

What you suggest
simply cannot be
REACHed



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BULLETIN N° 97 - 21 October 2022

Hello from Brussels. As always, we bring you all the latest news on **circular economy** in Europe and beyond. On that note, the EU Executive has published its Work Programme for 2023 and some of its ambitious goals simply cannot be REACHed.

Before you continue, make sure you do not miss out on our latest news 📌

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Highlights of the week

Packaging and Packaging Waste Directive (PPWD): The Commission's draft directive has been **leaked** and published by several media. The draft regulation, due to be presented at the end of November, foresees a requirement that half of plastic and aluminium packaging be recycled by 2025, with mandatory deposit-return schemes for cans and plastic bottles by 2028.

It reads that the EC plans to propose higher binding targets for minimum recycled content: 50% for single-use drinks bottles and 45% for other packaging by 2030, rising to 65% in both cases by 2040. The respective figures for "contact sensitive" plastic packaging is 25% and 50% respectively. The method for calculating recycled content would be set out in a delegated act, to be adopted by 2029.

"Each Member State shall reduce the packaging waste generated per capita, as compared to the packaging waste generated per capita in 2018 as reported to the Commission, by (a) 5% by 2030; (b) 10 % by 2035; and (c) 15% by 2040", the EC draft says.

In our Bulletin of late September, FEAD had shared information that the Commission is planning to turn the packaging directive into a regulation. This information was confirmed by Aurel Ciobanu Dordea, the Commission official heading DG ENV, who expressed the Commission's will to impose obligations on the deposit, or extended producer responsibility, and to be more behind the states on their implementation. According to Dordea, this "will allow more than a directive, since it leaves less room for manoeuvre to capitals in the choice of measures to achieve European objectives", Contexte reported, with the EU official adding that he hopes to improve the "circularity" of packaging and, in particular, collection rates."

FACT: On 20 October, Eurostat published its [findings](#) on packaging waste. According to the findings, between 2010 and 2020, the volume of plastic packaging waste generated per inhabitant increased by 23% (+6.5 kg). The recycled volume of plastic packaging waste increased over the same period, by 32% (+3.2 kg). Despite this improvement, the amount of plastic packaging that wasn't recycled increased by 3.4 kg per inhabitant since 2010 due to the greater increase in the absolute amount of plastic packaging waste generated.

Notably, the Netherlands, Lithuania, Slovakia, Spain, Bulgaria and Cyprus recycled more than half of their plastic packaging waste generated. In contrast, less than one-third of plastic packaging waste was recycled in Malta, France, Denmark, Hungary, Ireland, Romania, Poland and Austria.

Batteries Regulation: Last week's trilogue held on 11 October, saw an agreement on batteries and batteries waste by the end of the year. According to information previously unveiled by Contexte, the Czech Presidency of the Council of the EU has insisted on a non-negotiable red line, namely the introduction of a dual legal basis (It would thus be based not only on internal market law - article 114 of the EU treaty-, as proposed by the

Commission, but also article 192, the main legal basis for EU environmental measures). A possible date for the next trilogue is 9 December, with hopes that it will be the last one.

In the European Parliament, the ENVI Rapporteur for the Commission's [proposal](#) for a Regulation on batteries and waste batteries, will inform the Committee's members on the outcome of the recent interinstitutional negotiations (trilogue) between the Council and the European Parliament later this month. The ENVI Committee is scheduled to meet on 24 October 2022, while along with the IMCO Committee will be informed on the outcomes of the negotiations on 26 October 2022.

Effort Sharing Regulation (ESR): The [Commission Implementing Decision](#) of 7 October on greenhouse gas emissions from effort sharing sectors for each Member State for the year 2020 was published in the EU Official Journal on 17 October 2022 and it entered into force on the same day. The Decision establishes the total amount of greenhouse gas emissions covered by the Effort Sharing Decision in tons of carbon dioxide equivalent for each M-S for the year 2020, on the basis of reviewed and corrected emissions data for that year.

On 18 October, Council experts in the Working Party on the Environment received information concerning the second trilogue on the ESR proposal, with MEPs of the ENVI Committee set to be updated on the ongoing negotiations in next week's meeting of the Committee. The ENVI Committee is scheduled to report back to MEPs on the outcome of the second trilogue on 24 October 2022.

State of the Energy Union 2022: The EC published on 18 October its [State of the Energy Union report for 2022](#) reviewing the progress made at Union level towards meeting the objectives of the Energy Union, including the Union's 2030 targets for energy and climate.

"The share of renewables in the electricity mix is expected to grow from 37% in 2021 to 69% in 2030," reads the Commission's report, adding, in another paragraph that "in 2020, the EU reached a share of 22.1% of renewable energy sources (RES) in gross final energy consumption, exceeding the target level of 20% set for 2020". Notably, considering national deployment and currently notified statistical transfers, all M-S except France achieved their 2020 national target in RES.

Industrial Emissions Directive (IED): The Czech presidency has issued a [note](#) to facilitate future policy debates on the Commission's proposal for the revision of EU rules on

IED, ahead of the ENV Council meeting on 24 October. In the European Parliament, the draft report by Bulgarian MEP [Radan Kanev](#) (EPP) will be discussed in the ENVI committee on 30 November and 1 December, according to the work schedule consulted by Context. The committee will vote on the report in April 2023, one year after the EU executive's proposal was presented.

Plastic Pollution: According to a draft recommendation for a Council [decision](#) published by Contexte, the EU27 are authorising the Commission to negotiate an international agreement on plastic pollution only within the scope of competences that are exclusive to the EU, and not to those that the Union shares with M-S, excluding, thus, those related to the environment. During the Coreper I meeting on 14 October, the ambassadors approved EU's draft mandate, which now needs to be greenlighted by environment ministers on 24 October.

Protection of the environment through criminal law: The Czech Presidency's [report](#) on the progress made at technical level on the Commission's [revision](#) of the Environmental Criminal Law, presented during a Justice and Home Affairs Council on 13 October, gathered little reactions from delegations, Context reported. Only three delegations defended their positions on the calculation of fines for legal persons. Earlier in October, five countries, including France and Germany had said in a working document dated 7 October, they were in favour of a calculation based solely on turnover, with Belgium, Bulgaria, Cyprus, Estonia, Finland, Hungary, Romania, Slovenia and Sweden strongly opposing this idea over concerns that this option will lead to too much reform of their national systems.

On 18 October during a working group meeting, EU27 ambassadors examined a new [draft compromise](#) on the environmental crime, published by Context. The news outlet reported that the revised version left open the question of the calculation of fines for legal persons and that the Czech Presidency is willing to continue discussions on the matter of introducing an alternative calculation system, since a majority of States call for or support this option. It added that Prague will also continue bilateral discussions on a possible reduction of prison sentences in cases where an offence causing death was committed negligently, as M-S are particularly divided on this issue.

The ENV Council will hear from the Council Presidency on 24 October 2022, at the request of the Commission. The Presidency aims to reach an overall general approach on this text at the December Justice and Home Affairs Council.

In the European Parliament, the [draft report](#) by the JURI committee rapporteur foreseeing

72 amendments was made available on 18 October, with the committee scheduled to hold talks on the report on 27 October.

Taxonomy: The Commission has launched a [call](#) for applications for members for the new mandate of the Platform on Sustainable Finance. The Platform's current mandate ends in October 2022 and the next Platform's mandate will run from Q1 2023 to Q4 2024. The EC is looking to have a platform of maximum 35 members, up to 28 of whom will be selected through this call for applications. Deadline to apply is 9 November.

Waste Electrical and Electronic Equipment (WEEE): Following the approval by MEPs earlier in October, the [resolution](#) endorsing a single-charger (USB Type-C charging port) for all 15 electronic products, including all mobile phones, tablets and cameras sold in the EU, had its first reading by M-S ambassadors, during Coreper I meeting on 19 and 21 October.

Right to Repair: The European Commission has postponed the Green Deal's flagship initiative, due to a negative assessment by the Regulatory Scrutiny Board (RSB), Green MEP Anna Cavazzini [announced](#) on Twitter on 17 October.

FACT: According to a Eurobarometer survey, 79% of EU citizens think that manufacturers should be required to make it easier to repair digital devices or replace their individual parts, and 77% would rather repair their devices than replace them.

Methane Emissions: Lawmakers of the European Parliament's ENVI and ITRE committees had until 19 October to table amendments to the draft report on methane emissions reduction in the energy sector, while their next meeting is scheduled for 24-25 October.

United Nations Convention on Climate Change (COP27): Europe's environment ministers will finalise preparations for the upcoming COP27 on Monday 24 October in Luxembourg, while they will also have policy discussions on the EU Green Deal legislation, including on industrial emissions and the ecodesign for sustainable products. Earlier in October, the Czech Presidency of the Council of the European Union had sent to the M-S a new draft of conclusions on COP27 with the aim of adopting a text at the next meeting of the M-S.

Emissions Trading System (ETS): On Friday, 14 October, EU ambassadors got a

debriefing on the outcome of the trilogues, as another round of talks will reportedly be held on 10 November.

European Commission Work Programme 2023

The EU Executive has unveiled its [Work Programme for 2023](#) and several folders are missing, despite having been the subject of public consultations, or have been postponed to 2024. According to the program and its [annexes](#) published on 18 October after being approved by the College of Commissioners, that is the case for hazardous substances in electronic products, microplastics, the revision of Food Contact Materials (FCMs) regulation and the restriction on the use of mercury, among others.

- **REACH:** The presentation of the EC proposal for the revision of the chemicals regulation will be postponed for another year. According to the EC work programme, the action has been pushed back from spring 2023 to the end of the year. As a result, the proposal will only be presented before the 2024 European elections, leaving little time to MEPs and the Council to work on it. With the revision being adopted by the end of this legislature being an unlikely scenario, the Commission's green deal pledges are bound to sink.

The timetable for the REACH revision that would ban and restrict the use of chemicals, has raised tensions amongst EU Commissioners, Contexte reported. From the one side there is Executive Vice-President Frans Timmermans alongside Environment Commissioner Virginijus Sinkevičius and from the other side, there is Thierry Breton, EU's Internal Market Commissioner.

It has also sparked criticism among MEPs and organisations, who talk about a clear win of the chemical lobbies, as the Commission's plan on the now labelled as "targeted" revision that aims at "securing European competitive advantages and innovation by promoting sustainable chemicals, simplifying and streamlining the regulatory process, reducing burden and protecting human health and the environment", seems to deviate from its initial objectives, namely the substitution of the most harmful chemicals with "safer and more sustainable alternatives".

FLASHBACK: Earlier in October, in a letter sent to the Commission's three Executive Vice-Presidents, as well as to Commissioner Thierry Breton and Virginijus Sinkevičius, eight member states including Austria, Belgium, Denmark, Finland, France, Germany Luxembourg and Norway, had voiced their concerns about the

timetable for the REACH revision. The MS specifically asked the current leadership to not leave the revision to the next Commission.

- **European Soil Legislation:** The strategy that aims at protecting and restoring soils, and ensuring that they are used sustainably, is planned for the second quarter of 2023.
- **Waste Framework Directive (WFD) revision:** The revision of food waste and textiles aspects of the WFD is indicated for the second quarter of 2023. Concerning the first aspect, the EC wants to focus on legally binding reduction targets defined against a baseline for EU food waste levels set following the first EU-wide monitoring of food waste levels. The textiles aspect applies the polluter-pays principle and introduces obligations through the extended producer responsibility system.

“In 2023, we will take action to reduce waste and the environmental impact of waste, with a focus on food and textile waste”. “We will also act to improve textile recycling and ensure that producers bear greater responsibility for waste treatment”, the EC said in its Communication.

- **Critical Raw Materials (CRMs) Act:** The measure targeted for ensuring an adequate and diversified supply for Europe’s digital economy as well as for the green transition – and for prioritising re-use and recycling, has been scheduled for the first quarter of 2023. With several green items being pushed back or left out the EC works of 2023, the CRM Act marks the only major piece of green legislation in the first quarter of next year.
- **Textile Labelling:** The regulation that aims at introducing specifications for physical and digital labelling of textiles, including sustainability and circularity parameters based on requirements under the proposed Regulation on eco-design for sustainable products, is scheduled for the end of 2023.



- **Peter Van Kemseke**, a Belgian diplomat who has served as the country's Coreper I ambassador, has joined the cabinet of Commission President Ursula von der Leyen, as interim environment and partly energy adviser, Contexte reported. Van Kemseke replaces Olivier Smith, who has joined the Directorate-General for Education and Youth.
- **Romina Pourmokhtari**, a Swedish politician for the Liberal People's Party was appointed Minister for Climate and Environment in the new Swedish government, on 18 October. With Sweden set to take over the Presidency of the Council of the EU in spring 2023, the 26 years old politician makes history as the country's youngest-ever minister.



Waste from electrical and electronic equipment (WEEE): The Commission has opened a call for evidence for an evaluation of its initiative that aims at assessing the progress made under the Directive on waste from electrical and electronic equipment. Deadline to send us your feedback is [21 October 2022.](#)

Industrial Emissions Directive (IED) revision - Amendments: The deadline to provide us with your comments is [4 November 2022.](#)

Critical Raw Materials (CRM) Act: The Commission has opened a public consultation on its future legislation on ensuring an increase and diversification of its critical raw materials supplies. Deadline to submit feedback on the EC draft legislation is [25 November 2022.](#)

Revision of EU rules on food contact materials: 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 submit feedback on the EC regulation proposal is [11 January 2023.](#)

Follow-up from the COP 15 of the Basel Convention

Parties and observers have been [invited](#) to submit feedback on several topics. You can find all the information [online](#).

- **REMINDER:** If interested in submitting *feedback* to the Basel Convention, please provide us with possible further/more detailed information (challenges, best practices, possible approaches) by **[31 October COB](#)**.



- 10 November: UNECE · Working Party on the Transport of Dangerous Goods (WP.15). - **FEAD representative to be a speaker**
- 15-16 November, Rotterdam: Public conference on Paper and Plastic recycling – **FEAD representative to be a speaker**
- 16 November, Brussels: 6th meeting of the ADR - **[Informal Working Group on the Transport of Hazardous Waste](#)**, dedicated to the transport of asbestos waste in bulk.



Interview: Pernille Weiss on new rules for waste shipments: Parliament's rapporteur for the Waste Shipment Regulation talks to ENDS Europe about her priorities for the file as MEPs hammer out a compromise text. Read more from [ENDS](#).

Will EU Commission capitulate to toxic chemicals industry?: Rumours abound that a key piece of legislation aimed at protecting citizens and the environment

How waste management companies can move us toward a circular economy: Efforts to reduce plastic pollution call for a transition toward a circular economy, which primarily addresses the root cause of the waste problem we continue to face. Waste management companies can help to address the central issue of waste, where people take-use-dispose materials from the Earth. *Read more from* [ENDS](#).

from toxic chemicals is about to be kicked into the long grass. Two years ago this week, the European Commission announced a massive overhaul of EU chemicals regulation as part of the European Green Deal. But a crucial element — revision of the 2006 REACH regulation which registers, evaluates, and restricts chemicals — is looking increasingly in doubt. *Read more from [EUobserver](#).*

European Chemicals Agency (ECHA): A new report published by ECHA estimates that in 2021 the combined volume of substances of very high concern (SVHCs) placed on the EU market is 45 % less than it was in 2010. For example, the production and import of five phthalates and trichloroethylene are estimated to have decreased by more than 90 % in roughly a decade. *Read more from [ECHA](#).*

New recycling plant for polyolefins in Barcelona: GCR Group has announced the plan to open a new dedicated recycling plant in Castellet i La Gornal, Barcelona, Spain. The 200,000 tonnes plant, commissioning in 2023, will be fully operational in 2025. According to GCR group, their overall capacity will reach 500,000 tonnes. *Read more from the [Recycling Magazine](#).*

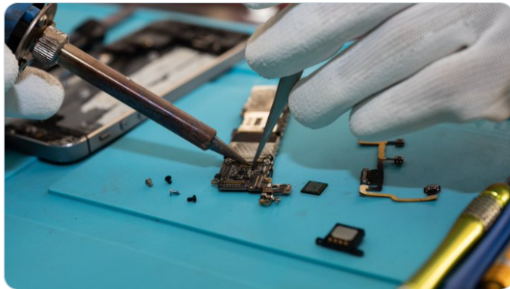
E-waste: Five billion phones to be thrown away in 2022: This year, 5.3 billion mobile phones will be thrown away the international waste electrical and electronic equipment (WEEE) forum says. Its estimate, based on global trade data, highlights the growing environmental problem of "e-waste". Many people keep old phones, rather than recycling them, research suggests. *Read more from [BBC News](#).*

Leak: Mandatory deposit-return schemes, re-use targets in packaging waste reforms: A leaked draft of the Packaging and Packaging Waste Directive (PPWD) would require half of plastic and aluminium packaging to be recycled by 2025, with mandatory deposit-return schemes for cans and plastic bottles by 2028. *Read more from [ENDS](#).*



Anna Cavazzini 
@anna_cavazzini

Unbelievable! In March 2020, the @EU_Commission announced the Right to Repair. It was scheduled for this November. Now, it has been postponed due to a negative assessment by the Regulatory Scrutiny Board. It cannot be that major Green Deal legislation keeps getting postponed!



 Right to Repair Europe and 8 others

10:54 AM · Oct 17, 2022 · Twitter for iPhone

European Commission 
@EU_Commission

Today, we have adopted our 2023 Work Programme driven by our efforts to tackle the most pressing challenges while staying the course for the long term.

It contains 43 new policy initiatives across all six headline ambitions of President @vonderleyen.

More ↓

Icon	Value	Description
📄	43	New policy initiatives
🔧	8	Initiatives for regulatory simplification
📋	116	Pending priority proposals
🗑️	1	Proposal for withdrawal
🔄	1	Proposal for repeal

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