INFORMATION BULLETIN

N°01/13 – February 2013

For further information, please contact Pierre Lucas
Tel: + 322 706 82 68 - Fax: + 322 706 82 53
E-mail: pierre.lucas@orgalime.org

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Internal Market

European Commission Work Programme for 2013

The European Commission Work Programme for 2013 identifies as "today's absolute imperative" the need to "tackle the economic crisis and put the EU back on the road to sustainable growth". In substance, if Europe is to be able to compete in the global economy and seize the opportunities of the future, it requires a stable macroeconomic environment, a step change in the economy, to release its strengths of high innovation and high skills, to change the business environment in the Single Market, to exploit its huge potential in networks and IT revolution, to develop new skills and enhance its labour market, and to "be shaped by the needs and opportunities of resource efficiency".

Amongst the many long-term priorities in this 2013 work programme, Orgalime has identified the following as being particularly relevant to its sectors:

For Energy and Environment Policies and issues:
- Energy Technologies and Innovation in a future European Energy Policy;
- EU's Strategy on adaptation to climate change;
- New climate & energy framework for the period up to 2030;
- Review of Waste Policy and Legislation;
- Review of the Thematic Strategy on air pollution and associated legislation;
- Communication on Sustainable Buildings.

For Technical and Internal Market policies and issues:
- Review of the internal market legislation for industrial products;
- Review of standardisation acquis;
- Initiative (Commission Delegated Act) on the electronic processing of declarations of performance under the Construction Products Regulation (305/2011/EU).

For Legal and Trade issues:
- State aid modernisation in key sectors;
- State aid modernisation: General block exemption Regulation (800/2008);
- Initiative on E-invoicing in the field of public procurement;
- Fighting misappropriation of trade secrets;
- Negotiation directives for a comprehensive trade and investment agreement with the relevant partners.

For Research and Innovation:
- Proposals for reinforced partnering in research and innovation under Horizon 2020;
- Review of the Technology Transfer Block exemption Regulation and its Guidelines.

The detailed Commission work programme 2013 can be found here, as well as the full list of planned actions, and the standardisation action plan of the European Commission for 2012-2015.

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Internal market legislation for industrial products

Following the 2012 Communication on a new industrial policy, "A Stronger European Industry for Growth and Economic Recovery", the European Commission launched a public consultation early in 2013 to review internal market legislation for industrial products.

The European Commission Work Programme for 2013 foresees delivering a strategic initiative updating and simplifying the rules for the circulation of products in the single market. The objective is to enhance the quality and efficiency of internal market legislation for industrial products.

Through this consultation, the European Commission is meant to identify, and later address the elimination of remaining trade barriers, in particular for products with high-growth potential / new technology products - Key Enabling Technologies (KETs) (e.g. industrial biotechnology, advanced materials, photonics and advanced manufacturing technologies, micro/nanoelectronics or nanotechnology) or sustainable and environment-friendly products. It should aim at identifying problems associated with the bulk of harmonisation legislation for industrial products and its application as well as the potential for simplification (CE marking and conformity assessment).

The consultation will close in mid-April 2013.

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Sustainable competitiveness of the construction sector

In its July 2012 Communication "Strategy for the sustainable competitiveness of the construction sector" and its action plan, the European Commission defined a European strategy for the next decade with short-, medium- and long-term measures for the construction sectors.

In this context, a high level tripartite strategic Forum, composed of representatives from the Commission, the Member States and stakeholders from industry, met for the first time on 29 January to structure the work to be carried out by thematic groups. The objective set for the thematic groups is to map the sector needs and blockages to implement the Commission Action Plan and to make recommendations on how to proceed with concrete proposals and solutions related to legal acts or other policy instruments. The Commission identified 5 priorities to be discussed in the thematic groups: stimulating investment in renovation and innovation; skills and qualifications; sustainable use of natural resources; internal market, product and services; and international competitiveness. The Commission has now proposed a calendar for the meetings of the thematic groups and of the high level Forum in 2013 and has invited the Forum's members to suggest representatives for the five thematic groups. A more detailed report of the January Forum meeting and description of the thematic groups is available from the secretariat.

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Construction Products Regulation (CPR)

Orgalime is finalising its own guide on the Construction Products Regulation No 305/2011 (CPR) which should be available in the coming weeks.

The January version of the Orgalime CPD information package is available from the secretariat.

On 27 March 2013, Catherine Stihler MEP, Rapporteur of the Construction Products Regulation (CPR), is hosting a public debate organised by the European Construction Products Association on the next steps in the implementation of this Regulation. The purpose of this event is to have an open debate on the needs of the different stakeholders in the construction sector in relation to the dissemination of Declarations of Performance (DoP). The delivery of DoPs is detailed in the CPR (Article 7). Making DoPs available on a website will be defined under a Commission Delegated Act in the coming months.

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Study on the Competitiveness of the EU Electrical and Electronic Engineering Industry (EEI)

The consultants who have been selected to prepare a study on the competitiveness of the EU EEI are starting interviews with both national industry associations of the electrical engineering sector and European sector associations, based on a series of questions related to the general assessment of the sector, its vertical integration, its geographic cohesion, R&D&I, human resources or access to finance, as well as an evaluation of EU legislation concerning the Internal Market (barriers to trade, market surveillance), environment, health and safety, and technical barriers to trade in third markets.

As a reminder, the study's objectives are to:
- produce a thorough analysis of the competitive situation of the sector and subsectors in the EU and its Member States
- assess the impact of EU legislation on these sectors and subsectors
- analyse strengths and weaknesses, major trends, challenges and opportunities and
- provide a strategic outlook for future developments in the EU EEI.

The sectors involved are: automation, energy/power engineering, information technologies, communication technologies, medical engineering, electronic components (including semi-conductors), household appliances, lighting (including lighting systems), consumer electronics, cables, installation equipment and batteries.

The study should be completed by the end of 2013.

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Low Voltage Directive (LVD)

The last LVD Working Party meeting took place on 20 December 2012. Interesting points of discussion included a standard for the safety of hot surfaces; the publication of the atlas for the child-appealing design of household appliances; CE marking of cords marketed with electrical appliances; the negative approach of the European Commission as regards the establishment of a European database on accident statistics; the framework mandate for the update of standards under the LVD after its alignment with the New Legislative Framework; safety requirements for portable laser pointers; mutual recognition of test results with Korea.

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Radio Equipment Directive (RED) – former Radio Equipment and Telecommunications Terminal Equipment (R&TTE)

Following the European Commission proposal for the revision of the Radio Equipment and Telecommunication Terminal Equipment Directive (1999/5) – now re-named "Radio Equipment Directive (RED) published in mid-October 2012, the draft report by Rapporteur Barbara Weiler (Socialists, Germany) and discussions in the Internal Market and Consumer Protection Committee of the European Parliament are awaited.

Orgalime is finalising its position paper (latest draft available from the secretariat) before launching lobbying actions in the Parliament. This position paper notably proposes to re-introduce the communication criteria into the definition of radio equipment to clarify the scope, and to expand the list of exemptions which are listed under Annex II section 2.

As a reminder, one of the main issues in the proposed revised Directive is the change of coverage which now extends to all "Radio Equipment" (new definition Art 2.1.1). Previously the communication function of radio equipment was in the focus of the definition. Now all equipment using the radio spectrum (9 kHz to 3000 GHz) whether for communication purposes or not could fall within the scope of the directive. This would for instance bring induction cooking appliances and induction charging equipment into the scope.

New Legislative Framework (NLF)
Following the adoption of 9 reports by the Internal Market and Consumer Affairs Committee of the European Parliament (IMCO) on the alignment of Directives (including ATEX, EMCD, LVD, MID, SPVD) with the New Legislative Framework (NLF), trialogue discussions between the European Parliament, the Commission and the Council are progressing.
The Council and the Commission consider that the Parliament's amendment re-introducing the possibility to use in-house accredited bodies notably under the ATEX, SPVD and MID is not necessary. This contradicts the industry position. Furthermore, the aligned directives will most likely include an article which allows market surveillance authorities to take action against compliant products if they believe that, despite the presumption of conformity, these would present a risk to safety according to their risk assessment. This provision was included in Decision 768/2008 (Article 33), but Orgalime fears that market surveillance authorities could consequently have legal grounds to challenge essential legal requirements.
On the revision of the "Blue Guide", the European Commission (DG Enterprise) informally issued a first draft version of the revised Guide for comments. Orgalime has already issued to the Commission the "interpretative fiches" developed during the New Legislative Framework discussions. It has also worked on comments to be submitted to the Commission in view of a stakeholders meeting scheduled on the first of March 2013.

Market Surveillance Package
On 15 February 2013, Commissioner for Industry and Entrepreneurship Antonio TAJANI, and Commissioner for Health and Consumer Policy Toni BORG announced the 'Product safety and Market Surveillance Package'. This Package mainly consists of:
-   A proposal for a Regulation on market surveillance of products (COM(2013)75) – applying the NLF market surveillance aspects to all products
-   A proposal for a Regulation on consumer product safety (COM(2013)78) – revising the GPSD
-   A communication outlining the various elements of the package (COM(2013)74)
-   A multi-annual plan for market surveillance of products (COM(2013)76)

The Package is meant to organise market surveillance for all products which circulate on the EU market. It is presented as providing the basis for building a market surveillance system which protects consumers from the health and safety point of view, but also companies that invest time and money to ensure that their products are compliant with all European legislation: more detailed obligations of market surveillance authorities (MSAs); more jurisdiction for the European Commission concerning the monitoring and facilitation of tasks for the MSAs; a European forum with stakeholders…
Orgalime, which made a first brief analysis of the two regulation proposals (available from the secretariat), sees many positive aspects (e.g. the deletion of the precautionary principle of the GPSD, the role of European standards in support of the presumption of conformity…) as well as negative ones (indication of country of origin – reintroduction of the "made in" mixing it up with safety issues; new traceability requirement for all non-harmonised products…).
The package will now be submitted to the European Parliament and Council for discussions in first reading.

Electromagnetic Fields Directive (EMFD)
The report of the Committee on Employment and Social Affairs (EMPL) on the Commission proposal for a revision of directive 2004/40/EC on the minimum health and

safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) was tabled for the plenary on 14 January 2013. Earlier in December 2012, the EMPL Committee had approved its report by a large majority. The new rules call for tougher exposure limits in order to improve the safety of workers most exposed to electromagnetic fields.

In parallel, the European Parliament and the Council are carrying out informal negotiations with a view to reaching an agreement at first reading. The text of the Committee report is not yet available.

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Standardisation Policy

Following publication of the Regulation (EU) No 1025/2012 on European standardisation in the Official Journal of the European Union on 25 October 2012, CEN-CENELEC issued a working draft document "European Standardisation Strategy 2020" (available from the secretariat). Orgalime is preparing comments on this document (draft available from the secretariat).

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EU Patent

On 19 February 2013, the Council held an official ceremony for the signature of the international agreement which establishes the Unified Patent Court. The Unitary Patent Package consists of a Regulation on unitary patent protection and a Regulation on the applicable translation arrangements. As the third element of this package, the Unitary Patent Court will ensure a harmonised application of patent law throughout the territories of the participating member states, as well as minimize the costs involved in patent litigation, and increase patent activity for SMEs. For the Unified Patent Court Agreement to come into force, it should be ratified by at least 13 Member States. 24 countries signed the court agreement on 19 February, including Italy, although the latter decided to opt out of the unitary patent regime, together with Spain, because of a linguistic dispute.

As a reminder, the European Parliament voted in favour of the Unitary Patent Package, during its plenary session on 11 December 2012. On 17 December, the Council also endorsed the two regulations of this package, which determine the use of enhanced cooperation both for unitary patent protection and its translation regime. The two regulations were published in the Official Journal of the EU on 31 December.

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Raw Materials

The European Commission launched the new European Innovation Partnership on Raw Materials on 12 February 2013, during its first High Level Steering Group Meeting. The Steering Group/Sherpa group meeting took place on 23 January.

The aim of this initiative is to enable the European industry to have greater access to non-energy, non-agricultural raw materials, including the EU's list of critical raw materials; to reduce Europe's import dependency on raw materials by ensuring a resource efficient supply of raw materials; and overall, to promote innovation across the whole value chain of raw materials.

The Steering Group meeting discussed the set-up of concrete targets to be achieved by 2020, namely: up to 10 innovative pilot actions, i.e. pilot plants for exploration, mining, processing, collection and recycling, and also substitutes for at least three main applications of critical and scarce raw materials.

The scope, objectives and main features of the EIP are laid out in the Commission's Communication 'Making Raw Materials Available for Europe's Future Wellbeing - Proposal for a European Innovation Partnership on Raw Materials'. In the run-up to this

proposal, the Commission organised a [public consultation](#) on 'a possible Innovation Partnership on Raw Materials'. In June 2012, it also authorized a consortium led by TNO, to conduct a [study](#) on pilot plants and innovation technologies in the area of raw materials, inviting stakeholders to submit their comments. The results of this study will be published in mid-March 2013. The Commission also plans to develop a Strategic Implementation Plan during 2013 which is expected to be approved by the High Level Steering Committee in July 2013.

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Ecodesign Directive implementation and review

A Commission **Consultation Forum meeting on horizontal issues** will take place on 1 March 2013. Points on the agenda include the implementation of the Ecodesign and Energy Labelling Directives; the Ecodesign Working Plan 2012-2014; reviews of implementing measures; guidelines on self-regulation measures; market surveillance and standardisation. On guidelines on self-regulation measures, in January 2013 the European Commission circulated a draft Guidelines document (available from the [secretariat](#)). The Guidelines explain the legal framework applying to ecodesign self-regulation measures. They aim to facilitate the establishment and implementation of the self-regulation measures, ensure consistency in their structure and content and uniform interpretation of the applicable principles and rules.

Orgalime sent a letter to the European Commission (available from the [secretariat](#)) expressing horizontal **concerns on the current implementation process under the Ecodesign Directive**, stemming from recent activities on vacuum cleaners, TVs and electronic displays. It criticises the new practice of the Commission to set aside the established criteria and procedure for the setting of additional resource efficiency requirements. The purpose of this letter is to stress, at a political level, that the credibility and success of the Directive require the strong commitment of all Commission services to respect the given framework. Orgalime warns against establishing a precedent that would not be in accordance with the spirit and letter of the Ecodesign Directive, setting resource efficiency requirements that conflict with existing EU safety regulations.

DG Energy recently published a tender concerning their envisaged study "evaluation of the Energy Labelling Directive & specific aspects of the Ecodesign Directive". At the last horizontal Consultation Forum in 2012, DG Energy and DG Enterprise presented a working document based on an earlier study on the possible extension of scope of the Ecodesign Directive beyond energy-related products. They had concluded it was not deemed appropriate at that moment in time but that possibly at the 2014 Review of the Energy Labelling Directive one should again look at the Ecodesign Directive. It appears that DG Energy is now launching a new study that should "re-evaluate the 2011 (CSES) study on the basis of new data and evidence" and particularly focus on the appropriateness and feasibility of laying down ecodesign requirements for non-energy-related products and systems, power generating devices and means of transport; the effectiveness of mandatory and self-regulatory implementing measures adopted under the Ecodesign Directive; and the effectiveness of the standardisation process carried out for the Ecodesign Directive. The interaction of the Ecodesign Directive with other environmental legislation (notably WEEE, RoHS and REACH) and with other energy legislation (notably EED and EPBD) is also an issue to be evaluated.

In line with the European Resource Efficiency Policy, DG Enterprise & Industry has asked a consortium of consultants to carry out a [study](#) to update the **Methodology for Ecodesign of Energy-related Products (MEErP).** This study aims to identify how non-energy-related aspects could be better taken into account in the MEErP. The final objective is to assess how to improve material efficiency aspects to create useful eligibility criteria for deciding which products might be subjected to ecodesign measures. As a reminder, the Methodology for Ecodesign of Energy-related Products (MEErP),

adopted in January 2012 following extension of the scope of the ErP Directive, notably provides a common structure, clear criteria for the execution of the tasks for all preparatory studies, and includes an updated EcoReport tool with new features. The consortium is composed of BIO Intelligence Service, the Fraunhofer Institute and the Wuppertal Institute. The final report of this study should be available in July 2013, after a draft report in February and a stakeholders debate in March/April 2013.

The references of the two first **harmonised standards with regard to ecodesign**, for electric motors and for standby and off mode, were published in December 2012 in the Official Journal of the EU (C 394 - 20 December 2012).

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EU Energy Policy

Low Carbon Economy Roadmap 2050, Energy Roadmap 2050 and Energy and Climate Policy Framework for 2030
On 24 January, the Committee on Industry, Research and Energy (ITRE) of the European Parliament voted on the draft report 'The Energy roadmap 2050, a future with energy' presented by rapporteur Niki Tzavela (EFD). The report was tabled for the plenary on 8 February for a vote scheduled for 12 March.

As announced in its work programme for 2013, the European Commission is preparing a policy framework for climate and energy for the period up to 2030. On 20 February, it held an orientation debate on the subject.

The Commission justifies this initiative by a) the need to guarantee regulatory certainty to investors to finance infrastructure projects which by essence require long-term investments; b) the opportunity to create more demand for efficient and low carbon technologies and to foster R&D&I; c) the need to define an EU position in view of the 2015 negotiations for a new international agreement on climate change. The Commission also wants to take into account the effects of the on-going economic crisis (affordability of energy for households and business) and the budgetary difficulties of the Member States, notably in financing infrastructure projects, while maintaining a high level of ambition regarding long-term climate objectives.

The discussion was organised around four topics: a) new targets for greenhouse gas reduction, share of renewables in the energy mix and energy efficiency; b) enhancing the competitiveness of the EU industry by focusing more on energy costs than energy prices, thus reinforcing energy efficiency and promoting low carbon technologies and solutions provided by the European industry; c) taking into account the different capacity of the Member States in terms of energy burden and exposure, requiring more information to be collected on national circumstances; d) improving coordination at EU level of policy instruments in order to avoid such adverse effects as the fragmentation of the Internal Market.

The next steps could be the publication by the European Commission of a green paper and a public consultation on policy options, to be launched before an informal meeting of EU Environment and Energy ministers on 23 April. This would lead to the publication of a communication on various aspects of the new 2030 framework.
One option would be the adoption of a set of legislative proposals by the end of 2013.

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Intelligent Energy Europe Call for Proposals 2013
On 23 January 2013, the Intelligent Energy Europe (IEE) Info Day took place with the participation of the European Commission and the Executive Agency for Competitiveness and Innovation. The meeting focused on the funding priorities of the

2013 IEE call for proposals, as well as practical details on how to write the proposal and the application process.

The 2013 priorities of the 2013 IEE programme cover: energy efficiency and rational use of energy resources (SAVE); new and renewable energy resources (ALTENER); energy in transport (STEER) and integrated activities, such as energy efficiency and renewables in buildings, build-up skills, local energy leadership (LEL) and mobilising local energy investments (MLEI). Applicants are advised to check whether their project ideas are compatible with this year's priorities and funding areas, by submitting a short enquiry of 1-2 pages, before 15 March.

The closing date for submission of proposals for actions under the IEE programme is 8 May, 17.00.

Applications must be submitted using the on-line submission system and application forms indicated on the IEE programme website.

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Energy Efficiency Directive

The Energy Efficiency Directive (EED) was adopted on 25 October 2012 and published in the Official Journal of the EU L315 of 14 November under number 2012/27/EU.

The Directive is currently being progressed in comitology i.e. through the Commission Energy Efficiency Directive Committee (EEDC). This is a process whereby the Commission issues a set of guidance documents for the Member States to facilitate the early implementation of the directive. Guidance documents are available on articles 4, 5, 6, 7, 8, 9 and 15 (available from the secretariat). This work should be finalised during the early part of 2013.

In addition, all Member States are due to set a national non-binding energy efficiency target for 2020 by April 2013. They will report on progress annually and submit a detailed National Energy Efficiency Action Plan every three years.

Member States will have two years to implement the EED in their national legislations. In the first half of 2014, the Commission will review progress and assess whether further measures are needed to meet the 20% savings target. The Directive itself will be reviewed in 2016.

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Energy Labelling

DG Energy recently published a tender concerning an envisaged study "evaluation of the Energy Labelling Directive & specific aspects of the Ecodesign Directive". Apart from the evaluation of ecodesign aspects, the tender is to evaluate experiences with the Energy Label and possible options for the future including layout and scope in terms of products and environmental parameters covered.

DG Energy published a new study report on research on EU product label options, assessing the possibility of extending the current energy label to other environmental indicators, such as additional environmental lifecycle indicators and the lifecycle carbon footprint indicator.

The revision of the Energy Labelling Directive is foreseen in 2014 and its results might also have an impact on the ecodesign and environmental footprint debates. The study points out, as main findings, that the carbon footprint is the most mature, and that it is not yet certain whether the label can be legally enforced or not. The study also emphasises that adding a carbon footprint symbol to the current energy label may have a position impact on consumer choices. The challenge that still remains to be tackled is the reduction of administrative burdens and compliance costs for manufacturers.

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Energy Performance of Buildings Directive

The EPBD requires energy performance certificates (EPCs) to be issued for buildings. As of 9 January 2013, the threshold for public buildings subject to EPCs is reduced from 1000m^2 to 500m^2. It will halve again to 250m^2 on 9 July 2015. The directive applies only to major renovation works and covers five main categories of end-uses: heating, cooling, ventilation, lighting, and hot water. Only nine Member States have submitted their national plans to move to near-zero CO_2 buildings by 2020 - Belgium, Cyprus, Denmark, Finland, Ireland, Lithuania, the Netherlands, Sweden and the UK.

In the context of the implementation of EPBD, the European Commission granted a Standardisation Mandate M/480 to CEN, CENELEC and ETSI to devise and adopt standards for a methodology that calculates the integrated energy performance of buildings and promotes the energy efficiency of buildings. The 'Project Committee - Energy Performance of Building project group' (CEN/TC 371) dealt with the horizontal coordination of the work under this mandate.

A call for tender was published on 25 January 2013 as a means to select experts to revise some 100 EPBD-related standards, as requested by the Standardisation Mandate.

The areas where expertise is needed are: holistic EPB approach and overarching calculation procedure; building envelope; thermal comfort; ventilation; heating; cooling; heating systems; hot water systems; lighting; building automation / control and informatics.

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Energy Taxation

The Irish Presidency has continued the discussion on revision of the Energy Taxation Directive. An internal European presidency note, dated 9 January, on minimum rates for energy products revives the idea of taxing fuels according to carbon dioxide emissions and energy content. The European Council Working Party further discussed the issue on 23 January and the file is awaiting a final decision by the Council.

The previously envisaged date for entry into force of the revised directive was 1 January 2013. As the proposal concerns taxation, it will have to be adopted in the Council by unanimity before coming into force.

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Renewable Energies Strategy

Work is progressing in the European Parliament for the adoption of a report on the Commission Communication of June 2012 on "Energy Renewables: a major player in the European Energy Market".

The draft report of the European Parliament's Committee on Industry, Research and Energy (ITRE) tabled in November 2012 is currently being examined in:
- the Internal Market and Consumer protection (IMCO) Committee (rapporteur of the opinion: Yannick Jadot (Greens/ALE));
- the Environment, Public Health and Food Safety (ENVI) Committee (adoption on 19 February of draft opinion proposed by rapporteur Zofija Mazej Kukovič (PPE)).

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Energy Infrastructures package

During its meeting on 7 & 8 February, the European Council reached a compromise on the Multiannual Financial Framework (MFF) for the period 2014-2020. The MFF includes the "Connecting Europe Facility" (CEF) which is the financial arm of the "Infrastructures Package" (the Guidelines for a trans-European energy infrastructure were agreed upon in a "trialogue" meeting at the end of November 2012).

However, although the Commission had tabled €9.1 billion in its proposal, and there were still some hopes for an amount of €8 billion at the end of December, the final envelope agreed by the Council consists of €5.1 billion for all twelve corridors selected in the Guidelines (gas and electricity).

Since the Commission's expectation was that the €9.1 would leverage €200 billion of private sector funding for vital grid transmission projects in the form of project bonds, it is also expected that the final sum raised for energy infrastructure will be significantly below the capacity to stimulate that €200 billion.

For some EU officials, the budget's worst problem is the signal sent to investors about the EU's seriousness in tackling energy grid deficiencies, and a symbolic retreat into national financial concerns at the expense of the larger European perspective.

With regard to the whole package, the calendar is as follows:

- March 2013: final approval of energy infrastructure package expected by European Parliament and EU Council of Ministers
- Autumn 2013: list of projects of common interest to be finalised
- 2014: entry into force of the CEF, under which infrastructure will be financed.

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Internal Energy Market Communication

[The first Energy Council under the Irish Presidency took place on 22 February in Brussels](#) and discussed the steps to be taken to complete the Internal Energy Market by 2014 – a deadline set by the Heads of State or Government in 2011. The debate will contribute to the preparation of the European Council on Energy that will take place on 22 May 2013 and to Council conclusions to be adopted at the June Energy Council. The European Parliament's ITRE Committee discussed the Communication on 20 February and focussed on the fragmented energy market which produces high and regulated prices for consumers and criticised the lack of investments and support in energy efficient systems. The European Parliament is expected to table its amendments to the Communication by the end of April.

As a reminder, on 15 November 2012, the European Commission published a Communication on the Internal Energy Market ["Making the internal energy market work" [COM(2012)663].](#) This Communication makes a critical assessment of the progress in completing the internal energy market by 2014. Apart from reiterating the benefits of having a completed internal energy market, the Communication encourages EU Member States to step up efforts as many are lagging behind. The areas of consumer protection, enforcing the existing rules and investing in the modernisation of energy infrastructure are regarded as priority areas where more efforts are needed. The Commission says it will work with Member States to empower consumers and to phase out state interventions which distort markets.

The Commission foresees action in the following areas:

- **Implementing internal market law (Third Energy Package) and enforcing competition rules**
- **Empowering consumers:** right to switch supplier, roll-out smart metering systems and focus on protection of vulnerable consumers
- Promotion of deregulated retail energy prices

- **Ensuring flexible market design**: implementing properly designed capacity mechanisms
- **Guidelines on support schemes for renewables**.

Smart Cities and Smart Communities

Work is progressing in the Smart Cities and Smart Communities Platform. As a reminder, the general idea is based on the concept of integrating Energy, Transport and ICT sectors to increase energy efficiency, with the participation of the industry with demonstration projects. For this, a roadmap and toolbox with very practicable solutions for cities are to be delivered during the first quarter 2013.

The Platform structure is as follows:

- Three thematic expert (technical) WGs
  - Energy Efficiency and Buildings
  - Energy Supply Networks
  - Mobility and Transport
- Two transversal Coordination Groups
  - Finance Group (to provide information, toolkits about financial opportunities)
  - Smart City Roadmap Group (10 years vision)

The Platform gathers together about 35 participants from energy research institutes, consultants, Eurelectric, DSOs, cities, the heating & cooling sector, users, universities, and technology providers.

In particular, the "WG Energy Supply & Networks" has selected 3 topics: a) Integrated urban networks; b) Integrated urban energy conversion technology (incl. storage); c) End-user/grid interface.

The Platform staff asked experts and organisations across Europe to submit Solution Proposals (SPs). 34 were submitted and four were selected on 22 October 2012:

a) Virtual Power plant (VPP) / Energy Hub concept
b) Low-carbon district heating & cooling (DHC)
c) Smart Grids systems
d) Integrated approach to optimising energy supply.

The WG Finance will provide feedback on business models and identify barriers to the realisation of key innovations.

The remaining 30 solution proposals are not lost but will be included in the next assessment rounds (second, third) until the end of the project and thereafter. A review of criteria will be performed after all WG meetings have taken place.

Smart grids

On 28 January the European Commission (DG ENER) organised a Conference on Smart Grid Standardisation Achievements during which, in his keynote speech, Commissioner Oettinger called for an acceleration of the standardisation process as a condition for undelayed deployment of smart grids, welcomed international cooperation, notably with the USA, and explained why the Commission decided to intervene in the area of e-vehicles (via the "clean fuel strategy package" and the decision to use a common EU plug for charging electric cars, the so-called "Type 2").

The main purpose of the conference was to take stock of the work achievements regarding the three EU Commission mandates on a) Smart grids: Mandate M/490 executed within the CEN-CENELEC-ETSI Smart Grid coordination group chaired by Ralf Sporer b) Smart meters: Mandate M/441 executed within the CEN-CENELEC-ETSI Smart Meters coordination group chaired by Daniel Hec c) Charging of Electric Vehicles: Mandate M/468 within the CEN-CENELEC eMobility coordination group chaired by

David Dossett. The three chairmen delivered the same "political message" according to which many standards are already available or being developed on the basis of best practices and "state of the art" technologies.

In the conclusions of his presentation, Ralph Sporer insisted that standardisation is ready, in particular:

• Systematic process is in place
• Current industry applications are supported by standards
• A selection guide is available - easy entry for all stakeholders
• There is an overview on available and future standards
• A work programme indicates the timetable for new standards
• Future requirements can be easily included in a systematic framework

Bertrand Hugoo's main messages included:

• Smart Grids are a real technical challenge for the industry (unequal complexity which has to be enabled for users)
• M/490 : a key SG-CG achievement in terms of consensus and development of the Standards Grids Architecture Model)
• Cooperation between ICT and the energy sector is key in many areas (standardisation, academics, policy makers to sensitise end-users)
• Smart Grids lead to a huge breakthrough in knowledge management (from experts to end users)
• Smart Grids enable growth in Europe.

All presentations of the conference are available at http://ec.europa.eu/energy/gas_electricity/smartgrids/smartgrids_en.htm On the occasion of the conference, EDSO and Eurelectric published a document outlining their "Standardisation Priorities to Ensure Smart Grid Deployment in Europe". More information is available here.

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Smart Grids and Cyber-Security

ENISA, the European Network and Information Security Agency, published a report which identifies 39 security measures for smart grids in ten domains. The Agency aims to provide guidance for an adequate smart grid protection in Europe, in order to help smart grid providers to improve the minimum level of security and the resilience of their infrastructures and services.

The report uses three levels of sophistication designed for different categories of threats. One of the "lessons" identified is that "all manufactures are responsible for contributing to the security of the smart grid (via the involved equipment/devices/components embedded)." However, the main objective is the provider, defined as a stakeholder who provides services to the smart grid value chain.

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Upcoming Commission Communication on Energy Technologies and Innovation

In the first half of 2013 the European Commission is planning to issue a Communication on Energy Technologies and Innovation. The purpose of this Communication is to review the existing EU energy technologies policy elements such as the SET Plan and the European Industrial Initiatives (Technology Roadmaps) that have been set up in this framework, and to feed in new initiatives such as the energy part of Horizon 2020 (Research and Innovation), the "Infrastructures Package" currently under adoption (see above) and the Energy Roadmap 2050. Other external factors such as the economic crisis (and its consequences on the EU budget), the low carbon price, the emergence of new fossil energies (shale gas) and the consequences of Fukushima on nuclear energy will also be taken into account.

The Commission aims to enhance the link between energy technology and innovation and overall energy policy, supporting both "technology push" measures (for example large-scale demonstration projects) and "market uptake" solutions (for example the adaptation of the regulatory framework).

Overall, the goal should be to have an EU energy technology strategy up to 2050, with a focus on technology paths and their cost-effectiveness by 2020, 2030 and 2050.

In order to receive input for this Communication, the Commission (DG ENER) has launched a public consultation open until 15 March.

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Environment

REACH

The Commission has **reviewed the REACH regulation** and published a general report accompanied by a staff working document on 5 February. The main conclusions of the report are the following: the REACH provisions will remain broadly unchanged; the regulation only slightly overlaps with EU sector-specific legislation such as the WEEE, Batteries and RoHS Directives, the Industrial Emissions Directive or the Construction Products Regulation; the risk management of nanomaterials is best regulated by REACH; there is room for improvement for registration dossiers, communication through the supply chain and prioritisation of substances for possible risk management assessment; the cost and administrative burden of REACH for SMEs needs to be reduced. Overall, the benefits of the REACH regulation consist of a positive economic impact brought about by REACH harmonisation and increased market concentration and prices of certain substances. The Annex to the General Report consists of a set of measures including further cuts to the fees paid for registering a substance. The Commission presented this report and its roadmap on SVHC (substances of very high concern) during the EU Competitiveness Council meeting on 19 February.

On 5 February the European Commission and ECHA published **a roadmap to include all known SVHC** in the Candidate List by 2020, and also to identify and assess substances such as CMRs (substances that are carcinogenic, mutagenic or toxic for reproduction), PBTs (substances that are persistent, bioaccumulative or toxic for the environment), vPvBs (substances that are very persistent and very bioaccumulative), and substances of equivalent concern (such as endocrine disruptors or sensitisers).

The **REACH Candidate list** was updated on 19 December 2012 with 54 additional SVHCs, so there are currently 138 substances in total. The Risk Management Option will assess approximately 440 substances by 2020 but the publication of the RMO assessment is not foreseen. Priority is given to the already registered substances or those to be registered by 2020. The roadmap reminds industry that by 31 May 2013 it must register all phase-in substances manufactured or imported in the EU at or above 100 tonnes a year.

On 17 January ECHA recommended the **inclusion of a list of SVHCS** to be considered priority substances in Annex XIV of REACH: Pentazinc chromate octahydroxide, Dichromium tris(chromate), Potassium hydroxyoctaoxodizincatedichromate, 2,2'-dichloro-4,4'-methylenedianiline (MOCA), Bis(2-methoxyethyl) ether (Diglyme), Formaldehyde, oligomeric reaction products with aniline (technical MDA), Strontium chromate, Arsenic acid, 1,2-Dichloroethane (EDC) and N,N-dimethylacetamide (DMAC).

Concerning the inclusion of **Chromium compounds and Chromium Trioxide** in the third amendment to Annex XIV, the final adoption of this amendment is expected in March 2013, after the three-month scrutiny by the European Parliament and the Council comes to an end.

On 14 February, the **Commission Regulation amending Annex XVII REACH** (restriction on the manufacture, placing on the market and use of certain dangerous

substances, preparations and articles) was published in the Official Journal of the EU. This regulation comprises 11 modifications to existing restrictions for some substances such as asbestos, lead carbonates and lead sulphates, and makes reference to the use of the harmonised testing method.

ECHA also carried out a consultation aimed at assessing the potential **extension of the existing restriction on cadmium and its compounds in plastics**, from the current 16 specific plastic materials listed in Annex XVII of REACH to all plastic materials. The consultation ended on 11 February 2013. Risk Policy Analysts have been mandated by ECHA to conduct a more detailed study on this issue on behalf of ECHA.

Infringement procedures have been launched against 5 Member States as regards their **diverging interpretation on the 0.1% threshold used in Articles 7.2 and 33 REACH**. In January 2013, the Commission has addressed a letter of formal notice (according to article 258 TFEU) to Austria, Belgium, Denmark, Germany and Sweden, which is the first stage of the infringement procedure. In the recently published REACH Review report, the Commission calls for "a consistent and harmonised interpretation of all REACH provisions, notably the 0.1% concentration threshold of substances of very high concern in articles". As a reminder, producers and importers of articles (furniture, construction products, clothing ...) have a legal obligation to notify ECHA if any Substance of Very High Concern included in the candidate list is present in their articles above the threshold of 0.1% weight by weight and if the quantity of such substances in those articles is over 1 tonne per producer/importer per year**.** ECHA published a guidance on Requirements for Substances with the interpretation of the application of the 0.1% threshold to the entire article, and not the component. Some dissenting Member States still interpret the 0.1% threshold per component.

The **next CARACAL** (Competent Authorities for REACH and CLP) meeting will take place on 13-14 March 2013. Agenda and minutes of the last meeting are available from the secretariat.

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REACH and Nanomaterials

On 30 January 2013, the European Commission hosted a workshop and discussed the main findings of the Second Regulatory Review on Nanomaterials. This issue was also discussed during the Competitiveness Council on 19 February, alongside the REACH review and the EC roadmap on SVHC. One of the main conclusions of this meeting was that REACH should be the most appropriate regulatory framework for the safe use of nanomaterials.

As a reminder, the Commission published a Communication on the second regulatory review accompanied by a Staff Working Paper, as a means to make further progress on the implementation of EU legislation on nanomaterials. Orgalime drafted a position paper based on this communication, supporting the Commission's approach to reinforce the existing legislative framework, i.e. the REACH regulation which applies specifically to the safety and risk assessment and management of nanomaterials.

Orgalime also joined the cross-industry platform on nanomaterials. The industry sector jointly developed a set of common messages on nanotechnologies and nanomaterials, published on 28 January 2013. The industries believe that nanomaterials can tackle today's challenges by boosting innovation, calling for further research into the safety of nanomaterials, a transparent stakeholder dialogue, effective implementation of the EU regulatory framework in managing the production, use and disposal of nanomaterials and, last but not least, a harmonised workable definition for nanomaterials.

Between September and November 2012, CEFIC published two factsheets, one on Synthetic Amorphous Silica and the other on Titanium Oxide, providing information on their types, uses and applications, safety assessment and potential exposures.

As proposed next steps, the Commission is considering the option of amending REACH annexes to clarify the risk management related to nanomaterials. An impact assessment is likely to be carried out which might lead to a proposal by December 2013. The next regulatory review on nanomaterials will take place no later than 2015.

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RoHS2 Directive

The **revised European Commission RoHS2 FAQs** (dated 12 December 2012) are available on the DG Environment website. Orgalime is assessing the extent to which its comments are reflected in the revised FAQs. The Orgalime RoHS2 guide will be updated according to this assessment document and will indicate the areas where European industry and the Commission FAQs have different views.

Orgalime has sent a letter to the Commission concerning **RoHS2 Article 2(2)** and the BioIS Final Impact Assessment Study on the scope of the Recast RoHS Directive 2011/65/EU ("RoHS2"). In the context of this study, options have been identified to solve the negative economic, environmental and legal consequences that industry believes will arise from Article 2(2), and in particular from the erroneous use of the notion 'making available on the market' in this provision. In order to avoid the negative impact of withdrawal of products that have been legally placed on the market, Orgalime supports the implementation of a generic, horizontal solution in option 1 of the BioIS study, namely "to delete article 2.2 and amend article 4.3 of RoHS2". This would be applicable to all potentially affected new product groups in the scope of RoHS2, and avoid finding sector-specific solutions which could be discriminatory. Orgalime recommends that a Commission proposal for an amendment of the RoHS2 Directive should be tabled without delay, preferably independently of a possible proposal for new scope exclusions following the BioIS impact assessment study.

In the context of the **review of the "List of Restricted Substances"** under Directive 2011/65/EU, a stakeholder consultation started in January 2013 with the aim of collecting information to identify hazardous substances used in EEE. The two main objectives of the study are to develop a methodology to identify and assess substances based on the criteria in Recital 10 and Article 6(1) and 6(2) of RoHS2, and to assess the substances addressed in Recital 10 with a view to their future restriction. All details, background information and questionnaires can be found on the Commission DG Environment website. Orgalime has warned contributing members/sectors that they should stress the need to first investigate the criteria for the methodology before assessing any candidate substance, including the Recital 10 substances, and not provide information on hazardous substances in EEE beyond the four priority substances listed in Recital 10. A Commission stakeholder meeting will take place on 13 March 2013.

Two RoHS exemptions (lead and cadmium) agreed in 2011 have been published in the EU Official Journal: Commission Delegated Directive 2012/50/EU as regards an exemption for applications containing lead – (OJ: L 348/16 – 18.12.2012), and Commission Delegated Directive 2012/51/EU as regards an exemption for applications containing cadmium – (OJ: L 348/18 – 18.12.2012).

An online stakeholder consultation covering **3 RoHS exemption requests** ran until 15 February 2013: Exemption request 17a "Lead in glass of electronic components and fluorescent tubes, or in electronic ceramic parts (including dielectric ceramic capacitors) used in industrial monitoring & control instruments (only sub-category 9 industrial)", exemption to expire in 2024; Exemption request 18a "Lead used in compliant pin connector systems for use in industrial monitoring and control instruments (only sub-category 9 industrial)", exemption to expire in 2024; Exemption request 20a "Mercury in cold cathode fluorescent lamps (CCFL) for back-lighting liquid crystal displays not

exceeding 5 mg per lamp used in industrial monitoring and control instruments (only sub-category 9 industrial)".

A new RoHS project was recently launched for the **evaluation of applications for granting, renewing or revoking an exemption**, to be included in or deleted from Annexes III and IV of RoHS2.

A final report "Assistance to the Commission on **technological, socio-economic and cost-benefit assessment related to exemptions** from the substance restrictions in electrical and electronic equipment" has recently been published. This report provides an outline of the assessment of 20 exemption requests from the 2011-2012 RoHS Project 1. Orgalime is discussing the **correlation between RoHS2 and REACH** and is preparing a Position Paper and a summary flowchart on how to implement RoHS2 and REACH consistently (available from the secretariat). Orgalime expresses its concern over legislative overlaps and inconsistencies, and aims to provide concrete suggestions for establishing a common understanding for the implementation of RoHS2 and REACH.

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WEEE2 Directive

Commission DG Environment is working on a Frequently Asked Questions (FAQ) Document for the WEEE2 Directive 2012/19/EU. DG Environment wishes to finalise it hopefully before the summer in accordance with the following schedule: WEEE2 FAQ draft available in February (still awaited) for a 4-week consultation; second draft and inter-service consultation before adoption by the summer of 2013.

Orgalime is currently preparing a document assessing the main differences between WEEE2 and WEEE1.

In view of the current transposition of the WEEE2 Directive 2012/19/EU, Orgalime has drafted a position on "Common Principles for WEEE Transposition" (available from the secretariat). The main messages of this position are: a proper transposition of the given scope exclusions, articles 7.2 and 16.4 for Member States to demonstrate achievement of the minimum collection rate; building up a proper Member States database on all WEEE received to pave the way for a Collection Rate based on "WEEE generated"; consistently gathering and making available information on all WEEE exported; implementing the clear, common understanding on the way to target all flows of B2B and B2C waste other than those of official WEEE channels; stopping illegal transboundary shipments, while allowing legitimate shipments for repair, refurbishment, remanufacturing, reuse of professional products; maintain that Member States shall allow producers to voluntarily show the collection and recycling cost; taking into account that certain provisions of WEEE require a national approach (i.e.: articles 5, 7, 8, 11 (collection, disposal, recovery), 12, 13 (financing), 16 (registration, information, reporting) while others require a European approach (i.e. articles 4 (product design), 14 (information for users) and 15 (information for treatment facilities); and support for establishing collection, treatment and recycling standards.

Commission studies relating to WEEE2 are in the pipeline: a study regarding WEEE2 scope impact assessment; a study on the calculation of "WEEE generated" and equipment "placed on the market"; and a study regarding registration/reporting formats.

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Environmental Footprint

The European Commission finalised the draft methodology for the calculation of the Product Environmental Footprint (PEF) and the Organisation Environmental Footprint (OEF). The purpose of this exercise is to ensure a harmonised methodological approach

to assess and benchmark the environmental performance of products, services and companies.

The two methodologies, together with Green Public Procurement, are part of the Sustainable Consumption and Production Action Plan on which the Commission carried out a public consultation process which ran until 4 April 2012. The Commission is currently carrying out an impact assessment and an inter-service consultation on PEF and OEF methodologies, envisaging the adoption of the environmental footprint policy in early 2013.

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Resource Efficiency

The results of the public consultation on options for Resource Efficiency Indicators can now be consulted on the DG Environment website.

Under the "Resource-efficient Europe – Flagship initiative of the Europe 2020 Strategy", the European Resource Efficiency Platform led by Commissioner for Environment Potočnik issued a Manifesto in December 2012. The Platform "is calling on business, labour and civil society leaders to support resource efficiency and the transformation to a circular economy and society now because this offers a path out of the current crisis towards a reindustrialisation of the European economy on the basis of resource-efficient growth that will last." To this end, the Platform calls on encouraging innovation and public and private investment in resource-efficient technologies, systems and skills; implementing, using and adopting smart regulation, standards and codes of conduct; abolishing environmentally harmful subsidies and tax-breaks; creating better market conditions for products and services that have lower impacts across their life-cycles, that are durable, repairable and recyclable; integrating current and future resource scarcities and vulnerabilities more coherently into wider policy areas; adopting policy, setting targets and indicators to measure progress relating to the use of land, material, water and greenhouse gas emissions, as well as biodiversity.

The Platform will issue a more detailed set of short-term policy recommendations to address these issues in June 2013.

The Platform's objective is to provide high-level guidance to the European Commission, Member States and private actors on the transition to a more resource-efficient economy. The Platform's members include European Commissioner Potočnik, Vice-President Tajani, Commissioners Hedegaard, Šemeta and Rehn, members of the European Parliament (MEPs), ministers, business CEOs, academia and representatives of NGOs and civil society.

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Ecolabel / Green public procurement

The European Commission published a revised version of the EU Ecolabel Work Plan 2011-2015 on 6 February 2013. This Work Plan aims at monitoring the progress of the ecolabel scheme, particularly for product group planning and management. The Plan consists of a strategy for the EU Ecolabel to increase its uptake in the market and raise consumer awareness, as well as a non-exhaustive list of product groups which should be prioritised in the future EU ecolabel. Some of the products listed by environmental priority in Annex IV include building components including insulation, building services, mechanical repair services and water heating systems. The next EU Ecolabel Board meeting on 6-8 March 2013 will discuss hydronic heating systems, heat pumps, imaging equipment and lighting systems and toilets.

The GPP Work Programme for 2012-2013 has also been published, consisting of a list of new and revised product groups with specific GPP target completion deadlines. With regard to new product groups, heating systems, office buildings and image equipment should have GPP targets completed by mid-March. The GPP targets for taps and

showerheads, toilets and waste/water infrastructures should be completed in early 2013, and those for medical electrical equipment by the end of 2013. The European Commission launched a public consultation on EU GPP criteria for Electrical and Electronic Equipment which ran until 15 January 2013.

Regarding the revised product groups, the GPP targets for windows and doors need to be completed by early 2013, and those for indoor/outdoor paints and varnishes and for textiles by mid-2013. The GPP target for office lighting must be complied with by early 2014.

The European Commission recently published the second edition of the Buying Green! – A Handbook on green public procurement which guides public authorities and interested stakeholders on how to adequately respond to green tenders and purchase goods and services with a low environmental impact.

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Environmental Technology Verification (ETV)

On 19 December 2012, the first ETV Stakeholder Forum took place in Brussels. The discussions revolved around the objectives, role and priorities of the forum, as well as important aspects of the ETV pilot programme. In December 2012, the first three verification bodies in this programme received accreditation, namely DS Certificering (Denmark), LNE (France) and CEMC (Czech Republic).

The ETV pilot programme can be accessed by all technologies which are ready for the market and have an innovation potential, currently covering three main technology areas: water treatment and monitoring; materials, waste and resources; and energy technologies. The Commission Staff Working Paper on 'The Environmental Technology Verification (ETV) initiative – Helping Eco-Innovations to reach the Market' spells out the operational principles and aims of the ETV pilot programme.

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