

INFORMATION BULLETIN

N° 05/22 – October 2022

Created for:



Created by:



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INTERNAL MARKET

Machinery Directive (MD)

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

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

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



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Construction Products Regulation (CPR)

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

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

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



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Pressure Equipment Directive (PED)

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



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Issues of General Interest

Critical raw materials

European Critical Raw Materials Act

On 30 September, the European Commission [published](#) a Call for Evidence for an Impact Assessment and opened a public consultation until 25 November 2022 to provide input into the future European Critical Raw Materials Act (ECRMA).

The ECRMA was announced on 14 September in the State of the Union Speech by Commission President Ursula von der Leyen. It aims to address the evolving dependencies on China and Russia when it comes to raw materials and fossil fuels and to ensure more resilient supply chains.

It also considers the European Green Deal, the REPowerEU Communication and the European Council's Versailles Declaration of March 2022 calling to secure the EU's supply of critical raw materials, particularly by building on the strengths of the single market.

The initiative will revolve around the following four pillars set out by the internal market Commissioner, Thierry Breton:

- Defining priorities and objectives for EU actions
- Improving the EU's monitoring, risk management and governance in the field of CRM
- Strengthening the EU's critical raw materials value chain (mining, refining, processing, recycling)
- Ensuring a sustainable level playing field across the single market

The ECRMA is expected in Q1 2023 as a package of both regulatory and non-regulatory measures.



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Digital Policy

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

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

The revised Directive:

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

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

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



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Artificial Intelligence

Discussions on the Artificial Intelligence Act (AI Act) are progressing within the EU institutions, faster in the Council than in the Parliament, where further delays are occurring.

In the EU Council:

On 16 September, the Czech Presidency published a [second Presidency compromise text](#), and on 23 September they published a [third Presidency compromise text](#).

The main changes proposed by the Czech Presidency are:

- In Article 3 (1), in the definition of 'AI system' the reference to 'human-defined' objectives has been deleted
- A clarification in the definition of 'user' in Article 3(4) has been made to indicate that the user is the entity that controls an AI system but not necessarily the one that can be affected by it.
- Annex III was reviewed and updated with a number of changes, including the removal of AI that is of accessory nature; for example, AI systems used for translation for informative purposes or for the management of documents should not be considered high risk, even if used in high-risk scenarios mentioned in Annex III

The Czech Presidency aims at reaching a General Approach by the 6 December Telecommunications Council meeting.

In the European Parliament:

In the European Parliament, all the Committees for opinion (JURI on legal affairs, ITRE, CULT on culture and education, TRAN on transport and tourism, ENVI on environment, public health and safety) published their reports.

IMCO-LIBE (Committees responsible, on internal market and consumer protection and on civil liberties, justice, and home affairs) published four batches of Compromise Amendments (CAMs):

- **Batch 1:** Chapter 4 (notifying authorities and notified bodies), covering Articles 29a-39a
- **Batch 2:** Chapter 5 (standards, conformity assessment, certificates, registration), covering Articles 40-51
- **Batch 3:** Chapter 3 (obligations of providers and users of high-risk AI systems and other parties), covering Articles 16-29
- **Batch 4:** Focuses on the topic of sandboxes, covering Articles 53, 54 and Annex IXa

So far, IMCO-LIBE has focused on the articles of the proposal that were less controversial, as it is taking them a long time to reach agreements on the most crucial parts. The fifth batch of Compromise Amendments should focus on Articles 1-2 and 8-12.

The consideration of CAMs in the IMCO-LIBE Committee is, so far, set for 26 October, while the vote might take place in Q1 2023.

The vote in plenary might occur in the Spring 2023, although there is currently no fixed date. Further delays may occur.



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Artificial Intelligence Liability Directive

On 28 September, the European Commission published a [proposal for an Artificial Intelligence Liability Directive](#) (AILD).

The AILD aims to set out uniform requirements for certain aspects of non-contractual fault-based civil liability for damage caused by AI systems.

At such, it lays down rules on:

- The **disclosure of evidence on high-risk AI systems** to allow a claimant to prove a non-contractual fault-based civil law claim for damages
- The **burden of proof** if non-contractual fault-based civil law claims are brought before national courts for damages caused by an AI system

The AILD aims at providing consistency with the AI Act, although the AI Act discussions are ongoing and, therefore, its definitions are not yet final.

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

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



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Chips Act

The work on the [Chips Act](#) is progressing in the European Parliament and EU Council.

European Parliament:

Between September and October, the [INTA](#) and [JURI](#) Committees (Committees for opinion) published their draft opinions on the Chips Act.

On 21 September, ITRE (Committee responsible) also published its [draft report](#). The main changes are:

- Regarding the issue of funding, the rapporteur MEP Dan Nica (S&D, Romania) is proposing the Chips for Europe initiative to be funded under Horizon Europe and capacity-building activities through the Digital Europe programme, but also that, overall, the Chips Act objectives need fresh EU money to be successfully achieved. Reallocation across current programme ceilings is not viable in the long run.
- Adds a definition of “crisis”

- Adds a requirement for the Commission to assess state aid support for first-of-a-kind facilities pursuant to Article 107 TFEU.
- Minimal changes are proposed for the crisis toolbox in pillar 3.
- A new article on international cooperation commits the Commission to pursue cooperation with third countries for joint monitoring and mutual support
- In the ITRE Committee (Committee responsible), a debate is planned for 10 October, and the deadline for amendments is set for 13 October. The vote is planned for January 2023.

EU Council:

Discussions are still at an early stage in the Council. The aim is for ministers to agree on a common position by December. The next issues to be tackled at technical level will be:

- the definition of “first of a kind” facility
- types of chips to be targeted by research programme and public support (i.e. to what extent both lower and higher nodes should be targeted)
- obligations to supply information (Article 20 – information gathering)
- public intervention (i.e. priority rated orders)

European Commission:

The European Commission launched a [public consultation](#) on the European semiconductor value chain. It consists of two different surveys, one targeting [suppliers](#) and one targeting [end-users](#). Both surveys are designed to be completed directly by companies by 11 November 2022.



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Cybersecurity

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

The proposed Regulation lays down:

- Rules for the placing on the market of products with digital elements (whose intended and reasonably foreseeable use includes a direct or indirect logical or physical data connection to a device or network) to ensure the cybersecurity of such products

- Essential requirements for design, development and production of such products: manufacturers to factor in cybersecurity in the design and development and production of products with digital elements, exercise due diligence on security aspects, be transparent on cybersecurity aspects that need to be made known to customers, ensure security support (updates) in a proportionate way, and comply with vulnerability handling requirements
- Essential requirements for the vulnerability handling processes put in place by manufacturers to ensure the cybersecurity of such products during their whole life cycle, and obligations for economic operators
- Rules on market surveillance and enforcement

Further crucial points:

- The Regulation will not apply to certain products listed in the text, which include type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles
- Critical products with digital elements are divided into two classes (in an Annex III, which is not included in the leaked document), reflecting their cybersecurity risk level, with class II representing a greater risk. The intended use in sensitive environments, such as an industrial setting, is taken into account in determining the classification of the product
- The provisional text includes two Articles (Articles 7 and 8) which link this Regulation to conformity requirements established by the AI Act (for high-risk AI systems) and the Machinery Regulation

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

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



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Digital Services Act

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

- Measures to counter illegal goods, services or content online, such as a mechanism made available to users to flag illegal content and new obligations on traceability of business users in online marketplaces

- Measures for users and civil society to challenge platforms' content moderation decisions and transparency measures on the algorithms used for recommending content or products to users
- Measures to assess and mitigate risks, together with enhanced supervision and enforcement by the European Commission on very large online platforms

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

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

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

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

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



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Digital Markets Act

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



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Data Policies

Data Act

The Parliament and Council's work on the [Data Act](#) is progressing.

European Parliament:

ITRE (Committee responsible) published their [draft report](#) on 14 September.

Main points:

- Clarified scope and how it applies to different actors
- Strengthened trade secret protection
- Extended SME exemption from data sharing
- Clarified implementation and enforcement rules
- Introduced fair remuneration as a matter of principle for making data available to public sector bodies in exceptional circumstances

IMCO (Committee for opinion, with shared competences on the entire file and exclusive competences on Chapter VI) also published their [draft report](#) on 4 October.

Main changes:

- Deletion of the functional equivalence requirement for data processing services when switching between different service providers
- Deletion of Article 5(2): gatekeepers (as designated following the newly-adopted Digital Markets Act) would fall within the scope of Article 5
- Deletion of Article 6(2)d: third parties receiving data at the request of a user would be allowed to make the data they receive available to a gatekeeper
- Third parties could challenge data holders before dispute-settlement bodies on behalf of users
- New exemptions for cloud computing services from switching obligations
- New access for customers of cloud computing services to the dispute-settlement mechanism set out in Article 10
- New possibility for the Commission to adopt an implementing act setting out the list of third-country jurisdictions where data transfer would create a conflict with Union law
- Start of the application of the Data Act postponed to 24 months after entry into force (vs 12 months in the Commission proposal).

The other Committees for opinion (JURI and LIBE) have still not published their draft reports. All the Committees in charge of the file should consider their amendments and vote on their reports by Q1 2023.

The indicative plenary vote date is not yet established.

EU Council:

So far, the Czech Presidency of the Council of the EU has published three draft compromises on the Data Act (texts available from the Orgalim Partnership), which include all the chapters of the proposal.

The Council plans to reach a General Approach by 6 December 2022.



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General Product Safety Regulation (GPSR)

As a reminder, Member States [agreed](#) on 20 July on a negotiating mandate with the European Parliament on the proposed General Product Safety Regulation (GPSR). The Council's position confirms its willingness to respond to the future challenges posed by new technologies and online marketplaces. With this position, online marketplaces will have to meet new requirements such as having a single point of contact responsible for product safety and ensuring that products on their platforms are safe, or face heavy fines of a minimum of 4% of their overall turnover.

For its part, the Parliament reached agreement on its [position](#) on 16 June. Trilogue negotiations began on 15 September.

As for the next steps, the second and third inter-institutional negotiations are scheduled for 8 and 28 November.



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Standardisation Policy

Open call for applications to the High-Level Forum

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

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

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

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

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

[More](#)



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EU Patent

The Unitary Patent System should enter into force on 1 April 2023. Germany is expected to proceed with the ratification of the instrument in December 2022.

Unitary Patents will make it possible to get patent protection in up to 25 EU Member States by submitting a single request to the EPO. They will build on European patents granted by the EPO under the rules of the European Patent Convention (EPC), so nothing will change in the pre-grant phase and the same high standards of quality search and examination will apply. After a European patent is granted, the patent proprietor will be able to request unitary effect, thereby receiving a Unitary Patent which provides uniform patent protection in up to 25 EU Member States.

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



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Intellectual Property Rights

The European Commission is planning to present a [legislative proposal for a Regulation on compulsory licensing of patents](#) in Q1 2023.

A compulsory license issued by a government authorises a party other than the patent holder to use a patented invention without the consent of the patent holder. In particular, during a crisis, these tools must be effective to make an orderly EU response possible.

In this context, the Commission opened a public consultation for stakeholders to provide comments to inform the legislative process. The [public consultation](#) closed on **29 September 2022**.

According to the initiative's Inception Impact Assessment, the Commission is currently considering the following potential policy options for the future legislative proposal:

- Creating an **EU coordination mechanism for compulsory licensing in times of crisis**. This option might apply to **all types of crises**, including health crises.
- Establishing an **"EU-level compulsory license" for use in a crisis**, to be applied in some or all Member States, depending on the circumstances. This option might apply to **all crises**, including health crises.
- **Streamlining compulsory licensing for export purposes**. As this concerns Regulation (EC) No 816/2006, this would be **limited to pharmaceutical products**.



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MARKET ACCESS

Dual-use items

In September, the European Commission published a report on the implementation of Regulation (EU) 2021/821 setting up a Union regime for the control of exports, brokering, technical assistance, transit, and transfer of dual-use items.

This report provides information on the implementation of EU export controls for dual-use items in 2021 and provides aggregated export control data for 2020. It was prepared by the Commission with input from Member States in the Dual Use Coordination Group (DUCG). 2021 saw the adoption of a new Export Control Regulation, which marks an important milestone in the development of EU export control policy.

This report is adopted together with the Annual Report on FDI Screening as export control and FDI screening both provide strategic trade and investment controls to ensure security in the European Union.

The report covers activities in 2021 and therefore does not cover aspects of export controls touched by, or measures taken in the form of export restrictions in response to, Russia's war of aggression in Ukraine.

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



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Issues of General Interest

Regulation on Prohibiting products made with forced labour

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

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

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

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

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



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Carbon Border Adjustment Tax

On 22 June, the European Parliament adopted its [position](#). The Parliament suggested the following changes to the European Commission's proposal:

- Phasing in CBAM from 2027 and ending free allowances in the EU Emission Trading System (ETS) by 2032.
- The scopes should be extended to include organic chemicals, plastics, hydrogen and ammonia, as well as indirect emissions.
- The EU budget should financially support the least developed countries through amounts equivalent to sums collected through CBAM.
- The need for a centralised EU CBAM authority.

The Council adopted its [negotiating position](#) on 29 June and endorsed the proposal to end free allowances for the sectors concerned by the CBAM progressively, over a ten-year period between 2026 and 2035. However, the Council accepted a slower reduction at the beginning and an accelerated rate of reduction at the end of these ten years. The Council also asked the Commission to monitor the impact of the CBAM, including on carbon leakage at exports, and to assess whether additional measures were needed.

The Commission, the European Parliament, and the Council participated in the second round of negotiation which took place on 4 October. The three institutions will soon meet again to find a provisional agreement on CBAM.



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Foreign subsidies distorting the internal market

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

The EU institutions reached a [provisional political agreement](#) on 30 June, deciding to maintain the notification thresholds proposed by the Commission for mergers and public procurement procedures, which are €500 million for mergers and €250 million for public procurement procedures. Moreover, they established that the Commission would investigate subsidies granted up to five years before the entry into force of the

regulation which result in a distortion of the internal market. The Commission will also be exclusively competent to enforce the regulation. Moreover, the co-legislators decided that the Commission will have to issue guidelines on how it assesses the distortive nature of foreign subsidies and judges a subsidy's market-distorting effect against its potential benefits. The co-legislators also confirmed that companies could consult the Commission to verify if they need to disclose the subsidies received.

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

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



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Trade Defence Instruments / EU anti-dumping measures

Further to the publication of [a proposal for a Regulation on the mechanism to deter and counteract coercive action by non-EU countries \(ACI\)](#), the legislative process is ongoing. On 14 July, the European Parliament's Committee on Foreign Affairs (AFET) voted on its [opinion](#), while the Committee on the Internal Market and Consumer Protection (IMCO) voted on its [draft report](#) on 22 July. The European Parliament Committee for International Trade extended the scope of the proposed legislation to include measures to "where appropriate, repair the injury". It also strengthened the binding nature of the procedure and introduced deadlines for deciding on whether an instance of coercion has been identified and for the adoption of a response, to make sure the procedure is agile enough to avoid administrative delays. As well as this, the EP TRAN Committee has a review in three years to check the new measure's compatibility with the EU's blocking statute, which is currently under review and protects the EU against the extraterritorial effects of third-country law.

The Parliament Plenary is expected to discuss and vote on the file between the end of October and beginning of November.

Date of Publication	Legal act	Product	Country of origin or exportation	Measure	Update
18.10.2022	Implementing Regulation	Steel	-	Safeguards	Corrigendum
05.10.2022	Implementing Regulation	Hot-rolled flat products of iron, non-alloy or other alloy steel	Brazil, Iran, Russia, Ukraine	Anti-dumping	Notice of initiation of an expiry review
22.09.2022	Implementing Regulation	Tubes and pipes of ductile cast iron	India	Anti-dumping	Notice of initiation of a partial interim review
21.09.2022	Implementing Regulation	Steel ropes and cables	China, Morocco, Korea	Anti-dumping	Definitive measure
12.08.2022	Implementing Regulation	Steel	Russia, Turkey	Anti-dumping	Definitive measure
10.08.2022	Implementing Regulation	Silicon-electrical steel	Korea, Russia, Japan, USA	Anti-dumping	Definitive measure
27.07.2022	Implementing Regulation	Hot rolled stainless steel sheets and coils	Turkey	Anti-dumping	Initiating an investigation on possible circumvention



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EU – Russia

On 14 September, the Council decided to prolong the duration of the restrictive measures targeting those responsible for undermining or threatening the territorial integrity, sovereignty, and independence of Ukraine for a further six months, until 15 March 2023.

The existing restrictive measures provide for travel restrictions for natural persons, the freezing of assets, and a ban on making funds or other economic resources available to the listed individuals and entities. Sanctions will continue to apply to 1,206 individuals and 108 entities, many of which are targeted in response to Russia's ongoing unjustified and unprovoked military aggression against Ukraine.

More information: [Press Release](#).

Furthermore, on 6 October, the Council adopted the eighth package of sanctions against Russia over the illegal annexation of Ukraine's Donetsk, Luhansk, Zaporizhzhia, and Kherson regions.

The package introduced into EU legislation the basis to put in place a price cap related to the maritime transport of Russian oil for third countries and further restrictions on the maritime transport of crude oil and petroleum products to third countries. As a result of these measures, it is prohibited to provide maritime transport and to provide technical assistance, brokering services or financing, or financial assistance, related to the maritime transport to third countries of crude oil (as of December 2022) or petroleum products (as of February 2023) which originate in or are exported from Russia.

With regard to trade, the EU extended the import ban on steel products that either originate in, or are exported from, Russia. Further import restrictions were also imposed on wood pulp and paper, cigarettes, plastics, and cosmetics as well as elements used in the jewellery industry such as stones and precious metals, that altogether generate significant revenues for Russia. The sale, supply transfer, or export of additional goods used in the aviation sector was also restricted.

For more information:

[Press Release](#)

[Legal text](#)

Over the past few days, more guidance documents have been published by the European Commission. You can find all EU guidance on sanctions adopted against Russia [here](#).



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EU – US

On 25 March 2022, President von der Leyen and President Biden announced that they had reached an agreement in principle on a new EU-US Data Privacy Framework. The framework will foster trans-Atlantic data flows and address the concerns raised by the Court of Justice of the European Union in the Schrems II decision of July 2020. Following that, the EU and US teams worked intensively to finalise the details of this agreement and translate it into a legal framework. On 7 October, President Biden

signed an Executive Order on 'Enhancing Safeguards for United States Signals Intelligence Activities'. Along with the Regulations issued by the Attorney General, the Executive Order implements into US law the agreement in principle announced in March.

The Executive Order introduces new binding safeguards to address all the points raised by the Court of Justice of the EU, limiting access to EU data by US intelligence services and establishing a Data Protection Review Court. On that basis, the European Commission will now prepare a draft adequacy decision, as well as launch its adoption procedure.

For more information:

[Commission Press Release.](#)



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EU – UK (Brexit)

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

- The UK failed to comply with the applicable customs requirements, supervision requirements, and risk controls on the movement of goods from Northern Ireland to Great Britain. This significantly increases the risk of smuggling via Northern Ireland.
- The UK did not notify the transposition of EU legislation laying down general EU rules on excise duties, which will become applicable from 13 February 2023. Member States and the UK in respect of Northern Ireland were required to transpose this Directive and notify the Commission of their transposition measures by 31 December 2021.
- The UK also failed to notify the transposition of EU rules on excise duties on alcohol and alcoholic beverages, which facilitate access for small and artisan producers to lower excise duty rates, among other provisions. Member States and the UK in respect of Northern Ireland were required to transpose this Directive by 31 December 2021.

- The UK did not implement EU rules on Value Added Tax (VAT) for e-commerce, namely the Import One-Stop Shop (IOSS). The IOSS is a special scheme that businesses have been able to use since 1 July 2021 to comply with their VAT obligations on distance sales of imported goods.

For more information:

[Commission Press Release.](#)



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Free Trade Agreements – overview

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

New Zealand	On 30 June 2022, the EU and New Zealand concluded negotiations for a Trade Agreement . The text of the agreement can be found here .	Once adopted by the Council, the EU and New Zealand can sign the agreement. Following the signature, the text will be transmitted to the European Parliament for consent. After the consent from the Parliament, and once New Zealand also ratifies it, the agreement can enter into force. Click here for more information.
Indonesia	Ongoing negotiations for a free trade agreement. The latest round of negotiations took place on 15-26 June 2020. The European Commission has published the conclusions of the sustainability impact assessment .	The 12 th round of negotiations will start on 28 October 2022.
Tunisia	Ongoing negotiations for a free trade agreement. The 4 th round of negotiations took place on 28-30 April/1-2 May 2019 in Tunis.	Negotiations are at a standstill due to the change of government in Tunisia and civil society protests. See here for more information.
Chile	Ongoing negotiations to revise and modernise the free trade agreement. The 10th round of negotiations took place in April 2021.	The 11 th round of negotiations is not yet scheduled. See here for more information.
ESA (Eastern and Southern Africa countries: Comoros, Madagascar, Mauritius, Seychelles, and Zimbabwe)	Ongoing negotiations to deepen the existing Economic Partnership Agreement (EPA). The 9th round of negotiations took place in September.	The next round of negotiations will take place in December, probably in Brussels.

India	<p>On 25 April 2022, the EU and India launched the EU-India Trade and Technology Council. On 17 June 2022, the EU and India formally relaunched negotiations on a free trade agreement, an investment protection agreement, and geographical indications.</p>	See here for more information.
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ENVIRONMENT

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

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

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

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

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



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REACH

REACH review

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

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

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

Substances of Very High Concern (SVHC)

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

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

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

Restriction

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

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

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

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

Moreover, ECHA is collecting further information for a potential restriction proposal on [4,4'-methylenebis\[2-chloroaniline\] \(MOCA\)](#).

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

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

Furthermore, a consultation on the proposed restriction of medium-chain chlorinated paraffins (MCCPs) and other substances has been recently launched. ECHA has submitted a proposal to restrict the manufacture, use, and placing on the market of substances, mixtures, and articles containing **medium-chain chlorinated paraffins (MCCPs)** as well as other substances containing chloroalkanes with carbon chain lengths ranging from C₁₄ to C₁₇ (EC -, CAS -) with PBT and/or vPvB properties. This consultation is open from 21 September 2022 to 22 March 2023.

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

Authorisation

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

More information: see [here](#).



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RoHS2 Directive

Renewal of exemptions

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

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

Additionally, in September, the final report on the "Study to assess request for one (-1-) exemption, for lead as a thermal stabiliser in polyvinyl chloride (PVC) used as base material in amperometric, potentiometric and conductometric electrochemical sensors which are used in in-vitro diagnostic medical devices for the analysis of Creatinine and Blood Urea Nitrogen (BUN) in whole blood, in Annex IV of Directive 2011/65/EU (Pack 26)" was published. The report stated that an exemption on the basis of Article 5(1)(a) main criteria (III) can be granted. The negative impacts of a substitution of lead would lead to the premature waste of medical devices and socio-economic impacts for healthcare facilities faced with the need to phase out all relevant blood-gas devices in operation in the EU stock, so they are also in support of granting the exemption. The consultants recommend the formulation proposed by the applicant: lead as a thermal stabiliser in polyvinyl chloride (PVC) used as the base material in amperometric, potentiometric, and conductometric electrochemical sensors which are used in in-vitro diagnostic medical devices for the analysis of

Creatinine and Blood Urea Nitrogen (BUN) in whole blood. As regards the validity period, the future REACH restriction for lead in PVC has to be considered. Considering an average typical duration of 18 months as a transition period for a restriction and assuming that the restriction will be adopted in December 2022, Pb in PVC will be restricted by approximately June 2024. Considering the planned timeline provided by the applicant, substitution is expected by the end of 2023. Thus, if the exemption is granted, 31st December 2023 is recommended as the expiration date.

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

RoHS General Review

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

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

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



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Circular Economy Policy

Ecodesign for Sustainable Products Regulation

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

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

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

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

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

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

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

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



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Empowering the consumer for the green transition

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

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

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

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



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Sustainable consumption of goods – promoting repair and reuse

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

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



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Waste Framework Directive

Waste Framework review

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

was open until 16 August 2022. The Commission's legislative proposal is expected for Q2 2023, however, it is worth mentioning that this proposal was not included in the [Commission Work Programme 2023](#).

Waste Electrical and Electronic Equipment Directive

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

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

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

SCIP Database (previously ECHA Waste Database)

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

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

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

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

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

- tailoring future iterations of the database towards information-seekers so that they have streamlined access to information relevant to them.

- making non-EU entities able to register and report to SCIP to make the database more relevant.
- the European Commission and ECHA should prioritise integration with tools facilitating access to information for consumers.
- simplifying notifications submissions.
- the Commission should consider providing clarifications regarding the coherence between REACH Art. 33 and WFD SCIP obligations to address perceptions of lack of coherence.

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



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EU Ecolabel

Proposal for a Directive to empower consumers for the green transition

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

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

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

Strengthening the requirements on claims related to future environmental performances

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

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

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

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



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Green Public Procurement

GPP in the new Ecodesign for Sustainable Products Regulation

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

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

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



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Environmental Footprint

PEF/OEF method webinar

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



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ENERGY

Ecodesign Directive

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

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

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

The next steps of the process are foreseen as follows:

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

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



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Ecodesign Directive - Update on Lots / implementing measures

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

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

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

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

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

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



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Issues of General Interest

Energy Infrastructure Package

Alternative Fuels Infrastructure Regulation (AFIR)

On 19 October, the European Parliament adopted during the Plenary its position on the Alternative Fuels Infrastructure Regulation (AFIR), which is revising the current

Directive. The text passed with 485 votes, 65 were against and 80 abstained. The final document is available [here](#).

These are some of the main points of the report that the MEPs voted in favour of:

- Cars should be able to recharge every 60 km and refuel hydrogen every 100 km, while ships should be able to use an on-shore power supply at ports, by 2026. For trucks and buses, the same requirements would apply, but only on core TEN-T networks.
- Charging stations for trucks should be built in safe and secure parking places and be at a minimum of two in place from 2028.
- In all cases, some deployment exemptions would apply to remote regions, islands, and roads with very little traffic.
- The EU countries would be asked to present their plan by 2024 on how to achieve these targets.
- Users of alternative fuel vehicles should be able to pay easily (AC charging stations obliged to have card payment readers), and the price should be displayed per kWh or per kg.
- EU access point for alternative fuels data to be set up by 2027 to provide information on the availability, waiting times and prices at different stations.

As a reminder, the Council of the EU adopted its position during the June Transport Council meeting. Their position with amendments is available [here](#).

With both the Parliament's and Council's positions adopted, the institutions began their trilogue negotiations on 27 October.



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Energy Efficiency

Energy Efficiency Directive

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

- Introduced the EP position, highlighting its commitment to a binding target of 40% energy efficiency by 2030, using the 2007 baseline year

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

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



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Energy Performance of Buildings (EPBD)

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

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

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

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



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DECARBONISATION & CLIMATE CHANGE

Sustainable finance

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

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

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

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

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



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PUBLICATIONS & EVENTS

PUBLICATIONS

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

EVENTS

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

European Commission	2 December 2022	Open source workshops for computing & sustainability Brussels
Euractiv	07 Dec 2022	EU Energy Transition: what role for critical raw materials? Brussels & Online
European Innovation Council	7-8 December	European Innovation Council Summit 2022 Brussels

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