



FEAD BULLETIN N° 45 - 16 April 2021

Communication, Networking, and Future Events

- **FEAD Event on Waste-to-Energy - 12 April 2021**
 - **On Monday 12 April FEAD** held an online event entitled "**Waste-to-Energy: an essential element for circularity**".
 - The event aimed at showing that Waste-to-Energy is a crucial link in the whole waste management chain and that it is integral to the circular economy. WtE allows to move up waste treatments pursuant to the Waste Hierarchy, as a key enabler to more recycling and a no-regret option for safe treatment of non-recyclable waste. It saves CO2 emissions by substituting fossil fuel for residual waste to produce heat and electricity. Speakers from the EU institutions and Member States, experts from the waste management sector, and stakeholders debated on why and how future EU regulations, in particular the Taxonomy, should have a positive approach to Waste-to-Energy. The discussion gathered views from different angles and allowed for a contradictory debate!
 - **More than 170 participants attended the event!**
 - The **recording of the event** together with the **presentations of the speakers** are available on the **FEAD website** [here](#).




ONLINE EVENT

WASTE-TO-ENERGY

an essential element for circularity

12 APRIL 2021, 16H00 - 18H00



- **FEAD Press Release on the event on Waste-to-Energy**
 -  On April 13, following our event on Waste-to-Energy, **FEAD issued a Press Release** highlight some key points that derived from the debate.
 -  FEAD's Press Release was featured on the news **here**.
-  **FEAD meetings with MEPs on the proposed Regulation for Batteries**
 - FEAD has been having meetings with **Members of the European Parliament and their staff**, from IMCO, ENVI, ITRE and TRAN Committees, who are responsible for preparing reports and opinions on the proposed Sustainable Batteries Regulation.
 - Until today, we have met with MEP Spyraiki and Walsmann, and with the Assistants of MEPs Glück, Schneider, Mortler, Ernst, Dalunde, Penkova, Grudler, and Toia. Approximately 15 meetings are already planned for the following 2 weeks.
 - We have been asking for your kind participation in those meetings, depending on the nationality of the MEP that accepts our invitation for a call.
 - Please, see *This Week's Focus* section below for more information on the batteries file.
 - We will keep you updated about any procedural updates and also about our lobbying moves on the

Ongoing Surveys and Consultations


- **EC Consultation on Sustainable Products:**
 - The Commission has [published](#) a new initiative - Public Consultation (questionnaire) on **Sustainable Products**. (EC deadline for feedback is 09 June 2021 - midnight Brussels time). FEAD will prepare a draft response to the questionnaire and share it with you for your feedback in the coming weeks.

- **EC Consultation on Environmental crime – improving EU rules on environmental protection through criminal law:**
 - The Commission has [published](#) an initiative - Consultation (public questionnaire) on **Environmental crime – improving EU rules on environmental protection through criminal law**. (EC deadline for feedback is 03 May 2021 - midnight Brussels time).

- **FEAD survey on MS implementation of EU plastics tax:**
 - Following a request from our Finnish member, YTP, on **how the EU Member States are implementing the new tax on plastic**, FEAD has decided to conduct a relevant **survey**. We are kindly asking you to provide us with your feedback about how your countries are implementing the plastic tax. Please, fill in your input [here](#) and send it back to us at your earliest convenience.

- **FEAD/ADR new UNECE/OTIF meetings and WG:**
 - We have received information from the UNECE/OTIF Secretariat, on which it would be good to get your **feedback**. In particular:
 - **Ad hoc WG on the harmonization of RID/ADR/AND with the UN Recommendations on the Transport of Dangerous Goods** (21-23 April, registration [here](#)). Please let us know whether you will/are interested in attending.

- **Informal WG on molten aluminum:** Germany has circulated an invitation to participate in this new informal WG (based on INF 41-see [here](#)) on the carriage of molten aluminum under UN 3257. Please let us know if you are interested in participating/ would like to see the work of this WG monitored by FEAD.
- Concerning our current internal work, please let us know if you have any updates on the organisation of the new work on issues 2.5 & 2.5. We will circulate the final report of the March Joint Meeting as soon as it is available.
- **EC stakeholder workshop on the Urban Waste Water Treatment Directive:**
 - The Commission held a stakeholder workshop on the Urban Waste Water Treatment Directive (UWWTD) on 23 and 24 March 2021, during which the EC indicated to revise Articles 15 to 17 in order to improve the reporting on the implementation of the UWWTD. One of the presentations held was entitled "Reporting: preparation for reporting in 2022 and outlook to the future directive" and is available [here](#).
- **Web meeting on Waste water and sludge:**
 - We have received an invitation to the web meeting on "**Waste water and sludge: how to integrate in the circular economy and support new energy and climate ambitions**", which DG ENV will carry out as part of the UWWTD impact assessment and the Evaluation of the Sewage Sludge Directive.
 - **The meeting will take place on 20th (pm) and 21st(am) April.**
 - Please find [here](#) a draft agenda and privacy statement. **Please register under these links by 16th April: [Day 1 Registration](#), [Day 2 Registration](#).**
- **Consultant's stakeholders' questionnaire on the Revision of the E-PRTR:**

- The Consultancy **Ricardo** is conducting on behalf of the Commission a **[Targeted Stakeholder Survey on the Revision of the E-PRTR Regulation](#)** and they have requested our feedback.
 -  **FEAD** has prepared a draft response to the questionnaire (FEAD answers in the text are written in red and highlighted in yellow) with the precious support of Mr. Spanjaard. Please send us your feedback on the draft response **[available here](#)** by **Friday 23rd April COB** (the deadline of the survey is the 30th April).
 - **FEAD provided feedback to consultations:**
 - On 1 April, **[FEAD provided feedback](#)** to **Consultant Ricardo's survey on the Revision of the Industrial Emissions Directive.**
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Monitoring of EU Institutions

Life of EU institutions

- **EU Methane Strategy**
 - The EP rapporteurs and timelines have been set for the methane strategy.
 - **ENVI Committee:** Rapporteur: **MEP Maria Spyra**ki(EPP, Greece), Shadow Rapporteurs: MEPs Marcos Ros Sempere (S&D, Spain), Martin Hojsík (Renew Europe, Slovakia), Sylvia Limmer (Identity & Democracy, Germany), Jutta Paulus (Greens/EFA, Germany), Anna Zalewska (ECR, Poland), Mick Wallace (GUE/NGL, Ireland).
 - **14 June 2021:** ENVI Committee exchange of views on the Strategy. **21 June 2021:** deadline to table amendments to the ENVI draft Report. **20 September 2021:** expected to ENVI vote on the draft Report and amendments.
 - **ITRE Committee:** Rapporteur: MEP Cristian-Silviu Buşoi (EPP, Romania).

- **26 May 2021:** ITRE Committee exchange of views on the Strategy. **1 June 2021:** deadline to table amendments to the ITRE draft Opinion. **15 July 2021:** expected ITRE vote on the draft Opinion and amendments.
 - **AGRI Committee:** Rapporteur: MEP Asger Christensen (Renew Europe, Denmark).
 - A timeline for the AGRI Committee is expected to be clarified in the coming weeks.
 - End of 2021: The Report is expected to be tabled for a future plenary session.
 - **FEAD** is currently in the process of **updating its position** on the EU Methane Strategy before communicating it to the **MEPs**.
- **EU Strategy for Critical Raw Materials (EP ITRE's INI)**
 - On March 24, ENVI Committee published a [draft Opinion](#) (Rapporteur Sara Matthieu, Greens, Belgium):
 - In the draft Opinion, the ENVI Rapporteur recalls the priorities of the Circular Economy Action Plan, particularly with regards to the setting of binding reduction targets for the use of primary raw materials. Additionally, the Rapporteur calls for a reduction of resource consumption in the Commission's demand scenarios for CRM and for a higher level of ambition concerning minimum recycled CRM content targets and product design requirements. The Rapporteur further underlined the need to have new collection schemes in order to promote the collection rates of CRM waste and to extend the approach used in the proposal for a Regulation on batteries through the development of dedicated recycling targets for CRM.
- **Carbon Border Adjustment Mechanism (CBAM)**
 - **Timeline:** June 2021: expected EC proposal (Procedure: Co-Decision, Resp: DG TAXUD Unit C2). Parliament: Committee Debate 1rdg expected in Q3 2021, Committee Vote 1rdg expected in Q3 2021, Plenary Vote 1rdg expected in Q4 2021. Council: Discussions expected in Q4 2021, Political Agreement expected in Q4 2021.

- The issues with the CBAM at the Parliament preliminary report: The EP report managed to get adopted in March, but with a marginal last-minute **amendment**: to strike out the original proposal to phase out free ETS allowances (credits) for industries covered by the EU ETS.
 - The EU currently hands out free pollution credits to heavy industries (e.g. cement, steel, chemicals) to try and stop them from relocating outside Europe and prevent carbon leakage, while the EU adopts tougher climate goals. However, setting up a carbon levy at the EU borders (i.e. the CBAM) **together** with keeping the free ETS allowances for EU industries would constitute double compensation for EU industries, or in other words, protectionism, which is incompliant with the World Trade Organisation (WTO) rules. Free quotas and border protection cannot go together.
- **Smart Sector Integration Strategy (EP ITRE's INI)**
 - **25 Feb 2021**: TRAN adopted Opinion (Rapporteur Elena Kountoura (GUE/NGL, Greece)). **26 Mar 2021**: [**ITRE adopted Report**](#) (Rapporteur: Christophe Grudler (Renew Europe, France). Shadow Rapporteurs: Massimiliano Salini (EPP, Italy) / Nicolás Gonzalez Casares (S&D, Spain) / Paolo Borchia (Identity & Democracy, Italy) / Jakop Dalunde (Greens/EFA, Sweden) / Cornelia Ernst (GUE/NGL, Germany)). **26 - 30 April 2021**: EP Resolution expected in Plenary session.
 - Regarding the ITRE Report, there are several paragraphs that are positive for the waste management sector, and provide for important arguments for the **RED and EED revision**:
 - 7. Notes the high energy consumption in the water sector; calls on the Commission to consider energy-efficient measures for the EU water sector and the **possibility of using treated waste water as an on-site source of renewable energy in energy system integration**;*
 - 11. Underlines the **potential of the reuse of waste, particularly energy and waste heat from industrial processes, biowaste, buildings and data centres**;*

[...] calls on the Commission and the Member States to develop effective incentives and business models to recover industrial waste heat and unavoidable waste heat into heat networks or storage, when further revising the Waste Directive[22];

23. [...] supports the Commission in looking into the synergies between district heating and cooling networks and sources of unavoidable waste heat; [...]

33. [...] welcomes flexible integrated energy systems that aim to optimise the district heating/cooling sector as well as the use of efficient and flexible high efficiency cogeneration contributing to the balancing of the electricity grid, cost-effective use of renewable energy sources and waste heat integration at local/regional level; [...]

- In addition, in its **explanatory statement** the ITRE report writes: *This new approach must also include more circularity. **Products derived from industrial and agricultural processes and organic waste must be treated as energy sources as such. Waste heat emitted by our industries and data centres must be made reusable, for example by storing it or channelling it back into heat networks.** In other words, new, more horizontal and decentralised links need to be created between the different final consumers of energy, so that they will ultimately be less dependent on centralised energy networks, which are more difficult to decarbonise. As such, this approach directly echoes the EU's industrial strategy.*

This week's focus: Sustainable Batteries Regulation

- As written in the *Communication* section above, FEAD Secretariat has started working on the new (proposed) **Sustainable Batteries Regulation**.
 - We have prepared a **comprehensive file** with the European Parliament's timelines, the EP Committees' Competences on the dossier, as well as a list of the MEPs involved in the process. This last table also tracks where we are with our

contacts (e.g., email sent, or meeting arranged, or meeting held).

- Although it is early in the process, as no drafts have been published yet and discussions are still preliminary, we have encountered **great interest** from the offices of the MEPs to meet with us and discuss the aspects that are of particular importance to our sector. They all stressed that they expect to receive our written products as well.
- Our plan is to continue briefing MEPs and their assistants, while **we draft our proposals for amendments** to the Commission's proposed regulation, and to the draft opinions (for ENVI, ITRE, and TRAN) and report (IMCO) that will be coming out of the EP. Of course, we will be asking for the **contribution of your expertise** on this work. Once these proposals are ready, we will be sharing them with all MEPs involved in the Batteries dossier. That would be the **second round of our contacts with the European Parliament**.
- Please note particularly that the IMCO (which is the Lead Committee) deadlines have been set as follows:
 - IMCO Committee tentatively scheduled to consider the Rapporteur's draft Report (not yet available) on 1 and 2 September 2021.
 - Deadline for AMs: 16 September 2021.
 - Vote on the draft Report and AMs provisionally scheduled for 9 December 2021.
- On another note, the **[final report on the assessment of options to improve particular aspects of the EU regulatory framework on batteries](#)** commissioned by DG ENV was published on 26/03.
 - The Commission's DG-ENV requested a consortium to present a report assisting the Commission in the preparation of the inception impact assessment for the proposal on the new regulatory framework for batteries. On 26 March 2021, the external contractor published the **final report on the assessment of options to improve particular aspects of the EU regulatory framework on batteries**. The report aimed to assess the potential measures and actions to

improve the regulatory framework and to avoid the shortcomings identified in the Batteries Directive. It also calculates and analyses the environmental, economic and social impacts of each of the measures and sub-measures presented.

- The report identifies the following **shortcomings** in the current EU framework, namely:
 - (a) the insufficient collection of waste batteries; (b) the lack of focus concerning maximising material recovery and retrieving secondary products and of enforcement regarding battery removability from appliances; (c) the existing gap on the obligation for batteries to be replaceable or interoperable; (d) a missing restriction on the use of primary batteries minimising their environmental impact throughout the lifecycle; (e) the lack of legal provisions on minimum levels of recycled content in batteries as well as the lack of deposits and refunds systems for portable batteries.
- The report identified **five measures** to address the problems and shortcomings found in the Batteries Directive.
- ***use of provisions on the second life of batteries***
 - The report divides the measure into two different sub-measures, the first one on batteries becoming waste when entering recycling and the second one on batteries becoming waste after their first life. The study team notes that the second one is the preferred one as it ensures that the actors in the value chain handle the safety requirements and transportation precautions of the end-of-life batteries. Furthermore, the report notes that the second sub-measure can improve the transparency and enhance the residual value of batteries handed for a second life, as it would implement end-of-waste criteria based on two defined conditions.
- ***provisions restricting single-use portable batteries***
 - The Report presents two sub-measures, the first one concerning the total restriction of primary measures whilst the second one involves the restriction of

batteries that do not fulfil specific criteria.

The study team points to the second one as the preferred one, as a partial restriction can lead to the removal of those batteries having a low environmental performance from the market whilst avoiding the negative impacts of obsolescence in cases where the replacement of batteries is not available. In this regard, batteries would be used for a longer time and the service time provided per unit of waste would increase, hence having a positive impact on resource efficiency.

○ ***provisions setting minimum levels of recycled content***

- The third measure is further divided into two sub-measures. These are:

(1) a sub-measure on minimal levels of recycled content for key materials, further subdivided into 1a and 1b. Whilst both concern minimal levels of recycled content for key materials, 1a refers to Li-ion batteries whilst 1b concerns Pb-acid batteries.

(2) a sub-measure on open-loop recycling of recovered materials.

The first one was deemed as the preferred one in this case.

The study team notes that a reporting system needs to be established for the materials used in both Li-ion and PB-acid batteries.

In addition, it is argued that the recycled content targets would need to be reviewed after a certain amount of time has passed to determine whether they are realistic and expedient.

○ ***provisions establishing deposits and refunds systems for batteries***

- The fourth measure is divided into three sub-measures. The first one concerns voluntary deposits and refunds systems (DRS) in the Member States. The second one focuses on obligatory DRS and the third one on kerbside collection for standard replaceable batteries.

The study team preferred the use of DSR for big portable batteries at the EU level.

- ***provisions ensuring the removability, replaceability and interoperability of batteries***

- The last measure assessed included the following five sub-measures.

(1) sub-measure 1 on the removability of batteries from all appliances;

(2) sub-measure A1 on the replaceability obligation and exemption mechanism of batteries;

(3) sub-measure A2 on the replaceability of the product level added through product legislation such as the ecodesign framework;

(4) sub-measure B1 on the interoperability on interoperability obligations and an exemption mechanism;

(5) sub-measure B2 on the interoperability of batteries added through product legislation such as the ecodesign framework.

Concerning the removability, sub-measure 1 is deemed as the preferable one due to the benefits concerning the increased secondary materials recovery.

In terms of replaceability, the study team considers sub-measure A1 to be the preferable option as it can support product longevity. Finally, with regards to interoperability, sub-measure B2 is regarded as the preferred choice as it can allow product groups to be identified where interoperability has the potential to lead to environmental benefits.

Webinars & Conferences

- **Petcore Europe webinar - "Deposit for Reuse and Deposit for Recycling: European Views"**

- More information about [Program & Speakers](#) on those links.

- 22 April 2021, 13:30 - 16:30 CET. Register [here](#).
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FEAD website - Reminder

- **Go to your Member Area** (<https://fead.be/index.php> > “Members Only”)
- **Enter your login and password** (Please ask your login and password to info@fead.be if you forgot it)
- **Go to “Active Files” and here you have access to all files followed by FEAD Secretariat. We keep it updated!**
- **Frequency of FEAD Bulletin:** The bulletin will be sent maximum once per week, but without a minimum if it not necessary. If there is a slow week with no new relevant information, then we deem that it is not necessary to send it.

For further information or enquiries, please do not hesitate to contact the FEAD Secretariat at info@fead.be