

Information Bulletin

N° 01/15 – February 2015

For further information, please contact:

Ioana Smarandache

Tel: +32 2 706 82 77

Email:

ioana.smarandache@orgalime.org

TABLE OF CONTENTS

[Click on the chapter or article title to read]

⇒ ISSUES OF PARTICULAR INTEREST	3
Internal Market	3
Machinery Directive (MD).....	3
Outdoor Noise Directive	3
Electro Magnetic Compatibility Directive (EMCD)	3
Product Safety and Market Surveillance Package	4
Environment	4
REACH.....	4
Energy	5
Ecodesign and Energy Labelling Directives - implementation and review.....	5
Ecodesign Directive - Update on Lots / implementing measures	6
⇒ ISSUES OF GENERAL INTEREST	7
Internal Market	7
Industrial Policy – Industrial Strategy Roadmap.....	7
Investment Plan for Europe.....	7
Radio Equipment Directive (RED – former R&TTE).....	8
Electromagnetic Fields	8
Standardisation Policy.....	8
Intellectual Property Rights (IPR) and Customs Enforcement.....	9
Raw materials	9
Advanced Manufacturing.....	9
Market Access / External Relations	10
Conflict minerals.....	10
WTO trade negotiations and dispute settlements.....	10
Union Customs Code	10
EU-USA.....	11
EU-Japan	11
EU-Korea	12
EU-Canada	12
EU-Vietnam.....	12
Environment	12
RoHS2 Directive.....	12
WEEE2 Directive.....	13
Industrial Emissions Directive (IED, ex-IPPC).....	14
Directive on Medium Combustion Plants (MCP)	14
Resource Efficiency.....	14
Circular Economy Package	15
Energy	15
EU Energy Union package.....	15
Energy Security Strategy.....	16
Energy Efficiency.....	17
⇒ PUBLICATIONS/EVENTS/CALLS	17

⇒ ISSUES OF PARTICULAR INTEREST

Internal Market

Machinery Directive (MD)

A new list of [harmonised standards](#) in view of the implementation of directive 2006/42/EC was published in the EU Official Journal on 13 February 2015 (OJEU 13.02.2015 C 54/1). The Commission has adopted and published in the Official Journal three Implementing Decisions concerning the formal objections to harmonised standards under the Machinery Directive on [Earth-moving machinery](#) (for the publication of the reference with a warning), [Wood chippers](#) (for the withdrawal of its reference from the OJEU) and [manual horizontal cutting cross-cut sawing machines with one saw unit](#) (for the publication with a warning).

The Commission circulated to the Machinery Working Group a draft Directive amending Annex V of the MD in January 2015. At the last Machinery WG meeting on 5 November, the members of the EC Machinery Committee asked the Commission to include filtration systems intended to be integrated into machinery cabins, and also filters for such filtration systems, in the indicative list of safety components (as set out in Annex V).

As regards the study on possible amendments of the Machinery, ATEX and Pressure Equipment Directives for equipment intended for use in the offshore oil and gas, the revised version of the interim report was published by the Joint Research Centre in December 2015, following a call for stakeholder comments on the initial draft. This document is available from the [secretariat](#).

The next Machinery Committee and WG meetings have been confirmed to take place on 23 and 24 March 2015.

[\[Back to the top\]](#)

Outdoor Noise Directive

On 16 February, the Noise Expert Group exchanged views on the main aspects to be tackled during the upcoming review process, notably the conformity assessment procedure, alignment with the New Legislative Framework, the labelling and the database. The Commission encouraged stakeholders to share their views on the different options for the review listed in the Commission 'discussion document' (available from the [secretariat](#)). Fewer than half of the EU Member States attended this meeting; although this may be due to financial constraints, it might also reflect little interest for this piece of legislation. A similar situation has occurred in the Noise Administrative Cooperation Committee (ADCO), where the level of Member State participation is unsatisfactory, according to the Commission. The next meeting is scheduled on 8 September 2015. As regards next steps, a study will soon begin to assess the OND scope and noise limit values (Articles 12 & 13 equipment). The conclusions will be used as input for the impact assessment to be launched in 2016 or 2017. The Commission expects to table its proposal in 2018, with the new legislation being applicable as from 2020/2021.

[\[Back to the top\]](#)

Electro Magnetic Compatibility Directive (EMCD)

A new [list of harmonised standards](#) in the framework of the implementation of the EMC Directive 2004/108/EC was published in the EU Official Journal on 16 January 2015 (OJEU 16.01.2015 C 14/1).

[\[Back to the top\]](#)

Product Safety and Market Surveillance Package

The Commission has started its preparatory work on the requested impact study on the pros and cons of art. 7 in the Consumer Product Safety Regulation (CPSR). A list of questions addressed to the industry has been informally circulated to the main stakeholders. The study aims to determine the competitive position of particular manufacturers as a result of the (positive or negative) branding/marketing impact of a certain origin. Another key objective is to identify possible costs of indicating the origin and affixing labels, as well as any potential benefits in terms of traceability. Orgalime drew up a mapping of costs and impacts of the 'marking of origin' provision on manufacturers, depending on their respective supply and distribution chains. This document is available from the [secretariat](#).

The consultant intends to present its report to the Commission in mid-March 2015 and finalise it in April. The study may then be presented at the Competitiveness Council meeting in May. However, it is not yet known when the study will be publicly made available.

[\[Back to the top\]](#)

Environment

REACH

On 17 December 2014, the [Candidate List](#) was updated with 6 new substances identified as substances of very high concern (SVHC), which now comprises 161 substances. The inclusion of substances on the Candidate List triggers immediate communication requirements for downstream users, and also notification requirements 6 months later. For the first time, the ECHA Member State Committee cannot agree on a SVHC identification, following the Danish proposal to update the identification of 4 phthalates (DEHP, DBP, BBP and DIBP) as endocrine disruptors (see ECHA [press release](#)). ECHA passed the decision to the Commission, which will prepare a proposal for the potential identification of the substances as endocrine disruptors. It should be noted that these 4 phthalates were already included in the Candidate list and Authorisation list, whose provisions became a reality on 21 February 2015. However, identification as endocrine disruptors will make it harder for industry to obtain authorisation for use of these substances. In addition, Member States notified their intention to submit 2 further substances (ECHA [Registry of Intentions](#)).

Regarding the **authorisation process**, the Commission and Member States acknowledged that there are problems. They agreed to join efforts to make the process function smoothly and predictably. While the Commission and industry supported setting up possible longer transition periods for spare parts, major Member States were reluctant. As an intermediate solution, the Commission intends to grant longer transition periods (e.g. 5 years) allowing the use of substances subject to authorisation in spare parts, through an amendment of Annex XIV. For the longer term, the Commission proposed a simplified application for authorisation (AfA). Such a procedure would be valid for use of substances in low volumes (below 100 kg). In addition, this mechanism would be used only for cases where there is no consumer exposure and for use by manufacturers (and not down their supply chain, contrary to the existing authorisation scheme). The European Commission launched a [public consultation](#) on these 2 proposals which will run until 30 April 2015 (see [background document](#) and [questionnaire](#)).

As announced earlier, a public consultation was launched on a **restriction** proposal for the manufacture, use and placing on the market of [Perfluorooctanoic acid](#) (PFOA). In addition, ECHA was mandated to develop guidelines on the implementation of REACH restrictions on [nickel](#), [PAHs](#) and [lead](#) (articles covered by RoHS2 are excluded from the

lead restriction scope). The guidelines should clarify certain terms used in the text (e.g. “accessibility”, “normal/reasonably foreseeable conditions of use”). They will also provide a non-exhaustive list of article types falling within or outside the scope of the restriction. ECHA started working on the guidance on PAHs and nickel and is now consulting stakeholders until 2 April (ECHA surveys are available from the [secretariat](#)).

ECHA regularly updates the list of substances being considered for regulatory risk management option (RMO) analysis, including new substances and conclusions once RMO is completed. The [Public Activities Coordination Tool](#) (PACT) now includes 111 substances. As a reminder, this process helps authorities to decide whether further risk management is necessary. If it the case, it indicates the regulatory route being considered, such as harmonised classification and labelling, authorisation or restriction.

ECHA is currently working on tools to improve communication on **substances in articles**. The objective is to support article producers and importers in better communication within the supply chain, thus supporting the enforcement of REACH Articles 7.2 & 33. In this context, ECHA has contracted an external consultant, Ökopol, to work on a feasibility study on the possibilities for developing a ‘materials information platform’ (MIP). This would indicate what hazardous substances could be contained in certain types of materials used in the production of articles. In order to gather stakeholder views, Ökopol launched a [survey](#) which is open until 27 February (more information is available in the [background paper](#)).

There have been new developments on the **substance concentration threshold (0.1% w/w) for SVHC in articles** (REACH Articles 7.2 & 33): the European Court of Justice is preparing a judgement on this issue. As a reminder, France together with Austria, Belgium, Denmark, Germany, Sweden and Norway challenged the [interpretation](#) that the threshold applies to the whole article, as produced or imported. These “dissenting countries” consider that the substance concentration threshold applies at the level of homogeneous materials or components of the article. On 12 February, the Advocate General issued an [opinion](#) and concluded that calculating the concentration of certain substances should be done at the component level rather than that of the entire article. As a consequence, article suppliers should communicate information on a SVHC substance (Article 33) if it is present in a component above a concentration of 0.1% w/w. However, a distinction is made between producers and importers for the notification requirement (Article 7.2). Indeed, article producers should apply the threshold on the whole article, while importers should do the calculation at the component level. In terms of next steps, the judges of the Court of Justice are expected to provide their ruling in the next few weeks.

[\[Back to the top\]](#)

Energy

Ecodesign and Energy Labelling Directives - implementation and review

As regards the review, the Ecodesign Directive is still broadly fit for purpose and will therefore not be revised, unlike the Energy Labelling Directive. In addition to the ECOFYS [final report](#) (June 2014) on the evaluation of both framework Directives, a specific study has just been published on the impact of the energy label ([London Economic report](#)). This study investigated the impact of the energy label and its potential changes to consumer understanding and purchasing decisions. The main conclusion is that the alphabetical scales are generally better understood by consumers than numerical scales. Going back to an A to G scale (instead of the current ‘A+++ to D’ scale) is necessary since it is better at encouraging consumers to choose energy efficient products. However, this will imply a rescaling. As regards next steps, the Commission expects to table its legislative proposal in March / April 2015.

Concerning the study on the [Ecodesign Working Plan 2015-2017](#), the final reports are currently in the process of being approved for publication, which is scheduled in the coming weeks. The Commission's Ecodesign Working Plan for the period 2015-2017 is expected in the first quarter of 2015.

In December 2014, the Commission organised a Consultation Forum meeting on the "Primary Energy Factor" (PEF). The PEF coefficient is applied in various pieces of legislation when transforming electricity into primary energy, notably in Ecodesign implementing measures. The PEF coefficient of 2.5 is specified in the Energy Efficiency Directive (2012/27/EU) but a change is likely to impact existing or forthcoming Ecodesign and Energy Labelling measures. The main conclusion of this meeting was that a PEF is required and that it should be a single PEF for Ecodesign (EU-wide approach). However for EPBD and EED, Member States should be able to continue applying a national approach. The Commission concluded that a review of the PEF and its 2.5 coefficient will take place, considering the wide stakeholder support. However, an amendment of the 2.5 coefficient will not be instantaneously reflected in existing implementing Ecodesign measures: any change would be dealt with at the time of relevant regulation review. As regards next steps, the Commission will launch a study.

[\[Back to the top\]](#)

Ecodesign Directive - Update on Lots / implementing measures

Space and combination heaters, ENER Lot 1: In early January, the Commission published its final [guidelines](#) accompanying Ecodesign and energy labelling measures on space heaters ([813/2013](#) and [811/2013](#)), including packages. It also published a [tool for calculating](#) the energy efficiency of packages of space, water and combination heaters ("dealer label").

Water heaters and hot storage tanks, ENER Lot 2: In early January, the Commission published its final [guidelines](#) accompanying Ecodesign and energy labelling measures on water heaters ([814/2013](#) and [812/2013](#)) including packages. It also published a [tool for calculating](#) the energy efficiency of packages of space, water and combination heaters ("dealer label").

Light sources, ENER Lots 8, 9 & 19: The study targets all lighting products currently regulated, including luminaires but also lighting controllers. However, aspects related to lighting systems and lighting control are excluded from this study because they are handled in the parallel Lot 37 study. A first stakeholder meeting was held on 5 February (see [presentation](#)). VHK and VITO have already published draft reports on Tasks 0, 1 & 2 on the dedicated study [website](#). The final report is expected in October 2015.

Fans, ENER Lot 11: At the end of January, VHK held a stakeholder meeting to discuss its [second report](#) on the review. This document proposes amendments, including to the scope. The presentation given at the meeting is now available and all stakeholder comments submitted to VHK are published on the [study website](#). As a reminder, [Regulation 327/2011](#) regulates fans driven by motors with an electric input power between 125 W and 500 kW. An additional interim report is announced for February / March 2015 in view of the Ecodesign Consultation forum meeting scheduled in March / April 2015. The final report is expected in October 2015.

Electric motors and VSD, ENER Lot 30: Further to the Consultation Forum meeting (29 September 2014), the Commission launched the Impact Assessment (done by VHK & Viegand Maagøe). As regards next steps, the impact Assessment Board is foreseen in March or April 2015, followed by inter-service Consultation (May / June 2015) with a view to final adoption at the end of the year.

Compressors for standard air applications, ENER Lot 31: An Ecodesign Consultation Forum meeting took place on 23 October 2014 to discuss a draft regulation on compressors. Further to the impact assessment Board (May 2015), the Commission will amend its draft proposal and launch the inter-service consultation, which is foreseen

around the summer. The Regulatory Committee vote will take place end 2015 / early 2016, followed by the final adoption in 2016.

Smart appliances, ENER Lot 33: In September 2014, the Commission launched a two-year Ecodesign Preparatory Study on Smart Appliances ([study website](#)). It is carried out by VITO in cooperation with Viegand & Maagoe, Rheinische Friedrich-Wilhelms-Universität Bonn, MINES-ParisTech and the Wuppertal Institute. The study primarily aims to define and categorise smart appliances (in conjunction with smart meters) and main concepts, such as “communication-enabled”. In addition, it needs to define what is covered by the term “appliances”. Relevant categories are white goods, HVAC (heating, ventilation and air conditioning), chargers and local devices with an ancillary power source and lighting. The first stakeholder workshop will take place on 10 March 2015 (see [agenda](#)). The final report is expected in September 2016.

[\[Back to the top\]](#)

⇒ ISSUES OF GENERAL INTEREST

Internal Market

Industrial Policy – Industrial Strategy Roadmap

In a speech delivered to the “[Friends of Industry](#)” [Ministers](#) on 19 February, Commissioner Elżbieta Bieńkowska, in charge of the Internal Market, Industry, Entrepreneurship and SMEs, gave an outline of the Commission’s future action on Industrial Policy. While underlining that industrial policy will not be a specific policy area but will cut across other EU areas of action, she indicated that the Commission’s priorities will be to i) help EU companies to integrate into different value chains, in both the Internal Market and at international level ii) transform the EU industry by building on advanced manufacturing and key enabling technologies, using such instruments as Horizon 2020, Public Private Partnerships and the Structural Funds to help industry move towards smart specialisation and to support regions with the development of effective cluster strategies, and iii) improve the business environment by using the Commission REFIT programme to improve and simplify the regulatory framework, and the European Semester to drive reforms across all areas.

To implement these priorities, in the course of 2015 the Commission will propose five strategic papers on the Energy Union, a Digital Single Market, an Internal Market Package, a Capital Markets Union, and a New Trade and Investment Strategy. Industrial policy will be part of each of these areas.

[\[Back to the top\]](#)

Investment Plan for Europe

The €315 billion Investment Plan presented in November 2014 by Commission President Jean-Claude Juncker is taking shape. On 13 January, the European Commission presented a regulation proposal establishing a [European Fund for Strategic Investments](#) (EFSI) consisting of a guarantee of €21 billion (€5 billion from the European Investment Bank for SMEs and mid-cap companies, and €16 billion from the EU budget for long-term investments) with an expected multiplier effect of 1:15 (the extra funding is expected to come from private investments, possible Member State participation, and the maximisation of the leverage effect of the EU structural and investment funds).

The regulation proposal also includes a “transparent pipeline of investment projects” based on a set of criteria (EU value-added projects in support of EU objectives,

economic viability and socio-economic value, projects capable of being started by 2017) and focusing on limited areas: infrastructure (broadband, energy, transport in industrial centres), education, R&D, renewable energy and energy efficiency.

It also includes a programme of technical assistance to identify projects and help them become more attractive for private investors. This complements the exercise carried out by a special Task Force which selected 2000 projects worth €1300 billion proposed by Member States in December 2014.

Lastly, a European Investment Project Pipeline will develop investor knowledge of current and upcoming projects.

The timeline for adoption of the regulation is June 2015 (after adoption by the European Parliament and Council).

In parallel, the Commission tabled [guidance](#) for Member States on how to interpret the Stability and Growth Pact to encourage structural reforms and investment.

[\[Back to the top\]](#)

Radio Equipment Directive (RED – former R&TTE)

The Commission's ADCO R&TTE (Radio and Telecommunications Terminal Equipment) group plans to organise a meeting on 19-20 March in Malaga, Spain, with a view to updating the [R&TTE Guide](#). Revisions to the current guide are crucial as a result of the new RED 2014/53/EU and the additional clarifications provided by the Commission during the RED workshop on 13 November 2014. This is the first guide to be drafted for a Directive aligned with the New Legislative Framework. Therefore, some of its horizontal sections may be re-used for other Directives under the NLF alignment.

In January 2015 the Commission launched a public consultation on the future use of the UHF TV broadcasting band (470-790 MHz). This [consultation](#) runs until 12 April 2015.

[\[Back to the top\]](#)

Electromagnetic Fields

As a reminder, Member States have until 1 July 2016 to transpose [Directive 2013/35/EU](#) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields).

On 13 January 2015 the EU Economic and Social Committee issued an own-initiative report on "electromagnetic hypersensitivity", asking the Commission to enact legislation on the following topics: i) Creation of a labelling system ii) Ban on exclusion of coverage from insurance iii) Establishment of consumer information and advertising rules iv) Promotion of research v) Creation of a register of products entailing EMF risks vi) Access to exposure maps vii) Thresholds for product use and viii) Rules concerning the planning of HV electric power lines.

This report is non-binding but will nevertheless put pressure on the Commission to act on EMF. At the same time, a campaign has been launched by NGOs against alleged conflicts of interest among several members of the SCENIHR (EU Scientific Committee on Health and Emerging and Newly Identified Risks).

[\[Back to the top\]](#)

Standardisation Policy

On 20 February, the first meeting of INGRESS (**I**ndustry **G**roup on **E**uropean **S**tandardisation **S**trategy) was convened with the participation of ACEA (the European car makers association), Orgalime and a number of European industry associations of the engineering branch. The main objective of the meeting was to review the draft Terms of Reference of the new structure with a view to its final endorsement by the Group members' respective constituencies.

As a reminder, Regulation 1025/2012 has been adopted as the new framework for regulating certain aspects of the work of the three European standards organisations (CEN, CENELEC and ETSI). It is managed by a Commission/Member States Committee

called the “Committee on Standards” (CoS). This Committee foresees that certain stakeholders are invited as observers to participate in the work of the CoS, including SBS (representing SMEs), ANEC (representing consumers), ECOS (representing environmental stakeholders), and ETUC (representing the trade unions). However the main contributor to standardisation and user of standards, industry, is not represented. The purpose of setting up INGRESS is therefore i) to promote the common interests of industry in those areas of standardisation policy falling under Regulation 1025/2012, and ii) to ensure that the principle driving the drafting of any European standard should be its market relevance.

[\[Back to the top\]](#)

Intellectual Property Rights (IPR) and Customs Enforcement

The Internal Market Committee (IMCO) in the European Parliament held a hearing on 22 January 2015 on ‘Why Europe needs a legal framework for customs sanctions’. This meeting consisted of two sessions: the first one focused on analysing the customs sanctioning systems of the 28 Member States, and the second one discussed the impact that the absence of an EU legal framework for customs sanctions has on the single market and on economic operators. More information about the agenda and the presentations delivered at this hearing are available on the [IMCO](#) page.

[\[Back to the top\]](#)

Raw materials

The annual conference of the European Innovation Partnership (EIP) on Raw Materials took place on 13-14 January 2015. This meeting reviewed the implementation of the EIP and also engaged the participants in a dialogue about how to ensure that the EIP goals are properly delivered. One of its main objectives is to enhance the competitiveness and innovation of the raw material sectors in Europe, and secure the supply of raw materials to European economies. One concrete initiative which could significantly contribute to achieving the EIP objectives is the [Knowledge and Innovation Community on Raw Materials](#).

The Commission intends to launch this year the next call of EIP commitments (also known as ‘Raw Material Commitments’). Additionally, a Raw Materials Scoreboard consisting of a set of indicators is to be developed by the end of 2015, in support of the key objectives of the EIP and to regularly monitor the level of competitiveness of the raw material sectors.

[\[Back to the top\]](#)

Advanced Manufacturing

As indicated by Commissioner Bieńkowska in her 19 February [speech](#) (see above), the uptake of Advanced Manufacturing technologies by companies is a priority for the new Commission. In this framework, DG Growth has contracted a consultant to prepare an “Analysis of the drivers, barriers and readiness factors of EU companies for adopting advanced manufacturing products and technologies”. The study should include a number of policy recommendations with the aim to facilitate the adoption of advanced manufacturing in Europe, to be addressed to policymakers and organisations providing business support services to SMEs.

The Orgalime Working Group on AMPPS (Advanced Manufacturing, Products, Processes and Services), set up at the end of 2014, met for the second time in January 2015 to develop Orgalime’s strategy in this core area of its industrial policy activities. It plans to develop a “storyline” which will build on Orgalime’s May 2014 “Vision paper - Technology for the World Manufactured in Europe” and will describe what the industrial internet and digitalisation of industry can bring to Europe, notably in terms of advantages to society and SMEs, energy prices, job creation and international competitiveness. This storyline, illustrated by examples from various industry sectors, will be supplemented by

a series of issue papers prepared by either the AMPPS working group, specific task forces or other Orgalime working groups. These papers will address such topics as the digital economy (data ownership and data protection), regulatory obstacles to innovation, “Big Data”, cyber security, R&D roadmaps, skills, the global value chain and energy.

[\[Back to the top\]](#)

Market Access / External Relations

Conflict minerals

The [draft report](#) of the International Trade (INTA) lead Committee in the European Parliament on the proposal for a regulation on conflict minerals was published on 3 February 2015. The rapporteur, Iulia Winkler, puts forward the following main messages:

- A two-year transition period is proposed to put in place the new self-certification scheme for responsible importers of conflict minerals. During this transition period, relevant industry associations may submit an application to the Commission to have an industry scheme that is acknowledged as equivalent to the requirements of this Regulation.
- The draft report calls on the Commission to draw up a list of responsible importers on the basis of Member States’ reports on the implementation of the regulation. The EU should not draw up a list of Conflict-Affected and High Risk Areas, but rather provide companies with the tools they need to do due diligence in a handbook.
- A voluntary approach enables the EU to work more effectively with supply chain due diligence schemes developed by business associations.
- Responsible importers can only source from smelters/refiners with a third-party audit.
- The Directive on disclosure of non-financial and diversity information by large companies and groups requires large companies with more than 500 employees to disclose information on policies on human rights, anti-corruption and supply chain due diligence. The Commission should consider setting performance indicators on conflict minerals.
- SMEs should be allowed to take part in this EU self-certification system.

Amongst the EP Committees for opinion on the conflict minerals dossier, the [AFET](#) (Foreign Affairs) and the [DEVE](#) (Development) Committees also issued their draft opinions in December 2014 and January 2015.

[\[Back to the top\]](#)

WTO trade negotiations and dispute settlements

On 13 February, a WTO panel [ruled](#) that Chinese anti-dumping duties on European and Japanese imports of high-performance seamless tubes of stainless steel were in breach of WTO methods to calculate dumping margins. Moreover, China failed to demonstrate how these tubes imported from the EU had harmed the Chinese domestic industry. The WTO ruling gave an important signal to WTO members that their trade defence instruments must comply with WTO obligations.

[\[Back to the top\]](#)

Union Customs Code

A [Corrigendum](#) to the Council Regulation (EEC) 2913/92 establishing the Community Customs Code was published in the EU Official Journal on 23 December 2014 (23.12.2014 OJEU L 367/126).

[\[Back to the top\]](#)

EU-USA

The 8th round of negotiations on the Transatlantic Trade and Investment Partnership (TTIP), which is the first round since the new Commission took office, was held in Brussels between 2 and 6 February. During this round, making progress on the EU-US regulatory cooperation was one of the key topics on the agenda. As a result, the Commission released an initial [proposal](#) for a legal text on 'Regulatory Cooperation' in TTIP on 10 February 2015. A Regulatory Chapter within the TTIP agreement is aimed at improving regulatory convergence and standards compatibility with a view to boosting trade between the two partners, creating jobs, lowering costs and improving international competitiveness. The Commission's textual proposal points out the aim to set up a transatlantic regulatory cooperation body (RCB) that will monitor and facilitate the implementation of the provisions set out in the Regulatory Chapter. It will not have a policy-making mandate but will feed into the existing rule-making process. Moreover, the horizontal Regulatory Chapter is intended only to complement and not prevail over the sectorial agreements (e.g. the engineering chapter) which are supposed to address specific needs of different sectors.

Before the 9th round of talks, the EU plans to table a paper regarding the mutual exchange on planned or existing regulatory acts of both US States and the central national authorities of EU Member States, in areas where such acts have or are likely to have a significant impact on trade and investment between the EU and the US.

The publication of the negotiation documents on regulatory cooperation reflects the commitment of Trade Commissioner Malmström to enhance transparency in the TTIP negotiations. In the light of this aim, in early January 2015 the Commission published [eight textual proposals](#) on areas such as competition, food safety, customs issues, technical barriers to trade, SMEs etc., as well as 12 EU position papers on different sectorial chapters, including [engineering](#). The Commission encourages the EU and US regulators to introduce an engineering chapter in TTIP and achieve a robust framework of cooperation that facilitates the import and export of engineering goods, while respecting the EU's high standards.

At the European Parliament level, the International Trade Committee (INTA) issued its [draft report](#) on the EP recommendations to the Commission on the TTIP negotiations. The draft report is in general positive about the emerging benefits of TTIP, stressing that the ongoing negotiations should result in a "deep, comprehensive, ambitious, balanced and high-standard trade and investment agreement".

On the controversial inclusion of an investor state dispute settlement (ISDS) mechanism, the rapporteur, Bernd Lange (S&D, DE) believes that investment disputes are best handled by national courts, which is also the position of France and Germany. Following the public consultation on ISDS which closed in July 2014, on 13 January 2015 the Commission published a detailed [report](#) assessing the views of almost 150,000 replies received. 97% of these replies are against or deeply concerned about the ISDS clause. The decision on whether ISDS will be inserted in TTIP or not will only be taken during the final stage of negotiations. However during the first quarter of 2015 the Commission may further consult stakeholders, Member States and Parliament on the approach to investment protection and ISDS in TTIP, and come up with policy recommendations in the spring.

As regards the Orgalime-NEMA draft statement on the TTIP negotiations, ten logos have been affixed so far to the paper, including CEO's.

[\[Back to the top\]](#)

EU-Japan

The 8th round of negotiations on the [EU-Japan FTA](#) took place in Tokyo in December 2014. The EU compiled a second list of non-tariff measures which were forwarded to Japan, to highlight the remaining challenges that European firms face when doing

business in Japan. The 9th round of negotiations will be held in Brussels between 23 and 27 February 2015. Japan's key objective is to conclude the agreement by the end of 2015.

[\[Back to the top\]](#)

EU-Korea

Following the EC consultation on evaluating the effectiveness of annex 2-B of the EU-Korea FTA on electronics, DG Growth held a public event on 21 January to present the preliminary results of the ongoing impact assessment on this issue. The presentation of the impact study is available from the [secretariat](#).

The Commission's first conclusions pointed out that the real impact of annex 2-B on the industry is still to be investigated, because the stakeholders' contributions did not give enough information on the pros and cons of this annex. Since the entry into force of the EU-Korea FTA (July 2011), trade flow in electronic products to Korea has increased.

The Commission is currently planning to discuss with Korea the possibility of including radio equipment products within the regime of annex 2-B.

[\[Back to the top\]](#)

EU-Canada

German and French Ministers have recently [called on](#) the Commission to review all possible options for modifying the investor state dispute settlement (ISDS) clause within the EU-Canada Comprehensive Economic and Trade Agreement (CETA). Although the CETA was concluded in October 2013, the French and German request was triggered by the result of the Commission consultation on ISDS which collected approximately 150,000 responses against this arbitration clause. This mechanism has been strongly opposed during TTIP negotiations by both citizens and the European Parliament. However, Canada regards the ISDS as a non-negotiable item which is beneficial to both parties. The ratification of CETA across the 28 Member States is intended to start in the first semester of 2015, yet the unwillingness of some large Member States (such as France and Germany) to ratify the ISDS clause as it stands is likely to generate difficulties and delays.

[\[Back to the top\]](#)

EU-Vietnam

The EU-Vietnam negotiations are swiftly progressing towards a rapid conclusion. [The 11th round](#) took place on 19-23 January 2015 in Brussels. The overall aim is to reach a comprehensive agreement that covers tariffs, non-tariff barriers and also other trade-related aspects such as procurement, regulatory issues, competition, services/investment and sustainable development. The 12th round is scheduled for March 2015 in Vietnam.

[\[Back to the top\]](#)

Environment

RoHS2 Directive

Before the Christmas break, the European Commission proposed to extend the list of **restricted substances for use in EEE** through an [amendment of RoHS Annex II](#). The targeted substances are 4 phthalates, namely DEHP, BBP, DBP and DIBP. As regards next steps, the proposal will be adopted under the "new comitology" procedure. While its final adoption is expected in mid-2015, a transition period of 4 to 6 years is foreseen. Indeed, the new restriction will apply as of 22 July 2019 for all EEE, except for medical devices, monitoring and control instruments (categories 8-9: 22 July 2021). However, the Commission proposal does not include an exemption for spare parts containing the 4

phthalates. Although the REACH authorisation provisions apply from February 2015, manufacturers are still allowed to import equipment containing these substances and place on the market products manufactured before this date. Therefore, an exemption for spare parts is needed to repair EEE placed on the market before the new restriction enters into force (i.e. 2019 or 2021).

In parallel, the Commission will table a legislative proposal to **review the scope of the RoHS2 Directive** (Articles 2.2, 4.3 and 4.4) on the basis of the [Öko-Institut report](#) (July 2014). Its publication is expected in the spring of 2015 and it will be adopted through the ordinary legislative procedure.

As regards **exemptions**, relevant industry sectors have built a cross-industry project for the 'Application for Renewal of RoHS2 Exemptions'. In January 2015, 11 joint applications were submitted to the European Commission for the renewal of existing exemptions expiring in 2016 (exemption numbers 4(f), 6(a), 6(b), 6(c), 7(a), 7(c)-I, 7(c)-II, 7(c)-IV, 15, 34 & 37). In terms of next steps, these applications will be subject to a technical / scientific evaluation, including a public consultation (see details on procedure in the Commission's [Guidance document for applications for exemptions](#)).

In parallel, the Oeko-Institut [launched](#) the evaluation of applications for granting, renewing or revoking exemptions in 4 cases (see [here](#)). A stakeholder consultation is announced in March 2015. The 4 exemptions are:

- 7(b) - Lead in solders for RF switching matrices and associated RF signal distribution equipment for telecommunications;
- 9(b) - Lead in bearing shells and bushes for refrigerant-containing compressors, with a stated electrical power input of only 9 kW or lower for the HVACR industry;
- 13(a) - Lead in white glasses used for optical applications;
- 13(b) - Cadmium and lead in filter glasses and glasses used for reflectance standards.

[\[Back to the top\]](#)

WEEE2 Directive

DG Environment has commissioned the consultant TRASYS to carry out a study on harmonisation of the format for registration and reporting of producers of electrical and electronic equipment (EEE) to the national register and on the frequency of reporting. Selected stakeholders, including Orgalime, were invited to submit their comments on the questionnaire before 25 February 2015. The project was launched on 14 January 2015 and will last for ten months. Its main purpose is to gain a deeper understanding of the current process for registration and reporting of EEE producers to the national register, including the frequency of reporting, and to efficiently capture the needs and challenges of the Member States' authorities and the industry. The Commission seeks to understand the industry's challenges regarding the implementation of the WEEE directive (particularly in terms of Article 16(3) which sets requirements on the registration and reporting of EEE producers to the national register). The report based on the questionnaire's results will lay the groundwork for drawing up the act(s) as required by the Commission in accordance with Article 16(3) of the WEEE Directive 2012/19/EU.

The Joint Research Centre (JRC) organised a meeting on 23-24 February 2015 on Best Environmental Management Practices (BEMP) for the electrical and electronic equipment manufacturing sector. A technical working group has been set up to contribute to the development of the BEMP which can be implemented by companies to minimise the environmental impact of EEE manufacturing and WEEE processing. This work is part of a project that supports the development of [sectorial reference documents](#) according to Article 46(1) of the Eco-Management and Audit Scheme (EMAS) Regulation.

[\[Back to the top\]](#)

Industrial Emissions Directive (IED, ex-IPPC)

Recent developments have focused on the review of BREFs and BAT:

- [BREF on Non-ferrous metals](#) (NMF): the Commission has made available the Forum opinion on the review ([here](#)). The Commission will take into account this opinion when finalising its proposal with NMF BAT conclusions.
- [BREF on surface treatment using organic solvents](#) (STS): the review will start soon and the IPPC Bureau intends to reactivate the TWG in the coming weeks.
- [BAT for 'Wood preservation with chemicals' \(WPC\)](#): in view of the “considerable uncertainty” on the number of installations in the EU, WPC does not warrant a dedicated (standalone) information exchange. Today, wood preservation is partly addressed in the existing BREF on 'Surface treatment using organic solvents'. Therefore, the IPPC Bureau proposes to cover it in the forthcoming revision of the STS BREF.

[\[Back to the top\]](#)

Directive on Medium Combustion Plants (MCP)

As a reminder, in December 2013 the Commission tabled a proposal to regulate emissions of certain pollutants into the air from medium-sized combustion plants below 50 megawatts. Although the Commission withdrew some parts of the EU Clean Air Policy Package, it maintained the proposed Directive on [Medium Combustion Plants](#) (MCP).

On the Council side, a [general approach](#) was adopted under the Italian Presidency on 17 December 2014. It suggests clarifying the scope (through a list of exclusions) and the relationship with other legal acts (IED and NRMM). The Council calls for further Ecodesign measures to cover the remaining legislative gap.

The European Parliament holds parallel discussions in the Industry, Research and Energy Committee (ITRE) and the Environment, Public Health and Food Safety Committee (ENVI), which is the lead Committee on the dossier. Prepared by MEP Fredrick Federley (Sweden, ALDE), the ITRE [draft opinion](#) is in line with the Council general approach. It calls for further Ecodesign measures and prevents double regulation for combustion plants. The ITRE opinion will feed into the work of the ENVI Committee. The ENVI rapporteur, Polish MEP Andrzej Grzyb (PPE) published his [draft report](#) in early February. He suggests clarifying the scope to avoid double regulation and amending emission limit values to avoid imposing excessive burdens. Further to an exchange of views on 23 February, the adoption of the ENVI report is scheduled for mid-April 2015. As regards next steps, informal negotiations between the Council and the European Parliament are likely to start on the basis of the Council general approach and the EP ENVI Committee report.

[\[Back to the top\]](#)

Resource Efficiency

The Commission plans to draft a mandate for the European standardisation organisations, CEN and CENELEC, to develop standards that would allow the inclusion of resource efficiency requirements in the Ecodesign directive. The overall aim is to gradually move away from an Ecodesign legislation that primarily focuses on energy efficiency, to one which also addresses material efficiency aspects. The initial Commission standardisation request on this issue was rejected by the ESOs, as it was considered too prescriptive and also provided a limited timetable to develop the required methods. The new resource efficiency standards are intended to include generic calculation methods for product durability, recyclability and reusability.

The draft mandate is expected to be adopted in the spring of 2015. Once the standardisation request is on the table, it may take over three years to produce these standards.

Circular Economy Package

During a public hearing at the European Parliament's Environment Committee (ENVI) meeting on 22 January 2015, the European Commission [confirmed](#) its decision to scrap the waste legislative proposal within the Circular Economy Package and re-table a more ambitious proposal by the end of 2015. As a reminder, the waste proposal in the Package was aimed at increasing the recycling targets in six directives, including those on waste, packaging, batteries and waste electrical and electronic equipment (WEEE).

Mr Karl Falkenberg, EC Director-General for the Environment, announced that the legal procedures to formally scrap the CEP will be finalised in the next two months. MEPs and national ministers have previously stated their dissatisfaction with the Commission's intentions. However at the mid-January plenary in Strasbourg, the Parliament failed to agree on a joint cross-party resolution against the Commission's move, despite separate amendments stressing the need to save the Package. The Environment Ministers sent no official statement to the Commission to specifically request the non-withdrawal of the Package. However the Council adopted its [draft conclusions](#) tabled by the Latvian Presidency to support the Commission's 2015 Work Programme which includes the list of planned withdrawals and revisions.

The Commission's First Vice-President promised to deliver a more ambitious proposal on the circular economy in 2015, seeking to reassure critics that the new bill will focus more on product design to boost recycling, and use recycling targets to stimulate waste management infrastructure investments and discourage landfilling, with a view to producing higher quality secondary raw materials. Mr Falkenberg pointed out that the aim is to create a fully circular economy which does not solely focus on waste, as the initial Package did, and which ties in with the new Commission's "better regulation" agenda.

In view of the Environment Council meeting on 6 March 2015, the Latvian Presidency intends to present a paper on possible links between the circular economy and the EU digital market, as closer integration of the latter can allow a more efficient recovery of valuable materials.

Energy

EU Energy Union package

On 25 February, the European Commission presented an "Energy Union Package" consisting of three communications on "A framework Strategy for a resilient Energy Union with a Forward-looking Climate Change Policy" (COM(2015) 80 final), "The Paris Protocol – A blueprint for tackling global climate change beyond 2020" (COM(2015) 81 final) and "Achieving the 10% electricity interconnection target" (COM(2015) 82 final).

The [Energy Union Communication](#) proposes a plan aiming to provide greater energy security, sustainability and competitiveness by acting in the following areas i) energy security, solidarity and trust; ii) a fully integrated energy internal market; iii) energy efficiency; iv) decarbonisation of the economy, and v) research, innovation and competitiveness. It consists of fifteen action points to be deployed in 2015 and 2016 in the following areas:

- Full implementation and strict enforcement of EU energy and related legislation, in particular the "3rd energy package"
- Diversification of the gas supply (revision of the existing regulation, strategy for liquid natural gas, access to alternative suppliers)

- Obligation for Member States to submit national agreements with third countries to the Commission before signature to ensure their compatibility with EU legislation
- Support for infrastructure development, including the creation of an Energy Infrastructure Forum
- Development of the internal electricity market (new legislation on security of supply and market design)
- Review of the energy regulatory framework with a view to reinforcing it
- Guidance for the development of regional cooperation in the field of energy
- Increased surveillance of energy prices and costs, with action to phase out regulated prices set below costs and protect vulnerable consumers
- Review and possible revision of energy efficiency legislation
- Creation of instruments to support energy efficiency of buildings
- Action towards speeding up energy efficiency and decarbonisation in the transport sector
- Revision of the EU Emissions Trading System
- On R&I, upgrade of the Strategic Energy Technology Plan (SET-Plan) and set up of a strategic transport R&I
- Further improvement of the EU's "one voice" attitude on external energy and climate issues.

The [Paris Protocol Communication](#) presents the EU's roadmap for the Conference of the Parties to the United Nations Convention on Climate Change (UNFCCC), to take place in Paris in December 2015, with the aim of signing a new international and legally binding agreement. This roadmap includes the EU's commitment to achieve a 40% reduction in greenhouse gas emissions by 2030 compared to 1990, and proposals for the agreement itself which the Commission wishes to be in the form of a Protocol to the UNFCCC.

The [Electricity interconnection Communication](#) aims to give a political push to the goal of achieving the 10% electricity interconnection target, by better use of existing instruments such as the TEN-E regulation (notably focusing on better cooperation between the four Regional Groups for electricity), the EU financial funds (including the new European fund for Strategic Investment), and the Ten-Year Network Development Plan prepared and regularly updated by ENTSO-E (European Network of Transmission System Operators in Electricity).

[\[Back to the top\]](#)

Energy Security Strategy

Rapporteur Kyllönen has issued a draft opinion on the 2014 [Commission Communication on a European Energy Security Strategy](#). The Communication outlines several measures to strengthen flexibility in Europe's energy market and reduce its dependency on imports. The latter is particularly relevant in view of the lingering crisis in the Ukraine, and because the EU currently imports 53% of the energy it consumes. The Rapporteur emphasises that energy security strategy must include climate and sustainability objectives and calls for a comprehensive approach, linking increased energy security to the transition to a low-carbon economy. According to Kyllönen, the Commission should adopt measures to increase energy efficiency and fully implement existing measures. The rapporteur also stresses the need to further develop renewable energy sources and related grid and storage infrastructure. She calls for prompt action in the transport sector regarding efficiency and alternative fuels and to cease subsidies for fossil fuels. The vote in the ENVI Committee is envisaged for 18 March 2015.

[\[Back to the top\]](#)

Energy Efficiency

According to [Eurostat's latest figures](#), primary energy consumption in the EU has fallen to levels seen in the early 1990s. In 2013, energy consumption was 1,666 million tonnes of oil equivalent, down from its peak of 1,832 million tonnes reached in 2006. The EU was dependent on energy imports for slightly over a half (53%) of its consumption in 2013.

[Eurostat figures](#) also show that the EU still needs to undertake major efforts to achieve the 2020 energy efficiency target. The EU's primary energy savings reached 11.9% in 2013, which leaves a gap of about 8% to reach the EU's non-binding 2020 target. Savings in terms of final energy consumption reached 12.8%.

Consumption of renewable energy has reached its highest level thus far with an increase of 175.7%. Its share in primary energy consumption was 12.6%. However, oil and petroleum still take the lead with a 30.1% share in primary energy consumption.

The European Commission and the European Investment Bank (EIB) have recently launched [two financial instruments](#) which should unlock public and private investment in energy efficiency, efforts to preserve natural capital and adaptation to climate change. The financial tool combines EIB loans with financing under the EU LIFE programme for Environment and Climate action. The instrument aiming to increase private financing for energy efficiency projects, is worth €80 million covering the period 2014-2017.

[\[Back to the top\]](#)

⇒ PUBLICATIONS/EVENTS/CALLS

Publications

- EP study, "[Contribution of the Internal Market and Consumer Protection to Growth](#)", December 2014.
- Centre for Strategy and Evaluation Services & Panteia, "Good Practice Report: [Market Surveillance Activities Related to Non-Food Consumer Products Sold Online](#)", December 2014.
- European Agency for Safety and Health at work, "[Guide on safe use of nanomaterials at work](#)", December 2014.
- EP study, "[TTIP Impacts on European Energy Markets and Manufacturing Industries](#)", January 2015.
- [CEN and CENELEC Work Programme 2015](#), 12 January 2015.

Events

- European Commission, Directorate-General for Internal market, Industry, Entrepreneurship and SMEs, "[High-Level Conference on "Smart and Clean Industry – EU as a Frontrunner in Sustainability: Risks or/and Opportunities for Europe's Industries"](#)", 3 March 2015, Brussels, Belgium.
- Ifri Center for Energy, "[Europe and the New Frontiers of Energy: Turning Grand Strategy into Effective Policy](#)", 4 March 2015, Brussels, Belgium.
- EuroCommerce & Foreign Trade Association (FTA), "[Unleashing the Potential of EU Trade Policy: Time for Action](#)", 5 March 2015, Brussels, Belgium.
- Eurosolar in cooperation with Messe Düsseldorf, "[9th International Renewable Energy Storage Conference](#)", 9-11 March, Düsseldorf, Germany.

- Eurelectric, “[Smart Charging: steering the charge, driving the change](#)”, 24 March 2015, Brussels, Belgium.
- Digital Europe, “[Digital Transformation of European Industry - How digital technologies can support the competitiveness of European enterprises on the global scale](#)”, 14 April 2015, Brussels, Belgium.

Growth (DG ENTR and MARKT merger)	Consultations	Calls for tenders		Events
Environment	Consultations	Calls for tenders		Events
Energy	Consultations	Calls for tenders		Events
Research	Consultations	Calls for tenders	FP7 Calls	Events

[\[Back to the top\]](#)