



BOLLETTINO N° 106 - 23 dicembre 2022



Ciao da Bruxelles. Come sempre, vi portiamo tutte le ultime novità sull'economia circolare dall'Europa e non solo.

Dopo una settimana di successo coronata da un accordo sul mercato del carbonio del blocco (**EU ETS**) e sul **tetto al prezzo del gas**, è tempo che Praga ceda la presidenza di turno **del Consiglio alla Svezia.**

Anche il FEAD ha un annuncio importante. Vorremmo ringraziare il nostro Presidente uscente, **Peter Kurth** per aver guidato la nostra associazione con successo dal 2020, e dare il benvenuto a **Claudia Mensi**, il nostro Vicepresidente, che sarà il nuovo Presidente della FEAD a partire dal 1° gennaio 2023.

Prima di continuare, assicurati di non perdere le nostre ultime notizie 🖱️

SEGUICI SU TWITTER



Revisione del regolamento sulle spedizioni di rifiuti (WSR): Il Consiglio "Ambiente" (ENV) del 20 dicembre ha tenuto colloqui su una relazione sullo stato di avanzamento della proposta della Commissione relativa a nuove norme sulle spedizioni di rifiuti nell'UE, esprimendo il suo sostegno generale alla [proposta](#). Il capo del Green Deal dell'Unione Frans Timmermans, che ha partecipato alle discussioni a nome dell'esecutivo dell'UE, ha sottolineato la necessità che gli Stati membri accelerino i loro lavori nell'adottare il loro approccio generale, sottolineando che la proposta della Commissione è di importanza strategica e che, se il Consiglio dovesse concordare una posizione comune, la proposta potrebbe essere adottata nel secondo trimestre del 2023. Durante la sessione del Consiglio, i Paesi Bassi, la Slovacchia, la Francia, l'Austria, la Romania e la Germania hanno tutti espresso il loro sostegno alla proposta della Commissione e la loro motivazione per concordare rapidamente una posizione comune. Anche Cipro ha sottolineato il suo sostegno alla proposta, ma ha dichiarato che le sue riserve sulle misure che disciplinano l'esportazione di rifiuti riciclabili non pericolosi verso paesi non OCSE, auspicando maggiore flessibilità. La Slovenia ha osservato che le nazioni più piccole non hanno attualmente la capacità di rivedere la documentazione complessa e trattare determinati tipi di rifiuti.

The WSR revision has been in the hands of the French Presidency, with Prague continuing works on the dossier, without it being a priority, thus, devoting five technical meetings to the matter.

CLP: The European Commission unveiled on 19 December a [proposal](#) for a revised Regulation on the classification, labelling and packaging of chemicals (CLP), and a [Delegated Act](#) introducing new hazard classes for endocrine disruptors and other harmful chemical substances to better protect people and the environment from hazardous chemicals. The revised Regulation clarifies rules on labelling and for chemicals sold online. The planned measures include enhanced controls on chemicals sold online to EU citizens by operators established outside the EU, with the EU Executive now asking for the existence of a supplier already present in the EU, which will have to ensure that the product complies with EU rules, Contexte reported. The adopted Delegated Act, also published alongside the proposal, introduces 8 new hazard classes under the CLP for endocrine

disruptors, as well as for chemicals that do not break down in the environment and can accumulate in living organisms, or risk entering and spreading across the water cycle, including drinking water. The new hazard classes are the result of extensive scientific discussions and will provide easier access to information to all users of such chemicals, notably consumers, workers and businesses. They could allow further action to address and mitigate the risks of substances and mixtures under other EU downstream legislation such as e.g. REACH, while taking account of socio-economic impacts. The Delegated Act is expected to enter into force early next year, after scrutiny by the European Parliament and Council.

REACH: Belgium's federal minister for Climate, Environment, Sustainable Development and Green Deal, Zakia Khattabi, has [urged](#) the Commission to publish the revision of the regulation for evaluating and authorising chemicals (REACH) before the end of this legislature to protect human health and the environment. The Minister argues that following the recent positive advice from the Regulatory Scrutiny Board (RSB), the independent body within the European Commission that advises the College of Commissioners, the last barrier to the Commission publishing the much-awaited revision of the regulation for evaluating and authorising chemicals (REACH) has been passed.

REPowerEU

- **Gas Price Cap:** EU energy ministers reached on 19 December a political [agreement](#) on a Council regulation that sets a market correction mechanism to protect citizens and the economy against excessively high prices. The bloc's ministers were asked last week by the EU27 heads of state and government, to finalise the dossier during this week's Energy Council, as states remained split over when to trigger the mechanism. The latter was [formally adopted](#) by written feedback from the EU27 delegation on 22 December.

The mechanism, that will apply as of 15 February 2023, will be activated if prices exceed 180€/MWh for three days. Once triggered, it will remain active for at least 20 days. If the dynamic bidding limit is below 180€/MWh for last three consecutive working days, it will be automatically deactivated. The dynamic bidding limit will also be automatically deactivated, at any time, if a regional or a Union emergency is declared by the European Commission according to the security of supply regulation, notably in a situation where the gas supply is insufficient to meet the gas demand ('rationing'). The dynamic bidding price will be calculated daily by the EU Agency for the Cooperation of Energy Regulators (ACER) based in particular on prices on Asian markets and a new LNG price reference, which ACER is

responsible for setting up.

As a result of the agreement on the gas price cap, two emergency regulations: on joint gas purchases and on the accelerated deployment of renewable energies, on which ministers had agreed in late November, were also [formally adopted](#).

- **Renewable Energy Directive (RED) amendment:** With the adoption on 19 December of [the REPowerEU](#) Directive revising the Renewables Directive (RED), EU Energy Minister the EU hope to accelerate the deployment of renewable energy for a period of one and a half years during which, planning and operating renewable energy installations is "presumed to be in the overriding public interest". The emergency regulation sets maximum deadlines for issuing permits: six months for the re-equipment of power plants to renewable energies, three months for certain heat pumps or solar projects.

In particular, the text maintains the Council's target of 40% renewable energy consumed by the EU by 2030, with the compromise providing for privileged areas – the "go-to areas" – in which renewable projects must have their permit validated in one year. Outside the go-to areas, permitting processes must not exceed two years, and three years for offshore projects. In "duly justified extraordinary circumstances", the deadline may be extended by up to six months, both outside and inside areas where renewable energies are preferred. Member states will be allowed to exclude biomass and hydroelectric plants from the go-to areas.

In return to its support to the gas price cap, Germany secured the addition of an article (5a) to the emergency regulation accelerating the deployment of renewable energy, Contexte reported, creating additional, optional exemptions from environmental assessments for renewable energy projects, energy storage projects and electricity grid projects "necessary to integrate renewable energy into the electricity system". The article could mean that the measures to "mitigate" possible damage to the environment could even be replaced by "monetary compensation for species protection programs", the news outlet added.

Renewable Energy Directive (RED)III: The agreement reached between the Parliament and the Council was welcomed by the Commission during the Energy Council meeting. The EU Executive informed M-S of the outcome of the third trilogue, which took place on 15 December 2022, and welcome developments on renewables, on binding targets for RFNBOs in industry and the indicative annual increase during the last trilogue. It also

highlighted the need of an ambitious agreement to anticipate the investment in renewable energy needed to tackle the energy crisis and also to ensure energy sovereignty and independence from Russian oil and gas. A swift continuation of the work under the Swedish Presidency in 2023 is expected with a view to an agreement being reached on the rest of the proposal.

EU Emissions Trading System (EU ETS): After dozens of hours of discussions held within the framework of a 'jumbo trilogue' on the bloc's carbon market, EU negotiators managed to clinch a deal. The compromise reached by the co-legislators includes a 62% reduction of emissions covered by the EU Emission Trading System (ETS) by 2030, establishing an ETS II on buildings and fuel for transport by 2027 for both individuals and businesses, unless the average gas price over the period January-June 2026 is higher than it was before the start of Russia's invasion of Ukraine, in February-March 2022. Concerning free allowances, these will be phased out at the same speed as the phase-in of the Carbon Border Adjustment Mechanism between 2026 and 2034. The provisional agreement foresees that any inclusion of waste-to-energy (WtE) incinerators in the scope of the EU ETS will be determined by a prior Impact Assessment (IA). The IA conditionality has been FEAD's [position](#) since the beginning of negotiations, to reflect the best options to tackle CO2 emissions from municipal waste incineration in the long-term, considering both climate and circular economy.

The agreement that was reached on 18 December, was sent to COREPER ambassadors, who, during their meeting on 21 December discussed the proposed Directive amending the EU ETS. The formal approval of the ETS agreement, alongside the one on the Social Climate Fund (SCF) also reached the same day, will take place in January 2023, under the Swedish Presidency of the Council of the EU. Concerning the SCF, Contexte reported that it will have a budget of €65 billion for the period 2026-2032, while together with compulsory co-financing by Member States, the overall budget amounts to €86.7 billion and will finance measures to combat energy poverty.

Within the European Parliament, the provisional agreement will be submitted to the ENVI Committee for approval, following which it would be tabled for a final vote in a plenary session with a view to adopting the Parliament's first reading position.

Carbon Border Adjustment Mechanism (CBAM): On 20 December, the Permanent Representatives of the EU27 (COREPER2) formally green-lighted the CBAM [agreement](#) that was reached during the trilogue of 12 December (see last week's [bulletin](#)). The latter, that formats the content of the final four-column document with

the institutions' positions, will gradually enter into force between 2026 and 2034. According to information by Contexte, for all sectors, including non-CBAM, free allocations will be conditional on decarbonisation plans and energy audits. The news outlet reported that the sectors to which the CBAM will apply from 2026 onwards are listed in Annex 1. This will also apply to indirect emissions, noting, however, that these indirect emissions should not be calculated for goods that are entitled to financial aid aimed at offsetting – on the European carbon market – the price of CO₂ emitted indirectly. For the rest, a methodology for calculating these indirect emissions and their taxation will have to be adopted by 1 January 2026. The adopted texts will now be forwarded to the European Parliament, which must adopt them, and then referred back again to the Council of the EU, at a ministerial level, before coming into force within the specified time frame.

Packaging and Packaging Waste Regulation (PPWR): Europe's environment ministers met on 20 December in Brussels to assess the different points in the Commission's regulation proposal. As Contexte reported, "Lithuania, Slovakia, Finland and Portugal called for 'national specificities' and already existing systems on collection and deposit to be taken into account." The news outlet added that several M-S want to modify the text's legal basis to add a reference to environmental protection, with a German representative quoting that "this would allow established national systems that have proven their worth to be maintained". Concerning the re-use targets, Portugal called for increased information on environmental impacts, while Italy held a more hardline position, denying "somewhere the responsibility of producers materialized by heavy investments for several years " in recycling, according to the country's minister, as reported by Contexte. Concerning waste reduction targets, the news outlet added that Greece and Cyprus asked to take into account the impact of tourism "which fluctuates a lot and can weigh on our ability to achieve it", with Athens and Austria also regretting the Commission's choice to opt for a regulation instead of a directive.

Industrial Emissions Directive (IED): EU's Environment ministers met on 10 December to discuss a [compromise proposal](#) by the Czech Presidency shared by Prague on 14 December along with an explanatory note. According to information by Contexte, the compromise proposal excludes battery assembly plants from the scope of the Directive and among others, abolishes the obligation introduced by the Commission to periodically review the environmental management system. It also eases the provisions relating to sanctions in the event of non-compliance with the directive, in the name of the " principle of subsidiarity", with the Presidency abolishing the minimum of 8 % of turnover in the event of infringement by a legal person, the news outlet further reported.

Concerning the rules currently in place, in an [Implementing Act](#) dated 9 December and published in the Official Journal of the EU on 20 December under the IED, the Commission outlined the "best available techniques" (BAT) for the textiles industry. BATs aim at ensuring a high level of environmental protection and motivate manufacturers to apply them in the production process and in the case of the textiles, they concern pre-treatment operations, such as washing, bleaching, mercerisation or dyeing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day, among others.

Carbon Capture and Storage (CCS): On 20 December, 10 NGOs from five Member States across various regions including the Netherlands, Denmark, Romania, Poland, and Germany, [called](#) for an EU carbon capture and storage strategy. In a letter, they underscored the need for a policy framework for carbon capture and storage based on a robust set of guiding principles and safeguards to facilitate the deployment of this critical infrastructure for industrial decarbonisation at scale by 2030.

Ship Recycling: On 14 December, the Commission [adopted](#) its 10th update on the European list of ship recycling facilities. Owners of ships sailing under the flag of an EU country are legally obliged to have them dismantled (at the end of their operational life) in approved yards that meet EU health and environmental standards.

Ecodesign for Sustainable Products Regulation (ESPR): The European Parliament's Committee on Internal Market and Consumer Affairs (IMCO) has published its amendments on the draft opinion by Rapporteur David Cormand (Greens/EFA, France) on the Commission's [proposal](#) for an ecodesign for sustainable products regulation. The rapporteur also tabled an amendment seeking to set more detailed rules on the delegated powers of the Commission as envisioned in Article 4. Through the introduction of a new provision, he also sought to set out specific requirements on durability and reparability of products. Reacting to the draft opinion, the Parliament's Socialists and Democrats wanted to clarify the rights and obligations of reconditioners, arguing that the latter should no longer be required to ensure the same level of performance, compared to the proposal of the European executive. The group also wants to guarantee reconditioners access to product information, via the digital passport, like any other economic operator. In their amendments, the S&Ds group also insisted that a second-hand product, such as a battery, "will never have the same level of reparability and durability as a new product [...], even after it has been repaired", the Contexte reported, adding that all the amendments will be debated in the IMCO committee either at the end of January 2023 or beginning of February.

In the Parliament' ENVI committee, the draft report by Alessandra Moretti submitted on 6

December is provisionally scheduled to be discussed on 12 January 2023. The deadline for ENVI Committee MEPs to submit amendments to the draft Report is provisionally set for 17 January 2023. On this basis, the Rapporteur and Shadow Rapporteurs may negotiate compromise amendments.

EU Taxonomy: On 19 December, the EU Commission published two draft notices containing FAQs on i) the interpretation and implementation of certain legal provisions of the [EU Taxonomy Climate Delegated Act](#) establishing technical screening criteria for economic activities that contribute substantially to climate change mitigation or climate change adaptation and do no significant harm to other environmental objective, and ii) on the [Disclosures Delegated Act](#) on the reporting of Taxonomy eligible and Taxonomy-aligned economic activities and assets. These notices are still draft versions, as the final formal adoption and publication will happen on the Official Journal once all linguistic versions are available (possibly early Q2 2023).

Air pollution: In its judgement delivered on 22 December the Court of Justice of the European Union (CJEU) ruled that a citizen cannot claim compensation from the State for their health damage, citing that the air quality directives, in the name of which the dispute is conducted, "do not contain any explicit attribution of rights to individuals". Nor is it possible to regard it as a right conferred "implicitly", which would have made it possible to engage the responsibility of the state. Ruling on a dispute with the French government, against a background of exceeding air quality standards in the Paris region the CJEU's judgement goes against the opinion of the Advocate General, Julianne Kokott. Its judgement also notes that a natural or legal person can, on the other hand, demand from the state that an action plan be designed to respond to the health risk, as such a plan is required by the European. The Court noted, however, that its judgement does not exclude that the responsibility of the State can be engaged, "under less restrictive conditions on the basis of domestic law".

News from the EU institutions

- The European Parliament, the Council of the EU and the Commission have signed a [Joint Declaration](#) on the EU Legislative Priorities for the years 2023-2024. The Declaration draws on the Commission's 2023 Work Programme and puts political emphasis on key legislative proposals that either have already been presented by the Commission or will be by the next European Elections in 2024.

- Coreper ambassadors also formally supported the political agreements reached with the European Parliament and the European Commission on the Effort Sharing Regulation (ESR) for emission reduction.
- On 22 December, the text amending the regulation on temporary storage of mercury waste in liquid form, was **published** in the Official Journal of the EU. Until then in force until 31 December 2022, this derogation for landfill disposal of liquid mercury waste is extended by three years due to the limited capacity in the conversion of this waste.



EU Strategy for Sustainable and Circular Textiles: The European Parliament's Environment committee (ENVI) has issued a draft report produced by Delara Bukhardt on the Commission's textiles proposal. Through the latter, the EU Executive wants to ensure that all textile products placed on the EU market are durable, repairable and recyclable, to a great extent made of recycled fibres, free of hazardous substances, produced in respect of social rights and the environment. FEAD has provided members with the draft report and kindly asks you to send us your comments by [6 January 2023](#).

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](#).

Carbon Removal Certifications: The Commission has **published** a proposal to establish a Union certification framework for carbon removals to contribute to the EU climate objective. It should develop the necessary rules to monitor, report and verify the authenticity of these removals. The aim is to expand sustainable carbon removals and encourage the use of innovative solutions to capture, recycle and store CO₂ by farmers, foresters, and industries. The Commission's deadline for feedback on the proposal is on 15 February 2023. FEAD has provided members with a questionnaire before preparing a draft response. The deadline for you to send us your written responses to the questionnaire is [11 January](#).

2023.

Urban Wastewater Treatment Directive: on 26 October 2022, the European Commission published the [proposal for a revised Urban Wastewater Treatment Directive](#). This adopted act is open for feedback until 16 February 2023. To prepare our feedback, we kindly ask you to send us any input and documents you think would help us to build a FEAD position by [13 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 17 February 2023. FEAD has provided members with a draft feedback on the Commission's proposal and we would like to kindly ask you to send us your comments on the document by [16 January 2023](#).

Classification, labelling and packaging of chemicals (CLP): On 19 December, the Commission proposed a revised CLP Regulation and introduced new hazard classes for endocrine disruptors and other harmful chemical substances to better protect people and the environment from hazardous chemicals. The deadline to send us your feedback on the Commission's proposal is [30 January 2023](#).



Ilana Cicurel, French MEP of Renew Europe group is taking over the position of shadow rapporteur on the revision of the environmental crime directive, in the EU Parliament's JURI committee, after Pascal Durand left the group at the end of November, Contexte reported. **Pierre Karleskind**, also member of Renew inherits the seat of full member in JURI and will closely follow the work on the crime directive," in particular on the environmental crime aspects at sea, the news outlet added.



Chemicals production and consumption statistics: Eurostat on 16 December published its findings on the production and consumption of industrial chemicals in the EU, with a particular focus on substances being hazardous to human health or hazardous to the environment. Its analysis showed that relative to the total production of chemicals in the EU, chemicals hazardous to human health are produced in lower amounts since about 2010 onwards. *Read more from [Eurostat](#).*

3M to Exit PFAS Manufacturing by the End of 2025: 3M (NYSE: MMM) today announced it will exit per- and polyfluoroalkyl substance (PFAS) manufacturing and work to discontinue the use of PFAS across its product portfolio by the end of 2025. 3M's decision is based on careful consideration and a thorough evaluation of the evolving external landscape, including multiple factors such as accelerating regulatory trends focused on reducing or eliminating the presence of PFAS in the environment and changing stakeholder expectations. *Read more from [3M](#).*

Safe and efficient waste shipments: The way towards a circular economy: The EU is strongly committed to achieving climate neutrality by 2050 and the transition to a circular economy is a prerequisite towards this objective. In this context, safe shipments of waste are key, as they enable the re-looping of valuable secondary raw materials back into the economy and incentivise circular economy business models. However, it is clear to the waste management industry that the ongoing revision of the rules on the shipments of waste do not sufficiently consider and acknowledge this vital enabling role.

Achieving a circular and more resource efficient economy requires major changes in our production and consumption models and is intrinsically based on logistical chains across the EU and around the world. Our ambitious circular economy relies on cross-border supply chains, as market openness goes hand-in-hand with better economic performance. It is not questioned, that as in any other sector, rules are needed, and therefore the EU Waste

Shipment Regulation (WSR) should set a clear legal framework that will ensure their safety, efficiency, and alignment with environmentally sound practices.

Read FEAD's opinion article at the [Industrial Process News \(IPN\)](#).

Communication between policymakers and practitioners: European representative organisations visit Dutch Waste sector: Practice-based knowledge is essential for effective policy. Two European delegations visited leading Dutch waste companies to get an impression of how the Dutch waste sector works. Working visits like these are an important way of learning from each other. 'Seeing how things work in practice tells you much more than reading about them.'

Last summer two European representative organisations visited the Dutch waste sector: a team from the European Waste Management Association (FEAD) with secretary-general Valerie Plainemaison, and three representatives of the Confederation of European Waste-to-Energy Plants (CEWEP), including Fabio Poretti, its technical and scientific officer.

Read the article by the [Dutch Waste Management Association \(DWMA\)](#).

Waste to energy plants could be included in scope of EU ETS from 2028: Municipal waste-to-energy (wte) plants could soon be included in the scope of the EU's Emissions Trading System (EU ETS). On 17 December, the lead negotiators from the EU Council and European Parliament reached a preliminary deal on a reform of the ETS to make it "more ambitious". Among other things, it mandates the EU Commission to present a report by 31 January 2026 "with the aim of including [municipal waste incineration] installations in the EU ETS from 2028 with a possible opt-out until 2030 at the latest". *Read more from [EUWID](#).*

TWEETS OF THE WEEK





#COREPERII | They said it couldn't be done, yet **#EU2022CZ** delivered once again in the season finale. The **#CBAM** deal has been confirmed by a huge majority meaning a more level playing field for producers and motivation to cut emissions globally. **#FitFor55**



5:20 PM · Dec 20, 2022



bit.ly/3W8o2d0 Wisselwerking tussen beleidsmakers en praktijkmensen. Europese belangenorganisaties bezoeken Nederlandse afvalsector. **#circulair economie** **#klimaat** **#europa** **#recycling** **#duurzame energie** **@AVRenergy** **@twencehengelo** **@European_WtE** **@FEADinfo**



11:55 AM · Dec 20, 2022



- **Vai alla tua Area Membri** (<https://fead.be/index.php> > "Solo Membri")
- Inserisci il tuo login e password (chiedi il tuo login e password a info@fead.be se l'hai dimenticato)
- **Vai su "File attivi"**. Qui avete accesso a tutti i fascicoli seguiti dal segretariato del FEAD. Per ulteriori informazioni o richieste, si prega di contattare il segretariato del FEAD [all'indirizzo info@fead.be](mailto:info@fead.be)