



BULLETIN N° 104 - 9 December 2022

Hello from Brussels. As always, we bring you all the latest news on circular economy from Europe and beyond. This week, another triologue on Batteries and Waste Batteries was held, with hopes to conclude negotiations that began in April.

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Packaging and Packaging Waste Regulation (PPWR): In the European Parliament, the Environment Committee is the one responsible on the file unveiled by the EC on 30 November, while those of Industry, Internal Market and Legal Affairs are responsible to provide their opinion.

Batteries and Waste Batteries Regulation: The fourth trilogue on Batteries and Waste Batteries was held on 9 December, with hopes to conclude negotiations that began in April. According to information by Contexte, to achieve this, the Czech Presidency is asking Member States for some flexibility in a draft mandate submitted to COREPER1 ambassadors on 7 December. While battery waste collection targets remain the thorniest issue, for portable batteries, Prague asks the EU27 about their ability to subscribe to the objectives initially proposed by the Commission or, at least, on the target by the end of 2030 (collection rate at 70 %), even if it means better distributing the intermediate deadline (2025), the news outlet further reported. In the case of bicycle and scooter batteries, Contexte added that the presidency also asks delegations to reconsider their opposition to the medium-term trajectory, as " this is an important point for the Parliament ". The deadlines for the implementation of the various provisions of the text, as well as the timetable for secondary legislation and penalties, are also being discussed. The Council reportedly wants to extend the legal basis of the text to guarantee States some flexibility on waste management systems.

Chemicals: According to a draft joint declaration by the Council of the EU, the Commission and the European Parliament on their common legislative priorities for the years 2023 and 2024, that was published by Contexte, the chemicals aspect of the Green Deal, meaning the REACH and CLP is not mentioned. In contrary, aspects of the circular economy, such as the right to repair, ecodesign, packaging and the green claims are in the document, and same applies to soil health, reducing water, air and microplastic pollution, restoring and protecting biodiversity, as well as fighting the environmental crime. The text is expected to be adopted on 15 December, on the eve of the next EU summit.

- **CARACAL:** On 8 November, the European Commission adopted a [recommendation](#) to promote a framework to assess safety and sustainability of chemicals and materials. The proposed European framework sets a common baseline for evaluating safety and sustainability – an important step to increase the protection of human health and the environment against hazardous substances.

Critical Raw Materials (CRMs): The Head of the Energy Intensive Industries and Raw Materials Unit of the European Commission's DG Industry, Peter Handley, said at a conference on 7 December that the future legislation on critical raw materials will not be able to cover all the issues, and that it will be up to the EU Executive to present which elements will not be covered by the regulation, Contexte reported. Handley explained that some of these elements will be part of the communication planned in parallel, adding that currently, the European Commission is finalising the drafting of an impact study on the issues related to the future regulation". The latter is scheduled for publication on 19

December, the news outlet added.

Construction Products Regulation (CPR): The Council's Technical Harmonisation Working Group, exchanged views on several CPR compromise proposals on 5 December.

REPowerEU: According to a report by Contexte, the compromise agreement that was found on 6 December between the EU parliament's main groups on the REPowerEU directive broke down on 7 December. As a result, the EP political groups tabled their own amendments, while the old compromises have only been signed by the body's right wing, EPP and ECR. Markus Pieper, EPP rapporteur broke the "gentleman agreement", which consisted in not tabling an amendment contrary to the red lines of the co-signatories of the compromise, two sources among the negotiating teams of the other groups told Contexte. The news outlet added that Pieper broke the deal by deciding to table his own amendments, in an effort to ease environmental rules in favour of the development of renewable energies. On top of seeking to make Natura 2000 areas accessible to renewable energy projects if they do not "significantly affect the protection objective of the site", Pieper also considers the exclusion of bioenergy in "go-to areas". Some groups, which are parties to the agreement, do not rule out voting on the old [compromise amendments](#) on 14 December, the news outlet added.

Gas Price Cap: COREPER ambassadors are set to meet on 10 December in a bid to reach an agreement prior to the Energy Council scheduled for 13 December, Contexte reported, adding that several sources told the news outlet that "the positions haven't really changed" and that current negotiations are repeating previous discussions. The news outlet added that Germany, the Netherlands and the supporters of a more ambitious mechanism continue to clash over the level of the ceiling (220 euros/MWh according to the [compromise](#) discussed in Coreper late in the evening of 7 December), its conditions for triggering and suspending, the scope. Several States plead for setting a precise date for triggering the ceiling, apart from a surge in prices, therefore, "so that the markets are fixed", Contexte added, noting that this is the solution backed in a [proposal](#) by Poland, Greece, Slovenia, Italy and Belgium. Another [proposal](#) by the Netherlands, suggests the introduction of a cap on gas for storage facilities and is supported by several delegations, but as a complement to a broader mechanism and not as an alternative, Contexte added. A new Presidency compromise is expected before COREPER's meeting on 10 December. However it is unlikely that the ambassadors will agree on this text, with several sources betting on a rise of the proposal at the EU summit on 15 December, Contexte added.

Industrial Emissions Directive (IED): EPP Rapporteur on the file, Radan Kanev called on his colleagues in the Parliament's ENVI committee to come a step closer to the position of the lawmakers of the AGRI. "We must take into account the position of the Agriculture Committee. Having such unity is a very strong signal," Kanev told Contexte on 7 December. Should there not be concessions from the ENVI committee, "the greatest risk, and I think it is realistic, is that MEPs will find themselves having to choose in plenary between two extreme positions. The outcome of the vote would be totally unpredictable and would not strike a good balance between the interests of the agricultural sector and the public with regard to pollution," the rapporteur added. In the meantime, the shadow rapporteurs of the other political groups in the ENVI committee had until 7 December to submit their amendments to the draft report.

In the Council, the Environment Working Group met on 8 December, to consider a Presidency note on the IED revision and exchanged on the signing of non-binding declarations on behalf of the EU at COP15.

EU Emissions Trading System (EU ETS): In the European Parliament, the Environment Committee on 5 December held a progress update on the ETS trilogue and on the financing of the REPowerEU plan. Last week, Pascal Canfin, the chair of the ENVI committee, told reporters that "among the options on the table, there is that of agreeing later on the extension of the carbon market to individuals (ETS) and on the social climate fund if in the next ten days we do not manage to decant the situation", Contexte reported. That could mean that for Canfin, there is the option of temporarily leaving aside the flagship initiative in a bid to clinch a deal on the carbon market revision during the "jumbo trilogue" scheduled for 16-17 November. The ENVI chair added that this is also the case for the Social Climate Fund (SCF), citing that there was "almost no progress" on the text during the last trilogue on 29 November. The news outlet added that also for Peter Liese, the lead MEP on the ETS file, the idea of abandoning the ETS twice is in the air, although he assumes that the main political groups in the European Parliament and the vast majority of states in the Council still support the measure.

The "jumbo trilogue" scheduled for 16 and 17 December, which could be the last one on ETS and the Social Climate Fund (SCF), is planned to start on Friday at 10 am with six hours of negotiations on the ETS, Michael Bloss, shadow rapporteur of the Greens group told reporters, according to Contexte. Discussions on SCF would come after, and the day would be finished with another session devoted to the carbon market. The weekend's schedule will depend on the progress of the negotiations made on Friday. Contexte noted

that also Bloss leaves open the possibility of a continuation of negotiations in 2023 in the event of no agreement.

On 7 December, Prague did not submit to COREPER1 ambassadors a different draft mandate than the one rejected by the EP during November's trilogue, Contexte reported. If the EU27 support it, the Czech Presidency will defend once more an inclusion of the sector at the earliest in 2031, depending on an impact study by the EC, which will be delivered by the end of 2026. The proposal to start "monitoring" carbon emissions related to incineration from 2024 remains, with MEPs supporting the integration of the sector into the EU carbon market as of 2026.

According to a [study](#) commissioned by the European Parliament's Energy Committee (ITRE) on the role of financial operators in the ETS market and the incidence of their activities in determining the allowances' price, the impact of financial speculation on quota prices is "limited". Therefore, the study aligns with the Council, which refused to limit access for financiers, since it considers that "the increase in the prices of emission allowances is not the result of harmful actions on the part of financial actors", Contexte reported. However, the authors recommended that policymakers consider the creation of an independent market authority" to harmonise data and detect early signs of market manipulation. The market stability reserve, which absorbs or re-injects allowances into the ETS to limit price fluctuations, also needs to be strengthened.

Environmental Taxonomy: Financial Services Commissioner Mairead McGuinness acknowledged before the EP's Environment and Economic affairs committees on 5 December that she could not give a precise date for the adoption of the implementing act related to the environmental part of the taxonomy, after the climate one, Contexte reported. The Commissioner added that it is impossible to produce a complete act on all four criteria, meaning on biodiversity, water, pollution and circular economy, in six months, but that is the only option the EU Executive has. The news outlet added that given the "complexity" of the file, McGuinness said that the idea is to start with the sectors "where we know that there is an alignment, less controversy" and thus "gradually introduce this taxonomy", noting, however, that the EC has not yet made a final decision on the process, she said.

Carbon Border Adjustment Mechanism (CBAM): Ahead of the trilogue scheduled for 12 December, the EU27 CBAM experts met on 5 December, to hold discussions on the Council's mandate. Contexte reported that Bloss is ready to block negotiations on the ETS allowances and the financing of the REPowerEU plan, should the position of the Parliament on the carbon market be undermined.

Plastics:

- **Plastic Products:** The European Commission will take more time to finalise the implementing act which must specify the requirement to incorporate at least 25% recycled plastic in poly (ethylene terephthalate, PET) bottles from 2025 and at least 30% in 2030 for all bottles, Contexte reported. For now, the text concerns only mechanical, and not chemical, recycling, and it was scheduled to be adopted in the last quarter of 2022. The EU Executive needs more time to ensure consistency between this text, the new Packaging and Packaging Waste Regulation (PPWR) unveiled on 30 November and the text on materials in contact with food. Therefore, the adoption of the calculation method is now expected in the first quarter of 2023. This method, which is intended to verify compliance with the requirements set out in the 2019 Single-Use Plastics Directive, was initially expected in early 2022.
- **Plastics:** The European Commission presented on 30 November, a [communication](#) aimed at defining what bio-based, biodegradable and compostable plastics are. Aurel Ciobanu-Dordea the Head of DG ENV told a conference on 1 December that the EC has no "fundamental reservations about these biological solutions," but some "caution". The news outlet also reported that the EC official explained that this is why the communication "gives a number of signals " about the conditions around the manufacture and use of these plastics. " When the methodologies to measure and compare the differences between material and technological solutions, in terms of environmental, energy and carbon performance are available – and it should not take too long – then we will put more specific rules on the table ," he explained.
- **Plastic-coated packaging:** In an order of 15 September and published on 5 December, EU's General Court rejected as inadmissible an appeal by the European Paper Packaging Alliance (EPPA), which tried to have several provisions of the EC guidelines annulled. Contexte reported that EPPA challenged the inclusion in the scope of those restrictions of cardboard packaging covered with a layer of plastic, with the EU General Court arguing that the contested guidelines do not constitute an act open to challenge under the Treaty on the Functioning of the EU. The court also rejected the association's ground, which argued that the language used in the document suggested binding effect, seeing it as a mere "persuasive effect" on Member-States.

State Aid: On 8 November, an EC communication on state aid was published, increasing the ceiling of the de minimis aid, which a single undertaking may receive per Member State

over any period of 3 years, to EUR 275 000 (from 200.000). It will enter into force on 1 January 2024 (after expiry of the current) and apply until 31 December 2030.

UNECE Espoo Convention on Environmental Impact Assessment: According to information by Contexte, the executive presented on December 7 to the Council of Ministers a bill authorizing the approval of an [amendment](#) to the Espoo Convention, that involves NGOs in the assessment of the transboundary environmental impact of major projects. France was the only EU country that had not ratified the amendment. This decision was justified by "a reinforced environmental awareness", according to government spokesman Olivier Véran.

Renewable Energy Directive (RED): Ahead of the next trilogue scheduled to be held on 14 December, Contexte has published the four-columns document summarising the state of negotiations on the RED Directive after the various trilogue sessions. All provisions remain on the table, apart from some agreements on sectoral targets on the use of renewable energies and possible compromises on the objective of renewable energy and hydrogen consumption in industry, the news outlet added. However, agreement is likely on the definition of bioenergy. Several people in the EU Parliament and the Council told Contexte that further trialogues will be needed in 2023, under the Swedish Presidency. A third trilogue on the proposal for the RED amendment has been scheduled for 14 December.

In a joint statement published on 7 December, and signed by a hundred NGOs and companies, urged the EU27 to drastically review their ambitions in terms of renewable energies and energy efficiency. In particular, according to information by Contexte, the statement reads that EU energy ministers must commit to reaching 50% renewable energy in EU consumption and to increasing energy efficiency efforts by 20 % by 2030. The signatories voiced their concerns over the mandate of the states during the RED and Energy Efficiency Directive (EED) trilogues. The news outlet further reported that the statement also calls for exceeding the REPowerEU targets, explaining "that a 50% renewable target would allow the EU to avoid paying €48 billion more in gas in 2030, compared to the 40 % target initially set in the July 2021 climate package".

International plastics treaty: During the negotiations towards an international agreement to fight plastic pollution that kickstarted on 28 November in Uruguay, it became clear that there were divergences among government officials and stakeholders, Contexte reported. While the mandate for a legally binding agreement was not questioned, the US is envisaging a treaty on the basis of the Paris climate agreement (global objective and an obligation to put in place national plans) while the High Ambition coalition defended the

model of the convention, which is planned to be more binding by allowing the use of certain products or substances to be banned. The news outlet added that other countries, including Saudi Arabia, Malaysia or China insisted on the need to recognize the interest of plastics. The second round of negotiations will resume in France on 22-26 May 2023.

Renewables: EU27 ambassadors discussed the Czech Presidency's new compromise on 7 December, with Prague seeking a vote on a general approach, meaning the Council's position on the text at the Energy Council scheduled for 19 December. The Czech compromise was reached on 1 December, Contexte reported, with the EU Executive and ITRE MEPs wanting to raise the target for renewable consumption to 45% by 2030, since the presentation of the REPowerEU plan. The news outlet wrote that the compromise "returns to the ban, for bioenergy and hydroelectricity, to have access to 'go-to areas', these areas where renewables can set up more quickly thanks to a simplified administrative procedure. The exclusion of these zones for both energy sources will be left to the discretion of the Member States. In addition, the maximum period for issuing a permit to renewable energies in 'go-to areas' and outside may be extended by six months 'in well-justified cases', thus increasing to eighteen months in these areas and two and a half years outside."

The European Union and Japan signed on 2 December a Memorandum of Cooperation (MoC), intensifying their cooperation on hydrogen and develop an international hydrogen market. According to an EC [announcement](#), the two entities "will work together for sustainable and affordable production, trade, transport, storage, distribution and use of renewable and low-carbon hydrogen. The cooperation will help to establish a rules-based and transparent global hydrogen market without distortions to trade and investment".

Ecodesign for Sustainable Products Regulation (ESPR): Talks were held in the Competition Council on 1 December, with Prague summarising its progress report from 14 November. According to information by EUissuetracker, the Presidency would put forward its first compromise text this week. COMPET overall expressed its support for the EC proposal, noting, however, that more talks are needed to strike a balance between encouraging circular economy practices whilst preserving firms' competitiveness in and beyond the single market. EU's Internal Market chief, Thierry Breton, also took part in the discussions expressing his satisfaction with both the level of discussion in the Council and the progress already made on the proposal. Breton also said that the EC a trilogue between the Council and European Parliament would begin in 2023.

On 12 December, the Czech Presidency will present to national experts the first

compromise draft on the regulation on ecodesign of products. According to information by Contexte, the Presidency proposes the creation of a group of Member States' experts to be consulted by the Commission throughout the implementation of the Regulation: on the prioritisation of products on which to legislate, the preparation of targeted standards (by delegated acts) and the revision of supervisory mechanisms. Concerning the prioritisation of products on which to legislate, Contexte wrote that the Presidency calls on the Commission to take into account the challenges of resilience and competitiveness of the EU, in addition to climate, environmental and energy objectives. At this point, no changes have been made to the ecodesign criteria, nor to the article on the destruction of unsold goods, despite the requests of several States in favour of a ban by default.



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.**

Packaging and Packaging Waste Regulation (PPWR): The European Commission released on 30 November its PPWR revision proposal. The adopted act is open for feedback for a minimum period of 8 weeks, until **27 January 2023.**

- The European Commission opened on 1 December a 2-week consultation on the Review of the requirements for packaging and other measures to prevent packaging waste.
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The EU's first 'ecocide' trial: toxic chemicals found in French

homes: Grézieu-La-Varenne, a small town in Eastern France, has unexpectedly become part of an international environmental debate. After dangerous levels of pollution were uncovered, a criminal 'ecocide' investigation is underway, the first of its kind in the EU. 'Ecocide' describes widespread, long-term, and intentional acts of environmental harm. Last year, after years of campaigning by activists, France became the first EU country to criminalise these actions. Now, this new law is being put to the test. *Read more from [Euronews](#).*

Battery collection rate 'recovers after Covid': Statistics published by the Environment Agency suggest compliance schemes are on track to meet targets for the collection of waste portable batteries in 2022. The UK collection rate is calculated from the weight of waste portable batteries for which schemes supply battery evidence notes in 2022. Battery compliance schemes collected 13,676 tonnes of batteries by October, the statistics show. This is 77% of the indicative UK obligation for 2022, which stands at 17,849 tonnes. *Read more from [letsrecycle.com](#).*

Fortum's battery material recycling facility gets ready to begin operations in 2023 – Staff members moving onsite in December:

The construction work and the gradual deployment tests of Fortum's new battery material recycling facility in Harjavalta, Finland, are being completed according to plan. Staff members will move to the site in December as the last installations are being made. The new state-of-the-art hydrometallurgical plant is on track to start commercial operations in the second quarter of 2023. *Read more from [Fortum](#).*

Dramatic CCTV footage shows how quickly small fire turned into massive blaze at Altens recycling centre: Newly released CCTV footage shows how quickly the devastating fire spread at the Altens recycling centre in Aberdeen – which investigators believe was probably caused by a battery. Suez Recycling and Recovery UK is now participating in the national Take Charge campaign, urging people to dispose of "zombie" batteries responsibly during the festive season. *Read more from [The Press and Journal UK](#).*

Remondis wants to build battery recycling plant: Remondis, Germany's largest waste management group, wants to enter the field of battery recycling. The company announced plans for building a facility for recycling end-of-life batteries in early December. *Read more from [EUWID](#).*



Retema: La FEAD alaba la propuesta de Reglamento de Envases de la Comisión: [LINK](#)
Recycling today : European Commission proposes new packaging rules: [LINK](#)
Recycling Portal : PPW Regulation: a clear recognition of the waste management industry's role: [LINK](#)

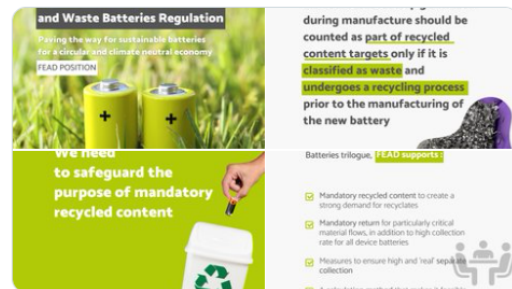


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Paving the way for sustainable batteries in a climate neutral and circular economy 🌱

FEAD publishes its position on #batteries ahead of Friday's trilogue on #Batteries and #Waste Batteries

Our position in a nutshell 📌



and Waste Batteries Regulation
Paving the way for sustainable batteries for a circular and climate neutral economy
FEAD POSITION

during manufacture should be counted as part of recycled content targets only if it is classified as waste and undergoes a recycling process prior to the manufacturing of the new battery

Batteries trilogue, [FEAD suggests](#)

- ☑ Mandatory recycled content to create a strong demand for recyclates
- ☑ Mandatory return for particularly critical material flows, in addition to high collection rate for all device batteries
- ☑ Measures to ensure high and 'self' separate collection
- ☑ A calculation method that makes it feasible

9:47 AM · Dec 8, 2022

#TRILOGUE | 🗣️ Never low on power! And we will definitely need some for the fourth trilogue on #batteries and waste batteries, which has just begun.

We want to make sure they are safe and sustainable. From production to the end of their lifecycle.

#EU2022CZ



Jaroslav Zajíček and 2 others



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