




BULLETIN N° 101 - 18 November 2022

Hello from Brussels. As always, we bring you all the latest news on **circular economy** from Europe and beyond. Another busy week for the EU. Member-States are exiting the Energy Charter Treaty (ECT) one after the other, the EU Raw Materials Week showed that recycling and circularity are the future, and the bloc's Green Deal chief, Frans Timmermans during COP27 proposed the creation of a new global fund to support the victims of climate disasters in the most vulnerable countries.

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Strasbourg Plenary ahead: MEPs are set to gather in Strasbourg on Monday 21 November, to discuss a number of issues in the **agenda**, including the social and economic crisis, triggered by the pandemic, that salvages the EU27 bloc. Russia's invasion of Ukraine and the subsequent energy crisis are again dominating the talks, which will

evolve around the union's budget. The Parliament's budget committee (BUDG) has stressed the need for new own resources to finance the Next Generation EU (NGEU) scheme. On Tuesday, lawmakers will consider a BUDG report calling for rapid adoption of a decision on three new own resources, which would gather contributions to the bloc's budget from an extended emission trading system (ETS), a carbon border adjustment mechanism (CBAM), and a share of reallocated very large multinational company profits.

Energy Charter Treaty (ECT): Several countries looking to withdraw from the ECT are planning to block the EU Commission's ability to greenlight the treaty's provisional modernisation agreement, scheduled to take place during the ECT conference on 22 November, Politico reported. Others, including France, Germany, the Netherlands, Spain and Poland, prefer to attempt to force the EU Executive to come up with a new solution, such as a coordinated EU withdrawal, the news outlet added. The Council's endorsement is needed to establish the EU's position at the conference, with a vote in the Council having been postponed several times already.

NATIONAL NEWS: Luxembourg also announced on 18 November it is leaving the ECT, following a decision by the country's Council of the Government. "Even if the modernization of the TCE leads to certain advances, the inconsistency with the objectives of the Paris Agreement on the climate remains real. The Treaty as a whole remains too protective of investments in fossil and nuclear energies", the country's Minister of Energy and Regional Planning, Claude Turmes wrote on Twitter. Luxembourg's announcement follows those of Germany, France, Spain, the Netherlands, Slovenia and Poland.

EU Emissions Trading System (EU ETS): With the fourth trilogue on the [proposal](#) amending the EU ETS scheduled to take place on 22 November, a leaked document published by Contexte reads that the Czech Presidency has proposed a number of compromises on the revised ambition of the current EU ETS, as well as on the extension of the system to maritime transport and to the buildings and road transport sectors. The Permanent Representatives Committee (COREPER) discussed the document drafted by the Czech Presidency of the Council ahead of the next inter-institutional meeting that was held on 16 November 2022.

Last week, during the inter-institutional discussions on 10 November, the EU Parliament withdrew its amendment to prevent financial institutions from participating in carbon allowance auctions, Contexte reported. Concerning waste incineration, the Council's proposal for an à la carte mechanism was rejected by lawmakers, who

argued that this possibility already exists and therefore does not constitute a step forward. On 11 November, a [written statement](#) by Rapporteur Peter Liese, announcing that compromises were found by EP and Council negotiators on the role of carbon capture and utilisation (CCU), among others. The next political dialogue is set for 22 November.

"Very important is in my view that we agreed on including CCU and negative emissions through air capture which means technologies to use the CO₂ in the atmosphere in the EU climate policy. They may even be included in the ETS but as this issue is very complex, the Commission needs to assess all the options before", Liese's statement reads.

Renewable Energy Directive (RED): On 10 November, 40 energy actors signed a [declaration](#) voicing their concerns over the EP's proposal to introduce a new definition of 'primary woody biomass', and the restrictions associated with its use." By using wood residues to produce energy, "wasting precious wood resources" is avoided, the declaration reads, Contexte reported, adding that the use of woody biomass must therefore be supported, and as a "priority" for the cogeneration of heat and electricity. The declaration was issued ahead of the RED dialogue held on 15 November.

Industrial Emissions Directive (IED): In his draft [opinion](#) dated 7 November, the IRE committee Rapporteur on the file, Tomas Tobé, argued that the Commission proposal puts unjustified burden on operators. His draft opinion contradicts the Commission's as it does not suggest requesting operators of industrial installation to comply with the strictest possible limit values, as the latter are included in the Best Available Techniques (BAT) conclusions.

A draft [report](#) by Lead MEP Radan Kanev of the ENVI committee dated 28 October and published on 14 November, proposed clarifying that a new requirement for national authorities to set the strictest emission limit values possible for installations applying best available techniques (BATs), should only apply to new installations or when BAT conclusions are updated. Kanev also suggested lowering the minimum amount of sanctions for non-compliance with the directive, 4 % of annual turnover, against the 8 % proposed by the EC.

The Identity and Democracy Group (ID) appointed the Italian MEP Danilo Oscar Lancini, as its new Shadow Rapporteur for the ENVI committee on the Commission's [proposal](#) for the IED revision. Lancini will now be assisting EPP Rapporteur, Radan Kanev, with drafting ENVI's report on the EC proposal.

Batteries and Waste Batteries: According to the so-called [four-columns document](#), that was updated on 15 November and re-published by Contexte, a political discussion among the Council, the EP and the Commission is still needed on the legal basis of the text, the collection objectives or the provisions on the duty of vigilance throughout the production chain, in the Commission's [proposal](#). Next meeting is scheduled for 9 December, with negotiators hoping to reach an agreement before the end of the year.

Chemicals: On 16 November, EU's Regulatory Scrutiny Board greenlighted the Commission's draft impact assessment for the REACH reforms, allowing the EU Executive to proceed with drafting a full legislative proposal. The move could pave the way for the EC to publish its proposal earlier in 2023, and not in the final quarter of next year, as foreseen in its [Work Programme for 2023](#), published in October.

In a [statement](#) issued the same day, the Enforcement Forum of ECHA agreed that the next REACH enforcement project will investigate how companies fulfil the registration, authorisation and restriction obligations for products and chemicals they import from outside the EU.

On 17 November, the European Chemicals Agency (ECHA) made available a pre-[publication](#) of Germany's proposal to restrict bisphenol A and bisphenols of similar concern for the environment under the REACH regulation.

Renewables: The EU Parliament's energy committee (ITRE) greenlighted on 14 October the draft report on the proposal to accelerate the deployment of renewables. All the [compromise amendments](#) (which include waste sites as areas to prioritise) were adopted resulting in the shortening to nine months (instead of one year, as foreseen by the EC proposal) the deadlines within which, authorisation procedures for renewable energy projects will have to be validated in certain "go-to-areas".

Packaging and Packaging Waste Directive (PPWD): The Commission's leaked draft proposal on the packaging directive has raised eyebrows in the industry, which are puzzled over the proposed re-use targets.

Finance: The European Commission announced on 16 November it will allocate an additional €6 billion to the "green bonds" issued under the NextGeneration EU plan. The latter is meant to assist member-states with their resilience and recovery plans, aimed at addressing the economic aftermath of the coronavirus pandemic. The move brings the total amount in €35.5 billion earmarked for financing "green projects".

Carbon Border Adjustment Mechanism (CBAM): According to information by Contexte, an executive working [document](#) dated 15 November assesses Parliament's proposals on extending the scope of CBAM to hydrogen, organic chemicals and plastics. Concerning the latter, the EU Executive considers that certain polymers could be included as soon as the CBAM (polyethylene and polypropylene) enters into force.

COP27: The European Commission's Vice-President and Green Deal chief, Frans Timmermans proposed on 17 November the establishment of a new global fund at COP27, the so-called "loss and damage" fund to aid the victims of climate disasters in the most vulnerable countries. COP27 talks were scheduled to close on 18 November, however, according to information by ENDS Europe, Egypt's COP27 president Sameh Shoukry said he was committed to bringing the talks to a close in "an orderly fashion" on Saturday with a "comprehensive, ambitious and balanced" agreement.

Earlier in the week, the EC Vice-President raised the EU's climate ambitions for 2030, stating that the EU27's reduction of greenhouse gas emissions will reach "at least 57 % " by the end of the decade, and adding that the EU is ready to update its Nationally Determined Contributions (NDC). So far, the bloc has pledged for a 55% reduction.

Critical Raw Materials (CRMs): During EU's Raw Materials week held on 14-18 November, European decision-makers have joined calls for governments to further implement the UN frameworks on sustainable resource management. Speaking at the event, Peter Handley, Head of Unit for Energy Intensive Industries and Raw Materials at the Commission's DG Industry, said that the Union's future legislation will "examine which materials are strategic" to achieve the objectives of the Green Deal, REPowerEU, and the bloc's defence objectives, thus taking the scope of the upcoming legislation "beyond the current definition of critical raw materials", Contexte noted. During his speech, the EC official also stressed that the EC analysis and those of studies carried out by the European Raw Materials Alliance and KU Leuven (Belgium)" show that circularity and recycling are the future". He also noted, though, that "the EU will only be able to truly meet European economic needs from materials already in circulation after 2040", adding that by then "we will have to combine increasing recovery and recycling capacity as we are doing, with a number of targeted primary mining activities inside and outside the EU. provided it is done according to the highest environmental, social and governance standards", Contexte further reported.

Discussions on CRMs also topped the agenda of COP27, with Dario Liguti, the Director of

the Sustainable Energy Division, UNECE [stating](#) that at COP27, "the importance of critical raw materials is clear: electric vehicles, deep electrification, and renewable energy technologies will require enhanced good practices in mining and recycling of materials".

Construction Products Regulation (CPR): The Council's Working Party on Technical Harmonisation (Construction Products) is scheduled to meet on 22 November to continue technical discussions on the proposal for CPR revision. The group is expected to discuss the compromise text prepared by the Czech Presidency, which will be made public in the upcoming weeks.

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. In a [draft report](#) published on 14 November, ITRE committee rapporteur argues that the powers of the EU Executive on the environmental aspects "go too far", rejecting the provisions giving the EC the power to adopt delegated acts to strengthen obligations relating to product safety or sustainability. "This empowerment is too far-reaching. It is impossible to tell what direction these amendments might take", the EPP rapporteur said.

International Treaty on Plastic Pollution: During the Foreign Affairs Council (FAC) held on 14 November, the EU27 gave the nod to the Commission to join the treaty coalition on behalf of the EU. So far, Germany and France have already joined the coalition that was formed in summer.

REPowerEU: The first trilogue on the Commission's plan to make Europe independent from Russian fossil fuels well before 2030, took place on 16 November, during which, the EP and the Council exchanged their respective positions. Another trilogue is scheduled for 23 November, set to be held in Strasbourg, Contexte reported, with the date yet to be confirmed.

Gas price cap: According to information by Contexte, "a majority of states" want new legislative proposals ahead of the extraordinary Council on 24 November. On 15 November, the EC announced it would present "a detailed description" of the future gas price correction mechanism, ahead of the Energy Council, but "not a formal proposal."

Ecodesign on Sustainable Products Regulation (ESPR): 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. In her draft opinion, Greek MEP from EPP group, Maria Spyraiki tabled several amendments to encourage bio-based products in the regulation, highlighting their potential in achieving climate neutrality objectives". According to Contexte, the EPP MEP also pled for the renewable nature of the raw materials used to manufacture products to be included in the essential requirements that will be asked of the producer.

In the Council, the Czech Presidency published its [progress report](#) on 14 November 2022, with the COMPET Council expected to meet on 1 December 2022. In its report, Prague stated that Member States' representatives were largely in favour of the extended scope of the regulation reflected in the Commission's proposal, but there is still a number of issues that need to be further discussed at the Working Party level. The document highlighted member-states' concerns over the number of secondary legislation planned to implement the text and the coherence with other EU legislation on chemicals or waste, Contexte reported.

Protection of the environment through criminal law: The Council's Justice and Home Affairs (JHA) Counsellors and experts are scheduled to meet on 21 November 2022 to discuss the Czech Presidency's final compromise text on the proposal, that was submitted on 16 November. If the text is agreed upon, the Council's permanent representatives would then examine the Council's draft internal position, before the Council ultimately approves the General Approach. In a bid to resolve the thorniest issue in the text, namely the calculation of fines to be imposed on legal persons, Prague is leaving it up to member-states to decide.



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. Following a call for feedback, FEAD has prepared a draft response to the EC public consultation. Deadline to submit feedback us your feedback on FEAD's draft response is **23 November 2022**.

EU Strategy for Sustainable and Circular Textiles: We would like to kindly ask FEAD

textile experts to send us your input on the questions by EP Rapporteur on textiles Pernille Weiss by [23 November 2022](#).

Polluter Pays Principle (PPP): The European Commission has launched a call for evidence for an evaluation/fitness check of its PPP initiative. The Commission then wants to develop recommendations in 2024 on how to better implement this principle. The call will run until [9 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](#).



- [30 November](#), online: ECHA Workshop on the Forum pilot project on Recovered Substances exempted from REACH registration - **FEAD representative to be a speaker.**



The 6th meeting of the ADR - Informal Working Group on the Transport of Hazardous waste, dedicated to the transport of asbestos waste in bulk was hosted at FEAD's office, in Brussels, on 16 November 2022.

✦ Since 2005, FEAD is a recognised stakeholder by the RID/ADR/ADN Joint Meeting. From that date, the association is actively participating in the development of specific “waste rules” in the ADR. Since 2018, FEAD is leading the ad hoc technical working group on the basis of a list of issues prepared by FEAD experts regarding the transport of hazardous waste in the ADR.



One in four substances recovered from waste non-compliant with

REACH: Results from a Forum pilot enforcement project on substances recovered from waste reveal that 26 % of checked substances are in breach of REACH. Inspectors checked 46 cases to find out if substances recovered from waste met the conditions for exemption from REACH registration. Firstly, they examined if the recovered and registered substances are the same and secondly if information on safe use was available. *Read more from [ECHA](#).*

How sensor-based sorting technology is driving advances in e-waste

recycling: According to the UN's Global E-scrap Monitor 2020, global e-scrap will reach 74 million metric tons (Mt) by 2030, making it the fastest growing waste stream in the world. E-scrap comprises a

Polish towns worried over proposed EU urban wastewater rules:

New EU rules on treating urban wastewater, proposed by the European Commission last month are too ambitious for Polish municipalities, which point to the country's ongoing issues with wastewater treatment. The new directive was proposed by the Commission last month and aims to replace the Urban Wastewater Treatment Directive, which has been in force for over 30 years. The new plan is meant to improve treating toxic micropollutants, including microplastics, and pharmaceuticals. *Read more from [EURACTIV](#).*

BMRA calls for ban on households placing WEEE in collection bins:

The British Metal Recycling Association (BMRA) has called for a ban on households placing unwanted waste

variety of discarded electronic products, including TVs, PCs, mobile phones, household appliances such as washing machines, freezers, vacuum cleaners, and even some children's toys. *Read more from [Recycling Magazine](#).*

Malta first Mediterranean country to launch deposit return scheme: Malta follows the other 12 EU countries that have introduced DRS as a tool to significantly reduce littering and increase the collection and recycling rates of single-use beverage containers. The deposit return scheme in Malta is operated by BCRS Malta Ltd., the licensed, not-for-profit private operator of the national Beverage Container Refund Scheme. *Read more from [Recycling Magazine](#).*

electrical equipment (WEEE) and lithium-ion batteries in roadside collection bins. In replacement, it suggests that the Government instruct local councils to carry out kerbside collections for the items, which includes single-use vapes. *Read more from [Resource](#).*

Report calls for urgent action to reduce material use in key industries: Urgent action is needed to reduce material use in key industries to avoid unprecedented climate change, according to new research by Zero Waste Europe (ZWE) and Eunomia Research & Consulting. Early adoption of proven emission reduction practices, such as the decarbonisation of energy grids, should be made a priority in the near term, as the impact of deploying technologies after 2030 will be substantially less effective. *Read more from [Recycling Magazine](#).*



FEAD cites pitfalls of e-scrap policy: The Brussels-based European Waste Management Association (FEAD) and the European Electronics Recyclers Association (EERA), based in the Netherlands, say Basel Convention e-scrap amendments and their implementation means it is "crucial to bring the need for clear and efficient shipment rules to the negotiation table." *Read more from [recycling today](#).*

TWEETS OF THE WEEK



Internal Market, Industry, Entrepreneurship & SMEs
@EU_Growth

A successful #RawMaterialsWeek 🌍🔧 reaches its last day!

Now is the time to act to decrease dependencies while supporting #EUindustry competitiveness & #greentransition 🌱🔋. We'll need skills, #research 🧑🔬, #innovation & #supplydiversification.

See you again in November 2023!



EU_ScienceHub and 8 others

Frans Timmermans
@TimmermansEU

This is the Implementation COP. It's time to deliver.

The EU is firmly on track to finalise the legislation to deliver our climate target by the end of this year.

We expect to reach at least -57% emissions reductions by 2030 and therefore stand ready to update our NDC.

#COP27 🌍



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