


## BULLETIN N° 100 - 14 November 2022

**Hello from Brussels.** As always, we bring you all the latest news on **circular economy** from Europe and beyond. **Big news for FEAD, reaching its 100<sup>th</sup> Bulletin!**

What a week for the EU27. A strategic partnership was signed with Kazakhstan on **raw materials** and an agreement was reached on the Effort Sharing Regulation (**ESR**). What a week for FEAD, as well. Our association was invited at a **United Nations** Economic Commission for Europe meeting to present on circular economy and the transport of dangerous goods, our team joined panel discussions at **Ecomondo** in Italy, while we also issued a **joint response** to the Basel Convention along with the European Electronics Recyclers Association (EERA).

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**Critical Raw Materials (CRMs):** The European Commission has [signed](#) a "strategic partnership" on raw materials, batteries and renewable hydrogen with Kazakhstan, Commission President Ursula von der Leyen announced on 8 November. The Memorandum of Understanding (MoU) is expected to "better integrate value chains that are key to the green and digital transition", and to develop a long-term partnership. *"Together, we will work to strengthen the integration of our strategic production chains. This concerns the mining of rare earth elements, the production of batteries and green hydrogen,"* the EC President stated. The EU legislative package that aims at strengthening the supply of strategically important raw materials will come at the end of March 2023, Peter Handley, the Commission's Head of Unit for Raw Materials (DG Grow) [reportedly](#) said during on the fringes of COP27 in Sharm el-Sheikh.

**Taxation:** The Czech Presidency is putting forward a compromising text on energy taxation, according to a document published by Context. The compromise, that was discussed on 10 November, introduces new minimum rates of specific taxation for natural gas and liquified petroleum gas (LPG), depending on their use (as transport fuels, for heating, etc). With the rates set to be valid until the end of 2032, there is a ten-year transition period, during which, states can voluntarily introduce reduced rates for a range of fuels and energy.

**Carbon Border Adjustment Mechanism (CBAM):** A "jumbo" triologue on CBAM and the Social Climate Fund could be held in mid-December, Peter Liese, the EU Parliament's Chair of the committee has [reportedly](#) confirmed. So far, a trilogue on CBAM is scheduled for 12 December, according to the Czech Presidency's calendar. As Agence Europe reported, negotiators already agree on the governance of CBAM. The scope of the tool is still on the table; free quotas under the ETS, as well. Following the trilogue held on 8 November, a diplomat told Contexte that both the Council and the Parliament want to conclude talks before the end of the year, as the mechanism is supposed to enter into force on 1 January 2023. The trilogue scheduled for mid-December could bring an agreement on the text.

**Effort Sharing Regulation (ESR):** On 8 November, the Council and the EP [reached](#) a provisional agreement on the revision of the ESR, which is one of the Fit for 55 files. The regulation sets binding annual greenhouse gas (GHG) emission reductions for EU member states and currently regulates roughly 60% of EU emissions (including road transport, heating of buildings, agriculture, small industrial installations and waste management). As part of the deal, each member state will have to ensure every year that they do not exceed their annual GHG emission allocation, and also a headline emissions reduction target of

40% by 2030, based on 2005 levels.

**EU Emissions Trading System (EU ETS):** The third trilogue on the [proposal](#) amending the EU ETS was held on 10 November 2022, for negotiators to discuss the scope of the application, the conditions for allocating free allowances and the use of revenues, among others, Contexte reported. Following the meeting, Peter Liese, the Parliament's chief negotiator voiced his disappointment over the "unsuccessful" outcome of the talks, with Michael Bloss (German MEP, Greens) also noting that the Council "has shown little will to move towards the Parliament and thus continue to block the process", Euractiv reported.

According to the so-called four-column document published by Contexte, the Council would be ready to accept that carbon emissions from incineration activities be "monitored" from 2024, with the possibility for states to include the sector in their national carbon market from 2026. The EU Executive would still need to carry out an impact assessment on the inclusion of the sector at EU level by 2031, which was the EU Council's original position. A new trilogue could take place on 22 November.

**Energy Charter Treaty:** According to information published by Contexte, the updated EU position outlined in a document to be adopted on 22 November during the Energy Charter conference, reads that the EU should not oppose the modernisation of the treaty. The latter was signed in 1994 by 53 parties to enforce cooperation in the energy industry and to offer guarantees to Western states looking to do business in post-Soviet states. Its framework provides the ability to investors and companies to sue countries over policy changes that could threaten their business and profits. Several states are now claiming that the ECT's punitive legal protections for fossil fuels could jeopardise their ambitious climate plans.

**State Aid:** According to information published by Contexte, a "high-level" working lunch was scheduled for 9 November, during which, the [note](#) prepared by the three Council Presidencies, namely the French, Czech and the upcoming Swedish one, will be discussed. The experts will touch upon the criteria used to define state aid schemes and the industries in Europe that are in need of protection in case of gas rationing.

**Construction Products Regulation (CPR):** On 7 November, Member-States' experts discussed a [compromise text](#) by the Czech Presidency. The document, published by Contexte, addresses only a few articles related to definitions and products that fall within the scope of the performance, marking, safety and durability obligations proposed by the EC in its revision, without amending the obligations at this stage. It also suggests that the regulation does not apply to systems treating waste water.

In the European Parliament, according to a provisional timetable issued by the Parliament's IMCO committee, lawmakers are expected to discuss the draft Report by Christian Doleschal (EPP), on 28-29 November 2022. MEPs would then have until 6 December 2022 to table amendments to the Rapporteur's text.

**Ecodesign on Sustainable Products Regulation (ESPR):** In the European Parliament, MEPs have until 15 November to table amendments to the [draft opinion](#) of the IMCO committee, which is then expected to vote on the document and any amends in April 2023. The ITRE Committee Rapporteur is developing a draft Opinion on the Commission's proposal, with the committee then expected to discuss the expected draft Opinion, once published, on 28 November 2022. Following this, lawmakers will have until 1 December to submit any amendments.

**Protection of the environment through criminal law:** The Council's Working Party on Judicial Cooperation in Criminal Matters met on 8 November 2022 to further analyse the revised text by the Czech Presidency.



**Critical Raw Materials (CRMs) Act:** The Commission has opened a public consultation on its future legislation on ensuring an increase and diversification of its critical raw materials supplies. A call for evidence for an Impact Assessment (IA), on the Critical Raw Materials (CRMs) Act initiative has been launched. We kindly ask you to provide us with your feedback/contribution/ facts and figures, practical examples by [11 November 2022](#).

**Plastic Wastes:** Please provide us with your feedback on the notes from the co-leads of the Small Intersessional Working Group (SIWG) on the technical guidelines on the ESM of plastic wastes, by [15 November 2022](#).

**Revision of EU rules on food contact materials (FCM):** The Commission has opened a public consultation on its initiative related to food safety policy. This includes rules on food contact materials (e.g. food packaging, kitchen and tableware and food processing equipment) and is part of the Farm-to-Fork strategy. The deadline to send us your

feedback on FEAD's draft response to the Commission's FCM questionnaire is set on [11 January 2023](#).

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- **10 November: UNECE · Working Party on the Transport of Dangerous Goods (WP.15)**

FEAD participated in a panel discussion on circular economy from the multimodal transport of dangerous goods' point of view at the 112th session of the UNECE - Working Party on the Transport of Dangerous Goods (WP.15). The **high-level meeting** was also attended by Mrs. Olga Algayerova, Executive Secretary, UNECE and Mr. Yuwei Lee, Director, Sustainable Transport Division, UNECE.

During its intervention, FEAD explained how the introduction of rules that take into account the specific nature of waste as a dangerous good in the ADR provide the **legal certainty needed for the waste management industry** to work efficiently, closing material loops and steering Europe towards a circular and low carbon economy. The WP.15 approved the circular economy as a fixed agenda point for their meetings. Relevant points in terms of circular economy for the WP.15 were for example, the possibility to use recycled packaging for transport as well as the transport of waste batteries.

You can find the meeting's agenda [here](#) and FEAD's presentation [here](#).

- 15-16 November, Rotterdam: Public conference on Paper and Plastic recycling – **FEAD representative to be a speaker**
  - 16 November, Brussels: 6<sup>th</sup> meeting of the ADR - **Informal Working Group on the Transport of Hazardous Waste**, dedicated to the transport of asbestos waste in bulk.
  - 30 November, online: ECHA Workshop on the Forum pilot project on Recovered Substances exempted from REACH registration - **FEAD representative to be a speaker.**
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FEAD visited this year's **Ecomondo**, the green technology expo, that was held on 8-11 November in Rimini, Italy.

Our technical officer, Paolo Campanella had fruitful discussions with Elisabetta Perrotta, Director of our Italian member Assoambiente and Mattia Pellegrini, Head of Unit, Waste Management & Secondary Materials (DG ENV) at the European Commission.

During the panel discussion on **waste shipments**, FEAD stressed that:

- ▶ The requirements related to the cross-border transport of waste to third countries exceed what is needed to ensure the safety of shipments.
- ▶ Waste exports are necessary in a global, circular economy



**EU readies new law to cut packaging waste from e-commerce:** The European Commission is preparing to unveil new legislation which for the first time envisages measures to limit packaging size as well as the amount of “empty space” in boxes shipped around Europe by online retailers. The environmental impact of e-commerce has attracted scrutiny from EU policymakers concerned about the amount of packaging waste generated from growing online sales. Brussels will seek to address this

**Germany to leave Energy Charter Treaty:** The three coalition parties forming the German government on Friday agreed the country should leave the Energy Charter Treaty, making it the biggest economy to announce it's quitting the embattled deal. The decision follows announcements from France, Spain, the Netherlands, Slovenia and Poland that they will withdraw from the pact. "The Energy Charter Treaty is a toxic treaty, which slows down the energy transition. It is therefore immensely important that



as part of a revision of its packaging and packaging waste directive, due on 30 November. *Read more from [EURACTIV](#).*

Germany has finally announced its withdrawal," said Anna Cavazzini, the European Parliament's point person on the file and a member of the German Greens. *Read more from [Politico Europe](#).*



**Clarity on WEEE shipments 'critical' say European recyclers:** European waste management associations have called for "clear and efficient" shipment rules as the OECD considers amendments to WEEE regulations. The European Waste Management Association (FEAD) and European Electronics Recyclers Association (EERA) say reform to Prior Informed Consent (PIC) procedures for waste imports is "critical". *Read more from [Materials Recycling World](#).*



Ursula von der Leyen @vonderleyen

Glad to sign the agreement on raw materials, batteries and renewable hydrogen with @PrimeMinisterEn Smailov.

We will better integrate value chains that are key to the green and digital transition.

It's a new chapter in our already deep relationship.



Ursula von der Leyen @vonderleyen  
Signature of the Memorandum of Understanding with Kazakhstan

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FEAD @FEADInfo

FEAD visits this year's @Ecomondo, the green technology expo!

● Fruitful discussions with Elisabetta Perrotta, Director of our Italian member @assoambiente & @MPellegriniEC, Head of Unit, Waste Management & Secondary Materials (DG ENV) at the European Commission

#Ecomondo2022



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