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INTERNAL MARKET

Construction Products Regulation (CPR)

The European Commission launched the official procedure for the assessment of the CPR: it published an [“Inception impact assessment”](#) in mid-June 2017. This aims to collect input about a potential revision of the CPR until 18 July.

This document suggests 5 options for a possible revision of the CPR. It starts with a baseline scenario: no legislative change and improvement through implementation. It then sets 3 main review options:

- a limited review tackling only a few issues (simplification provisions, standardisation issue, coherence with other EU regulations);
- a wider review touching basic principles underlying the CPR (mandatory harmonisation for some construction products and mandatory technical language for some actors);
- a profound review implying harmonising product requirements for construction products (following either the New Legislative Framework approach or developing an alternative setting the technical details of product characteristics).

As a last option, the document proposes repealing the CPR without any substitute. Consequently, Member States and manufacturers would rely on the principle of mutual recognition to achieve free movement of construction products.

As a next step, an impact assessment and evaluation study will be conducted back to back. In addition, a formal 12-week public consultation is expected before the end of the year.

As regards implementation, the European Commission published an updated list of harmonised standards under the Construction Products Regulation (305/201/EU) on 9 June 2017 (see OJ [C 183/105](#)). In addition, CEN BT accepted an amendment of Mandate M/350, which aims to facilitate the compatibility between environmental declarations according to EN 15804 and the PEF methodology.

Finally, the Commission published an [overview of the tasks](#) to be undertaken for the implementation, notably the adoption of delegated & implementing acts.



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Pressure Equipment Directive (PED)

The Working Party Guidelines (WPG) held a meeting on 7-8 June 2017 in Brussels. Prior to this meeting, the Working Group Pressure (WGP) also met on 21 March. Regarding the status of the PED transposition into the Member States' laws, nearly all national transposition measures have been submitted. The Commission has started examining the content of the transpositions. At the WGP meeting, the status of the PED Guidelines was discussed and reviewed. Two guidelines were submitted for adoption by the WGP, namely: B-25 (classification of pressure equipment in a category higher than the category resulting from the application of tables in Annex II) and F-19 (property of welded joints – PED annex I chapter 3.1.2). Following the outcome of the WGP meeting, the Commission published version 4 of the [PED Guidelines](#) on 15 May. The minutes and working documents of this meeting are available from the [secretariat](#).



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ISSUES OF GENERAL INTEREST

Industrial Policy and Digitisation

Future EU industrial policy strategy

During the spring, a strong political push was given for the development of an industrial policy at EU level, one of the ten priorities of the Juncker Commission.

On 29 May, the Competitiveness Council adopted conclusions underlining the critical role of industry “as a major driver for growth, employment and innovation in Europe” and its importance in the transformation of the EU economy in the areas of sustainability, servitisation and digitisation. It called on the Commission to provide “a holistic EU industrial policy strategy for the future” and “an action plan including concrete measures, developed in close consultation with Member States and relevant stakeholders”. The Council requested that this strategy should be part of the Commission's 2018 work programme and be ready in time for the European Council meeting in spring 2018.

These conclusions were emphasised by the European Council at its meeting on 22 and 23 June. In their conclusions, the Heads of State and Government, “building on the Council conclusions of May 2017, which call for a future industrial policy strategy, (...) underlined the essential role of industry as a major driver for growth, employment and innovation in Europe and (...) called for concrete action to ensure a strong and competitive industrial base of the Single Market”.

Moreover, on 5 July, the European Parliament adopted a Resolution on “Building an ambitious EU industrial strategy as a strategic priority for growth, employment and innovation in Europe”, presented by MEPs from five major political groups. The Resolution “asked the Commission for a clear commitment to reaching the target of at least 20% of Union GDP being based on industry by 2020 and to assess whether the 2030 climate and energy targets support the EU industry policy for the next decade” and “called on the Commission to adopt by early 2018, together with the Member States, a holistic European industrial policy strategy and an action plan based on the 20% target, addressing inter alia digitalisation, sustainability, energy efficiency, adequate resources, and deregulation, especially for SMEs”.



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Digitisation – A new Commissioner

On 4 July, the European Parliament gave its final support by a large majority to the appointment of Ms Mariya Gabriel as Commissioner in charge of the Digital Economy and Society portfolio. Ms Gabriel, of Bulgarian nationality, replaces Commissioner Oettinger in this post which essentially involves supporting the implementation of the Digital Single Market Strategy, in coordination with Vice-President Andrus Ansip, in charge of the Digital Single Market, and Vice-President Jyrki Katainen, in charge of Jobs, Growth, Investment and Competitiveness. She has been a Member of the European Parliament, and a member of the European People’s Party Group, since 2009.



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Mid-term review of Digital Single Market Strategy

On 10 May 2017, the European Commission presented a [Communication](#) on the mid-term review of the Digital Single Market Strategy adopted in 2015.

In this document, the Commission recalls that before the end of 2016 it presented all 35 policy and legislative initiatives. It lists the state of play of their adoption by the European Parliament and the Council, urging them to speed up the legislative procedure.

The Commission also announces a series of initiatives in three main areas:

a) Data:

A legislative proposal on cross-border free flow of non-personal data is scheduled for the autumn of 2017. This proposal is likely to cover the topics identified by the Commission in its January 2017 public consultation document, namely data location restrictions, access to and transfer of data, liability of non-personal, machine-generated digital data, and data portability, where no legal obligation exists at EU level regarding non-personal data, but only contract stipulations.

This proposal should be followed in the spring of 2018 by an initiative to improve access to and reuse of public and publicly funded data, as well as privately held data of public interest.

b) Cybersecurity

Also in the autumn of 2017, the Commission will present a review of its 2013 EU cybersecurity strategy and a review of the mandate of the EU cybersecurity agency (ENISA), in particular taking into account its new coordination role under the Directive on security of network and information systems (NIS Directive). It will also develop measures in such areas as cybersecurity standards, certification and labelling, to make ICT-based systems, including connected objects, more cyber-secure.

c) Online platforms

Finally, by the end of 2017, the Commission will table legislative proposals on possible unfair clauses and trading practices in platform-to-business relationships, in parallel to actions in the area of its competition policy competencies.



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Public consultation on the EU Company Law legal framework

Also as part of its mid-term review of the Digital Single Market Strategy, on 10 May the Commission launched a public consultation, which will last until 6 August, on a review of the company law framework to facilitate the use of digital technologies throughout a company's lifecycle and cross-border mergers and divisions. It should aim at promoting the use of digital tools in company law and addressing the issue of cross-border operations of companies. The online consultation questionnaire is available [here](#).



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Public consultation on the revision of the Database Directive

On 24 May, the Commission launched a public consultation, which will last until 30 August, on a review of the [1996 Database Directive](#), which sets up a harmonised legal framework throughout the EU Internal Market. The directive introduced the sui generis protection which is specific to the European Union and aimed at striking a balance between rights and interests of both rights holders and users.

Lawful users are allowed to perform certain acts necessary to use the contents of databases and facilitate the dissemination of information. There is also an optional list of exceptions to facilitate use of contents for example in research, education and public security (online consultation questionnaire available [here](#)).



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E-Privacy Regulation proposal

Work is progressing in both the European Parliament and the Council for the adoption of the Commission Regulation proposal on ePrivacy. As a reminder, the 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](#) (GDPR), and at complementing it as regards electronic communications from business to business or between individuals.

The [draft report](#) prepared by Rapporteur Marju Lauristin (Committee on Civil Liberties, Justice and Home Affairs) was tabled on 9 June and will be adopted by the Committee in October. It tables some 135 amendments based on the consideration that the Regulation proposal as it stands lowers the level of protection granted by the General Data Protection Directive. Three other Committees (JURI, ITRE and IMCO) will also deliver their Opinion.

At its meeting on 8&9 June, the Council held a discussion based on a [Presidency Progress Report](#) of discussions in the relevant Working Party. There seems to be a general positive approach to the Commission proposal and its legal form (a regulation) but some Member States have expressed doubts about its compatibility with the GDPR, the deadline envisaged by the Commission for its adoption, and other more detailed questions (scope, level of confidentiality).



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CEN-CENELEC Action Plan for Digital Transformation

On 21 June, the General Assemblies of CEN and CENELEC adopted a common Strategic Plan for the Digital Transformation Initiative, which aims to address the needs of industry and stakeholders for high-quality standards through the increased use of digital solutions. The common Secretariat has set up a project aimed at mapping all the relevant legislation and policies at EU level which can affect the digital transformation of CEN and CENELEC products, services and processes, focusing on eight legal areas: data protection, cybersecurity, digital copyrights, patents, trademarks, competition aspects, civil (and other) liability and taxation aspects.



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European Parliament activities in the area of digitisation

The European Parliament has initiated and recently adopted a number of reports analysing various aspects of the topic, notably the legal aspects of the data economy, including

- The Gomes Report on “Fundamental Rights Implications of Big Data”
- [The Buzek report on “the EU Cloud Initiative”](#)

- [The Virkkunen/Juvin report on “Online Platforms and the Digital Single Market”](#)
- The Danti Report on “a European Agenda for the collaborative economy”
- [The “Boni” report on Internet connectivity for growth, competitiveness and cohesion: European gigabit society and 5G](#)

It also adopted on 1 June an overarching report on “Digitising European Industry”, produced by MEP Bütokofer in May 2017 and focusing on the following aspects:

a) The industrial digitisation strategy should be integrated into an overarching industrial policy that will not only contribute to Europe’s Industrial Renaissance but also to solving Europe’s most important economic and societal challenges; in this context, the Parliament call again on the Commission to ensure achievement of the 20% target for industry’s share of the EU’s GDP by 2020;

b) To support the Commission strategy, a framework is needed that supports investments, including in infrastructure (energy, telecommunications, transport);

c) Support must also be given to the European digital and digital security industry, where the EU must keep and develop its leadership not least for strategic reasons: this requires stronger support for EU R&D programmes;

d) Education, training and lifelong learning - even if not a core EU competence - must be promoted between the Member States via exchange of best practices and specific EU supporting programmes.



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Machinery Directive (MD)

The final report of the study on the evaluation of the Machinery Directive (MD) was submitted by the consultant Technopolis at the end of June, to be discussed in a meeting with the European Commission in the first week of July. As the final report will then have to be approved by the Regulatory Scrutiny Board, it is estimated that the published version will be available only early next year. If the Commission decides to opt for a revision of the Machinery Directive, an impact assessment process will be launched (most probably in 2018) and will run for approximately 12 to 18 months. It is presumed that the Commission proposal will be released by early 2020.

In terms of the Machinery Directive Guide (edition 2.1) the latest draft was provided in May. This version reflects the broad consensus that was reached between the MD experts (stakeholders and Member States alike) at the first meeting of the Editorial Group on 28 March. The deadline that was set for final comments or rather, final approval of this version, was 30 June. The Commission will proceed shortly with the publication of edition 2.1. of the MD Guide. The issues that have been tabled but have not yet been validated in a consensual manner will be addressed in future meetings of the Editorial Group and, subsequently, in a future revision of the Guide.



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Outdoor Noise Directive (OND)

As regards the OND review, the European Commission finally launched the impact assessment and evaluation study in May 2017. This study aims to assess possible changes in the Directive, such as setting stricter noise limits and the removal of third party certification. The Commission contracted a consortium of external consultants led by Valdani Vicari e Associati ([VVA Group](#)). Additional contractors are the Danish Technological Institute (DTI), TecnoPolis Group (TG), Joint Institute for Innovation Policy (JIIP) and Van Dijk Management Consultancy (BVDMC). As a next step, interviews will be held with impacted industry sectors and a 12-week public consultation is expected after the summer. The inception report will be presented at the Noise Expert Group meeting on 28 September: this first report will provide the study methodology and main aspects to be investigated. Final results are expected in May 2018. The Commission legislative proposal to review the OND is expected in 2019 at the earliest.

In addition, the European Commission updated its guidelines on the Outdoor Noise Directive, which were published in June 2017 (see [here](#)). The update consists of editorial amendments; no change has been made to the content.



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ATEX Directive

A new [list of harmonised standards](#) in the framework of the implementation of the ATEX Directive 2014/34/EU was published on 9 June in the Official Journal (OJEU 9.06.2017 C 183/1).

The next ATEX WG meeting will take place in Brussels on 11 July. One issue under discussion is section § 77 on "Certificates and CE marking without the name of the original manufacturer". The Machinery WG provided remarks on this section that were forwarded to the ATEX WG. The purpose is to collect input for the possible elaboration of horizontal Commission guidance on CE marking which could apply to all New Approach Directives.



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Standardisation Policy

On 13 June, the European Commission organised the second meeting of the Standards Market Relevance Round Table (SMAART) in preparation for the next Committee on Standards (CoS) meeting scheduled on 27 June.

The SMAART meeting took stock of the progress so far on the timely citation of harmonised standards in the Official Journal and the state of play of the Joint Initiative

on Standardisation (JIS). It also discussed new standardisation requests on Ecodesign – welding equipment and requirements for air heating products, cooling products, high temperature process chillers and fan coils. Concerning the JIS, a dedicated website is under construction and will allow the public to consult the state of implementation of the different JIS actions. As a reminder, Orgalime is currently active in JIS Actions 6 (SMAART) and 8 (“provide high quality standards delivered and referenced in a timely manner”).

With regard to Action 8, the issue of the non-citation of harmonised standards in the Official Journal was brought to the table. To address the existing set of non-published harmonised standards, the Commission has proposed to the European Standardisation Organisations (ESOs) the development of an “Action Plan” prioritising those harmonised standards which have the highest market impact. This action plan will put forward a clearer process for the delivery and citation of harmonised standards. This initiative would in principle be part of an interinstitutional report to outline what has been achieved so far in EU Standardisation Policy, and is scheduled to be published in October 2017. The work on the 2018 Annual Union Work Programme (AUWP) on Standardisation is ongoing and should be completed before the summer break. During the meeting the industry stakeholders remarked that the Commission should adopt not only positive but also negative decisions on the publication of harmonised standards. The next SMAART meeting is proposed to take place on 25 October, which is approximately three weeks before the next Committee on Standards (CoS) meeting scheduled for 8 November.

At the European Parliament level, a Parliamentary [own-initiative report](#) on European standards - implementation of Regulation (EU) No 1025/2012 (rapporteur: Marlene Mizzi, S&D, Malta) - was adopted in the plenary sitting of 4 July. Prior to this vote, on 30 May the Internal Market Committee (IMCO) approved the [draft report](#). This report is non-binding, but it provides the EP’s recommendations and requests to the European Commission to take specific actions to improve the standardisation system. The MEPs acknowledge that “standards are a voluntary market-driven tool providing technical requirements and guidance that can help implement European legislation and policies when they are developed in a transparent and inclusive way”. The report highlights the important role the EU should play in international standardisation and invites the Commission to ask the ESOs to contribute to high-quality interoperable and open standards. At the same time, MEPs draw attention to the importance of the inter-institutional dialogue for the preparation of the AUWP and call on the Commission to involve all relevant stakeholder organisations in the Annual Standardisation Forum, to discuss possible new issues, challenges or suggestions for improving the standardisation system.



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ENVIRONMENT

RoHS2 Directive

- **RoHS review**

The European Parliament and the Council reached a compromise deal on the RoHS scope review. As a reminder, the Commission tabled a proposal in January 2017, which tackles a series of inconsistencies for newly-in-scope EEE.

Negotiation outcomes are very positive: the European Parliament and the Council endorsed all Commission amendments, including the deletion of article 2(2) and the modification of articles 4(3) and 4(4). These amendments remove obstacles to the repair of EEE and withdraw the ban on secondary market operations. In addition, the European Parliament and the Council require the Commission to provide a timeline for adoption of its decision on the renewal of exemptions. The EU institutions also extended the current provisions allowing the reuse of spare parts recovered from EEE for 10 years after a substance restriction enters into force to all product categories.

As a next step, the European Parliament and Council will formally endorse this compromise deal within the next few months. The revised RoHS Directive is likely to be published in the Official Journal by the end of the year.

- **RoHS exemptions**

The European Commission published decisions to renew exemptions 9(b), 13(a) and 13(b) ('Pack 7') in the Official Journal on 16 June:

- Delegated Directive (EU) 2017/1010 on the use of lead in bearing shells and bushes for certain refrigerant-containing compressors (see [here](#));
- Delegated Directive (EU) 2017/1011 on the use of lead in white glasses used for optical applications (see [here](#));
- Delegated Directive (EU) 2017/1009 on the use of cadmium and lead in filter glasses and glasses used for reflectance standards (see [here](#)).

- **New substance restriction**

The Swedish Chemicals Agency (KemI) has launched a public consultation on its [report](#) to restrict medium-chained chlorinated paraffins (MCCPs). It runs until 15 September 2017 (see consultation [here](#)). As a reminder, Sweden is currently investigating a possible restriction of MCCPs under the RoHS Directive. MCCPs are used as plasticisers and flame retardants in, among other things, electronics, mainly

in cables made of PVC. Further to this consultation, Keml will decide whether or not to submit a proposal to the Commission to restrict MCCPs.



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WEEE2 Directive

The European Commission confirmed that no necessary change was identified during the review of the WEEE Directive, notably in terms of its scope, deadlines and options for collection rates, and recovery targets (see [press release](#)). Therefore, the Commission will not table any review proposal for this Directive.

In addition, the European Commission has published a [Question & Answer document](#) on the WEEE package, transboundary movement of e-waste, common methodology for the calculation of e-waste and the compliance promotion initiative.

Finally, further to the publication of the [Implementing Regulation](#) (2017/699), EU Member States will report on achieved collection targets starting from the reference year 2016. Reports must be submitted by 30 June 2018. Member States will measure the collection rate on the basis of either EEE placed on the market or waste generated from such equipment.



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Circular Economy Package

The European Commission continues implementing its circular economy action plan. Within the next few months, the European Commission will focus on the substitution of hazardous substances to enhance the uptake of secondary raw materials. By the end of the year, the Commission will propose a 'Plastic Strategy' to improve the economics, quality and uptake of plastic recycling and reuse. It will also table a detailed analysis of the interface of chemical, product and waste legislation that may hinder the transition of recycled materials into the productive economy.

In parallel, the European Parliament adopted an own-initiative report on product lifespan in July. Although proposed measures are not legally binding, this report provides suggestions for the implementation of the circular economy policy. This initiative aims to encourage the production of durable, high-quality and repairable products and reduce built-in obsolescence. For example, MEPs call on the European Commission to ensure products are designed to be robust (including through minimum resistance criteria), easily repaired and upgradable. They encourage the availability of spare parts for key components, including batteries, at an affordable price. They also suggest a "voluntary European label" covering the product's durability, upgradeability in line with technical progress and reparability.

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Circular Economy: Waste Package

The European Parliament and the Council started negotiations on the waste package. The first two 'trialogue' meetings were held on 31 May and 26 June 2017.

As a reminder, this package includes the Commission's proposals to amend the Waste framework (2008/98/EC) and Landfill (1999/31/EC) Directives as well as specific waste stream Directives: ELV (2000/53/EC), Batteries (2006/66/EC), WEEE (2012/19/EC) and Packaging Waste (94/62/EC).

Compared to the Commission proposals, the European Parliament pushes for more ambitious targets for reuse and recycling, while minimising the landfilling of municipal waste. However, the Council (Member States) were less ambitious. Of concern for the industry, the European Parliament suggested allowing Member States to fully or partly pass on the cost of waste management to producers and distributors. In addition, MEPs proposed introducing product design obligations including durability, reusability, recyclability and substitution of hazardous substances, at national level. This would restrict access to national markets for certain equipment. As a next step, negotiations continue under the Estonian Presidency, which aims to reach an agreement by the end of the year. To this end, several negotiation rounds and challenging discussions are foreseen until October.

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Eco-Management and Audit Scheme and Ecolabel

On 30 June 2017 the Commission adopted a report presenting the conclusions of the extensive evaluation ("Fitness Check") of the Eco-Management and Audit Scheme (EMAS) and of the EU Ecolabel scheme, two voluntary systems promoting environmentally-friendly organisations and products.

The Fitness Check looked at whether both the Ecolabel and EMAS:

- Contribute to reducing the environmental impact of consumption and production
- Contribute to promoting continuous improvements in the environmental performance of organisations (for EMAS) and promote products with reduced environmental impact (for Ecolabel).

The conclusion of the report is that this contribution is limited due to the low uptake of these voluntary schemes in EU Member States. The best performing countries are Germany (1882 EMAS), Spain (1289 EMAS), France (555 Ecolabels) and Italy (359

Ecolabels). Some countries have no registered EMAS or Ecolabel. The reasons for the low uptake are identified as lack of awareness and market recognition, lack of recognition in public policy, and compliance and verification costs. In the best performing countries, it was noted that an inclusion in public policies (in public procurement, for example) contributed significantly to a successful uptake. For EMAS there is an additional challenge as the international environmental management system ISO 14001, globally recognised and less stringent, is competing with the EU scheme – despite the latter delivering better results!

However, the report concludes the two schemes are relevant and partly efficient. They lead to enhanced environmental performance, e.g. organisations complying with EMAS have noted improvements in reducing waste, and water and energy consumption. Moreover, there is strong stakeholder support for the Ecolabel and EMAS. Stakeholders believe the EU Ecolabel is a valuable tool to facilitate the circulation of greener products, and EMAS allows for significant improvement in the environmental performance of organisations.

The Commission therefore plans to improve the performance of both schemes:

1. On the EU Ecolabel Regulation:

- a. the Commission will define product groups more specifically according to their level of uptake of the EU Ecolabel scheme. Different product groups will be bundled together where appropriate (eg paper products) and the regulation will no longer apply to product groups that have very little uptake: flushing toilets and urinals, sanitary tapware and imaging equipment;
- b. will set specific operational objectives, targets and monitoring activities and will launch a communication strategy towards producers and consumers;
- c. will examine options to reduce verification costs and facilitate the implementation of articles 6.6 and 6.7 (prohibition of the use of hazardous substances);
- d. will undertake studies on product groups jointly for green product procurement, eco-design, energy labelling and ecolabel tools to prevent inconsistencies in studies commissioned by different DGs.

2. On the EMAS Regulation:

In 2017 the Commission will first seek confirmation from Member States that they are committed to EMAS and will effectively promote the scheme to encourage better uptake. Depending on the response, the Commission will develop actions to improve EMAS, such as working with Member States to use EMAS as a tool to decrease administrative burden on organisations, using the EMAS compliance system in the implementation of energy and environmental policies, examining how to integrate EMAS into the Green Action Plan for SMEs.



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ISSUES OF GENERAL INTEREST

REACH

- **Candidate list**

We now have 174 SVHCs on the Candidate List (see [here](#)): ECHA updated the list on 10 July. Perfluorohexane-1-sulphonic acid and its salts (PFHxS) have been included. In addition, ECHA updated the entries for Bisphenol A and 4 phthalates (DIBP, DBP, BBP and DEHP) as substances having endocrine-disrupting properties which cause probable serious effects on human health.

- **Authorisation process**

The European Commission included 12 new substances, including many phthalates, in the list of substances subject to authorisation (Annex XIV REACH): [Regulation 2017/999](#). Consequently, these substances can no longer be used in the EU after a certain date: the sunset date (2020 or 2021), unless an authorisation has been granted. To continue using these substances, applications should be submitted 18 months before (latest application date). Annex XIV now contains 43 substances. The decision to include DMF, ADCA, certain aluminosilicate refractory ceramic fibres and borates was postponed to a later date.

In addition, the Commission has postponed the sunset date to March 2021 for substances already listed in Annex XIV. This is valid only for use in the production of spare parts for the repair of articles of which production ceased or will cease before the initial sunset date (when included in Annex XIV).

Finally, inspectors in 17 European countries performed 800 compliance checks on the authorisation obligations of 13 substances whose sunset date passed in 2015. It should be noted that 78% of the 800 inspected companies were SMEs and fewer than 10% of companies actually used or placed on the market any of these substances. The rate of non-compliance was around 10%.

- **Authorisation applications**

A series of authorisations for specific uses of substances listed in Annex XIV REACH have been granted over the last few months (see [authorisation list](#)). While some authorisations have already been published for the use of chromium trioxide (EC 215-607-8), others are still under assessment. No decision has been taken yet about the application submitted by a very large consortium of chromium manufacturers and importers, called CTACSub. The first discussion between the European Commission and Member States is postponed to September 2017. If granted, this authorisation will be published after the sunset date (September 2017), probably at the end of 2017. It should be noted that downstream users may continue to use the substance if supplied by CTACSub members and their customers until a decision is taken. In addition, downstream users cannot fulfil their notification obligation (Article 66) before the decision publication since an authorisation number is required to do so.

- **Communication within the supply chain**

ECHA published its final revised guideline on ‘requirements for substances in articles’ (see [here](#)) on 28 June. This is the most important guide for equipment manufacturers and importers. The document aims to clarify obligations for companies that import and produce articles under REACH, notably communication with customers and notification to ECHA when substances of very high concern (SVHCs) are contained in the article. According to the Court of Justice ruling of 10 September 2015, these legal obligations apply to articles that are present in complex products – for example, a component of a lawnmower, car or washing-machine. However, the guidance does not provide solutions to practical difficulties faced with communication obligations for “very complex” articles. Further discussions on practical implementation are foreseen with competent authorities.

- **Restriction**

The restriction of the manufacturing, placing on the market and use of perfluorooctanoic acid (PFOA), its salts and PFOA-related substances was published in June 2017 (Regulation [2017/1000](#)). PFOA cannot be used in manufactured and imported articles above a certain concentration threshold. The restriction generally applies from 4 July 2020. However, exemptions and later enforcement dates are foreseen for certain products, such as semi-conductors, latex printing inks, textiles for the protection of workers from risks to their health and safety and membranes intended for use in medical textiles, filtration in water treatment, production processes and effluent treatment. A specific exemption is granted to fire-fighting foams.

In parallel, further discussion on possible restriction and review of existing restrictions are ongoing, notably on cobalt salts, PAHs in articles and toys, lead compounds in PVC and phthalates (DIBP, DBP, BBP and DEHP).

- **REACH Review**

The Commission Communication on the REACH Review is postponed to the end of the year. The Commission is finalising its staff working document that will be submitted to the Regulatory Scrutiny Board in September.

- **Classification, Labelling and Packaging**

The two-year transition period to comply with the Classification, Labelling and Packaging (CLP) Regulation has ended. This means that all chemical products on the market need to be labelled with the new red and white diamond-shaped pictograms since 1 June 2017.



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REACH and Nanomaterials

ECHA launched the [European Union Observatory for Nanomaterials](#) (EUON) on 14 June 2017. This website provides information about existing nanomaterials on the EU market covering uses, safety, regulation, international activities as well as research and innovation. As a reminder, the European Commission decided to set up an

observatory rather than an EU register to increase transparency on nanomaterials. Giving access to information is the first phase of this project. Subsequently, the observatory will also carry out studies and make use of external databases and publications in the coming years.

In addition, ECHA published guidance documents for the registration of substances in nanoforms. These documents include two new pieces of guidance as well as recommendations and updates of the existing guidance on nanomaterials (see [here](#)).



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Revision of the Drinking Water Directive

The European Commission (DG GROW) has announced that it plans to publish by the end of September 2017 new standardisation mandates for products in contact with drinking water, which would build upon the existing standards under the Construction Products Regulation. The aim is to add hygiene aspects to the mechanical characteristics that already exist, in a step-by-step approach, and to obtain harmonised test methods. When the mandates are issued, the Commission will also provide an explanatory document that will be open for comments.

In the meantime, DG Environment is finalising the impact assessment for the review of the DWD and intends to publish the proposal together with the impact assessment report in the autumn of 2017.



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ENERGY

Energy Efficiency

Energy Efficiency Directive

On 26 June, the Energy Council adopted the [General Approach on the EED review](#) following difficult negotiations. Member States introduced important changes, in particular concerning the overall EU energy efficiency target of 30% which is no longer binding. Moreover, the energy savings obligations of 1.5% decrease to 1% for the period 2026-2030, unless the mid-term review in 2024 concludes that the EU is not on track to meet its targets. A condition of cost-effectiveness in the metering and billing obligations is also introduced. This position is the basis for the negotiations with the European Parliament which should start before the end of the year.

In the European Parliament, the [draft report](#) of the Committee on Industry, Research and Energy (ITRE) and the [draft opinion](#) of the Environment (ENVI) Committee on the review of the Energy Efficiency Directive are both available. The main proposals of the draft report (Rapporteur: Adam Gierek, Poland, S&D) concern the targets: the rapporteur proposes a 2030 EU 35% energy efficiency (EE) binding target with national indicative targets. The 2030 EE policy target should be expressed only in cumulated primary energy. Moreover, the sale of energy in transport is included in article 7. When discussing the draft report on 22 June, Members of the ITRE Committee mainly debated the targets. In the draft opinion, the rapporteur (Jytte Guteland, Sweden, S&D) proposes an EU 40% binding target as well as binding targets at national level. The EP Committee on the Environment held an exchange of views on the draft opinion during which targets were discussed. In addition, MEPs generally supported the idea to include the sale of energy in transport in article 7. The amendments submitted by the ENVI MEPs are available [here](#). The draft report will be adopted on 10 October and the draft opinion on 7 September. The plenary vote will take place in November.



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Energy Performance of Buildings (EPBD)

In the European Parliament (EP), the [draft report](#) of the Committee on Industry, Research and Energy (ITRE) and the [draft opinion](#) of the Environment (ENVI)

Committee on the EPBD review are both available. The main proposals of the draft report, prepared by MEP Bendt Bendtsen (Denmark, EPP), concern the long-term renovations strategy, Energy Performance Certificates (EPCs), electro-mobility, inspections and building automation and control system (BACS) and the smartness indicator. The draft opinion (rapporteur: Anneli Jäätteenmäki, FI, ALDE) focuses on healthy buildings and electro-mobility. The draft report and opinion were presented in both Committees on 29 May. The ITRE Committee debated on the 625 amendments tabled on 10 July. The video of this discussion can be found [here](#). As regards the ENVI Committee, 334 amendments were submitted. These amendments are available from the [secretariat](#). The draft report should be adopted on 11 October and the draft opinion on 7 September. The plenary vote will take place at the end of November. On 26 June, the Energy Council reached an agreement on a [General Approach on the EPBD review](#). The Council refines the provisions on the content of long-term renovation strategies and financing, decreases the number of charging points in buildings, and makes the future scheme on the smartness indicator voluntary. Moreover, the new thresholds for mandatory inspections are fixed at 70 kW for both systems used for heating buildings and air conditioning systems of all buildings. This position will be the basis to start the negotiations with the European Parliament which will take place under the Estonian presidency. As a reminder, the objective of this proposal released last year as part of the “Clean energy for all Europeans” package is to accelerate the cost-effective renovation of existing buildings.

As regards implementation of the EPBD, the Commission asked the Czech Republic to correctly transpose all the requirements of [Directive 2010/31/EU](#) into national law. According to the Commission's assessment, the national legislation does not yet ensure the display of EPCs in buildings frequently visited by the public as required. The Czech Republic has two months to comply with its obligations; otherwise, the Commission may decide to refer the case to the EU Court of Justice. The Commission also sent an additional letter of formal notice to the Netherlands formally requesting the correct implementation and application of this Directive.



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Energy Labelling Directive

The European Parliament and the Council formally endorsed the agreement on the revised Energy Labelling framework on 13 and 26 June 2017 respectively. As a reminder, the EU institutions reached a [compromise deal](#) on 21 March 2017. As main outcomes, the labelling framework reverts to an “A to G” labelling scale and includes a rescaling mechanism for existing and new labels. In addition, it requires the European Commission to establish a product registration database, including a section on compliance, by 1 January 2019. For this purpose, the Commission has set up an Ecodesign Consultation Forum sub-group, which has three discussion platforms dedicated to suppliers, compliance and public aspects. As a next step, the new Energy Labelling Regulation will enter into force after its publication in the Official Journal within the next few weeks.

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Ecodesign Directive

The Environment Committee of the European Parliament is working on an own-initiative report regarding the implementation of the Ecodesign Directive. The EP Environment Committee aims to evaluate the implementation of and possible improvements to the directive. The lead was assigned to the Group of the Alliance of Liberals and Democrats for Europe (ALDE); the nominated Rapporteur is MEP [Frédérique RIES](#) (Belgian). So far, two shadow-rapporteurs have also been nominated for the EPP Group (Christian Democrats): MEP [Francesc GAMBÚS](#), and the Socialist & Democrat Group: MEP [Massimo PAOLUCCI](#).

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Ecodesign Directive - Update on Lots / implementing measures

Circulators, ENER Lot 11: The review study is now finalised: the final draft report will be published in the Summer (see study website [here](#)). Depending on final conclusions, the Commission may table a proposal. No date for a Consultation Forum meeting has been decided yet.

Water pumps, ENER Lots 11, 28 and 29: The review study on pumps has been extended until the end of 2017. The draft final study report together with a draft proposal for a revised Ecodesign Regulation are expected by mid-November. The Consultation Forum meeting is envisaged at the end of 2017.

Air conditioners and comfort fans, ENER Lots 20 & 21: The European Commission launched the review of Ecodesign measures on air-conditioners (206/2012 and 626/2011). Viegand Maagøe and Armines are carrying out a study until mid-2018 (website [here](#)). The first draft report on scope and markets was published in June 2017. The consultants suggest extending the scope to air-to-air heat pumps and air conditioners that use ventilation exhaust air (thermal power below or equal to 12 kW). Final results are expected in mid-2018.

Compressors, ENER Lot 31: As far as oil-free and low-pressure compressors are concerned, the preparatory study is now finished; the final report was published on 28 June (see [here](#)). This report recommends setting an Ecodesign regulation to introduce mandatory information requirements. In addition, it suggests a voluntary initiative promoting energy and operational efficiency in compressed air systems for industry through information and training. The Consultation Forum meeting is envisaged for the end of the year.

Electronic displays, ENER Lots 3 & 5: The Consultation Forum meeting took place on 6 July. Although the meeting was initially dedicated to energy labelling requirements, the draft Ecodesign regulation was also discussed. Further to concerns

raised by the industry, the European Commission suggested excluding displays integrated into equipment, or “to be” integrated, from the scope. However, electronic displays will be included in Ecodesign measures addressing specific products. As next steps, the Commission will finalise the impact assessment and submit it to the Regulatory Scrutiny Board.



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ISSUES OF GENERAL INTEREST

Governance of the Energy Union

The Governance Regulation is part of the Clean Energy for all Europeans legislative package, published by the Commission on 30 November 2016. The Regulation establishes a number of planning and reporting obligations for Member States in order to achieve the European Union’s energy savings and renewables goals, as well as the Paris Climate Agreement’s objectives.

The Rapporteur Claude Turmes (Greens, LU) released his [draft report](#) on 18 May. The report is very lengthy with 199 Amendments which strengthen the text in order to increase investor certainty in clean innovative infrastructure. Mr Turmes made a number of improvements to the text, including reference to transmission and distribution energy efficiency potential, as well as a need to increase energy system flexibility through smart grids and storage.

The draft report introduces the concept of climate and energy targets under regular review upwards to reflect the latest scientific evidence and reviews under UNFCCC. Integrated national energy and climate plans are to be submitted by Member States every 5 years instead of every 10 years. The draft report gives more power to the Commission to review the integrated plans and issue recommendations when the plans are not ambitious enough.

The national objectives regarding energy efficiency and the internal market now include targets in transmission & distribution infrastructure. On macro-regional cooperation, the draft report establishes 5 macroregional partnerships, which will draw up a list of renewable projects of European interest (RPEI) with rather open criteria.

The report vote will take place in the ITRE Committee on 11 October.

The Council position is expected to be in sharp contrast to the EP Rapporteur’s text. Member States have so far expressed little support for the Commission’s Governance Regulation proposal during Council energy working group meetings.



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DECARBONISATION & CLIMATE CHANGE

Renewable Energy Directive

In the European Parliament, the [draft report](#) of the Committee on Industry, Research and Energy (ITRE) and [the draft opinion](#) of the Environment (ENVI) Committee on the review of the Renewable Energy Sources directive are both available. In the draft report, the rapporteur (José Blanco-Lopez, Spain, S&D) proposes an EU binding target of at least 35% share of renewable energy to be accompanied by national binding targets. He also recommends national binding targets of at least 12% share of energy from renewable sources in transport. Moreover, Member States must increase the share of renewable energy supplied for heating and cooling by at least 2 percentage points every year. Members of the ITRE Committee discussed the draft report on 22 June and mainly debated the level of the EU target and the obligation to increase the share of renewable energy supplied for heating and cooling by at least 2 percentage points. The rapporteur for opinion (Bas Eickhout, Netherlands, Greens) suggests an EU binding target of at least 45% share of renewable energy and national binding targets. The draft opinion was presented during the ENVI Committee meeting on 29 June. MEPs mainly discussed the target proposed by the rapporteur and the threshold for applying the sustainability criteria. The draft report and opinion will be adopted in the ITRE and ENVI Committees on 11 October and the plenary vote will take place at the end of November.

The EU Council is working on a position and published the first [proposal for a compromise](#) which expresses the Member States' current position. This text includes two main changes. Firstly, the Commission is now empowered to adopt delegated acts to establish a methodology for calculating the quantity of renewable energy used for heating and cooling and district heating and cooling, and to revise Annex VII on calculation of energy from heat pumps (article 7). Secondly, concerning the annual 1% increase in the share of renewable energy in heating and cooling supply, a starting point of the level achieved in 2020 is added as well as an exemption for countries with a level of 60% or more (article 23).

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.



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ISSUES OF GENERAL INTEREST

Paris Agreement – Effort Sharing Regulation

On 14 June 2017, the European Parliament [adopted its position on the Effort Sharing Regulation \(ESR\)](#), which aims at limiting for the period of 2021-2030 national emissions of greenhouse gases in sectors not covered by the EU emissions trading system (ETS) such as transport, buildings, agriculture, small industry and waste. The greenhouse gases (GHG) in the regulation are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), HFCs, PFCs, NF₃ and SF₆.

[The Commission proposal](#) sets national GHG reductions for each Member State, establishing a 30% total reduction by 2030 (compared to 2005 levels). GDP per capita has been used as the main criterion when setting the national targets, in order to ensure fairness and cost-effectiveness. The national targets range from 0% for Bulgaria to a 40% reduction for Luxembourg and Sweden.

The amendments introduced by the report of MEP Gerben-Jan Gerbrandy (ALDE, NL) adopted in the EP's Environment Committee push for a more stringent linear trajectory for reaching the objectives after 2030, in order to achieve a reduction of 80% by 2050. The MEPs also give more flexibility to Member States to borrow and exchange emissions and increase the reporting obligation for the Commission. The European Parliament vote was an opportunity for the EU institution to reaffirm Europe's commitment under the Paris Climate Agreement, in the context of the US decision to withdraw from the it.

After the European Parliament, the Council is expected to adopt its position by the end of the year, enabling the start of trilogue negotiations.



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Revision of EU Emissions Trading Scheme

In May 2017, the European Commission published statistics on greenhouse gas emissions. GHG emissions from all operators covered by the EU ETS are estimated to have decreased by approximately 2.6% in 2016 compared to 2015. The EU ETS covers more than 11,000 power plants and manufacturing installations in the 28 EU Member States and Iceland, Norway and Liechtenstein, as well as emissions from airlines flying between European airports.

Also in May, the Commission published for the first time the number of allowances (1.69 billion) in circulation on the EU carbon market. This number is important for the

functioning of the EU ETS market that will start operating in 2019. It will serve as the exclusive indicator to determine whether, and if so, how many allowances will be placed in the Market Stability Reserve, or whether allowances will be released from the reserve in tranches of 100 million each year.

The Commission will publish new statistics on 15 May 2018 to prepare for the market implementation on 1 January 2019. More information is available [here](#).



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PUBLICATIONS & EVENTS

PUBLICATIONS

AUTHOR	DATE	TITLE
European Commission	April 2017	Brochure - Good practice in energy efficiency
European Parliament	May 2017	Briefing - Assessing The State of the Energy Union
European Parliament	May 2017	Note - Digitising European industry
European Parliament	May 2017	Briefing - Assessing The State of the Energy Union
European Parliament	May 2017	Briefing - Limits on exposure to carcinogens and mutagens at work: Second proposal
European Commission	June 2017	Summary of the discussions: First European Industry Day
European Parliament	June 2017	Study - Green Public Procurement and the EU Action Plan for the Circular Economy
European Parliament	June 2017	Briefing - Use of energy from renewable sources
European Parliament	June 2017	Briefing - New rules on security of gas supply

European Parliament	June 2017	In-Depth Analysis - The Consequences of Brexit on Services and Establishment: Different Scenarios for Exit and Future Cooperation
European Parliament	June 2017	Infographic - Turkey: Economic indicators and trade with EU

EVENTS

ORGANISER	DATE	NAME & LOCATION
Chemical Watch	14 - 18 August 2017	REACH Intensive Seminar , Cambridge, UK.
American Council for an Energy Efficient Economy	15-18 August 2017	2017 ACEEE Summer Study on Energy Efficiency in Industry, Denver, Colorado.
Gazi University	27 - 30 August 2017	European Conference on Renewable Energy Systems - ECRES 2017 , Sarajevo, Bosnia and Herzegovina.
CEN & CENELEC	8 September 2017	Webinar - Annexes ZA/ZZ to CEN/CENELEC harmonized Standards
ARCTIK sprl	12 September 2017	#beCircular Annual Meeting 2017 , Brussels, Belgium.
ICM AG	20 - 22 September 2017	22nd International Congress for Battery Recycling ICBR 2017 , Lisbon, Portugal.
Academy of European Law (ERA)	26 - 27 September 2017	Annual Conference on European Patent Law 2017 , Brussels, Belgium.
European Commission	27 - 28 September 2017	EIP Water Conference 2017 - Water Innovation: Bridging

		Gaps, Creating Opportunities, Porto, Lisbon.
European Commission	6 - 10 October 2017	Save the Date – Raw Materials Week 2017 , Brussels, Belgium.
CEN & CENELEC	10 October 2017	Webinar - Standards and IPR
Aarhus University	12 October 2017	Circular Economy Conference , Aarhus, Copengagen.
Talinn University of Technology	24 - 25 October 2017	MANUFUTURE: Moving up the Value Chain , Talinn, Estonia

CALLS/ CONSULTATIONS

COMMISSION DG	CONSULTATION	CALLS
GROW	LINK	LINK
ENVIRONMENT	LINK	LINK
ENERGY	LINK	LINK
TRADE	LINK	LINK
RESEARCH	LINK	LINK

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