy Action Plan](#) in January 2017. First, the report takes stock of the progress made and actions delivered since 2015 (see the list in the [annex](#)). It notably mentions the waste legislative package, the Ecodesign Working plan 2016-2019, and other measures in the fields of water, green public procurement, industrial emissions, construction and food waste. Second, the report outlines upcoming key initiatives, including a [Plastic Strategy](#) to improve the quality and uptake of plastic recycling and reuse. It aims to address challenges posed by plastic throughout the value chain and complement the waste package. In addition, the Commission will publish a Communication on the legal, technical and practical problems at the [interface of chemical, product and waste legislation](#). The objective is to facilitate recycling and boost markets for secondary raw materials through the promotion of non-toxic material cycles and better tracking of hazardous chemicals in products.

In parallel, the European Parliament launched an own-initiative report (non-legally binding) on the lifespan of products. MEP Pascal Durand (Greens, France) suggests requirements at the design phase to foster robust, durable and high-quality products (e.g. minimum resistance criteria) and reparability (e.g. availability of spare parts). It also aims to put an end to “planned obsolescence” (see draft [report](#)).



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Circular Economy: Waste Package

The Environment Committee (ENVI) of the European Parliament voted on the ‘waste package’ on 24 January 2017 (see [waste framework](#) and [WEEE](#) reports). As a reminder, this ‘waste package’ aims to improve waste management as part of the circular economy policy. The package includes the Commission’s proposals to amend

4 legislative instruments: the ELV (2000/53/EC), Batteries (2006/66/EC), WEEE (2012/19/EC) and Waste (2008/98/EC) Directives.

In short, MEPs raised the ambition level of the main targets for reuse, recycling and landfilling of municipal waste as well as reuse and recycling of packaging waste. They also introduced new targets for food waste and marine litter. MEPs strengthened and broadened rules on extended producer responsibility (EPR), including producers' financial responsibility, and even made EPR mandatory for packaging, EEE, battery and vehicle waste streams. They also strengthened the implementation of the waste hierarchy and requirements related to separate waste collection, and clarified the preparing for re-use definition. As a negative outcome, MEPs strengthened product design obligations in waste legislation, such as durability, reusability, reparability and recyclability. This risks hampering the functioning of the EU market.

As regards the WEEE Directive, the industry welcomes the EP ENVI Committee proposal to extend data collection to all actors collecting or treating WEEE, and not just manufacturers. However, MEPs rejected the proposal to set binding WEEE treatment standards. In addition, MEPs required the Commission to review this Directive as a whole, in particular its scope and targets, in the context of the publication of Member States' implementation reports.

As regards the next step, the plenary vote in the European Parliament is foreseen in March 2017, while the Council's general position is expected in April or May 2017.



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Eco-Management and Audit Scheme

The Joint Research Centre's Technical Working Group on the development of Best Environmental Management Practices (BEMPs) for electrical and electronic equipment (EEE) manufacturing released the [final draft EMAS BEMPs for the EEE Manufacturing Sector](#) at the end of December 2016.

Orgalime communicated with the JRC during the drafting process, in particular by requesting that measures focus on processes and not on products to avoid overlap with Ecodesign, and by challenging the paper as not sufficiently representative for the entire sector.



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ISSUES OF GENERAL INTEREST

REACH

- [Candidate list](#)

The European Chemicals Agency (ECHA) updated the REACH Candidate list in January 2017: 4 new substances were identified as SVHC (Bisphenol A, PFDA, PTAP & 4-HPbI). The [Candidate list](#) now includes 173 substances.

- [Authorisation process](#)

In December 2016 Member States supported the European Commission proposal (see [here](#)) to amend Annex XIV of the REACH Regulation. This amendment will include 12 additional substances in the authorisation list. In line with the previous draft, the inclusion of refractory ceramic fibres, borate substances, ADCA and N,N-Dimethylformamide (DMF) is postponed for the time being. In addition, the proposal suggests extending the transitional periods of 23 substances already listed in Annex XIV until 2019 or 2021. This extended period is valid only for the use of these substances in the manufacture of spare parts for the repair of articles of which production ceases or will cease before the sunset date. This draft amendment has been sent to the Council and the European Parliament for scrutiny. Publication is expected in May or June 2017.

As regards applications for authorisation, ECHA is organising a specific seminar on 18 & 19 April 2017 (see [registration](#)). It aims to improve future applicants' knowledge of the REACH authorisation application procedure and highlight the main elements on how to prepare an application.

- [Restriction process](#)

There have been many developments as regards the REACH restriction procedure within the past few weeks.

First, ECHA published a draft guideline on [nickel restriction](#) to facilitate its enforcement. As a reminder, [Entry 27](#) (Annex XVII) restricts the use of nickel and nickel compounds in articles intended to come into direct and prolonged contact with the skin above a certain concentration (0.5 µg Ni/cm²/week) as well as in articles with a non-nickel coating. The draft guideline provides a wide range of examples falling within the scope of this restriction and goes far beyond articles explicitly listed in the text. It notably mentions grips and handles of garden equipment, shower-head handles, hand-held tools, utensils and equipment, rudders, wheels and gear sticks. Comments can be provided [to ECHA until 19 April 2017](#).

In addition, ECHA published another [draft guideline](#) on the restriction of polycyclic organic hydrocarbons (8 PAHs) in consumer articles, mainly rubber or plastic components, which come into contact with the skin (Entry 50 Annex XVII). The draft guideline provides a list of examples falling within the scope of the restriction, such as

hand-held tools and equipment, household utensils and appliances, and articles for vehicles (e.g. grips and gear sticks). Comments can be provided [until 19 April 2017](#).

Second, in December 2016 ECHA submitted a proposal (see [here](#)) to restrict the placing on the market and use of lead compounds in PVC and PVC articles. The proposal foresees a transition period of 15 years for the use of recycled PVC in specific building and construction applications. In addition, exclusions are foreseen for articles already covered by existing legislation, such as the RoHS Directive, and the food contact materials and plastic materials Regulations. As a next step, a six-month public consultation is expected to start within the next few weeks.

Finally, a new entry on the use of the toxic flame retardant decaBDE was included in Annex XVII REACH (see [Regulation](#) 2017/227): it will apply on 2 March 2019. The Regulation sets exclusions, notably for spare parts of motor, agricultural and forestry vehicles as well as machinery produced before 2 March 2019. It also foresees an exclusion for EEE within the RoHS scope.



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Action Plan on Environmental Compliance Assurance

DG Environment is currently working on an initiative on environmental compliance assurance that forms part of the Commission's 2017 Work Programme and sets out actions to support Member States in how they promote, monitor and enforce compliance with EU environment law by economic operators and other duty-holders. A [roadmap](#) has been published, giving details on the objectives of the initiative. It is indicated that no consultation will be held on this issue. The Commission will take into account public consultation results from the past four years.



Author :

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Revision of the Drinking Water Directive

In the framework of the REFIT review of the Drinking Water Directive (DWD), the European Commission published an [evaluation report](#) on 1 December. In terms of effectiveness, the Directive is meeting its objectives and contributing to the protection of human health from the negative effects of contamination, by ensuring a high level of compliance with its parametric values (99%). As regards efficiency, the overall costs and benefits seem to be balanced: although health benefits could not be quantified, total benefits outweigh total costs. The cost of supplying drinking water in the EU in 2014 has been estimated to be approximately €46.5 billion, of which €8.3 billion can be ascribed to the implementation of the DWD. However, the provisions of article 10

of the DWD on materials in contact with drinking water have been found to be inefficient, leaving much legal flexibility to the Member States for its implementation. Notably, the non-recognition of national approval systems for products in contact with drinking water, and therefore the requirement of multiple testing and approval, cause significant unnecessary burdens to the industry and hinder the proper functioning of the internal market.

In terms of coherence, the objectives set out in Article 10 on the quality assurance of materials partially overlap with the quality standards and parametric values of Annex I. There also seems to be a missing link between the DWD and the protection of water resources to be used for the abstraction of drinking water. Concerning relevance, quality standards set in the DWD may no longer be suitable for protecting human health from the adverse effects of any contamination of drinking water (essential quality standards set in Annex I need to be updated). Overall, the report finds that the DWD fulfils its objective of ensuring drinking water quality, but there is room for improvement, particularly when it comes to parameters, risk-based approach, information to consumers and contact materials.

As part of the revision process and in preparation for the Commission's selection of policy options during the upcoming impact assessment, two studies are being carried out, the results of which should soon be available: the UBA Austria/WrC study on materials in contact with drinking water, and an Ecorys impact assessment study on the DWD. Based on the conclusions of these studies, the Commission will draft a Roadmap document on the evaluation of the DWD in March/April 2017. The impact assessment process is expected to be finalised in July, paving the way to the publication of the EC proposal on the revised DWD in the autumn of 2017.



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EU Ecolabel

The Ecolabel for Lubricants is valid until December 2018 and is currently being revised by the Commission. In February, a first [draft technical report by the JRC](#) was presented at the first working group meeting for the Lubricants product group. The preliminary report includes a revision of the scope and definition and a range of improvements for the current criteria. The JRC analysis showed that only 16% of the lubricants market is included in the current EU Ecolabel scope. Therefore, the scope may be extended to cover engine oils which represent 40% of the lubricants market for private consumers.



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Environmental Technology Verification (ETV)

As announced in the ETV Staff Working document, the ETV pilot programme is to be subjected to an evaluation after three years of actual operation. The Commission has published a [roadmap](#) for this evaluation, to be started in Q2 2017 with a public consultation and finalised in Q4 2017.



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ENERGY

Energy Efficiency

Energy Efficiency Directive

The European Parliament and the Council of the European Union (EU) will soon start working on [the Energy Efficiency Directive \(EED\) review](#) through the co-decision procedure. We can expect a quick procedure as Commissioner for Energy Union, Mr Šefčovič, advocated a 9-month process so that Member States can transpose the legislation well before 2020. Moreover, Malta, which holds the Presidency of the EU Council, announced that it will prioritise the EED and the Energy Performance of Buildings Directive. In the European Parliament, the Committee on Industry, Research and Energy (ITRE) (Rapporteur: Adam Gierak, S&D, PL) is responsible for the file. Members of the Committee should debate the proposal at the end of March, discuss the draft report in July and adopt it in October. The Committee on the Environment will also prepare an opinion. The EU Council had an exchange of views on the EED review on 27 February. As a reminder, the European Commission published this proposal on 30th November 2016 in order to fine-tune the measures necessary for achieving the new EU 2030 30% binding energy efficiency target. A brief note on this review is available from the [secretariat](#).

The European Commission presented the [second report on the State of the Energy Union](#) on 1 February. This report outlines the progress achieved so far and highlights the issues where further attention is needed under the flagship EU strategy. The conclusion is positive as Europe has already reached its 2020 target as regards final energy consumption and is on the right path regarding primary energy consumption. The Commission also published [five targeted progress reports](#) to accompany this document, including one on energy efficiency which details energy consumption trends and gives an assessment of national measures by sector. A brief note on this report is available from the [secretariat](#).



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Energy Performance of Buildings (EPBD)

In the European Parliament, the ITRE (Industry, Research and Energy) Committee (Rapporteur: Bendt Bendtsen, EPP, DK), which is responsible for the [Energy performance of buildings Directive \(EPBD\) review](#), already discussed the proposal on 28 February. The draft report will be presented at the end of May and adopted in Committee at the end of September. The Committee on the Environment will also prepare an opinion. We can expect a quick legislative procedure as Malta, which holds the Presidency of the EU Council, announced that it will prioritise the EPBD and the Energy Efficiency Directive. Moreover, the Commissioner for Energy Union, Mr Šefčovič, advocated a 9-month process so that Member States can transpose the legislation well before 2020. The EU Energy Council already had an exchange of views on the EPBD review on 27 February.

As a reminder, the European Commission published this proposal on 30 November 2016 as part of the “Clean energy for all Europeans” package, to accelerate the cost-effective renovation of existing buildings and thus tap the huge potential for efficiency gains in this sector. A brief note on this review is available from the [secretariat](#).

As regards implementation of the EPBD, the European Commission requested Latvia in February to correctly transpose all the requirements of the Directive into national law. The energy performance certificates (EPCs), which have to be issued when a building is constructed, sold or rented out to a new tenant are not made compulsory in Latvia, but should be issued only upon request by the buyer, tenant or lessee. In addition, there are more exemptions than foreseen in the Directive and no sufficient enforcement mechanisms in place to ensure compliance with the Directive's requirements. Latvia has two months to comply with its obligations, after which the Commission may decide to refer this Member State to the EU Court of Justice.



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Energy Labelling Directive

Negotiations between the European Parliament and the Council on the proposed new [EU Energy Label Regulation](#) are still ongoing. Although negotiators agreed on the rescaling mechanism and timeframe, there are still a few sticking points. First, negotiators do not agree on the type of comitology to apply for implementing measures: implementing acts versus delegated acts. The second issue is the database: discussions are ongoing on the type of technical documents to be uploaded in the “compliance part”. A series of technical meetings took place in recent weeks, and a final trilogue meeting is scheduled on 21 March 2017 to find a compromise. The new energy label framework is likely to come into force in mid-2017.



Author :

Anne-Claire Rasselet

Ecodesign Directive

The European Commission started implementing the new principles set in the [Ecodesign Working Plan 2016-2019](#): they notably tabled Ecodesign requirements to implement the circular economy policy in the [draft Ecodesign measure on electronic displays](#). Although this is specific to a product group, it can be seen as a precedent for upcoming implementing measures. For example, the draft measure requires a specific technique (double-sided tape) to seal certain components and marking of plastic parts including specific substances, like cadmium and lead, with a view to facilitating dismantling, re-use, recycling and recovery. It also sets information requirements for repair purposes and relevant information for dismantling, re-use, recycling and recovery at the equipment's end-of-life.



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Ecodesign Directive - Update on Lots / implementing measures

Professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers, [ENTR Lot 1](#): The European Commission published a [new list of harmonised standards](#) for the implementation of Ecodesign and energy labelling implementing measures (2015/1095 & 2015/1094).



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ISSUES OF GENERAL INTEREST

Energy Union

On 1 February the College of Commissioners adopted [the 2nd Report on the State of the Energy Union](#).

The report looks at the progress made since the publication of the first State of the Energy Union in November 2015.

- An [updated roadmap](#) is provided as an annex to the Communication, outlining progress in the different legislative initiatives of the Energy Union.
- The Commission also looks at progress and issues in Member States in a second Annex reviewing [The Energy Union's five dimensions: Policy Observations](#).
- A Staff Working document gives detailed [key indicators for monitoring progress towards the Energy Union objectives](#).

Alongside the State of the Energy Union report, the Commission published five accompanying targeted progress reports on: [Renewables](#); [Energy Efficiency](#); [EU Carbon Market](#); [Carbon Capture and Storage](#); [Fuel Quality](#).

The report is rather positive. **The EU as a whole has continued to make good progress on delivering the Energy Union objectives**, in particular on the 2020 energy and climate targets (see [MEMO/17/162](#) and [MEMO/17/163](#)). It has already achieved its 2020 final energy consumption target. The same is true for greenhouse gas emissions: in 2015, these were 22% below the 1990 level. The EU is also on track in the renewables sector where – based on 2014 data – its share reached 16% of the EU's gross final energy consumption. Another important trend is that the EU continues to successfully decouple its economic growth from its greenhouse gas emissions. During the period 1990-2015, the EU's combined Gross Domestic Product (GDP) grew by 50%, while total emissions decreased by 22%.

In his presentation, Energy Commissioner Maros Sefkovic insisted that after “2016: Year of Delivery”, which saw the publication of the clean energy package in November, **2017 will be the “Year of Implementation” of the Energy Union**. In particular, Member States’ governments are expected to come up with their draft National Energy Plans by the end of the year. Mr Sefkovic will start its second “Energy Union Tour” to promote the initiative at Member State level.

Mr Sefkovic presented the report at the Plenary session of the European Parliament. MEPs welcomed the report in the subsequent debate and insisted on energy security and support for renewables – as well as the leading role of Europe in the clean energy technology industry.



Author :

Laure Dulière



DECARBONISATION & CLIMATE CHANGE

Renewable Energy Directive

In the European Parliament, the [proposal for a revised Directive on the promotion of the use of energy from renewable sources](#) (RES) has been referred to the ITRE (Industry, Research and Energy) Committee (rapporteur: José Blanco López, S&D, Spain) which already discussed it on 28 February.

The draft report will be presented at the end of May and then adopted in Committee in October. The Committee on the Environment will also prepare an opinion. On 27 February, the EU Energy Council had an exchange of views on the Directive review.

As a reminder, the European Commission published the proposal for a revised RES Directive on 30 November 2016 to help meet the goals of the 2030 EU Climate and Energy Framework and in particular the new EU binding target. The recast directive would enter into force on 1 January 2021, the date on which the existing RES Directive would be repealed. The transposition date for Member States would be 30 June 2021. A brief note on this review is available from the [secretariat](#).

On 1 February, the European Commission presented the [second report on the State of the Energy Union](#). This report looks at progress made in delivering the energy union objectives, in particular on the 2020 energy and climate targets. It concludes that the EU is well on track to achieve its 20% renewable energy target by 2020, but notes that investment in renewables is stagnating.

[Five targeted reports](#) accompany this document, including one on renewable energy with a specific focus on the administrative procedures and the sustainability of EU biofuels.

A brief note on this report is available from the [secretariat](#).



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Revision of the Regulation on fluorinated gases (F-gas Regulation)

The European Commission has published the [summary minutes of the 2nd meeting of the F-Gas Consultation Forum](#) that took place on 1 December 2016 in Brussels.

As regards national codes & standards relevant to alternative refrigerants, the Commission intends to make a request to the European standardisation organisations in support of updating relevant standards, ensuring a technology-neutral and consistent approach. It will also ask for a technical report to be delivered on the issue of ensuring a wider but safe use of flammable refrigerants.

As far as the training of personnel for the safe handling of alternative refrigerants is concerned, the discussions only acknowledged the conclusions of the report without any clear future orientation other than a reaffirmation of the need for all stakeholders to work together.

Oeko-Recherche presented their analysis regarding the ban on multipack centralised refrigeration systems for commercial use. There are promising developments as there are already various options available for supermarkets that may also be used after 2022.

Finally, Oeko-Institut presented their analysis regarding the quota allocation method. The indications are that by and large implementation is satisfactory, and the desirable price signal is there. The Commission will continue monitoring the system and noted that a general review of the Regulation is due by 2022.

Also to be noted, the European Environment Agency has published a [report](#) showing that the production, import and export of fluorinated gases fell in the European Union in 2015. Larger reductions are expected in the coming years as a result of the phase-down scheme.



Author :

Olivier Janin

Revision of EU Emissions Trading Scheme

On 15 February, the European Parliament voted on the Report on the future of the European Emissions Trading Scheme. In December 2016, the ENVI Committee had adopted by a large majority the report prepared by MEP Ian Duncan (ECR, UK) on the Commission's proposal to review the EU ETS. All 17 compromise amendments agreed by the political groups were adopted, together with some other amendments.

The key amendments of the ENVI Committee refer to:

- revising the linear reduction factor after 2023: it should be raised to 2.4%;
- strengthening the Market Stability Reserve (MSR) by doubling (to 800 million) the intake rate of surplus allowances during the first four years of operation;
- increasing the number of free allowances for the most efficient companies;
- rejecting the tiered approach for carbon leakage proposed by the Commission;
- maritime emissions: if a GHG emission reduction system for maritime transport is not established at international level by 2021, the EU will include ships arriving at, within or departing from EU ports in the EU ETS from 2023; however, if an international agreement is found, the Commission will review the EU ETS Directive and, if appropriate, propose amendments to ensure alignment with this agreement; a fund will be created to offset maritime transport CO₂ emissions, improve energy efficiency and encourage investment in technologies cutting CO₂ emissions from the sector;
- aviation emissions: a gradual reduction from 2021 in allowances for European Economic Area (EEA) aviation activities is introduced; the establishment of a global market-based mechanism by the International Civil Aviation Organisation will be taken into account for aviation activities outside the EEA and the Commission will present a proposal on this to adjust the ETS Directive; all revenues from auctioning aviation allowances in the EU will be spent on fighting climate change both in the EU and in third countries.

On 19 December, the Environment Council held a ministerial debate on the ETS reform. The Slovak Presidency provided a progress report and proposed the following three outstanding issues as the main focus of further work: 1. Measures to reduce the need for a cross-sectoral correction factor (CSCF); 2. Measures to strengthen the ETS while ensuring protection against the risk of carbon leakage, and 3. Low-carbon funding mechanisms for low-income Member States.

The debate confirmed the contradictory views of Member States, including on whether or not to strengthen the market stability reserve and the most appropriate system for decision-making on and management of the innovation fund. The Council announced that it would continue its work in the coming months to try to reach a general approach and start negotiations with the European Parliament following the adoption of the report in the EP plenary on 15 February 2017.



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PUBLICATIONS & EVENTS

PUBLICATIONS

AUTHOR	DATE	TITLE
European Parliament	February 2017	Brief - Circular Economy Package
European Parliament	February 2017	Brief - Improving energy performance of buildings
European Parliament	February 2017	Study - The Collaborative Economy: Socioeconomic, Regulatory and Labor Issues
European Parliament	February 2017	Study - Boosting Building Renovation: What potential and value for Europe?
European Parliament	February 2017	Study - European Energy Industry Investments
European Parliament	February 2017	Brief - Revised Energy Efficiency Directive
European Parliament	February 2017	Brief - Intergovernmental agreements in the field of energy
European Parliament	February 2017	Brief - Framework for energy efficiency labelling
European Parliament	February 2017	Brief - New rules for the Agency for the Co-operation of Energy Regulators (ACER)
ECHA	February 2017	ECHA Newsletter (Issue 1 2017)
European Commission	30 November 2016	Study on the impact assessment for a new Directive mainstreaming deployment of renewable energy and ensuring that the EU meets its 2030 renewable energy target Final task 1 & 2 report

EVENTS

ORGANISER	DATE	NAME & LOCATION
European Commission	9-10 March 2017	Conference on the circular economy, Brussels, Belgium
EUROSOLAR	14-16 March 2017	11th International Renewable Energy Storage Conference 2017 , Düsseldorf, Germany
EURACTIV	21 March	Packaging in the Circular Economy: A Sustainable Business , Brussels, Belgium.
EURACTIV	22 March	Regulating Digital Services , Brussels, Belgium.
WssTP	28 March 2017	'Water Market Europe' , Brussels, Belgium
ECHA	4-5 April 2017	ECHA Stakeholders' Day , Helsinki, Finland
European Commission	27-28 April 2017	Single Market Forum 2016/17 – REACH 2018 and beyond conference , Sofia, Bulgaria
European Commission	8-9 May 2017	EU-Latin America Dialogue on Raw Materials , Buenos Aires, Argentina
International Energy Agency (IEA)	15-18 May 2017	12th Heat Pump Conference , Rotterdam, Netherlands
European Electricity Regulatory Forum	17-18 May 2017	Meeting of the European Electricity Regulatory Forum , Florence, Italy
European Commission	19-25 June 2017	EU Sustainable Energy Week 2017

CALLS/ CONSULTATIONS

COMMISSION DG	CONSULTATIONS	CALLS	OTHER
GROW	LINK	LINK	
ENVIRONMENT	LINK	LINK	
ENERGY	LINK	LINK	
TRADE	LINK	LINK	
RESEARCH	LINK	LINK	FP7

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