



May 2019

Quarterly EU Report



*Logos has completed this report with the help
and input of ICOMIA's Environmental and
Technical Consultants*

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Executive Summary

Although not covered in the topics below, it is key to highlight that IMEC/ICOMIA were represented in the last MEPC 74 in London, where there were discussions on **NOx Tier III and Large Yachts**. ICOMIA and co-sponsor Turkey submitted paper MEPC 74/5/15 “Effective Implementation of MARPOL Annex VI on large yachts to provide NOX reduction and enable less GHG emissions” with 2 proposed options for the sector as follows: Option 1 – An additional 5-year delay; Option 2 - A new output requiring the sector to viably contribute to NOX reduction. ICOMIA stated that this proposal is based on evidence submitted in previous MEPC meetings confirming the disproportionate compliance cost and space required by currently available Tier III compliant technology.

The European Commission continues in its preparatory work for the revision of **Directive 2014/40/EU on the Alternative Fuels Infrastructure (DAFI)**. A public consultation on the evaluation of the Directive offered the image of a varied array of stakeholders asking for the Directive to be revised, “depended and widened” in its scope. With regards to stakeholders’ calls on standardisation and interoperability, the Commission presented a draft measure revising EU rules on recharging and refuelling points for vehicles and vessels. The Commission is still expected to launch a longer public consultation on the evaluation will take place in Q2 2019, with a view to then finally publish the evaluation in Q2 2020.

Regarding the **National Emissions Ceilings Directive**, the NEC Ecosystem Monitoring subgroup met on the 2nd of April in Brussels and discussed on a series of relevant matters, including ozone impacts on vegetation, updates on biodiversity policy, presentations from JRC and the EEA on ecosystems, air quality and air pollution impact monitoring in ecosystem assessment or on ecosystem impacts of currently legislated decreases in nitrogen deposition.

On **REACH** and chemical legislation, a study was recently published in Belgium regarding SVHCs, advising the country to create a SVHC substitution strategy to promote substitution of hazardous substances, as European policies are “insufficient and inadequate” to address domestic challenges. In what concerns, cybutryne, there are some updates derived from the latest MEPC meeting, obtained thanks to ICOMIA’s Technical Consultant, and following the decision to prohibit the use of cybutryne in anti-fouling compounds at PPR 6, Japan expressed its concerns about the availability of sealer coats in time for the ban and the negative effects of blasting. The conclusion was that there was a need to discuss the matter further at PPR 7 and invited member states and other interested parties to submit information on the impact of the removal or sealing of coatings containing cybutryne. On diisocyanates, Member State experts in the REACH Committee discussed the draft Commission Regulation restricting diisocyanates, and now Member State experts are scheduled to vote on the draft Regulation in September (17-18). Therefore, we can conclude that the EC will not achieve the goal to implement the Restriction within REACH by the end of 2019.

After the publication of a Report on the implementation of its **Circular Economy Strategy**, the different initiatives composing it have experienced different developments. The work on the **Interface between chemicals, products and waste** has substantially stalled, left to the forthcoming European Commission. The Council managed to make small steps forward on the **Water Re-use** proposal; however further substantial work is required. The **Single-use Plastics** reached the completion of the legislative process, and the final text of the Directive is expected to be published officially in the coming weeks. Moreover, the ECHA’s proposed ban on

intentionally-added microplastics continues its path, now being subject to a public consultation until September. Finally, in view of the elections, both the European Parliament and the Council have finalised their preparatory work on the **Drinking Water Directive** revision, with the negotiations between them expected to start after the Summer.

The European Union has continued its constant work for the achievement of a sustainable **Blue Economy**. With the presentation of its annual report in early May, the Commission has presented a rapidly evolving sector, affecting both traditional and emerging sectors. This has undoubtedly created new opportunities, but also raised the need to ensure a sustainable development. According to the Commission, one condition, among others, for enabling successful blue growth is the availability of better data, analysis and knowledge about the sea.

On the **Machinery Directive**, the Commission's public consultation on the Inception Impact Assessment on revision of the MD closed in February 2019, and the Commission is now expected to launch a 12-week public consultation in the second quarter of 2019. The Commission announced its intention to revise the Machinery Directive in an Inception Impact Assessment. The Roadmap notes that any revision of the Machinery Directive would take into account the need for greater legal clarity, simplification and adaptation to technical progress. On the **Outdoor Noise Directive**, the supporting study to the OND concluded that the sound power level of equipment covered by the Directive is still too high. The study notably concludes that the equipment covered by the OND, either by Article 12 or Article 13, are above a sound power level of 90 dB.

On **Non Road Mobile Machinery**, the Expert Group on Emissions from NRMM (GEME) met on the 20th of March in Brussels, where they discussed a series of topics including the Brexit Type Approval issues, clarifying that a good doesn't need to physically in the EU to be deemed placed on the market, simply a proof of a transaction will be sufficient; placing on the market before Brexit will no longer be considered placed on the EU market once Brexit has occurred; registration and entry into service can take place pending the granting of the new EU type-approval before or after Brexit; type-approvals granted under Directive 97/68 are considered to become invalid through the mandatory application of new emission requirements. There were also multiple discussions on the state of play of emissions' legislation for NRMM engines, on pilot programmes on in-service monitoring (ISM), updates on the amendments to UNECE REGULATIONS 96, 120 and 132 as well as Technical Support for the review obligations under Regulation 2016/1628.

While the Council does not manage to advance substantially in setting its ambition for a **low greenhouse gasses future**, on 14th March, the European Parliament adopted its Resolution in response to the Commission's Communication. The text endorses setting an objective of net-zero greenhouse gas emissions by 2050. It also calls for updating targets for 2030 in order to realise an economy-wide target of 55% domestic GHG emission reductions compared with 1990 levels. Pushed by the Parliament, the European Council is now expected to discuss the long-term strategy during its meeting on 20th-21st June.

In the **European Elections** held in late May, both EPP (178 MEPs) and S&D (149 MEPs) lost ground, even though they remained the two biggest group of the EP. As they do not reach 50% of the votes, it is therefore the end of the Grand Coalition. Together with positive results for both the Liberals and Greens on one side, and the Eurosceptic parties on the other side, this has created the need for new coalitions to emerge, with environmental concerns expected to play an important role.