

# Sustainability Outlook European Union

May 2022



### EU Commissioner rejects call of Parliamentarian to delay new legislation due to Ukraine war.

During the plenary session of the European Parliament in May, MEP *Esther de Lange*, Vice-Chair of the European People's Party (EPP) Group, the biggest group in the Parliament, addressed the EU response to the Ukraine crisis. She [said](#) that an analysis **of the cumulative effect of the war, rising energy prices, shortages of raw materials, and new legislation**, which have an impact on companies and on families, is necessary. The EPP Group was determined to meet the [Fit for 55](#) objectives, but an “**embargo on new legislation**” might be called for. Rising energy prices, together with an ambitious Fit for 55 package and, for example, a **new REACH Regulation** would impact industry too strongly.

However, at a conference on “[Chemical Products: Better protection of health and the environment](#)” hosted by the French **Council** Presidency, ministers, Commissioners, representatives of European agencies and international organisations, as well as experts, discussed how to better regulate these products. *Virginijus Sinkevičius*, European Commissioner for Environment, said that the **Ukraine crisis will not stand in the way** of the ambitions of the [European Green Deal](#). He defined it as “**essential for Europe’s survival**” and dismissed any prospects of a delay of the [Chemicals Strategy for Sustainability \(CSS\)](#) because of the war in Ukraine.

### European Parliament Committee wants to include waste incineration in more ambitious ETS.

The Committee on the Environment, Public Health and Food Safety (ENVI) [adopted](#) the [draft report](#) of Rapporteur *Peter Liese* on the proposal for a revised EU Emissions Trading System (ETS) Directive 2003/87 with [compromise amendments](#) (please see [Sustainability Outlook February 2022](#), [Sustainability Outlook January 2022](#) and [Sustainability Outlook July 2021](#)). It received 62 votes in favour, 20 against, and five abstentions.

Generally, ENVI aims to **significantly increase the ambition level compared to the Commission proposal**, with a steeper reduction pathway. It wants the annual reduction of emission allowances to increase annually by 0.1 percentage points compared to the previous year until 2030, starting from 4.2% in the year following the entry into force of the revision. To incentivise best-performers and innovation, ENVI wants to introduce a **bonus-malus system** from 2025 so that the **most efficient installations** in a sector will **get additional free allowances**. Those who do not implement the recommendations of the **energy audits or certified energy systems** or do not establish a **decarbonisation plan** for their installations, will lose some or even all of their free allowances. **Free allowances** in the ETS would be incrementally **phased out from 2026 and disappear by 2030**, when ENVI wants the Carbon Border Adjustment Mechanism (**CBAM**) to be fully operational – five years earlier than foreseen by the Commission (please see below).

Besides shipping, ENVI’s amendments would **include municipal waste incinerators** from January 2026. By the end of 2024, the Commission would have to present a report in which it examines the possible impacts on landfilling and waste exports to third countries, as well as the possibility to include other waste management activities in this system, in particular landfills that create methane and nitrous oxide emissions.

According to ENVI’s report, separate new **ETS II for fuel** distribution for commercial road transport **and buildings** would be established at the start 2025.

ENVI’s report is provisionally scheduled to be debated and approved as the negotiation position of the European Parliament during its plenary session of 6-9 June. The Parliament would then be ready to enter into trilogue negotiation with the Council with a view to adopting the final law.





### European Parliament Committee wants to expand Carbon Border Adjustment Mechanism to aluminium, hydrogen, plastic and chemicals, as well as indirect emissions.

The Committee on Environment, Public Health and Food Safety (ENVI) [adopted](#) its [report](#) on the proposal of the European Commission for a regulation establishing a carbon border adjustment mechanism (**CBAM**; please see [Sustainability Outlook February 2022](#) and [Sustainability Outlook March 2022](#)). The amended report found a rather narrow majority of 49 votes for, 33 against and five abstentions, indicating **significant controversies** among the parliamentarians.

With the [compromise amendments](#) to the draft report, the MEPs want CBAM to cover **aluminium, hydrogen, polymers and organic chemicals** in addition to the products proposed by the Commission (iron and steel, refineries, cement, organic basic chemicals and fertilisers). To better reflect CO<sub>2</sub> costs for European industry, MEPs also want to extend CBAM to **include indirect emissions**, i.e. emissions deriving from the electricity used by manufacturers. The CBAM should be **phased-in five years earlier** than proposed by the Commission, **ending free allowances in EU ETS by 2030**.

ENVI also proposes a non-exhaustive list of circumvention practices. For anti-circumvention purposes, it wants to give the Commission additional power to supplement the scope of the new regulation in order to include downstream products that contain one or more of the goods/materials mentioned above in excess of a minimum threshold.

The ENVI report is scheduled for a vote during the plenary session on 6-9 June. If the plenary adopts it, the Parliament will be ready to start legislative negotiations with the Council.

### European Parliament Committee takes position on woody biomass.

The Committee on the Environment, Public Health and Food Safety (ENVI) also [adopted](#) its [report](#) on the proposal for a revised regulation to reduce greenhouse gas (GHG) emissions and improve natural carbon sinks in the land use, land use change and forestry sector (**LULUCF**), with [compromise amendments](#). It also adopted its [opinion](#) on the proposed new Renewable Energy Directive (**RED**), with [compromise amendments](#). The Commission adopted these proposals as part of the [Fit for 55 Package](#) in 2021 (please see [Sustainability Outlook July 2021](#)).

As regards **LULUCF**, MEPs agreed with the Commission's proposal to increase the EU carbon sinks target for LULUCF, which would de facto increase the EU 2030 GHG reduction target to 57%. Pursuant to ENVI's amendments, the Commission would have to adopt **annual targets** for the LULUCF sector for each year in the period from 2026 to 2029, based on national trajectories. **Sub-targets** for net GHG emissions from **cropland, grassland, and wetlands** will also be set at EU and national level. ENVI also wants to task the Commission with assessing the availability and consistency of all existing EU funding instruments available to increase climate action in the LULUCF sector. **By 2025**, the Commission would have to adopt a **proposal** to amend the new regulation with **targets for net GHG removals in LULUCF** at least for 2035, 2040, 2045, and 2050 (both at EU and national level).

The report is scheduled for a vote at the plenary session in June. After its approval, the Parliament may start negotiations with the Council.

As regards **RED**, the Committee's compromise amendments include a new definition for **primary woody biomass**: all roundwood felled or otherwise harvested and removed. It comprises **all wood obtained from removals**, except for woody biomass obtained from sustainable wildfire prevention measures and woody biomass extracted from forests affected by active pests or diseases to prevent their spread. Energy from solid biomass fuels would not be taken into account for the different renewable energy targets if these fuels are derived from primary woody biomass. Thus, in principle, woody biomass would be no longer considered as a renewable energy source and would, therefore, no longer be eligible for RED incentives. However, **secondary woody biomass**, which includes wood shavings from lumber mills, would be eligible for use as a renewable fuel.

The leading Parliament committee for the revision RED is the Committee on Industry, Research and Energy (ITRE). It is provisionally scheduled to vote on its draft report and amendments on 13 July 2022. The vote in the Parliament's plenary is expected after the summer.

### European Chemicals Agency reports on assessing regulatory needs of 1,900 substances amid the pandemic.

In its [Annual Report](#), the European Chemicals Agency (ECHA) reflected on its key achievements in light of the challenges it faced in 2021. The circumstances of the pandemic had been the main challenge to ECHA's work throughout 2021. The achievements are described for each of the **three strategic priorities**: **(1)** identification and risk management of substances of concern; **(2)** safe and sustainable use of chemicals by industry; and **(3)** sustainable management of chemicals through the implementation of EU legislation.

With the implementation of its 2021 Work Programme, ECHA also contributed to the implementation of the [European Green Deal](#) and [Chemicals Strategy for Sustainability](#) (CSS). For instance, ECHA established working methods and agreed with the Commission on where and how its expertise best supports the **reviews of REACH and the Classification, Labelling and Packaging (CLP) Regulation 1272/2008** (please see [frESH Law Horizons May 2021](#)). ECHA gave its views on the possible amendment of REACH registration requirements and discussed with the Commission on how to prioritise harmonised classification and labelling (CLH) under a revised CLP Regulation. In its [third report on Integrated Regulatory Strategy](#), ECHA identified nearly 300 chemicals for regulatory action out of the 1,900 substances assessed (please see [frESH Law Horizons April 2021](#)). ECHA recommenced work on **glyphosate** in coordination with the European Food Safety Authority (EFSA). ECHA's Committee for Risk Assessment (RAC) will provide an opinion on the CLH proposal, and EFSA will develop its opinion on the authorisation of the use as a pesticide (please see [Sustainability Outlook June 2021](#) and below).





### **ECHA committee concludes that classifying glyphosate as a carcinogen is not justified, while EU agencies update timelines for their assessments.**

The European Chemicals Agency (ECHA) [announced](#) that its Committee for Risk Assessment (RAC) has opined that glyphosate's **current classification** as causing serious eye damage and being **toxic** to aquatic life **should be retained**. However, RAC found that the **available scientific evidence does not meet the criteria** under the Classification, Labelling and Packaging (CLP) Regulation 1272/2008 for specific target organ toxicity (STOT), **carcinogenicity, mutagenicity or reprotoxicity**. The new RAC opinion is consistent with the proposal of the four Member States currently assessing glyphosate: Sweden, France, Hungary and The Netherlands, known collectively as the Assessment Group on Glyphosate (AGG), as well as with RAC's 2017 opinion.

Earlier in May, ECHA [announced](#) that it and the European Food Safety Authority (EFSA) have carried out [parallel consultations](#) on glyphosate for two months, until November 2021. During the two-month consultation, interested parties could access the scientific evaluations prepared by the AGG. According to ECHA, these consultations attracted an unprecedented number of comments (please see [Sustainability Outlook June 2021](#)). The input received, together with the replies received by EFSA from the applicant, the Group on the Renewal of Glyphosate (GRG), in response to its request for additional information, has **added a significant amount of information** to a dossier that already contained far more scientific data than are usually available for such assessments. The AGG will thoroughly consider this information. The AGG is now updating its initial draft renewal assessment report (dRAR), ECHA said. According to the updated timeline, the AGG is expected to send the updated dRAR to EFSA in response to the identified action points and following evaluation of the additional information provided by the GRG by the **end of September 2023**. The European Commission plans to make EFSA's conclusions available by **July 2023**.

### **EFSA seeks comments on phthalates in food contact materials.**

The European Food Safety Authority (EFSA) received a mandate to conduct preparatory work for the **re-evaluation of phthalates**, structurally similar substances and replacement substances that are potentially used as **plasticisers** in food contact materials (**FCMs**) from the European Commission (please also see [Sustainability Outlook April 2022](#)). To this end, EFSA [invited](#) national food authorities, research institutions, academia, food business operators and other stakeholders to submit data on **migration or occurrence of plasticisers** in FCMs. The mandate includes a request to consider migration data in the context of the dietary exposure assessment. EFSA aims to collect results generated in experimental studies on FCMs before their actual use, e.g. tests on migration of plasticisers from FCMs using food/food simulants, or tests on the concentration of plasticisers in FCMs.

### European Commission intends to reduce presence of persistent organic pollutants (POPs).

The Commission made available a [draft regulation](#) amending the **POPs Regulation** 2019/1021 as regards the perfluorooctanoic acid (**PFOA**), its salts, and PFOA-related compounds. Annex I to the POPs Regulation provides unintentional trace contaminant (**UTC**) levels, above which a substance may not be used or placed on the market on its own, in mixtures, or in articles. The current UTC limit for PFOA and its salts in PTFE micropowders is **1 mg/kg**, to be reviewed by 5 July 2022. According to the Commission's draft, the Committees of the European Chemicals Agency (ECHA) concluded that processes have been developed to reduce the concentration of PFOA to below the generic UTC level of 0.025 mg/kg (25 ppb). However, the Commission proposes keeping the UTC limit of 1 mg/kg to cover manufacture, placing on the market and use **only for the purpose of transport and treatment of PTFE micropowders** to reduce the PFOA concentration. However, the existing generic UTC limit of 0.025 mg/kg would then apply also to PFOA and its salts present in PTFE micropowders that are placed on the market for **final use**. The Commission considers that the current exemption for the use of PFOA to produce polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for several applications is no longer needed and proposes deleting it.

The draft delegated regulation is open for [feedback](#) until 14 June 2022. Once the Commission adopts the delegated act, it will communicate it to the European Parliament and the Council. Both will have two months to raise objections to the regulation. If they do not, the measure will enter into force after being published in the *Official Journal of the EU*.

### European Commission consults on the revision of waste rules.

The Commission [launched](#) an [online public consultation](#) on the revision of Waste Framework Directive 2008/98 (WFD). The survey consists of four sets of questions that address policy areas already provided in the call for evidence published earlier this year (see [Sustainability Outlook January 2022](#)): **waste reduction and prevention, food waste reduction, separate collection systems, and regulatory and economic incentives**.

Among the different measures addressed to improve **waste prevention**, the Commission considers more detailed **data collection**, increase of the use of economic instruments to prevent waste generation (please see below), legally binding **waste reduction targets**, legally binding quantitative targets to increase **reuse** of products, and legally binding **food waste reduction targets**.

Among the measures addressed in the survey regarding food waste reduction are **packaging innovation** (to extend shelf life), clearer, more understandable **marking** of, e.g., "best before" and "use by" dates, and using surplus food and by-products for animal feed.

On regulatory and economic incentives, the survey asks whether **EPR** should be applied to more products (such as **textiles**), cover waste prevention activities and be better enforced for **online sales**. It also asks about the application of "pay-as-you throw" (PAYT) systems.

The public consultation is open until 16 August 2022. The Commission plans to adopt the proposal of a Directive in second quarter 2023. Then, it will follow the ordinary legislative procedure.





### European Commission consults on the evaluation of environmental liability rules.

The European Commission also [launched](#) an open public consultation as part of the evaluation Environmental Liability Directive 2004/35 (ELD). The ELD aims to establish a framework to better prevent and remedy environmental damage to land, water (surface, ground, transitional, coastal and marine waters), and biodiversity (species and natural habitats protected by the Birds and Habitats Directives), based on the “**polluter pays**” principle. Under the ELD, operators have a legal responsibility to **prevent and restore any environmental damage** caused by their activities.

The survey includes general questions such as the need for dedicated legislation to implement the polluter pays principle and **technical questions**. It also asks about the effectiveness of the new guidelines on the definition of “environmental damage” (please see [frESH Law Horizons March 2021](#)).

It seeks views on revising annex III of the ELD, which currently sets out activities for which companies are subject to “**strict liability**” if they cause damage to land, water, or biodiversity. Other activities are currently only subject to “**fault-based liability**” for damaging biodiversity. The consultation suggests the possibility of making **non-annex III operators** liable for damage to land and water, extending it to any person causing environmental damage and not only operators. It also suggests a stricter approach to the **state-of-the-art defence**. The current ELD allows the operator to demonstrate that it was not at fault or negligent and that the environmental damage was caused by an emission or activity, which was not considered likely to cause environmental damage according to the state of scientific and technical knowledge at the time.

The evaluation (which is the second one, after the Commission concluded the first in 2016) will last for a year. In addition to the consultation, the evaluation will also take into account, among others: (1) the European Parliament resolution on the liability of companies for environmental damage (please see [frESH Law Horizons May 2021](#) and [frESH Law Horizons March 2021](#)); and (2) the European Court of Auditors Special Report on the polluter pays principle (see [Sustainability Outlook July 2021](#)).

The public consultation is [open](#) until 4 August.

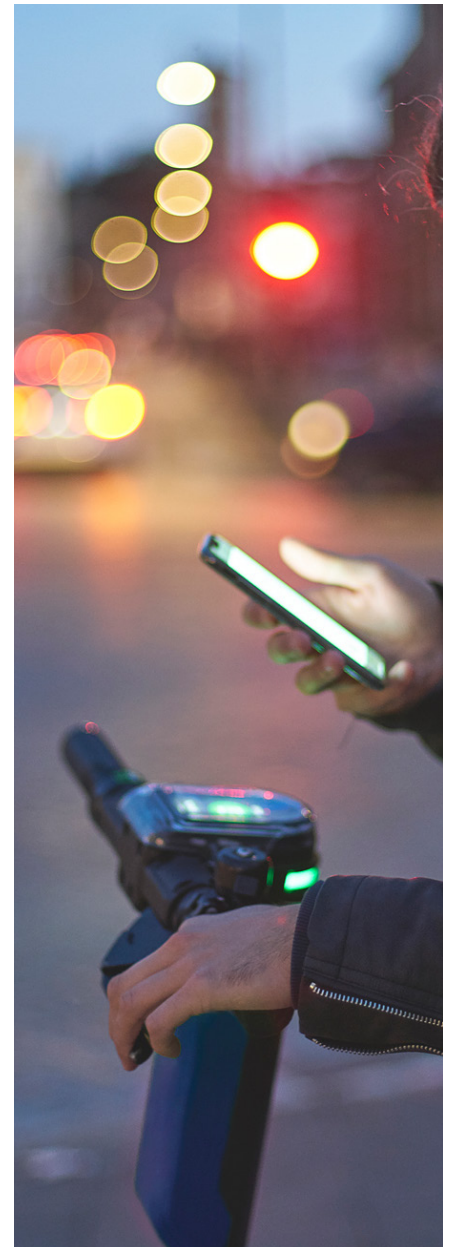
## European Parliament wants to clarify the scope of the Machinery Regulation.

The European Parliament Committee on the Internal Market (IMCO) adopted its [report](#) on the proposed Machinery Regulation. The European Commission [adopted that proposal](#) in April 2021.

The launch of the inter-institutional negotiations (trilogues) is pending the adoption by the Council of its position.

The amendments proposed by the Committee include clarifications regarding definitions of machinery products, such as “safety component”, “substantial modification” and “manufacturer”, and an **extension of the transitional period** in order to allow industry to adapt to the new regulation and provisions allowing for more digital solutions. The purpose of the Machinery Regulation is to address the risks stemming from machinery function and not the transport of goods, persons – as well as animals, as IMCO wants to add. Hence, the new regulation should not apply to vehicles whose only objective is merely the transport of animals by road, air, on water, or on rail networks. The **Commission proposal wants to exclude vehicles for the transport of goods or persons on road**. However, the Parliament’s amendments make this less clear, but state that non-type-approved, off-road vehicles, as well as e-bikes, cargo e-bikes, e-scooters and similar means of transport **should also be covered by the new regulation** as regards their machinery function, with the exception of “road circulation risks”, until they become the subject of specific EU legislation. This would imply that the presumption of conformity of machinery products would apply for these kinds of vehicles. This means that a machinery product that is in conformity with harmonised standards or parts thereof, which are referenced in the Official Journal of the EU, are presumed to be in conformity with the standards’ essential health and safety requirements. The original **proposal empowers the Commission to adopt implementing acts** establishing new technical specifications for the essential health and safety requirements if no references to harmonised standards are already published in the Official Journal. The Commission could also do so if there are undue delays in the standardisation procedure.

As no objections were raised following its announcement during the plenary session held on 18 May 2022, the Committee Report will constitute the negotiating mandate of the European Parliament. Meanwhile, Council experts continue preparations on the position of that co-legislator. Both will then enter into negotiations with each other (trilogues) to amend and adopt the proposal.







### EU Advocate General opines that Member States may be liable for damages resulting from air pollution.

The European Court of Justice (ECJ) [announced](#) the [opinion](#) of its Advocate General (AG) Kokott regarding the question of whether individuals may claim compensation from a Member State for damage to their health caused by infringements of EU air quality limit values (Case [C-61/21](#)). A French administrative appeals court referred the question to the ECJ to decide the case of a resident of the Paris agglomeration.

The AG analyses the **three conditions** established for a right to compensation under the rules of EU State non-contractual liability: **(1)** the rule of EU law infringed is intended to **confer rights** on them; **(2)** the infringement of the rules is **sufficiently serious**; and **(3)** there is a **direct causal link** between that infringement and the damage suffered by those individuals.

According to the AG, the **first condition** is satisfied, since the limit values for pollutants in ambient air and the obligations to improve air quality were intended to confer rights to individuals. With regard to the **second condition**, AG considers exceeding the limit value of ambient air quality rules a serious infringement for all periods during which there was no corresponding plan without manifest defects in place to remedy it. It is for the national court to establish whether this was the case.

As regards the **third condition**, the AG states that it is for the national court to determine the exact standard of proof needed to win compensation. Individuals must first prove that they stayed, for a sufficiently long period of time, in an environment in which limit values have been seriously infringed. It does not suffice to make reference to the air quality breach in an agglomeration or zone. The determination of the duration of that period requires a scientific answer. In order to prove the link between the health problem and the exceedance of the limit values generally requires expert medical assessment. In addition, even if the direct link is proven, the **Member State may exonerate itself** if it shows that the **air quality breaches would still have occurred if it had adopted an air quality improvement plan** that met the EU requirements.

The opinion of the AG is not binding upon the Court. However, the Court often follows it. The ECJ's decision is expected later this year.

### Parliamentary body finds that the UK will need another four years until full capacity to regulate chemicals post-Brexit.

The report '[Regulating after EU Exit](#)' of the UK National Audit Office (NAO) covers multiple regulatory fields, including the responsibility of the UK Health and Safety Executive (HSE) for chemicals regulation. [Last month, we reported](#) that the HSE will only be evaluating two substances under UK REACH in 2022-2023. This is **despite a huge increase** in number of **staff** (for UK REACH and regimes governing pesticides and biocides) **and in budget** (from both fee income and government funding). The HSE is struggling to find the required specialists and continues to advertise a **high number of vacancies**. **Timescales are becoming a concern**, with staff taking up to five years to become fully competent given the proportion of time spent training. The NAO report warns that "**capacity constraints could delay regulatory decisions**. For example, HSE has **extended approvals** for biocidal active substances due to expire in 2021-2022 to at least 2023 while it develops its biocide active substance assessment programme". Even with delays to data submission deadlines under UK REACH, the HSE may struggle with its chemicals regulation workload. Minimising waste of public money and ensuring the highest standard of health and environmental protection remain a priority, according to the report.

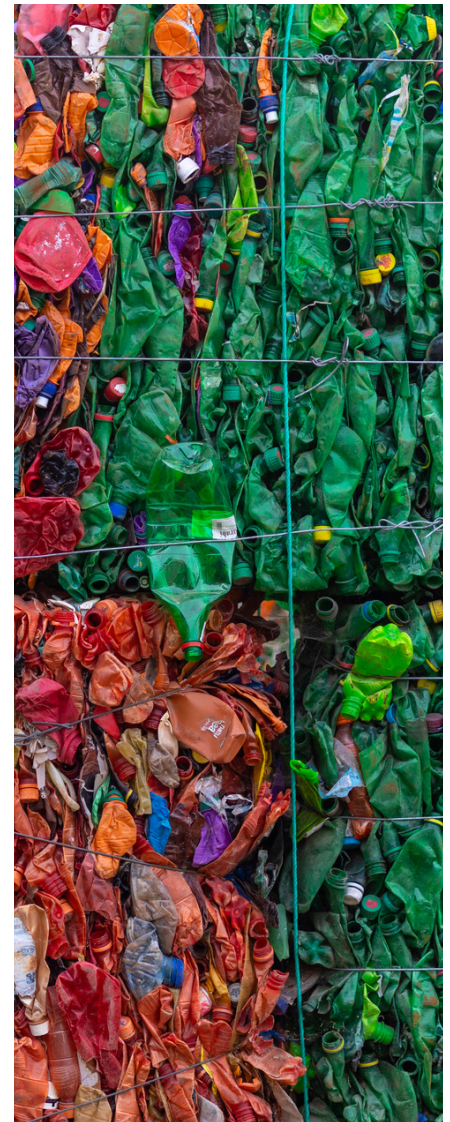
### France regulates consumer information on environmental characteristics.

At the end of April, the French government adopted a [decree](#) on consumer information with regard to **environmental characteristics of waste-generating products**, as mandated by the law on the fight against waste and the circular economy (*Loi AEGC*). In 2021, the government had publically consulted on it and notified it to the European Commission (please see [Sustainability Outlook October 2021](#)), receiving comments from the European Commission and Sweden. The final text defines various environmental qualities and characteristics (which apply to different categories of products) including the incorporation of **recycled material**, the use of **renewable sources**, **compostability**, reparability, possibilities for reuse, **recyclability**, the **presence of hazardous substances**, precious metals or rare earth metals, traceability and the presence of plastic microfibers. Some of them are defined in detail and provide specific conditions (e.g. which products are to be considered recyclable). However, others are elaborated on only briefly. For example, the decree does not detail how **recycled content** is calculated, but just provides that it must be expressed as a percentage.

Operators placing the products on the market must provide **information on the environmental qualities** and information on the **premiums and penalties** paid in their extended producer responsibility (EPR) schemes. The information must be made available electronically, and, where appropriate, in accordance with procedures laid down by order, displayed on labelling or any other legible and comprehensible device.

The **use of the terms** “biodegradable”, “environmentally friendly” or any other equivalent environmental claim on new consumer products or packaging is **prohibited**. However, the decree provides a **stock clearance** period until January 2023 for products that have already been placed on the market.

The rest of the provisions of the decree will **incrementally enter into force from January 2023** depending on the operators’ revenue and units placed on the market. From January 2025, they will apply **to operators** with a revenue higher than €10 million and placing on the market more than 10,000 units of products within scope. For construction products and materials, toys, sportswear, garden articles and cars, this phase-in will start in January 2024.





### Spain plans to update packaging waste rules.

One month after the Spanish legislator adopted the new Law on Waste, Contaminated Soils and for a Circular Economy (please see [Sustainability Outlook April 2022](#)), the Spanish government [notified](#) the European Commission of a draft Royal Decree on Packaging and Packaging Waste, following the procedure detailed in the TRIS Directive 2015/1535.

The draft decree aims to transpose into Spanish law the last review of the EU Packaging and Packaging Waste Directive (PPWD), which was due in 2020, after the European Commission had urged Spain to do so (as well as 12 other Member States; please see [Sustainability Outlook June 2021](#)). In addition, the draft Royal Decree provides new elements such as a **recyclability definition**, **prevention targets**, the ban of **bulk sales** for vegetables and fruits, **recycled content requirements**, **information and marking requirements**, **eco-modulation of extended producer responsibility (EPR) fees**, and the extension of EPR obligations to producers of all kinds of packaging (including industrial and commercial packaging).

The draft includes a reduction target for **packaging waste** of 13% (by 2025 in comparison to 2010) and 15% (by 2030). This target has the same ambition level as the recently adopted Waste Law for all wastes. As regards **single-use beverage bottles**, the reduction target (by units) is 20% by 2030 (in comparison to 2022). As a waste prevention measure, retail shops must not use **plastic packaging for vegetables and fruits over 1.5 kilos** (subject to a list of exceptions to be elaborated on by the Spanish Agency for Food Safety and Nutrition).

The draft decree defines recyclability as the **effective capacity of recycling packaging waste**, considering certain criteria: **(1)** it is collected separately in an efficient manner; **(2)** it does not present characteristics or substances that impede classification and separation, recycling, or limit the subsequent use of the recycled material; and **(3)** it is recycled at “industrial scale” and in a quantity greater than **50%** of the mass of the waste collected for that type of packaging. This definition will have to be used for voluntary marking indicating the recyclable content of packaging and in order to get a premium on the modulated EPR fee.

The draft decree provides that each product producer must guarantee that the non-compostable plastic packaging they place in the market complies with the following recycled content requirements:

- From **2025**, **PET packaging** must contain at least **25% of recycled content**, calculated as an average of all PET packaging placed on the market by that individual operator.
- From **2025**, all **plastic packaging** (except PET packaging) must contain at least **20% of recycled content**, calculated as an average of all plastic packaging placed on the market by that individual operator.
- From **2030**, all **plastic packaging** must contain at least **30% of recycled content**, calculated as before.

In the event that complying with these objectives would compromise the essential functions of the packaging or the safety and hygiene of the packaged product, “the maximum possible content of recycled plastic must be incorporated”. The amount of recycled plastic contained in the products must be certified by an accredited body under standard **UNE 15343:2008** (which is also applied to prove recycled content for the purposes of the plastic packaging tax). **Chemically recycled plastic** “quantity must be accredited by a certificate issued by the relevant body”.

The decree provides different voluntary and mandatory information requirements. A relevant modification from the previous draft is considering the “**green dot**” symbol as misleading to consumers when used as an identification for packaging covered by a producer responsibility organisation (PRO). Currently, ECOEMBES, the only PRO for household packaging, requires its members to use it.

The EU standstill period, during which Spain may not adopt the decree, runs until (at least) 8 August 2022. During this period, the Commission and Member States can issue comments or a detailed opinion. Stakeholders are also invited to [comment](#), in particular regarding the compatibility of the draft measure with EU law.

If you are interested in UK as well as EU environment, safety and health law, procedure and policy, please take a look at our [frESH blog](#).

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