

# INFORMATION BULLETIN

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# Contents

<b>INTERNAL MARKET</b> .....	<b>4</b>
Digital Policy.....	4
Cybersecurity.....	4
Construction Products Regulation (CPR).....	5
Pressure Equipment Directive (PED).....	6
Machinery Directive.....	7
Standardisation Policy.....	9
<b>MARKET ACCESS</b> .....	<b>10</b>
Free Trade Agreements – overview.....	10
<b>ENVIRONMENT</b> .....	<b>13</b>
Circular Economy Policy.....	13
Ecodesign for Sustainable Products Regulation.....	13
Packaging and Packaging Waste Regulation (PPWR).....	14
Empowering consumers for the green transition.....	15
Sustainable consumption of goods – promoting repair and reuse.....	16
Substantiating environmental claims.....	16
Eco-Management and Audit Scheme.....	17
Regulation to strengthen the European Chemicals Agency (ECHA)'s governance.....	17
Essential use concept.....	18
REACH.....	19
REACH review.....	19
Substances of Very High Concern (SVHC).....	19
Evaluation.....	20
Authorisation.....	20
Restriction.....	22
EU Ecolabel.....	24
Proposal for a Directive to empower consumers for the green transition.....	24
Green Public Procurement.....	25
Environmental Footprint.....	25
PEF/OEF method webinar.....	25
<b>ENERGY</b> .....	<b>27</b>

Energy Efficiency .....	27
Energy Efficiency Directive .....	27
Ecodesign Directive .....	27
Ecodesign Directive - Update on Lots / implementing measures .....	27
<b>DECARBONISATION &amp; CLIMATE CHANGE .....</b>	<b>29</b>
Sustainable finance .....	29
Corporate Sustainability Reporting Directive (CSRD) .....	29
EU Taxonomy .....	30
Revision of EU Emissions Trading Scheme .....	31
<b>PUBLICATIONS &amp; EVENTS .....</b>	<b>33</b>
PUBLICATIONS .....	33
EVENTS .....	34

# INTERNAL MARKET

## Digital Policy

### Cybersecurity

The work of the European institutions on the [Cyber Resilience Act \(CRA\)](#) is progressing.

In the European Parliament, the conflict of responsibility between the Committees was resolved with the following competences:

- ITRE (Committee on Industry, Research and Energy): Committee responsible.
- IMCO (Committee on Internal Market and Consumer Protection): Committee for opinion, with exclusive competences on Articles 7 and 9 and shared competences on Articles 4, 8, 21, 22 and 25-40.
- LIBE (Committees on Civil Liberties, Justice and Home Affairs): Committee for opinion, with shared competence on Article 41 (5).

On 31 March, the ITRE Committee published its [draft report](#).

#### Main takeaways:

- **Scope:** products with digital elements intended to process classified information and open-source software supplied outside the framework of a commercial activity are excluded.
- **Vulnerability handling:** The product lifetime concerning the vulnerability handling was reviewed, removing a fixed date for the expected product lifetime.
- **Reporting obligations:** These were aligned with the revised Network and Information Security Directive (NIS 2).
- **Critical products with digital elements:** Home automation systems and security devices were added to the list of critical products under class I.
- **Transition period:** This was extended to 40 months, with Article 11 to apply from 20 months after the date of entry into force of the Regulation.

More than 500 amendments to the Rapporteur's draft report were submitted by MEPs.

The vote in the ITRE Committee is, for the moment, planned for 19 July, and the vote in plenary should take place by the end of the summer.

In the Council, on 20 April, the Swedish Presidency presented a first compromise text covering the whole proposal.

### Main takeaways:

- **Essential requirements:** two additional essential requirements were added. Every connected device should have a unique product identifier to allow its identification, and manufacturers should empower users to remove all data and settings. Additionally, if an essential requirement does not apply to a particular product because it is incompatible with its nature, the manufacturer must include a justification in the cybersecurity risk assessment in the technical documentation.
- **Harmonised standards:** The European Commission should be cautious when issuing common specifications if the delay in the development of standards is due to technical complexities.
- **Security updates:** Automatic security updates do not apply to products primarily intended to be integrated into components of other products, nor to devices for which users would not 'reasonably expect' automatic updates.
- **Reporting obligations:** The reporting of actively exploited vulnerabilities and incidents is to be moved from the European Union Agency for Cybersecurity (ENISA) to the national Computer Security Incident Response Team.

A Council telecommunications meeting is planned for 2 June, during which either a general approach or a progress report will be presented.



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## Construction Products Regulation (CPR)

The Internal Market Committee (IMCO) of the European Parliament voted on its [draft report](#) on 23 May. Prior to the vote, the consideration of the compromise amendments took place in an IMCO meeting on 25 April. Around 1000 amendments were tabled to the Commission's proposal. The Rapporteur (Christian Doleschal: EPP, Germany) and Shadow Rapporteurs worked on 17 compromise amendments. These compromises cover the scope as well as the way in which standardisation is to be

achieved in relation to construction products. The compromises also address green public procurement, Member States' incentives, and technical elements, such as the repeal of the current Construction Products Regulation and arrangements for the transition between the two regimes.

At the same time, the [opinion](#) report from the ITRE Committee was published on 3 May. The opinion Rapporteur (Pascal Arimont: EPP, Belgium) highlighted the need to set out a clear set of rules for the standardisation process, to ensure legal clarity and the harmonisation of standards. He stressed that Member States should have the possibility to exempt remanufactured products from the obligation to draw up a declaration of performance. Furthermore, he proposed improving the information on the environmental performances of construction products and supported the digitalisation of information and documentation.

In parallel, the Working Party on Technical Harmonisation (Construction Products) continued the examination of the Swedish Presidency compromise proposal in its latest meetings on 30 March, 18 April and 8 May. The next meeting is scheduled for 26 May.

As for the next steps, the plenary vote on the CPR report is tentatively planned to take place on 10 July. Inter-institutional negotiations (trilogues) are due to begin after the summer break, during the Spanish Presidency of the Council.



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## Pressure Equipment Directive (PED)

The European Commission has recently launched a consultation for the consideration of the expert group Working Group Pressure on new draft standardisation requests in support of the Pressure Equipment Directive (2014/68/EU) and the Simple Pressure Vessels Directive (2014/29/EU). The draft versions can be requested from the [secretariat](#).

Harmonised standards under the Pressure Equipment Directive (PED) 2014/68/EU and the Simple Pressure Vessels Directive (SPVD) 2014/29/EU are developed under mandate M/071 and M/434 (for PED) and M/BC/CEN/86/6 (for SPVD). These mandates were adopted more than 20 years ago and require an update to the requirements for standardisation requests (i.e. mandates) laid down in the Standardisation Regulation 1025/2012 (see in particular Articles 10 and 12).

The new standardisation requests will identify new harmonised standards, and harmonised standards to be revised or completed, and will set deadlines for delivery of these standards by the European Standardisation Organisations (ESOs) for each directive. This consultation is open until the end of May 2023.



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## Issues of General Interest

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### Machinery Directive

The European Parliament formally [approved](#) the draft Machinery Regulation in its plenary sitting of 18 April, with 595 votes in favour, 7 votes against, and 30 abstentions. Additionally, the Competitiveness Council endorsed the final text on 22 May.

As a reminder, according to the provisional agreement reached on 15 December, the new regulation will bring about the following changes:

- There is now no reference to Artificial Intelligence (AI) systems in the legal text (due to the decoupling from the AI Act) and the terminology 'high-risk' has been removed in the context of Article 5 and Annex I.
- Annex I part A (requiring third party certification) is reduced to six machine categories (including machinery with self-evolving behaviour, based on machine learning), so most machinery products in Annex I will continue to have the possibility of using the module A/self-assessment procedure under the condition that they apply the relevant harmonised standards.
- Any modification of Annex I should be carried out under a specific process, based on technological and scientific evidence collected via a common template.
- Digital documentation (instructions, declaration of conformity, declaration of incorporation) is explicitly set out, reducing paper waste, decreasing administrative burdens and contributing to the digital transition.

- The date of application is increased to 42 months, which is one year longer than initially proposed.

In terms of next steps, the official signing ceremony of the Machinery Regulation will take place in June, paving the way for official publication in the Official Journal of the EU in early July.



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## Outdoor Noise Directive (OND)

On 5 May, the European Commission published the [last draft revised Annex III of the Outdoor Noise Directive](#) (OND – through a Delegated Act), and opened a public consultation (see same link above) lasting for four weeks, with a deadline set for 2 June.

The last draft introduces only a few changes:

- The clause on the application of the old methods for products subject to Article 12 in case of potential non-compliance due to the application of the new methods was moved to the introduction of Annex III.
- Transition period: 24 months.
- Editorial modifications.

After this public consultation, the Commission will hold a meeting with the Member States on the feedback received.

The adoption of the Annex III (Delegated Act) is currently foreseen for the summer of 2023. After adoption, the text will go through the formal European Parliament and Council scrutiny, which will take two months. After the scrutiny, the official text will have to undergo translation and will then be published in the Official Journal of the EU. The application of the new obligations is foreseen for Q4 2025. However, potential delays might occur.



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# Standardisation Policy

The own-initiative (INI) [report](#) on the standardisation strategy was adopted in the Internal Market Committee (IMCO) on 27 March, followed by the approval of the text in plenary on 8 May. The report includes many positive messages and proposals, being broadly in line with industry's views on the EU standardisation system. It welcomes the adoption of a new standardisation strategy, stresses the importance of harmonised standards for the functioning of the internal market and sets out the European Parliament's position on priority issues in the field of standardisation. Specifically, the report displays the Parliament's willingness to give small businesses and interest groups a role in setting and implementing EU product standards. It also recommends streamlining standardisation: adopting new standards only where there are gaps, repealing common specifications where the EU has opted for harmonised standards, and adding standards developed with international groups to the EU framework. Finally, the report supports the development of awareness-raising and training programmes to promote better understanding of standards and the benefits of standardisation.



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# MARKET ACCESS

meeting on  
November

## Issues of General Interest

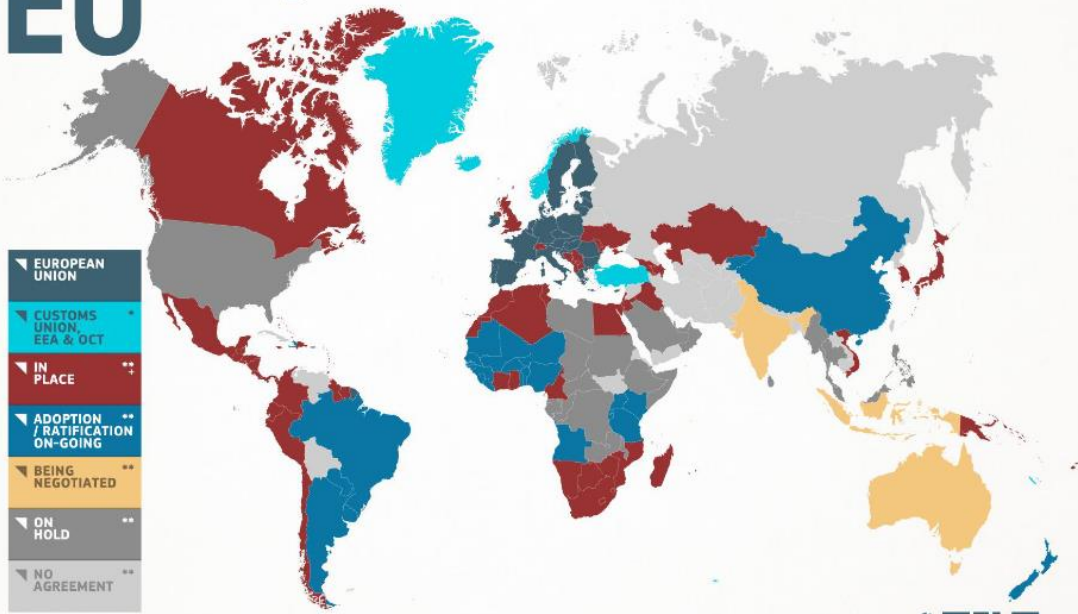
### Free Trade Agreements – overview

Country	Current Status
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 <a href="#">here</a> for more information.
Vietnam	The Free Trade Agreement entered into force on 1 August 2020. The Commission has updated its <a href="#">Guidance on the Rules of Origin</a> . See <a href="#">here</a> for more information.
Mercosur	Ongoing negotiations for a free trade agreement. In June 2019, the EU and Mercosur reached a <a href="#">political agreement</a> .
China	Ongoing negotiations for an Investment Agreement. Agreement in principle was reached on 30 December 2020. More information: <a href="#">here</a> .
Australia	Ongoing negotiations for a Free Trade Agreement. The 13 <sup>th</sup> round of negotiations took place in October. On 21 October 2022, the <a href="#">framework agreement</a> between the EU and Australia entered into force. The negotiations for a Free Trade Agreement are ongoing. Please see further information: <a href="#">here</a> .
New Zealand	On 30 June 2022, the EU and New Zealand concluded negotiations for a <a href="#">Trade Agreement</a> . The text of the agreement can be found <a href="#">here</a> . Once the European Parliament has given its consent, and once the agreement has been ratified by New Zealand, it can then enter into force. Click <a href="#">here</a> for more information.
Indonesia	Ongoing negotiations for a Free Trade Agreement. See further information: <a href="#">here</a>

Tunisia	Negotiations for a Free Trade Agreement are at a standstill due to the change of government in Tunisia and civil society protests. See <a href="#">here</a> for more information.
Chile	On 9 December 2022, the EU and Chile <a href="#">concluded</a> negotiations on the EU-Chile Advanced Framework Agreement. Both the EU and Chile will proceed with the legal verification of the agreement
ESA (Eastern and Southern Africa countries: Comoros, Madagascar, Mauritius, Seychelles, and Zimbabwe)	Ongoing negotiations to deepen the existing Economic Partnership Agreement (EPA). See <a href="#">here</a> for more information.
India	On 25 April 2022, the EU and India launched the <a href="#">EU-India Trade and Technology Council</a> . On 17 June 2022, the EU and India formally on a Free Trade Agreement, an investment protection agreement, and geographical indications. See <a href="#">here</a> for more information.
Thailand	In March 2023, the EU and Thailand announced the relaunch of negotiations for an ambitious, modern and balanced free trade agreement (FTA), with sustainability at its core. The EU and Thailand first launched negotiations for an FTA in 2013. These were put on hold in 2014. See <a href="#">here</a> for more information

# EU trade agreements 2023

Updated 01/02/2023



\* European Economic Area (EEA) / Overseas Countries and Territories (OCT).  
\*\* Free Trade Agreement (FTA), Deep and Comprehensive Free Trade Agreement (DCFTA), Investment Agreement, Enhanced Partnership and Cooperation Agreement (EPCA), Partnership and Co-operation Agreement with preferential element (PCA).  
+ The updated agreements with Tunisia, and Eastern and Southern Africa are currently being updated; the updated agreements with Mexico and Chile are under ratification. The DCFTA with Georgia does not apply in South Ossetia and Abkhazia.



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# ENVIRONMENT

## Circular Economy Policy

### Ecodesign for Sustainable Products Regulation

On 22 May, the Council of the EU adopted its position (general approach) on the European Commission's proposal for Ecodesign for Sustainable Products Regulation (ESPR), which can be accessed [here](#).

Some of the main aspects of the position include:

- A destruction ban on unsold textiles, footwear and apparel goods with a four year exemption for medium-sized companies, and a general exemption for small and micro companies.
- The exclusion of motor vehicles from the ESPR.
- The argument to keep setting product-by-product measures via delegated acts.
- The inclusion of the aspects of water use and efficiency, contribution to climate change, pollution of water, air and soil, and land use.
- Support for the Commission's proposal on horizontal measures that cover several products with similar characteristics.
- 'Substances of concern' cannot be identified using reasons relating primarily to chemical safety.
- A clear indication that the digital product passports (DPP) requirements must respect trade secrets as defined by [Directive \(EU\) 2016/943](#) on the protection of undisclosed know-how and business information.
- The Commission may establish a different label instead of the current Energy Label for energy-related products, if more information is deemed necessary and if there is a risk of consumer confusion.
- European Standardisation Organisations should also be eligible for participation in the Ecodesign Forum.
- A minimum transition period of 18 months after the entry into force of the delegated act setting out ecodesign requirements before the date of application.

The work in the European Parliament on its position and amendments to the European Commission's proposal is ongoing. So far, the associated Committee on Internal Market and Consumer Protection (IMCO) published its report on 27 April (available [here](#)) and the associated Committee on Industry, Research and Energy (ITRE) published its report on 31 March (available [here](#)).

Finally, and most importantly, the leading Committee on the Environment, Public Health and Food Safety (ENVI) is expected to vote on its report on 5 June and the European Parliament will adopt the final position during its Plenary vote on 10 July 2023.

## Packaging and Packaging Waste Regulation (PPWR)

After the publication of the European Commission's [legislative proposal](#) for a Packaging and Packaging Waste Regulation (PPWR), the European Parliament and Council of the EU are in the process of preparing their amendment reports.

The leading Committee on the Environment, Public Health and Food Safety (ENVI) published its [draft report](#) on 11 April and further [draft amendments on the Annexes](#) on 15 May. The voting on its final report is scheduled for 20 September 2023.

With regard to the Committee for opinion on Agriculture and Rural Development (AGRI), it published its [draft report](#) on 4 April and further draft amendments on [2](#) and [3](#) May. Similarly, the Committee on Industry, Research and Energy (ITRE) published its [draft report](#) on 25 April.

In terms of next steps in the European Parliament Committees for opinion, the tentative timeline is as follows:

- Opinion Committee on Agriculture and Rural Development (AGRI) Vote – 19 July 2023
- Opinion Committee on Industry, Research and Energy (ITRE) Vote – 20 July 2023
- Opinion Committee on Internal Market and Consumer Protection (IMCO):
  - Consideration of amendments – 28 June 2023
  - Vote – 18 July 2023

Please note that the Committees for opinion are negotiating to obtain responsibilities on certain provisions in the text.

The indicative Plenary sitting date for adoption of the position of the European Parliament is 2 October 2023.

Regarding the Council of the EU, the current Swedish presidency is already in talks with the Commission on its position and sees this as a priority. The Council will attempt to finalise the work on the file under the upcoming Belgian presidency, which will start in January 2024.

## Empowering consumers for the green transition

On 3 May, the Council of the EU adopted its [position](#) on the European Commission's legislative proposal on 'Empowering consumers for the green transition'. As a reminder, it aims to enhance consumers' rights by amending the unfair commercial practices directive (UCPD) and the consumer rights directive (CRD).

In the text that the EU Member States propose, generic environmental claims such as 'eco-friendly', 'green', or 'climate neutral' will be banned. Producers would no longer be allowed to advertise their products, processes, or businesses in such general terms if the claims cannot be substantiated by a publicly accessible certification scheme. Only sustainability labels, such as on repairability and durability, based on official certification schemes or registered as certification marks or established by public authorities would be allowed. The Council also proposes the creation of a harmonised graphic format to clearly inform consumers about such guarantees of durability for specific goods.

On 11 May, the European Parliament also adopted its [position](#) on the European Commission's legislative proposal, with 544 votes in favour, 18 against and 17 abstentions.

The Parliament's negotiating mandate foresees banning the use of general environmental claims like "environmentally friendly", "natural", "biodegradable", "climate neutral" or "eco" if these are not supported by detailed evidence, and if such claims are based solely on carbon offsetting schemes. Furthermore, only sustainability labels based on official certification schemes or established by public authorities should be allowed according to the MEPs. They also support a ban on the introduction of design features that limit a product's life or lead to goods malfunctioning. Finally, they back the introduction of a new guarantee label indicating the length of the legally required guarantee and any possible extensions offered by producers.

With both co-legislator's negotiation mandates adopted, the trilogue negotiations between them and the European Commission will begin soon.

## Sustainable consumption of goods – promoting repair and reuse

On 22 March 2023, the European Commission adopted its proposal on the “Sustainable consumption of goods – promoting repair and reuse” initiative, which is available [here](#).

It aims at promoting a more sustainable use of goods throughout their life cycle, encouraging more sustainable choices by consumers and including repairing defective goods. Among others, it also affects producers, who will be obliged to design goods that last longer and are easy to repair.

On 18 April, [René Repasi](#) (S&D, Germany) was appointed as the Rapporteur on the file from the leading European Parliament Committee on Internal Market and Consumer Protection (IMCO).

Furthermore, as Shadow Rapporteurs the Committee has appointed Anne-Sophie Pelletier (The Left, France), Anna Cavazzini (Greens/EFA, Germany), Catharina Rinzema (RE, Netherlands), and Arba Kokalari (EPP, Sweden).

The other Parliament Committees that will provide an opinion on the file are on the Environment, Public Health and Food Safety (ENVI), and on Legal Affairs (JURI).

For the Council of the EU, the Working Party on Consumer Protection and Information will be in charge of working on the file.

## Substantiating environmental claims

On 22 March 2023, the European Commission adopted its proposal on the “Sustainable consumption of goods – promoting repair and reuse” initiative, which is available [here](#).

It will require companies to use approved life cycle analysis methodologies, among other PEF/OEF methods, to back their environmental claims. The aim is to reduce the potential instances of “greenwashing” and to increase consumer trust in green labels and information.

On 3 May, [Andrus Ansip](#) (RE, Estonia) was appointed as the Rapporteur on the file from the leading European Parliament Committee on Internal Market and Consumer Protection (IMCO).

So far, the Committee has appointed as Shadow Rapporteurs Kim Van Sparrentak (Greens/EFA, Netherlands) and Arba Kokalari (EPP, Sweden), while the names of the remaining MEPs from the other political parties are still pending. The only European



Parliament Committee that will provide an opinion on the file is the Environment, Public Health and Food Safety Committee (ENVI).

For the Council of the EU, the Working Party on Consumer Protection and Information will be in charge of working on the file.



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## Eco-Management and Audit Scheme

Further to the European Commission's new [proposal for a Directive on Green Claims](#), they [pointed to](#) the EMAS registration process as a framework to eliminate all kinds of greenwashing. The Commission also published a video on their measures to tackle greenwashing, including EMAS as a well-established EU initiative. To watch the video, click [here](#).



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## Issues of General Interest

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

The 2022 annual [report](#) from the European Chemicals Agency (ECHA) highlights ECHA's contribution to the European Union's priorities and the key outputs from the year. The [Executive Summary](#) gives an overview of ECHA's achievements and the challenges they faced in 2022. See also the interactive timeline with the year's main news.



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# Essential use concept

The [final report](#) 'Supporting the Commission in developing an essential use concept' presents the outcome of a project to support the Commission to further define the essential use concept and associated criteria to help phase out the most harmful chemicals. The report investigates how the essential use concept could be implemented in EU legislation including REACH, the Restriction of Hazardous Substances Directive, food contact materials legislation, the Cosmetic Products Regulation, the Taxonomy Regulation, and the End-of-life Vehicles Directive. For REACH, the report identifies 'sub-options' for the essential use concept which could apply to options for the reform of authorisation and restriction, as considered in the targeted revision of REACH. Finally, the report provides a qualitative assessment of expected impacts from the introduction of the essential use concept in REACH. The evidence base was built up through a review of legislation and literature, a targeted survey, interviews and a workshop.

Conclusions of the report:

- 1) The **criteria** for use of a substance to be defined as essential for society require that the use is:
  - Necessary for health, safety and/or critical for the functioning of society.
  - Necessary because there are no alternatives that are acceptable from the standpoint of environment and health.
- 2) A **horizontal guidance** would bring further clarity, specificity, and consistency to the application of the criteria across different pieces of legislation.
- 3) The development of **legislation-specific guidance**, as required, would reflect nuances in how the essential use concept is introduced in practice into each piece of legislation.

As a reminder, the analysis of impacts and comparisons of the sub-options in this report serves to provide support to the Commission in its impact assessment of the REACH revision, expected for the **end of 2023**.



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# REACH

## Upcoming meetings

- The next meeting of the [Member State Committee](#) will take place in Helsinki from **31 May** to **2 June 2023**. The agenda is now available [here](#).
- The [Committee for Risk Assessment \(RAC\)](#) will meet on **5-9 June 2023** in Helsinki – see the agenda [here](#).
- The [Committee for Socio-Economic Analysis \(SEAC\)](#) will have hybrid meetings on **6-9 June** and **13-14 June 2023** – [agenda](#)

## REACH review

As already communicated, the REACH revision proposal is expected to be published by the fourth quarter of this year. Members of the European Parliament and NGOs continue to call on the Commission to publish the REACH revision in June to allow negotiations to wrap up ahead of next year's European election.

The European Commission is expected to present its revision of the REACH in two parts. The first part will come as a legislative proposal in the last quarter of this year while the annexes will come later via implementing acts. There is the possibility that the proposal will include access to justice provisions to better protect citizens from non-compliance with REACH, as well as a compensation mechanism.

## Substances of Very High Concern (SVHC)

New intentions to identify substances of very high concern have been received for:

- [Bumetrizole](#) (EC 223-445-4, CAS 3896-11-5).
- [2-\(2H-benzotriazol-2-yl\)-4-\(1,1,3,3-tetramethylbutyl\)phenol](#) (EC 221-573-5, CAS 3147-75-9).
- [Triphenyl phosphate](#) (EC 204-112-2, CAS 115-86-6)

The registry of SVHC intentions can be viewed [here](#).

As reminder, the [Candidate List of substances of very high concern](#) contains 233 entries for chemicals that can harm people or the environment. Companies are responsible for managing the risks of these chemicals and must also give their customers and consumers information to use them safely.

## Evaluation

New substance evaluation conclusion published for Community rolling action plan (CoRAP) substance :

- [\(3E\)-1,7,7-trimethyl-3-\(4-methylbenzylidene\)bicyclo\[2.2.1\]heptan-2-one](#) (EC 701-394-3, CAS 1782069-81-1), added to the Community rolling action plan list in 2020 and evaluated by Germany.
- [4,4'-sulphonyldiphenol](#) (EC/List number 201-250-5; CAS 80-09-1), added to the Community rolling action plan list in 2014 and evaluated by Belgium.
- [bis\(2-ethylhexyl 4,4'-{6-\[4-tert-butylcarbamoyl\]anilino}-1,3,5-triazine-2,4-diyl\)diimino}dibenzoate](#) (EC/List number 421-450-8, CAS 154702-15-5), added to the Community rolling action plan (CoRAP) list in 2015 and evaluated by Germany.
- **Corrigendum** for a substance evaluation conclusion document published on **12 November 2021**: [Tris\(methylphenyl\) phosphate](#) (List number 809-930-9; CAS 1330-78-5), added to the Community rolling action plan list in 2014 and evaluated by the Netherlands.

## Authorisation

**The European Court of Justice partially annuls authorisation decision for certain uses of chromium trioxide**

The European Court of Justice has annulled the Commission's decision of **18 December 2020** (Chemservice GmbH and others) granting an authorisation for certain uses of chromium trioxide. The reasons were the reasons are as follows:

1. The Commission authorised uses of chromium trioxide on the basis of a risk assessment to human health which did not meet the requirements of Article 60(4) to REACH.
2. The Commission was not in a position to conclude that there are no suitable alternatives for the authorised uses.

The Court further decided that the effects of the Commission decision should be maintained for one year until the Commission has taken a new decision.

The judgment is available at the following link: [Judgment C-144/21](#)

**ECHA recommends eight substances, including lead, for REACH authorisation**

To protect workers and the environment, ECHA recommends that the European Commission adds eight substances, including lead, to the REACH Authorisation List. Once substances are added to the list, companies will need to apply for authorisation to continue using them. [ECHA's 11th recommendation](#) includes the following substances:

- Ethylenediamine;
- 2-(4-tertbutylbenzyl)propionaldehyde and its individual stereoisomers;
- Lead;
- Glutaral;
- 2-methyl-1-(4-methylthiophenyl)-2-morpholinopropan-1-one;
- 2-benzyl-2-dimethylamino-4'-morpholinobutyrophenone;
- Diisohexyl phthalate; and
- Orthoboric acid, sodium salt.

ECHA has prioritised these substances from the Candidate List of substances of very high concern for this recommendation as they are of the highest priority, following the agreed approach of 2014.

### Latest authorisations granted by the Commission

The Commission has granted five authorisations for uses of **Chromium trioxide** (EC 215-607-8; CAS 1333-82-0). Review period expiry dates are in brackets:

- 2 uses applied for by [Oras Oy](#) (31 December 2028)
  - 1 use applied for by [Oras Olesno Sp. z o.o](#) (31 December 2028)
- 2 uses applied for by [Viega GmbH & Co. KG](#) (31 December 2028)

The Commission has granted authorisations for uses of the following **substances** (review period expiry dates in brackets):

4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated (4-tert-OPnEO) (EC -, CAS -):

- 1 use applied for by Becton Dickinson Distribution Center NV (4 January 2028)

4-Nonylphenol, branched and linear, ethoxilated (4-NPnEO) (EC -, CAS -)

- 1 use applied for by Bio-Rad (4 January 2033)

4-(1,1,3,3-Tetra methylbutyl)phenol, ethoxylated (4-tert-OPnEO) (EC -, CAS -)

- 4 uses applied for by Bio-Rad (1 use: 4 January 2028; 3 uses: 4 January 2033)

### Consultations for applications for authorisation

ECHA has launched consultations on 14 applications for authorisation covering 15 uses of:

- **Chromium trioxide** (EC 215-607-8, CAS 1333-82-0): used for etching in electroplating, functional chrome plating, functional chrome plating with decorative character, manufacture of passivated copper foil in Lithium-ion batteries.
- **Sodium dichromate** (EC 234-190-3, CAS 10588-01-9): used for the sealing after anodizing of aluminium alloys and passivation of metallic coatings of actuation and landing gear system parts for the aviation industry.
- **Acids generated from chromium trioxide and their oligomers** (EC -, CAS -): used in passivation baths.

You can submit your comments through the [webform](#) by **12 July 2023**.

## Restriction

### PFAS

The European Chemicals Agency (ECHA) has launched a **public consultation** and invites interested parties to send in scientific and technical information on the manufacture, placing on the market and use of per- and polyfluoroalkyl substances (PFAS) **by 25 September 2023**. ECHA has a particular interest in information relevant to the risks, socio-economic aspects and alternative substances. See more information [here](#).

The [video recording](#), [presentations](#) and [Q&A document](#) from ECHA online info session held on 5 April explaining the proposed REACH restriction on PFAS are available [here](#).

#### The restriction in brief:

- If releases are not minimised, adverse effects are inevitable
- Broad group restriction proposal
- Time-limited derogations for certain uses
  - Industry: Effort needed to switch to alternatives
  - Environment: Emission reduction of 96% in 30 years with full ban
  - If no action is taken societal costs will exceed costs associated with a restriction

#### Which substances fall under the scope?

- Concern-based scope using the OECD (2021) PFAS definition\* – E.g., PFAAs, polymeric PFASs, fluorinated gases
- Excluded: specific well-defined fully degradable PFAS subgroups (under normal environmental conditions)

\* *Fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom (without any H/Cl/Br/I atom attached to it), any chemical with at least a perfluorinated methyl group (–CF<sub>3</sub>) or a perfluorinated methylene group (–CF<sub>2</sub>–) is a PFAS.*

## Two restriction options (ROs)

- Option 1 (RO1): full ban, 18 months after entry into force
- Option 2 (RO2): full ban, 18 months after entry into force, with time-limited, use-specific derogations

ECHA's Committee for Risk Assessment (RAC) supports the proposed restriction on per- and polyfluoroalkyl substances (PFAS) in firefighting foams. The draft opinion of the Committee for Socio-Economic Analysis (SEAC) was open for consultation until 15 May. See more information [here](#).

## The European Commission adopts a restriction on lead in PVC

On 3 May 2023, the Commission adopted a regulation prohibiting the use and placing on the market of lead in polyvinyl chloride (PVC) articles. This concludes a process that started in 2016 when ECHA introduced a restriction proposal for the first time.

## Member States back microplastics restriction

On 26 April 2023, The EU Member States voted in favour of restricting intentionally added [microplastics](#) in the European Commission's REACH Committee. The Commission's draft regulation will still have to be scrutinised by the European Parliament and Council before it can be adopted.

## Restriction proposal

RAC opinions on restriction proposals are available. ECHA published the opinions of the Committee for Risk Assessment on restriction proposals for:

- per- and polyfluoroalkyl substances (PFAS) in firefighting foams (EC -), submitted by ECHA

terphenyl, hydrogenated (EC 262-967-7, CAS 61788-32-7), submitted by Italy

Germany submitted an intention to restrict the manufacture, placing on the market and use of [1,4-dioxane](#) (EC 204-661-8; CAS 123-91-1) in surfactants. A call for evidence organised by Germany opened on **20 April 2023** and will close on **20 June 2023**.

Advocate General proposes to uphold siloxanes restriction and SVHC decisions

In her non-binding opinions, the Advocate General of the European Court of Justice considered that two appeals challenging the General Court's judgments in relation to the substances D<sub>4</sub>, D<sub>5</sub> and D<sub>6</sub> should be dismissed.

The first case (C-558/21 P) concerns a restriction on substances D<sub>4</sub> and D<sub>5</sub> in wash-off cosmetic products, which the General Court had upheld.

The second case (C-559/21 P) is about whether the General Court correctly upheld ECHA's decision to identify substances D<sub>4</sub>, D<sub>5</sub> and D<sub>6</sub> as substances of very high concern (SVHC) because of their persistent, bioaccumulative and toxic (PBT)/very persistent and very bioaccumulative (vPvB) properties.

More information on the opinions: [C-559/21 P](#) and [C-558/21 P](#)



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## EU Ecolabel

### Proposal for a Directive to empower consumers for the green transition

On 15 May, the Council published the [four-column table](#) outlining the mandate of the European Parliament and the Council in relation to the European Commission's initial proposal for a Directive to empower consumers for the green transition.

This publication follows the European Parliament's [plenary vote](#) on the Internal Market and Consumer Protection (IMCO) Committee's lead report, and the Council's [negotiating mandate](#) as adopted on 3 May. In terms of next steps, negotiations ('trilogues') between the Parliament and Member States on the final content and wording of the directive will start soon.



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# Green Public Procurement

In April 2023, the European Commission launched the Public Buyers Community Platform, a platform designed to facilitate cooperation and knowledge-sharing between public buyers across Europe. The Public Buyers Community Platform is a unique digital space where public procurement stakeholders, including public authorities, industry, SMEs and academia, can come together to exchange best practices, share experiences and discuss challenges. It aims to encourage collaboration and build a community of public buyers who are committed to improving the efficiency and effectiveness of public procurement processes.

In addition, the proposal for a Net-Zero Industry Act Regulation requires public authorities to consider sustainability and resilience criteria for net-zero technologies in public procurement or auctions. The objectives of this proposal are to facilitate access to markets and to boost diversification of supply for net-zero technologies.



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# Environmental Footprint

## PEF/OEF method webinar

On 22 March 2023, the European Commission published its consumers package which includes the [proposal for a Directive on Green Claims](#).

The legislative proposal sets out common criteria against greenwashing and misleading environmental claims, allowing consumers make better informed purchasing choices and creating a level playing field for all businesses.

According to the text, when companies choose to make a 'green claim' about their products or services, they will have to respect minimum norms on how these claims are substantiated and communicated.

Some of the main points of the proposal are as follows:

- All voluntary claims about the environmental impacts, aspects or performance of a product, service or the trader itself are covered.
- However, the proposal excludes claims that are covered by existing EU rules, such as the EU Ecolabel or the organic food logo. Claims which will be

- covered by upcoming EU regulatory rules will be excluded for the same reason.
- All 'green claims' to consumers will need to be independently verified and proven with scientific evidence.
  - As part of the scientific analysis, companies will identify the environmental impacts that are actually relevant to their product, as well as identifying any possible trade-offs, to give a full and accurate picture.
  - Claims or labels that use aggregate scoring of the product's overall environmental impact will no longer be permitted, unless set out in EU rules.
  - If products or organisations are compared with others, such comparisons should be based on equivalent information and data.

In the European Parliament, the lead Internal Market and Consumer Protection (IMCO) Committee will hear the Commission's presentation of the proposal on 23 May, and in the Council the Working Party on the Environment examined and discussed the proposal on 27 April.



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# ENERGY

## Energy Efficiency

### Energy Efficiency Directive

Following the trilogue agreements on the EED in March, the European Parliament is expected to vote on the final agreement on 10 July, and the Presidency will provide an information update in the Energy Council on 19 June.

The EED text is expected to be published in the EU Official Journal this summer, when Member States will have to transpose the Directive into national law.



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## Ecodesign Directive

### Ecodesign Directive - Update on Lots / implementing measures

**ENER Lot 1: Space Heaters and ENER Lot 2 Water Heaters:** a Consultation Forum meeting on the revision of the Ecodesign and Energy Labelling measures took place on 27 April and a further meeting has been already announced for 12 June. Adoption of the final acts is expected in Q4 2023.

**ENER Lot 10: Air conditioners and ENER Lot 20: Local space heaters:** after the Consultation Forum meeting that took place on 7 March, the European Commission held its interservice consultation and the files passed the Regulatory Committee and Expert Group on 13 May. The final adoption of the Ecodesign and Energy Labelling revisions is expected in July 2023, after which the files will go for scrutiny by the European Parliament and Council of the EU.

**ENER Lot 11: Professional refrigeration:** on 11 May, the European Commission produced a draft working document laying out draft elements for consideration by

the Ecodesign Consultation Forum on a possible revision Regulation concerning fans driven by motors with an electric input power between 125 W and 500 kW. A Consultation Forum meeting will take place on 9 June 2023. The deadline to register for this meeting is 2 June 2023.

**ENER Lot 21: Central heating products and commercial air conditioners:** a review study for potential revision of the Ecodesign measure has recently been initiated, which will last for 18 to 24 months. More information will be provided during a general meeting during or after the summer of 2023.



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# DECARBONISATION & CLIMATE CHANGE

## Issues of General Interest

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### Sustainable finance

#### Corporate Sustainability Reporting Directive (CSRD)

As background information, on 21 April 2021 the Commission presented its proposal for a Corporate Sustainability Reporting Directive (CSRD), which aims to revise and strengthen the existing rules introduced by the Non-Financial Reporting Directive (NFRD), and to bring - over time - sustainability reporting on a par with financial reporting. Companies will have to report on how sustainability issues affect their business and the impact of their activities on people and the environment.

The proposal extends the EU's sustainability reporting requirements to all large companies and all listed companies. This means that nearly 50,000 companies in the EU would be asked to follow detailed EU sustainability reporting standards, an increase from the 11,000 companies that are subject to the existing requirements.

The Commission proposes the development of standards for large companies and separate, proportionate standards for SMEs, which non-listed SMEs can use voluntarily. Overall, the proposal aims to ensure that companies report reliable and comparable sustainability information needed by investors and other stakeholders. This would facilitate a consistent flow of sustainability information through the financial system.

The proposal also aims to simplify the reporting process for companies. Many companies are currently under pressure to use an array of different sustainability reporting standards and frameworks. The proposed EU sustainability reporting standards should be a 'one-stop-shop', providing companies with a single solution that meets the information needs of investors and other stakeholders.

The proposal was negotiated in the trilogue discussions, approved by the Parliament and the Council and [published in the Official Journal of the European Union on 16 December 2022](#), entering into force 20 days afterwards.

The rules will start applying between 2024 and 2028, as follows:

- from 1 January 2024 for large public-interest companies (with over 500 employees) already subject to the non-financial reporting directive, with reports due in 2025;
- from 1 January 2025 for large companies (with more than 250 employees and/or €40 million in turnover and/or €20 million in total assets) not presently subject to the non-financial reporting directive, with reports due in 2026;
- from 1 January 2026 for listed SMEs and other undertakings, with reports due in 2027. SMEs can opt out until 2028.

The Directive allows the European Financial Reporting Advisory Group (EFRAG) to set the European Sustainability Reporting Standards, which will be adopted as Delegated Acts by the Commission.

Following the submission by EFRAG of the [first set of standards](#) on non-sector-specific Environment, Social and Governance information, the Commission has been working on transforming these standards into draft delegated acts. The Commission will launch a public consultation on the draft standards in May. The final versions should be ready for November 2023. In the meantime, Commission President Von der Leyen has announced the intention to cut the overall reporting burden on companies by 25%. It is not clear how this will be achieved - the Commission will come with a plan in the Autumn - however, reducing the level of detail in the sustainability reporting standards is one of the options being considered. The Commission has also asked EFRAG to slow down the work on the other sector-specific standards and those for listed SMEs, and rather to focus on providing support to companies to implement the first set of standards.

For further information: [see here](#)



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## EU Taxonomy

On 5 April 2023, the European Commission published:

1. A draft Delegated Act that defines the technical screening criteria of the four other environmental objectives of the Taxonomy Regulation ('Environmental Delegated Act'), namely:
  - o sustainable use and protection of water and marine resources,
  - o transition to a circular economy,
  - o pollution prevention and control, and,
  - o protection and restoration of biodiversity and ecosystems.

The Environmental Delegated Act contains proposed changes to the Disclosures Delegated Act, including the content of the mandatory reporting templates.

2. A draft Delegated Act to amend the Climate Delegated Act, covering the climate-related environmental objectives of climate change mitigation and climate change adaptation.

You can find the drafts, including annexes, [here](#). Both drafts were subject to [public consultations](#) until 3 May 2023. The proposed criteria and amendments are largely based on the recommendations of the Platform on Sustainable Finance, published in March and November 2022.

The Commission has also launched new Taxonomy tools:

- a Taxonomy Navigator,
- a Taxonomy Calculator, and
- an FAQ repository.

They can be accessed [here](#).



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## Revision of EU Emissions Trading Scheme

On 18 April, Members of the European Parliament [adopted](#) the reform of the EU's Emissions Trading System (ETS) including for aviation and maritime, the Carbon Border Adjustment Mechanism (CBAM) and a new Social Climate fund. The ETS reform was adopted with 413 votes in favour, 167 against and 57 abstentions, and will:

- Increase the ambition of the ETS, as GHG emissions in the ETS sectors must be cut by 62% by 2030 compared to 2005 levels.
- Phase out free allowances to companies from 2026

- Create a separate new ETS II for fuel for road transport and buildings that will put a price on GHG emissions from these sectors in 2027 (or 2028 if energy prices are exceptionally high).
- Parliament also voted to include, for the first time, GHG emissions from the maritime sector in the ETS and agreed to the revision of the ETS for aviation. This will phase out the free allowances to the aviation sector by 2026 and promote the use of sustainable aviation fuels.

For more details on the ETS reform, see the [press release issued after the deal with EU countries](#).

The texts now also have to be formally endorsed by the Council, during the Coreper meetings, in preparation for formal adoption by the Council. They will then be published in the EU Official Journal and enter into force 20 days later.



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# PUBLICATIONS & EVENTS

## PUBLICATIONS

Author	Date	Title
European Parliament	17 May 2023	<a href="#">Briefing: Critical raw materials act</a>
European Parliament	10 May 2023	<a href="#">Briefing: New Product Liability Directive</a>
Eurofer	4 May 2023	<a href="#">Report: Economic and steel market outlook 2023-2024</a>
Directorate-General for Energy, European Commission	2 May 2023	<a href="#">Technical assistance for ensuring optimal performance of technical building systems under the new Energy Performance of Buildings Directive (EU) 2018/844</a>

Directorate-General for Energy, European Commission	11 April 2023	<a href="#">Assessing the balance between direct electrification and the use of decarbonised gases in the 2050 EU energy system</a>
European Parliament	30 March 2023	<a href="#">At a glance: General-purpose artificial intelligence</a>
European Union Agency for Cybersecurity (ENISA)	29 March 2023	<a href="#">ENISA Foresight Cybersecurity Threats for 2023</a>

## EVENTS

Organiser	Date	Name & Location
Euroheat & Power	22 May 2023 - 24 May 2023	<a href="#">Euroheat &amp; Power Congress 2023 (Turin)</a>
DG Research & Innovation, European Commission	23 May 2023	<a href="#">REPowerEU – financial opportunities for research and innovation (Brussels)</a>
European Bureau for Conservation and Development (EBCD)	23 May 2023	<a href="#">Sustainable products in a digital age – E-commerce compliance in the ESPR</a>

		<a href="#">and the Green Deal (Brussels &amp; Online)</a>
Euractiv	25 May 2023	<a href="#">Hydrogen - Tale of the Future or a Real Game Changer? (Brussels)</a>
DG ENER, European Commission	25 May 2023	<a href="#">Webinar 'Opportunities to finance energy transitions'</a>
DG ENER, European Commission	25 May 2023	<a href="#">Stakeholder forum I: heat pumps action plan (Brussels)</a>
Euractiv	25 May 2023	<a href="#">The Critical Raw Materials Act – What Opportunities for EU Technology Providers? (Online)</a>
SITRA	30 May – 2 June 2023	<a href="#">World Circular Economy Forum 2023</a> Helsinki, Finland
Eurofer	31 May 2023	<a href="#">Advancing Europe's Net-Zero Industry (Brussels &amp; Online)</a>
ChemSec	31 May 2023	<a href="#">All you need to know about the PFAS restriction consultation (Online)</a>

European Union Agency for Cybersecurity (ENISA)	7 June 2023	<a href="#">ENISA AI Cybersecurity Conference (Brussels &amp; Online)</a>
ENTSO-E	09 Jun 2023	<a href="#">Innogrid2023 - Projects session (Brussels)</a>
European Commission	03-11 June 2023	<a href="#">EU Green Week 2023</a>
Bruegel	14 June 2023	<a href="#">From metals to minerals: building the right policy mix for EU's critical raw materials supply (Brussels &amp; Online)</a>
ECOS	14 June 2023	<a href="#">Too net-zero to be true? The do's and don'ts of green claims (Brussels &amp; Online)</a>
Swedish Presidency of the Council of the EU	15-16 June 2023	<a href="#">Digital Assembly 2023 (Stockholm, Sweden)</a>
BDI	19-20 June 2023	<a href="#">The Day of Industry 2023 Berlin, Germany/Online</a>
Bruegel	20 June 2023	<a href="#">Net Zero Industry Act: how to make it fit for purpose? (Brussels &amp; Online)</a>
European Commission	20-22 June 2023	<a href="#">European Sustainable Energy Week 2023</a>
Bruegel	27-28 June 2023	<a href="#">Future of Work and Inclusive Growth Annual Conference (Brussels &amp; Online)</a>

Euractiv	28 June 2023	<a href="#">Packaging and Packaging Waste Regulation - how can we make it work? (Brussels)</a>
EUROBAT	6 July 2023	<a href="#">Nickel Institute Battery Day (Online)</a>
European Union Agency for Cybersecurity (ENISA)	21 September 2023	<a href="#">European Cybersecurity Skills Conference (Segovia, Spain)</a>
ENISA, E.DSO, ENCS, ENTSO-E	21 September 2023	<a href="#">Energy Forum Week (Athens, Greece &amp; Online)</a>

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