

Sustainability Outlook European Union

April 2022



European Commission's roadmap foresees group restrictions "for the most harmful substances".

The Commission issued a [Restriction Roadmap](#) as one deliverable under the [Chemicals Strategy for Sustainability \(CSS\)](#). It said that the roadmap prioritises group restrictions for the most harmful substances to human health and the environment for the period between 2025 and 2027, before a new REACH Regulation, implementing a so-called generic approach to risk management, enters into force. Further, the roadmap was an important step towards providing detailed information on all ongoing work on future restrictions under the EU chemical legislation, **allowing companies to anticipate** (potential) **upcoming restrictions** (e.g. by already preparing substitutions). It includes a rolling list of substances, which will become the basis for the multiannual planning under REACH "in full respect of the prerogatives of Member States".

With the roadmap, the Commission seeks to support the aim of the CSS to prioritise carcinogenic, mutagenic and reprotoxic substances (CMRs), endocrine disruptors, persistent, bioaccumulative and toxic (PBT) and very persistent and very bioaccumulative (vPvB) substances, immunotoxicants, neurotoxicants, substances toxic to specific organs (STOT) and respiratory sensitisers for (group) restrictions. To facilitate this action, the Commission prepared this roadmap to prioritise these substances for (group) restrictions under REACH. The roadmap is structured into the following categories:

- Restrictions already on the Registry of Intentions (RoI) for restrictions, for which the mandate has already been provided to ECHA or for which the restriction dossier has been recently submitted
- Planned restrictions not yet on the RoI
- Potential restrictions: this group contains substances where restrictions are discussed as a potential regulatory management option and substances for which review reports or previous assessments indicate that revising a restriction could be necessary

Among many others and besides **bisphenols** and **PFAS**, it includes "PVC and its additives" (please see [frESH Law Horizons February 2021](#)) and **flame retardants**.

The roadmap will be regularly reviewed and updated, ensuring a balance between needed flexibility and commitment to ensure progress.

NGO European Environmental Bureau (**EEB**) [called](#) the roadmap "the great detox"; a "new chapter" and an announcement of the "largest ever ban of toxic chemicals"; estimating that 5,000 to 7,000 chemicals will be banned by 2030. It opined that "it is high time for the EU to turn words into real and urgent action". **Chemical industry** association **Cefic** [observed](#) that it is "not new", and welcomed the increased transparency regarding potential upcoming restrictions. The roadmap would provide industry with foresight to prepare chemicals data on safety, toxicology, socio-economic aspects and alternatives, which would inform the policy development process under REACH, to ensure clarity of scope, and consider risks and [impacts on value chains](#), based on the latest scientific developments. A differentiated approach should be taken between industrial, professional and consumer uses.





Member States are set to evaluate 27 substances from 2022 to 2024.

In late March, ECHA adopted and published the [Community Rolling Action Plan \(CoRAP\) for 2022-2024](#), based on the opinion of its Member State Committee (MSC). The CoRAP lists **27 substances for evaluation** by EU Member States (as well as by competent authorities of other European countries that apply REACH, in particular Norway). Four of the substances are planned to be evaluated in 2022, while 23 substances are listed for evaluation in 2023 and 2024. The updated CoRAP contains **two newly allocated substances** (1,3,4,6,7,8- hexahydro-4,6,6,7,8,8- hexamethylindeno[5,6-c]pyran; and 2-Pentanone oxime) and 25 substances already included in the previous CoRAP 2021-2023 update.

For 20 of these 25 substances, the **evaluation** has been **postponed**, mainly to await submission of new information. CoRAP **prioritises substances for evaluation over a period of three years**. The evaluation aims to clarify concerns that the manufacture and/or use of these substances could pose a risk to human health or the environment (please see [frESH Law Horizons March 2021](#)). ECHA updates the plan annually in March to advance the planning for one more year and to add new substances. This includes revising already listed substances, as well as their timing in the respective year of the previous plan. A Member State may propose including a substance when it has information suggesting that this substance is a priority for evaluation. ECHA will include this substance in the next annual update.

According to [ECHA's registrants guide](#), registrants of the substances in the CoRAP should check if their dossiers need to be updated with new relevant information (e.g. on hazard, tonnages, use and exposure).



UK Health and Safety Executive plans substances evaluation under UK REACH.

The [rolling action plan \(RAP\)](#) of the HSE is the UK version of the CoRAP maintained by the ECHA under (EU) REACH. Substance evaluation aims to clarify concerns that the manufacture and/or use of these substances could pose a risk to human health or the environment. HSE has **one year** from the date of publication of the RAP **to evaluate** these substances **and**, where necessary, to prepare a draft decision **requesting further information from the registrants** to clarify the identified concern. In 2022-2023, HSE, working with the Environment Agency (EA), will evaluate two substances: [Paraffin waxes and hydrocarbon waxes, chloro \(LCCPs\)](#) and [2,2'-Diallyl-4,4'-sulfonyldiphenol \(TG-SA\)](#). LCCPs are similar to medium-chain chlorinated paraffins (MCCPs), in respect of which the UK has already conducted a substance evaluation under EU REACH, concluding it to be persistent, bioaccumulative and toxic (PBT) and/or very persistent and very bioaccumulative (vPvB). DEFRA already [proposed](#) (in 2021) that MCCPs be classified as a persistent organic pollutant (POP) under the UN Stockholm Convention.

Last month, HSE published [criteria for prioritising substances for substance evaluation](#), which will be used to prioritise substances for evaluation in subsequent years (with the next ones due to be announced by May 2023).

It already **seems clear that the UK does not have the resources to be able to 'keep up' with the EU in terms of its substance evaluation** programme, since the EU programme plans to evaluate 4 substances in 2022, 14 in 2023 and 9 in 2024 (please see above).

European Chemicals Agency recommends the restriction of 34 bisphenols.

ECHA [assessed the regulatory needs for](#) 148 substances, including 17 bisphenols with the generic bisphenol structure, and bisphenol derivatives that have constituents with structural features common to bisphenols. The main potential hazard categories for this group are endocrine disruptors (ED) for human health and the environment, reproductive toxicity and skin sensitisation, as well as, for some, persistent, bioaccumulative and toxic (PBT) and very persistent, very bioaccumulative (vPvB). Effects on the immune system could not be established due to a general lack of information. 27 bisphenols are identified, with skin sensitisation being the most severe hazard, for which discussion on possible generic restrictive measures was already ongoing.

ECHA's report identifies 34 substances with a need for restriction. Depending on the scope of the eventual restriction(s), authorisation could be further considered as a complimentary measure (e.g. to avoid **regrettable substitution** and possibly regulate uses for which restriction was not considered the appropriate tool). In this context, ECHA notes that other bisphenols with inconclusive hazards (e.g. where data generation is yet to begin, is ongoing or cannot be clarified) may act as substitutes for those to be regulated. However, regulatory risk management regarding these potential substitutes might follow the work on those bisphenols that are identified already.

ECHA referred to the [proposal](#) to restrict **Bisphenol A (BPA)** based on its ED properties in the environment, which the German Competent Authorities for REACH are currently developing. Furthermore, Bisphenol AF (BPAF) and its eight salts met the OECD definition of being Per- and PolyFluoroAlkyl Substances (**PFAS**) and might, therefore, be in scope of the universal PFAS restriction that is also currently under development (please see [Sustainability Outlook July 2021](#)).

Further consideration of regulatory needs should also reflect on **intermediate uses** and **reconsider authorisation** as a possible option for regulating uses that are not in scope of the proposed restriction.

For BPA, possible risks arising due to immunotoxic effects should be considered in a substance-specific manner.

ECHA proposes to do this once there is further clarity on the scope of the German proposal regarding BPA and the universal PFAS restriction (please see [Sustainability Outlook July 2021](#)).





European Chemicals Agency finds no need “at present” to restrict 10 phthalates.

In a [report](#), ECHA considered 10 phthalates: Diisopentylphthalate; 1,2-Benzenedicarboxylic acid di-C6-8- branched alkyl esters, C7-rich; 1,2-Benzenedicarboxylic acid, di-C7- 11-branched and linear alkyl esters; 1,2-Benzenedicarboxylic acid, dipentyl ester, branched and linear; Bis(2-methoxyethyl) phthalate; Dipentyl phthalate; n-pentyl-isopentylphthalate; 1,2-Benzenedicarboxylic acid, dihexyl ester, branched and linear; Dihexyl phthalate; and 1,2-benzenedicarboxylic acid and di-C6- 10-alkyl esters or mixed decyl and hexyl and octyl diesters with $\geq 0.3\%$ of dihexyl phthalate.

These are mostly used as plasticisers in **PVC** articles and other polymeric materials, and were added to the REACH Authorisation List between 2011 and 2015. For seven of them, the sunset date has passed; for the remaining three, it will pass in February 2023. The sunset date is the date from which the placing on the market and the use of the substance is prohibited unless an authorisation is granted. ECHA has not received any applications for authorisation for their use. According to ECHA, this indicates that the use of these substances in articles has been largely phased-out in the EU. A call for evidence between December 2021 and January 2022 did not identify any new uses of these substances in articles placed on the EU market.

Even though ECHA found no need to restrict the 10 phthalates “at present”, it deemed **further examination of the risks from their use in articles is necessary**. ECHA said that this should be part of a larger investigation to address the risks of ortho-phthalates. According to the recently released [Restrictions Roadmap \(please see above\)](#), the European Commission will initiate their restriction in the context of the [Chemicals Strategy for Sustainability](#).

According to Article 69(2) of the REACH Regulation, ECHA must consider whether the use of substances in articles poses a risk to human health or the environment that is not adequately controlled after their so-called sunset date. If ECHA considers that the risk is not adequately controlled, it must prepare a restriction dossier.

European Chemicals Agency points out new information requirements under REACH.

ECHA [summarised](#) the [revised rules on information requirements under REACH](#), which **companies must apply as of October 2022**. **The new requirements cover** studies of mutagenicity *in vitro* and *in vivo*, reproductive toxicity, aquatic toxicity, and toxicity on terrestrial and sediment organisms, as well as of degradation and bioaccumulation. Specific requirements on substance identification include describing the compositions, nanoform or set of similar nanoforms, reporting a crystal structure and reporting the composition of substances with unknown or variable composition (UVCBs), as well as reporting constituents, impurities and additives. **ECHA** said that it **will provide further guidance** on these new requirements later this year.

European Chemicals Agency forecasts a number of applications for new substances subject to authorisation.

The European Commission [added](#) five substances to the Authorisation List (Annex XIV of REACH Regulation 1907/2006). These are Tetraethyllead (TEL); 4,4'-bis(dimethylamino)-4''-(methylamino)trityl alcohol; reaction products of 1,3,4- thiadiazolidine-2,5-dithione, formaldehyde and 4- heptylphenol; 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (DOTE); and reaction mass of DOTE and 2-ethylhexyl 10-ethyl-4-[[2-[(2-ethylhexyl)oxy]-2-oxoethyl]thio]-4-octyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (MOTE). The Authorisation List includes 59 substances, whereas the Candidate List includes 223 substances for "eventual inclusion" in the Authorisation List.

In a [report drafted](#) with a view to adequately planning its use of staff resources and ensuring capacity in its committees for risk assessment (RAC) and socio-economic analysis (SEAC) for processing applications, **ECHA** estimates that it will receive 12 to 23 applications for authorisation for the five substances. For DOTE and reaction mass of DOTE and MOTÉ alone, ECHA expects to receive 10 to 15 applications for authorisation, based on a stakeholder survey. It notes that these substances are used in the production of **PVC** as heat stabilisers, and to manufacture clear, rigid vinyl commodities under demanding processing conditions.

Competent authorities discuss polymers, hazard classification, and occupational safety and health.

CARACAL, the Commission expert group of the competent authorities for REACH and CLP, discussed a number of issues during its meeting in March. ECHA and the Commission submitted a [high-level summary of their proposal](#) for the **registration of polymers**. They explain the various phases of the procedure and refer to the **polymers grouping** criteria to be developed by ECHA. The procedure starts with the assessment of the polymer status, followed by a **notification obligation for all polymers** as defined by REACH Art. 3(1) and 3(5) **above the threshold** of 1 tonnes per year. Polymers could be grouped for the purposes of registration and the procedure would terminate with an evaluation by ECHA. A CARACAL sub-group on Polymers has been working on the determination of grouping criteria. Registration of polymers is expected to follow the existing provisions of REACH, where one (group of) polymer(s) corresponds to one registration and where a lead registrant is appointed to submit the information on the substance properties and classification on behalf of the co-registrants in the joint submission.

A presentation by the Commission [concluded](#) that it would be possible for the Commission to **use delegated acts to introduce new hazard classes**, which will be addressed during the **revision of the Classification, Labelling and Packaging (CLP) Regulation 1272/2008** (please see [frESH Law Horizons May 2021](#)), based on Art. 53 CLP Regulation, which included a non-exhaustive list of elements that the Commission shall take account of.

Consultant Wood provided an [update](#) on their study on **defining criteria for essential uses**.

The Commission also presented a [paper](#) on the **interplay between REACH and the various pieces of occupational safety and health (OSH) legislation** for the first joint meeting of CARACAL and the interest groups of the Advisory Committee on Safety and Health at Work (ACSH) and the Working Party on Chemicals (WPC). Options considered for clarifying that interface included the continuation of the current work division, with certain elements to guide preference for REACH or OSH legislation. However, experience showed that when there was strong support for one or the other tool, those guiding elements were not necessarily taken into account. Therefore, options for **changing legislative provisions** in REACH and/or OSH legislation should also be analysed and discussed in the impact assessment.





Industry and competent authorities call for transparency, coordination and stable financing of chemicals agencies.

The European Commission received 65 comments in response to its [initiative to streamline work among chemical agencies](#) (please see [Sustainability Outlook March 2022](#)). Among these, chemicals industry association [Cefic](#) called for more **transparency** regarding decisions taken in EU chemicals regulation, to increase predictability and trust in the process. The decisions regarding which substance and concern is or will be addressed, under which legislation, and using which risk management measure, as well as the basis for decisions taken, should be transparently available for all stakeholders. This includes decisions leading to no actions (e.g. not to classify a substance if the classification criteria are not met). Cefic also recommended **close coordination of assessments** across different Directorate Generals of the Commission, scientific committees (including scientific panels) and agencies, as well as between Member States and the EU level. Cefic noted that data can then be easily accessed and exchanged by all parties involved using **standardised IT** formats and databases, and compatibility should be guaranteed.

Among the national competent authorities that submitted feedback, the [German Federal Environment Agency \(Umweltbundesamt, UBA\)](#) focused on the lack of a **central searchable database** on environmental impacts of **pharmaceuticals** in a brief comment. It proposed to integrate validated environmental information on pharmaceuticals in data platforms already used at the European level, preferably by ECHA. Such a central database would be a valuable tool for endpoints of monograph systems for human and veterinary pharmaceuticals. Some other authorities focused on **resource allocation** to the EU agencies. For example, the [Norwegian Environmental Agency](#) generally supported amending ECHA's founding regulation (REACH) in another short comment, to improve the **predictability and stability** of ECHA's **financing**.

European chemical industry suggests an approach to "safe and sustainable by design".

With the aim to inform the European Commission's ongoing work to develop safe and sustainable by design (**SSbD**) criteria under the EU's [Chemicals Strategy for Sustainability](#), Cefic (the European Chemical Industry Council) [proposed](#) a five-step process to help companies determine whether a chemical, material, product, process or service is safe and delivers environmental, societal and/or economic value. Cefic describes SSbD as an iterative process guiding innovation and the placement on the market of chemicals, materials, products, processes and services that are safe, and deliver environmental, societal, and/or economical value through their applications. New chemicals, materials, products, processes and services are in scope of the criteria, as well as re-designing existing ones.

Cefic suggests to conduct SSbD assessments as an integral part of the innovation process, covering the life cycle, and on a product-application level with the intended use in mind. **Steps one to three** support the identification of performance and functionality needs, including safety and sustainability considerations, along respective design dimensions and principles. **Steps four and five** support decision-making in a stage-gate assessment approach, between several options from the lab to launch phase.

The basic principle guiding the definition of criteria should be the aim to significantly improve performance in at least one of the dimensions of safety and sustainability without significant negative impacts in any of the other dimensions, compared to the incumbent solutions. As a minimum, a risk-based assessment considering the hazard, use and exposure in line with REACH and anticipating future regulatory changes should be applied. All assessments should cover **focus dimensions** deemed of high importance to reach the objectives of the [European Green Deal](#). Cefic identifies six focus dimensions: human health hazards; environmental hazards; recyclability and circularity; climate change mitigation; resource use of renewable and circular feedstock; and reduction of emissions into air, water and soil.

European Commission warns about hazardous substances in toys, online sales and other products

The Commission published its [annual report](#) on the [Safety Gate](#), the EU rapid alert system for **dangerous non-food products** (RAPEX).

In 2021, authorities of the countries participating in the Safety Gate exchanged **2,142 alerts** through the system. For the first time, the highest number of alerts was notified in the **motor vehicles** category, followed by **toys** and **electrical appliances and equipment**. As regards motor vehicles, actions taken mainly concerned recalls following the detection of technical problems, while those for toys focused on the presence of dangerous chemicals, as well as button batteries.

The most common problems reported for electrical appliances and equipment related to the exposure of live parts and overheating. **Hazardous substances in consumer goods accounted for a quarter of all product risks** notified through the system.

Following the publication of the annual report, the Commission is launching a new e-surveillance tool called **web crawler**. The tool will support national authorities in the detection of online offers of dangerous products signalled in Safety Gate. This tool will identify and automatically list any of these offers, allowing enforcement authorities to track down the provider and order the effective withdrawal of these offers.

European Commission proposes the “phase-down” of F-gas emissions.

The Commission [proposed](#) a regulation to revise F-gas Directive 2019/1937. It [noted](#) that **fluorinated gases** (F-gases) are very strong greenhouse gases (GHG), often several thousand times stronger than carbon dioxide (CO₂). Together with CO₂, methane and nitrous oxide, they belong to the group of GHG emissions covered by the **Paris Agreement** adopted under the United Nations Framework Convention on Climate Change. Besides ensuring alignment with the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, one of the objectives of the proposed regulation is to achieve additional F-gas emission reductions to contribute to reaching the 55% reduction in emissions by 2030 and net carbon neutrality by 2050.

The Commission estimates that the proposed regulation will result in **additional savings of cumulatively 40 Mt CO₂e**. F-gas emissions amounted to 2.5% of total GHG emissions in the EU, but had doubled from 1990 to 2014 in contrast to other GHG emissions, which have fallen. **Hydrofluorocarbons (HFCs)** were the most relevant group of F-gases for the climate.

An important aspect of the proposed F-gas Regulation was the establishment of an **EU HFC phase-down**, namely a **quota system** to gradually reduce the amount of HFCs that importers and producers place on the market every year. The proposal would tighten the quota system for HFCs, reducing the potential climate impact of new HFCs coming onto the EU market by 98% between 2015 and 2050. It would also introduce new restrictions to ensure that F-gases would only be used in new equipment where no suitable alternatives are available. For example, **SF₆**, the most potent GHG, would be **phased-out in all new equipment for electrical transmission** by 2031. Moreover, the new regulation would bolster existing monitoring and verification systems to ensure compliance with the Montreal Protocol and set standards for Member States' penalties to deter the illegal trade of F-gases.

The EU co-legislators, Council and European Parliament are expected to discuss, amend and adopt the proposal, following the ordinary legislative procedure.





European Commission proposes new bans on ozone depleting potential substances.

The Commission [proposed a new regulation replacing](#) Regulation 1005/2009 on ozone depleting substances (ODS). The aim of the new rules would be to prevent emissions of 180 million tonnes CO₂e and 32,000 tonnes of ozone depleting potential (ODP) by 2050, in particular from **formerly legal applications in products and equipment**. For instance, it would become mandatory to recover or destroy ODS from some **insulation foams during the renovation and demolition of buildings**. The Commission noted that, given the relevance of end-of-life emissions from insulation foams containing ODS, there are strong synergies with objectives of the **circular economy and waste policies**.

The targeted revision of the Waste Framework Directive in 2023, which it recently initiated (please see [Sustainability Outlook January 2022](#)), was a good opportunity to reinforce these links to the ODS Regulation. Additionally, measures would be introduced to fight illegal activities, similar to those proposed in the F-gas Regulation. Reporting would be extended to cover more substances and activities to better understand the remaining trade of ODS, their emissions and any future risks. The Commission [noted](#) that the few ODS that are still allowed are currently used in the production of other chemicals, as fire protection agents in special applications such as on board of airplanes, and in laboratories for analysis. However, the now obsolete use of ODS as blowing agents in insulation foams is still relevant today, as many of these foams are still in place in buildings, but they will be removed at the end of their lifespan over the coming decades.

European Commission proposes new industrial emissions rules.

The Commission [presented](#) its [proposal](#) to amend the Industrial Emissions Directive 2010/75 (IED), together with an [impact assessment](#). The Commission proposal retains the so-called Sevilla process to develop permitting conditions based on Best Available Techniques (BAT), but proposes the following changes:

- The **scope** of the IED is **widened** to cover more installations, such as the extraction of industrial minerals and metals (exclusion of energy minerals such as coal) and large-scale production of batteries.
- Member State authorities will be required to **use tighter pollutant emission limit values** when revising permits or setting new permit conditions. They will have to assess the feasibility of reaching the best performance and not only settling in the lower limits (as it currently happens with 80% of installations). They must also create a common methodology for allowing **derogations** in IED permits, and apply a four-year maximum period for any allowed derogations.
- **In order to adapt to a more innovative framework and help frontrunners, the Commission will create an Innovation Centre for Industrial Transformation and Emissions (INCITE)**. As an alternative to permits based on well-established BAT, frontrunners will be able to test emerging techniques, benefitting from more flexible permits.
- In order to create synergies between depollution and decarbonisation, **minimum energy efficiency levels** or the use of a binding **ceiling on energy intensity** will become mandatory, where these are included in the sector-specific, legally binding BAT conclusions.

- By 2030, large installations must develop “**Transformation Plans**”, showing how they propose to adopt techniques as a contribution to EU objectives regarding a clean, circular and climate neutral economy.
- The European Pollutant Release and Transfer Register (EPRTR) will be transformed into an **EU Industrial Emissions Portal**, which will allow citizens to access data on permits. **Public participation** in the permitting process and access to justice will be guaranteed, including access to **compensation** for damage.

Chemical industry association **Cefic** [expressed concerns](#) that the proposal would not increase the competitiveness of the European industry and called for greater clarity on the practical aspects of the new IED. **BusinessEurope** [criticised](#) that the revised IED will unnecessarily make industrial operations more complex.

The proposal is open for [feedback](#) until 21 June 2022. It follows the ordinary legislative procedure.

European Parliament Rapporteur proposes changes to waste shipment rules.

The [draft report](#) of the Rapporteur of the Committee on the Environment, Public Health and Food Safety (ENVI) of the European Parliament suggests amendments to the proposal for a new Waste Shipment Regulation (WSR) that the European Commission presented last year (please see [Sustainability Outlook November 2021](#)).

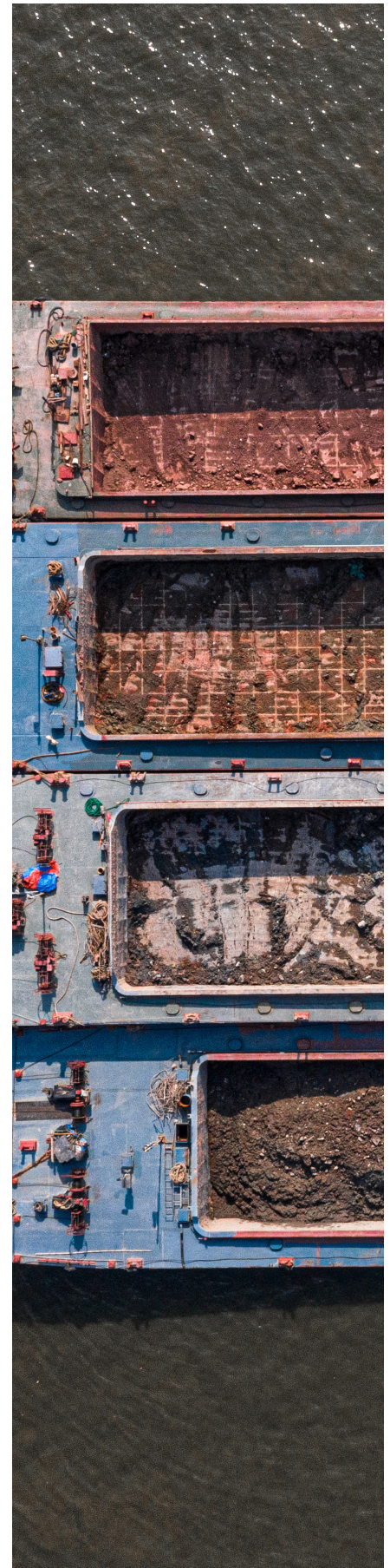
Regarding **intra-EU shipments**, the draft report takes a more **flexible approach** on certain deadlines, thresholds and procedural steps. The **prohibition of mixing wastes would not apply in cases of non-hazardous** waste shipped to facilities that have demonstrated an ability to treat waste of the corresponding contamination level. Authorities should, in principle, accept documents submitted relating to the shipment in English. Facilities treating waste should have two days rather than one to confirm they have received waste exports (which would still be less time than the three days provided by the current WSR). **Written consent** from authorities for receiving a shipment should expire after two years rather than one. The draft report expands on the conditions under which a **revocation of pre-consented facilities** is duly motivated.

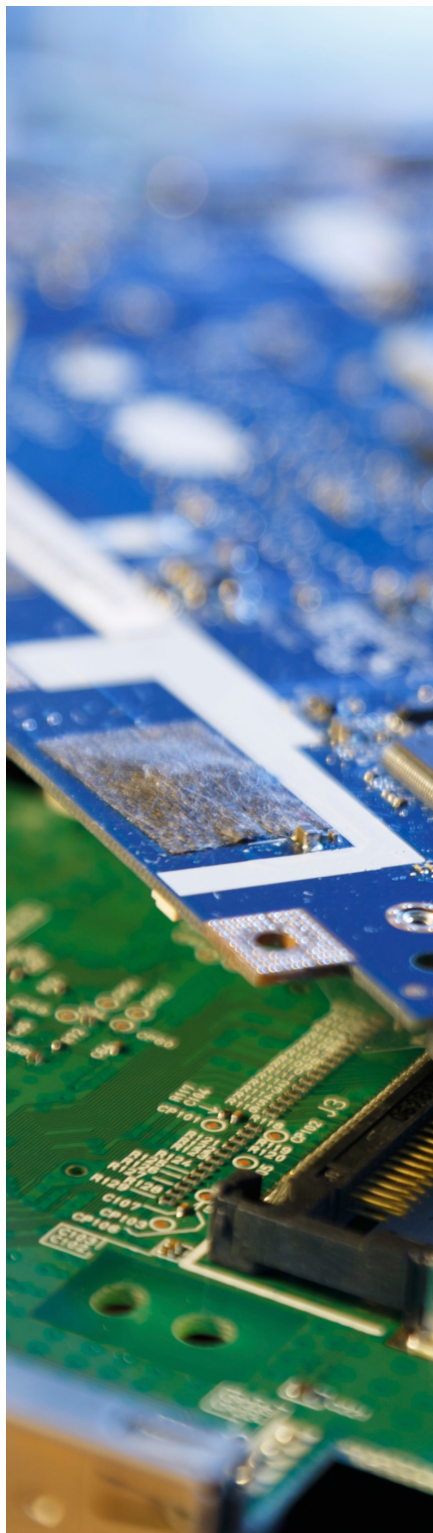
The draft report narrows the conditions under which a shipment destined for disposal is prohibited, and competent authorities may object to shipments destined for recovery due to a **conviction of the notifier or the consignee** to convictions of *significant illegal acts* in relation to environmental protection (i.e. those that cause serious harm to the environment or human health).

It also further develops the functioning of the **central system** for document exchange, and proposes a **Waste Shipment Cooperation Group**, consisting of representatives of national competent authorities, who would share information and resolve disagreements on classification issues.

The draft report does not provide a general ban for waste **exports to third countries**, but proposes to update the **list of non-OECD countries** to which exports of non-hazardous waste for recovery are authorised every year (instead of every two years, as proposed by the Commission). It also tasks the Commission with establishing monitoring guidelines.

Parliamentarians in the ENVI Committee may table amendments to, and will then vote on, the draft report. The Shadow Rapporteurs of the Greens and the Socialists and Democrats have already stated their disappointment in the draft and called for more ambition. The plenary of the Parliament has scheduled to adopt the final ENVI report as its position in November 2022, to enter into negotiations with the Council to adopt the proposal.





European Commission study suggests waste prevention measures.

The “[Scoping study assessing the feasibility of introducing further EU measures on waste prevention](#)”, conducted and authored by the environmental consultancies Eunomia and Environment Agency Austria for the Commission, supports the **revision of Waste Framework Directive 2008/98** (see [Sustainability Outlook January 2022](#)). The **priority waste streams** assessed are **tyres**, end-of-life vehicles (**ELV**), waste electrical and electronic equipment (**WEEE**), construction and demolition waste (**CDW**), **textile** waste and **municipal waste**. The study suggests introducing **waste reduction targets** for textiles, CDW, WEEE and municipal waste, a **reuse target** for tyres and a **remanufacturing target** for ELV. It proposes to introduce extended producer responsibility (**EPR**) for **tyres and textiles**, as well as a **ban on the destruction of unsold textile products**, similar to one of the policy options recognised by the Commission in its Strategy for Sustainable Textiles (see [Sustainability Outlook March 2022](#)).

The scope of ELV Directive 2003/53 should be extended to all vehicle categories. **Pre-demolition audits** should be mandatory for buildings above a certain size, strengthening the reuse of building components. Regarding WEEE, it suggests introducing **minimum requirements for the preparation for reuse**, developing standards for quality assurance in remanufacturing and incentivising take-back, return or selling back of **mobile phones, tablets, laptops and chargers**.

European Commission prioritises waste streams for EU end-of-waste criteria.

The Commission [announced](#) priority waste streams for the development of further EU-wide end-of-waste (EoW) criteria, based on a [scoping report](#) by its Joint Research Centre (JRC). The Commission identified **plastic waste**, namely polyethylene terephthalate (**PET**), low- and high-density polyethylene recovered/recycled (**LDPE/HDPE**), polystyrene and expanded polystyrene (**PS and EPS**), polypropylene (**PP**) and mixed plastics, as having the highest overall potential. Other priority streams are **textiles, rubber, mineral fractions of construction and demolition waste**, and **paper and cardboard**. The JRC used several criteria, such as the level of support from stakeholders, current collection, re-use and recycling rates, uses, demand and current national or regional EoW criteria.

EoW is the line between waste and chemicals/product regulation. The general EoW conditions are **(a)** the substance/object is to be used for specific purposes; **(b)** a market or demand exists for it; **(c)** the substance/object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; *and* **(d)** the use of the substance or object will not lead to overall adverse environmental or human health impacts. The Waste Framework Directive tasks the Commission with harmonising the EoW criteria for certain types of waste if necessary. In the absence of EU EoW criteria, Member States may establish national ones. In the absence of national EoW criteria, they may decide on a case-by-case basis.

The Commission intends to finalise the technical assessment by Q1 2024.

France sets mandatory reused packaging targets for producers.

The French government also adopted a [decree](#), which sets a mandatory share of reused packaging in the packaging portfolios of **producers placing at least 10,000 units of packaged goods** on the market per year. The mandatory target also applies to approved producer responsibility organisations (PROs). However, producers may, to meet these obligations, **pool their portfolios together with others**, including in a PRO, to meet the required shares collectively. Obligated parties must calculate their share in principle by packaging item; weight or volume may only be justified in exceptional cases (using as a measure 0.5 litre or kilogram). There are some exceptions where reuse is prohibited due to food safety or health concerns. In line with the reuse targets introduced by the AGECE, all obligated parties must eventually meet a target of at least **10% of reused packaging in 2027**. Until then, a target of 5% will be phased-in based on the **producer's revenue**: in 2023 for producers with a revenue higher than €50 million, 2025 if revenue is between €20 million and €50 million, and 2026 if revenue is below €20 million. The decree will enter into force in January 2023.

France adopts a "3R" strategy on single-use plastic packaging.

As mandated by the 2020 Anti-waste and Circular Economy Law (AGECE), the French government adopted a [decree](#) on the [strategy](#) on the reduction, reuse and recycling of single-use plastic packaging (**3R Strategy**). It had consulted on it earlier this year (please see [Sustainability Outlook February 2022](#)). It further develops the targets established in a previous [decree](#). The strategy is structured in three parts:

- Environmental, economic and social issues associated with single-use plastic packaging
- The current situation regarding the marketing of single-use plastic packaging
- A general and sectoral action plan to achieve the 2025 objectives, based on 10 "axes"

These axes include limiting useless packaging, reuse, substitutes, recyclability, collection and sorting, recycling facilities and recycled content. Among its [Annexes](#), Annex 7 provides an initial assessment of the "3R potential" in 42 packaging sectors (including beverages, hygiene/beauty, fresh processed food, etc.) by 2025 regarding reduction, reuse, recyclability (and improving the operational recycling trajectory) and recycled content.





Spain introduces a plastic packaging tax.

Spain adopted the [Law 7/2022 on Waste, Contaminated Soils and for a Circular Economy](#). It transposes to national law EU Directive 2018/851 amending the Waste Framework Directive and [Single-use Plastics Directive](#) 2019/904, and introduces further measures.

One of the main novelties of the new law is the **introduction of two “environmental taxes”**. With a **tax on landfilling, incineration and co-incineration**, the law intends to harmonise different regional taxes, which currently apply in 10 out of the 17 Autonomous Communities (i.e. regions of Spain). Spain is the second EU Member State to adopt a **tax on non-reusable plastic packaging**, following Italy (which, however, has postponed the implementation of its tax – please see [Sustainability Outlook January 2022](#)).

The taxable object is the manufacturing, import or intra-EU acquisition of **non-reusable/single-use plastic packaging**. Besides primary, secondary and tertiary packaging, semi-finished plastic products intended for the manufacture of packaging, such as preforms or sheets, as well as other plastic products that enable packaging to be closed, marketed or displayed, are within scope. There are some **exemptions** to the tax, such as the placing on the market of semi-finished plastic products, which later will not be used to manufacture packaging within the scope of the tax, as well as packaging used for medicinal products, medical devices, foodstuffs for special medical purposes, or infant formulae for hospital use. The law does **not provide any exemption for bio-based/bio-degradable** content. The **taxable persons** are those placing such packaging on the Spanish market.

The packaging will be taxed at **€0.45/kg of the unrecycled plastic** that it contains. **Recycled plastic content is exempted** if it is certified by an accredited body following the standard **UNE-EN 15343:2008** or the standards that replace it. The law specifies that **chemically recycled plastic** must be certified “by an accredited body for this purpose”. Thus, it allows chemically recycled plastic to be exempted. However, it does not provide further guidance on how to account for chemically recycled plastic (e.g. following the mass balance approach). With the intention to facilitate the exemption of recycled content, it is possible to **credit the quantity of non-recycled plastic** contained by means of a declaration of responsibility (*declaración responsable*) signed by the manufacturer during the first year of the application of the tax (i.e. 2023). The law provides a sanctions regime for false or incorrect recycled content certifications by the duly accredited body.

The tax will apply from the start of 2023. The government is empowered to adopt further implementing acts with regard to the tax, but mostly on its administration.

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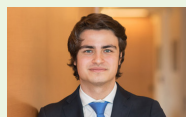


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