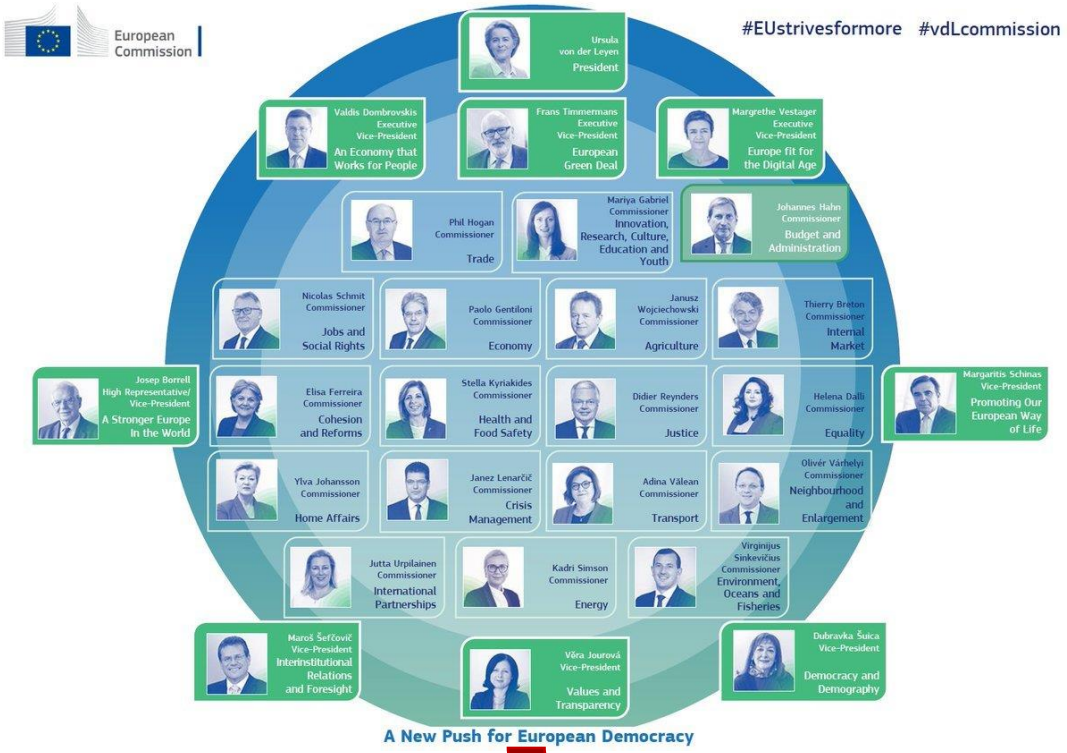
EU legislation

The legacy of the previous Commission and the new Commission's way forward

FEA
European Aerosol Federation

General context

End of von der Leyen Commission 2019-2024



Transition to von der Leyen Commission 2024-2029 (started on 1 December 2024)

Plastics Taxes (I)

In 2021, the European Commission introduced a **levy** for **each Member State** determined by multiplying a rate of **EUR 0.80 per kilogram** to the weight of **non-recycled plastic packaging waste**:

- to reduce the proliferation of non-recycled plastic waste;
- to fund the 2021-2027 EU budget against the backdrop of the increased spending from COVID-19.

While some Member States are currently paying the levy out of their national budgets, others have introduced (or are looking to introduce) new taxes, duties, charges, fees or contributions on plastic products or have already extended (or are considering extending) existing schemes to tax plastic products as well. The **national tax designs vary greatly**.

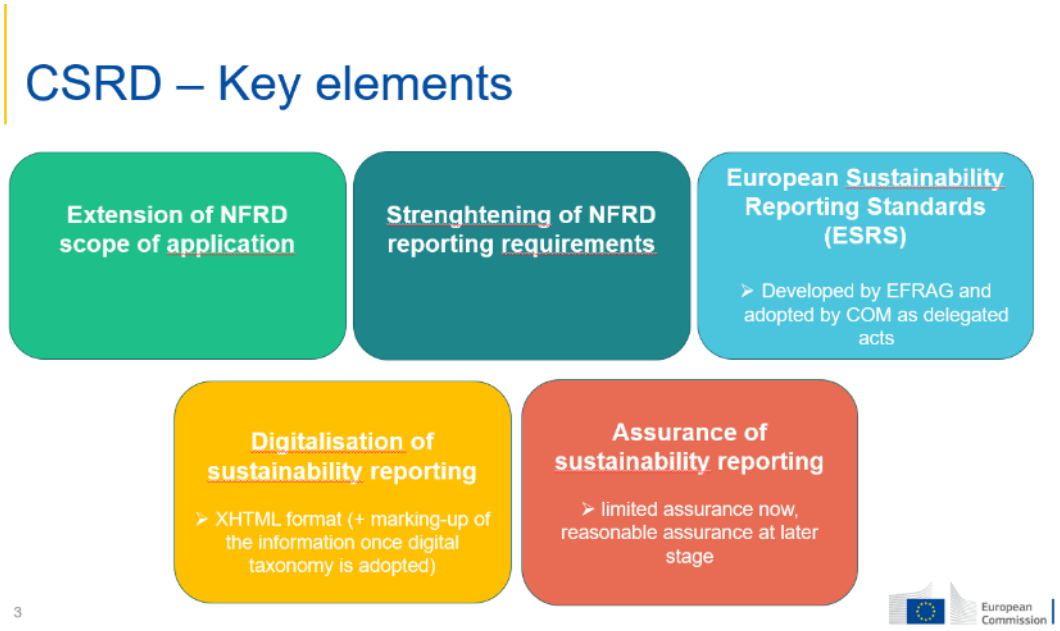
Plastics Taxes (II)

The existing measures can be categorised into 4 categories:

1) **Plastic and Plastic Packaging Taxes** (PPT);
2) Regulatory **bans and marking** requirements for **single-use plastics** (SUP);
3) Extended Producer Responsibility (**EPR**) **fees** and licence requirements for waste disposal systems;
4) **Littering levies** for the costs of cleaning up litter.

France currently has no finalised plans to fund the payment of its plastic levy obligation through the adoption of a national plastic tax, but France is planning to **phase out all single-use plastic packaging by the end of 2040** (2020 'AGEC' Law).

Corporate Sustainability Reporting Directive (CRSD)



Sustainable Finance

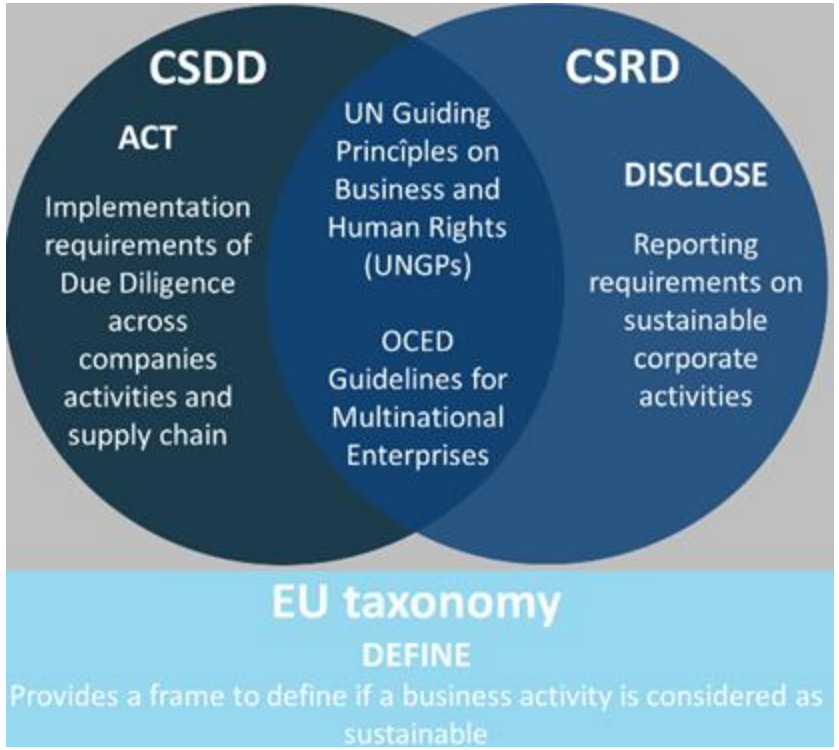
Directive (EU) 2022/2464 of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (**CRSD**)

European Sustainability Reporting Standards (ESRS)

"Double materiality" concept: material for understanding impacts of and on company.

The first (big) companies will have to apply the new rules for the **first time in the 2024 financial year, for reports published in 2025**.

Corporate Sustainability Due Diligence (CSDDD)



Directive (EU) 2024/1760 of 13 June 2024 on **corporate sustainability due diligence** and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859

The aim of this Directive is to foster sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies' operations and corporate governance.

The new rules will ensure that **businesses address adverse impacts of their actions, including in their value chains inside and outside EU**.

First measures will apply from **July 2027**.

Deforestation-free Products Regulation

Regulation (EU) 2023/1115 of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010.

Relevant products shall not be placed or made available on the market or exported, unless they are deforestation-free.

This Regulation lays down rules regarding the placing and making available on the Union market as well as the export from the Union of relevant products that contain, have been fed with or have been made using relevant commodities, namely cattle, cocoa, coffee, **palm oil**, **rubber**, soya and wood.

Palmitic acid, stearic acid, their salts and esters or **glycerol and other derivatives** are relevant products of palm oil. Rubber also covers **natural rubber, unvulcanised and vulcanised rubbers** in different forms,

Most measures apply from end **December 2024… but 1-year delay has been granted.**

Carbon Border Adjustment Mechanism (CBAM)

More information:
https://taxation-customs.ec.europa.eu/carbon-border-adjustment-mechanism_en

Regulation (EU) 2023/956 of 10 May 2023 establishing a carbon border adjustment mechanism (**CBAM**)

Both **aluminium and tinplate aerosol containers** are included in the list of goods (Annex I), under **custom codes 7310 and 7612**.

Transitional phase (2023-2025)

As of 1 January 2025, companies will have to report according to the new methodology (**EU method**).

Potential CBAM scope extension to downstream products

Microplastics restriction under REACH

Regulation (EU) 2023/2055 of 25 September 2023: **REACH restriction on synthetic polymer microparticles (SPMs).**

Cosmetics Europe (CE) - European Federation for Cosmetic Ingredients (EFfCI)

Guidance on the EU Microplastics Restriction (version 2 dated 4 July 2024)

Source: ECHA

Note: ECHA sought input on their proposal for the reporting requirements on estimated emissions of synthetic polymer microparticles (SPMs) (paragraphs 11 and 12 of the microplastics restriction).

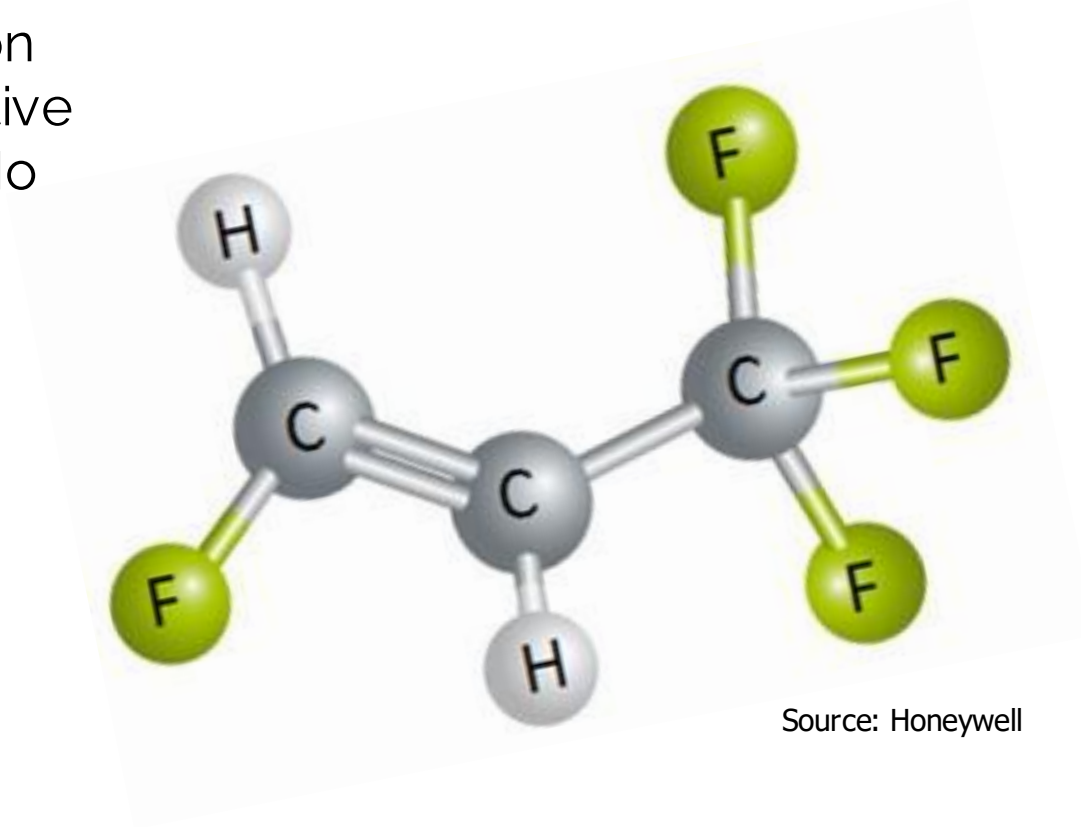
Fluorinated Greenhouse Gases

Regulation (EU) 2024/573 of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014 (**F-gases III Regulation**)

New ban on F-gases in **personal care**

Stricter ban on F-gases in **technical aerosols**

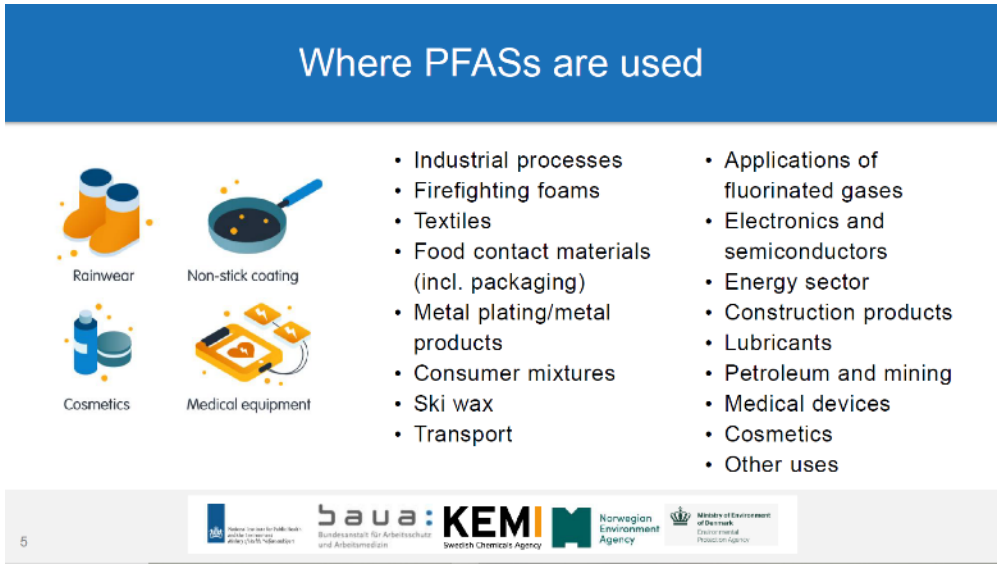
<u>September 2024</u>: Implementing Regulation (EU) 2024/2174 on **labels format**



Source: Honeywell

FEA briefing paper *HFCs & Aerosols* updated!

PFAS restriction under REACH



Source: ECHA

February 2023: Germany, the Netherlands, Denmark, Norway and Sweden proposed a **REACH restriction** to address the risks to the environment and human health from the manufacture, placing on the market and use of **per- and polyfluoroalkyl substances (PFAS)** i.e. more than 10 000 substances.

HFCs/HFOs also covered (except HFC-152a).

ECHA RAC discussion on F-gases in 2025.

Final decision by **2025/2026**.

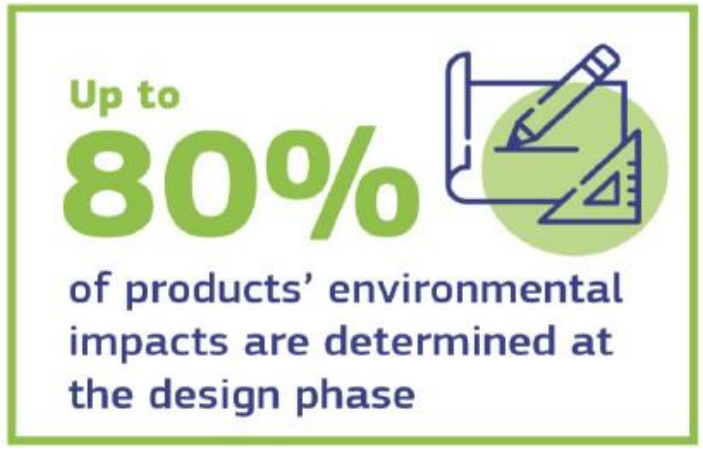
Protection of the environment through criminal law

Directive (EU) 2024/1203 of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC

Serious breaches of EU chemicals legislation or the F-gases Regulation fall under its scope.

Source: CPL Sam Shepherd/NZ Defence Force

Ecodesign Requirements for Sustainable Products



« Sustainable products should be the norm, not the exception »

June 2024: **Regulation (EU) 2024/1781** establishing a **framework for setting ecodesign requirements for sustainable products** amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (ESPR).

The **first ESPR working plan** should be adopted by **April 2025**.

It would prioritise **textiles** and **steel**, **aluminium, detergents, paints, lubricants, chemicals**…

September 2024: EC FAQ

Classification, Labelling and Packaging (I)

Regulation (EU) 2024/2865 of 23 October 2024 amending Regulation (EC) No 1272/2008 on **classification, labelling and packaging of substances and mixtures**

Minimum font sizes:

- **1.2 mm (x-height) ≤ 0.5 litre capacity**
- **1.4 mm (x-height)** > 0.5 litre, but **≤ 3 litres capacity**.
- Both with a **minimum line spacing of 120%.**

⚠ Several issues to be clarified through **ECHA Guidance**.

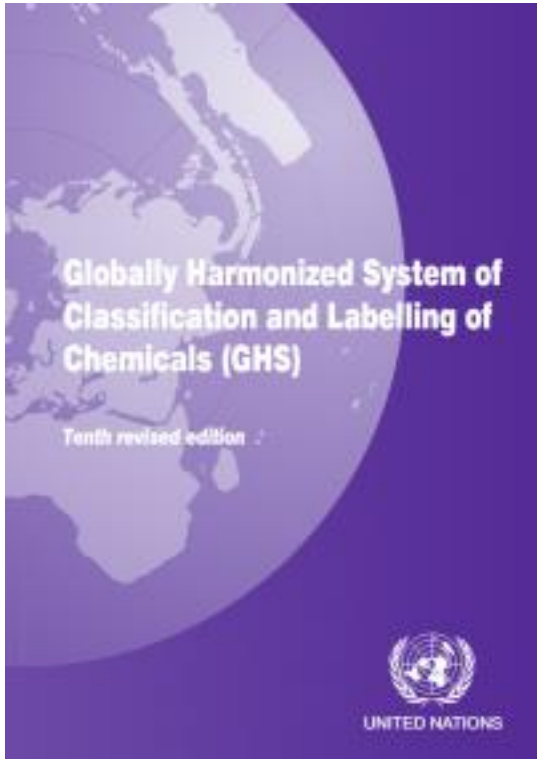
Source: European Commission

Classification, Labelling and Packaging (II)

UN Sub-Committee of Experts on the Global Harmonization System (GHS):

Revision UN GHS Chapter 2.3 on aerosols

Aerosol Category 3 criteria.



Product Liability

Directive (EU) 2024/2853 of 23 October 2024 on **liability for defective products** and repealing Council Directive 85/374/EEC

Any natural person who suffers damage (**death or personal injury, damage to or destruction of property**) by a defective product is entitled to **compensation**. Such damages include.

When a manufacturer of a product is established outside the EU, **the importer of the defective product can be held liable for damages**.

Source: Nick Youngson CC BY-SA 3.0 Pix4free.org

Ambient Air Quality

Directive (EU) 2024/2881 of 23 October 2024 on **ambient air quality** and cleaner air for Europe (recast)

Work on the revision of the **National Emission reduction Commitments Directive (NECD)** has started.

There will be some parallel with the revision of the **UN Gothenburg Protocol** under the **UN Air Convention** (UNECE Convention on Long-range Transboundary Air Pollution).

Source: mr.hasgaha

Packaging & Packaging Waste

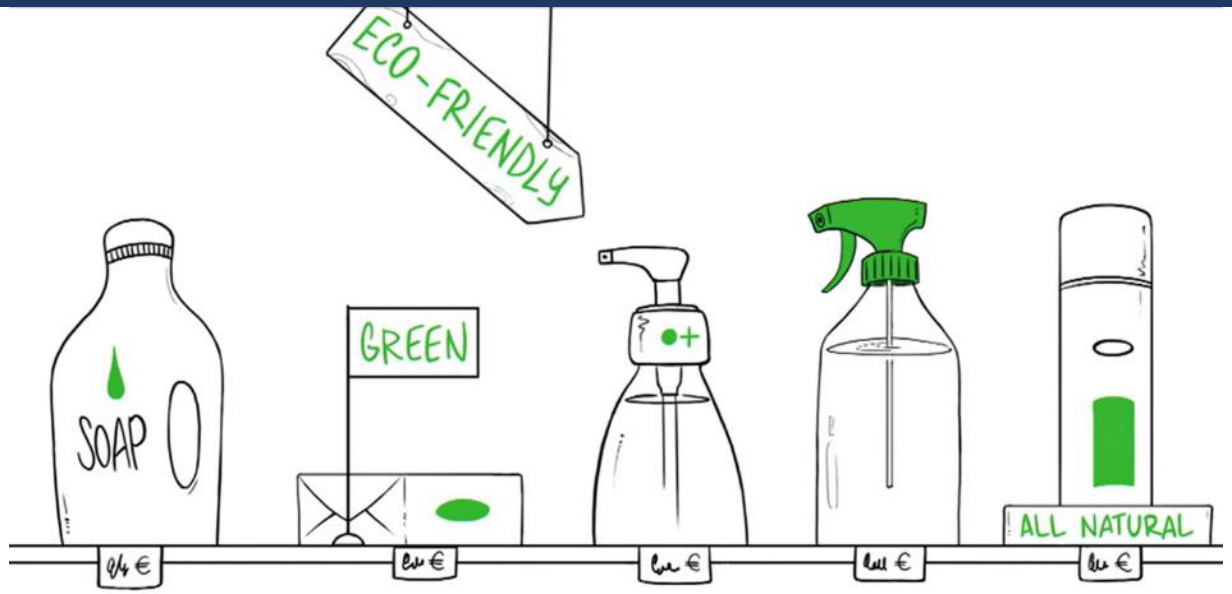
Regulation (EU) 2025/40 of 19 December 2024 on **packaging and packaging waste**, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC

FEA analysis was internally released!

FEA is involved in CEN groups related to recyclability.

Dedicated presentation from **Steve Claus at 14,45**!

Green Claims



March 2023: Proposal for a Directive on substantiation and communication of explicit environmental claims (**Green Claims** Directive).

Substantiation of explicit environmental claims based on an assessment

Provisions on **environmental labels** and **labelling schemes**.

The Polish Presidency intends to start negotiations with the European Parliament on the Green Claims Directive.

Detergents

April 2023: Proposal for a Regulation on **detergents and surfactants**.

Simplify market rules

Voluntary digital labelling

New rules for **refilled** detergents

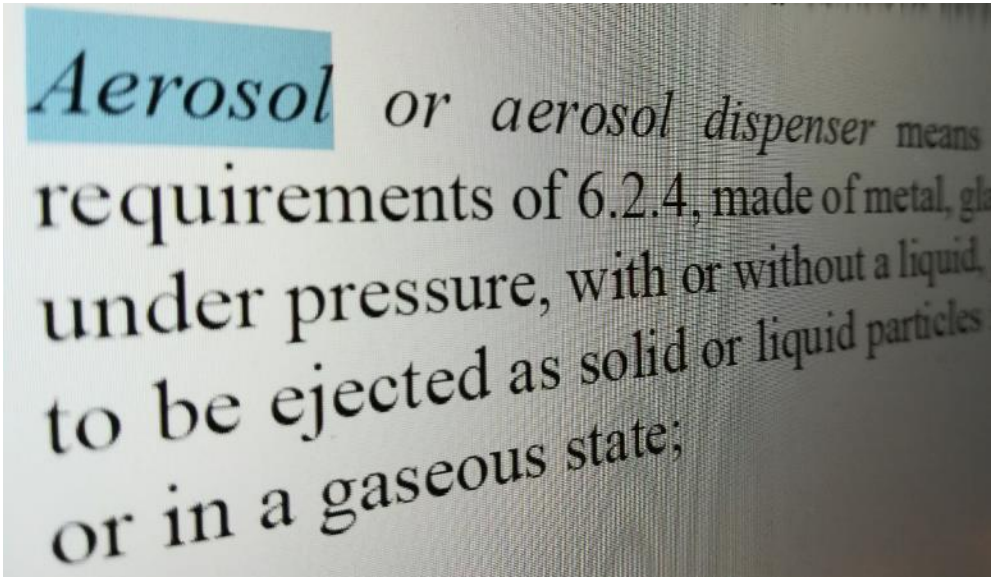
The Polish Presidency intends to start negotiations with the European Parliament on the Detergents and Surfactants Regulation.

Transport of Dangerous Goods

UN Sub-Committee of Experts on the Transport of Dangerous Goods:

Differentiation between UN1950 and UN2037. Informal industry group created.

Revision **Special Provision 63** adopted.



UN Joint Meeting:

'Last mile' deliveries. Further discussion.

Aerosol Dispensers

Adaptation to technical progress of the Aerosol Dispensers Directive re **plastic aerosols**

FEA **Code of Practice on PET aerosol dispenser recyclability in the EU**

New EC safety study for **PET container including PCR**.

Nitrous Oxide (N_2O)

Source: Auchan

European Commission notified WTO for the harmonised classification and labelling of nitrous oxide (N_2O).

Index No	Chemical name	EC No	CAS No	Classification		Labelling			Specific Conc. Limits, M-factors and ATE	Notes
				Hazard Class andCategory Code(s)	Hazard statement Code(s)	Pictogram, Signal Word Code(s)	Hazard statement Code(s)	Suppl. Hazard statement Code(s)		
007-031-00-9	Dinitrogen oxide	233-032-0	10024-97-2	Repr. 1B STOT SE 3 STOT RE 1 Ozone 1	H360Df H336 H372 (nervous system) H420	GHS08 GHS07 Dgr	H360Df H336 H372 (nervous system) H420			

No change from the initial French proposal.

The text will be adopted **in 2025**.
Derogation for food additives used in finished food products?

To come with new Commission (I)

European Commission

MISSION LETTER

Brussels, 17 September 2024

Ursula von der Leyen
President of the European Commission

Jessika Roswall

Commissioner-designate for Environment, Water Resilience and a Competitive Circular Economy

Dear Jessika,

The Commission we will serve in together will be called upon to make choices that will shape our Continent and our Union for years and decades to come. In a time of great global instability and great expectations of Europeans, we must live up to that responsibility. **We must deliver and lead from the front**, working closely with the people and regions of Europe and the parliaments, governments and institutions that serve them.

This was the spirit of the Political Guidelines which I presented to the European Parliament in July 2024 – our common plan for European strength and unity. It focuses on ensuring our **security** in every sense in a more dangerous and turbulent world, on supporting people and citizens by strengthening our **prosperity**, our social market economy, green and digital transitions and sustaining our unique quality of life. We will strengthen our **democracy**, rally around our values and ensure that we are stronger at home. We will work with our partners and better assert our interests around the world.

Together, we will respond to the real and legitimate concerns and expectations that Europeans expressed at the last elections. We will be closer to people and businesses

1

The success of this new Commission will be measured against our ability to meet the targets and objectives we set, notably as part of the **European Green Deal**.

As part of your work in contributing to the Clean Industrial Deal, you will lead, with the Executive Vice-President for Prosperity and Industrial Strategy, on **a Circular Economy Act** with measures to create market demand for secondary materials and establish a single market for waste, notably in relation to critical raw materials. As part of this work, you will propose an updated **bioeconomy strategy**.

You should also enhance our efforts to develop a single market for **sustainable products**.

You will lead work on taking forward our **zero-pollution ambition**. As part of this, you will work with the Executive Vice-President for Prosperity and Industrial Strategy on the new **chemicals industry package**, aiming at sustainable competitiveness of this enabling industry. This package will simplify REACH and provide clarity on PFAS, the “forever chemicals”, working with sustainability, competitiveness, security and safety considerations in mind.

I would like you to focus on enforcement and **implementation** of existing legislation related to environment, biodiversity and zero-pollution, taking into account the importance of simplification and dialogue with stakeholders.

To come with new Commission (II)

I would like you to develop, with the Commissioner for Climate, Net Zero and Clean Growth, the **Clean Industrial Deal** in the first 100 days of the mandate, notably with a focus on decarbonisation, clean technologies and incentivizing investment. You will help build a growth-conducive regulatory framework, supporting industry in its efforts to innovate, scale up, manufacture products and provide services.

As part of this, you will present an **Industrial Decarbonisation Accelerator Act**, to support European lead markets for the development, production and diffusion of clean tech in industry and speed up related planning, tendering and permitting processes, in particular for energy intensive sectors. You will also lead on the implementation of the **Net Zero Industry Act**.

You will work with the Commissioner for Environment, Water Resilience and a Competitive Circular Economy to present the **Circular Economy Act**, helping to create market demand for secondary materials and a single market for waste, notably in relation to critical raw materials.

European Commission

MISSION LETTER

Brussels, 17 September 2024

Ursula von der Leyen
President of the European Commission

Stéphane Séjourné

Executive Vice-President-designate for Prosperity and Industrial Strategy

Dear Stéphane,

The Commission we will serve in together will be called upon to make choices that will shape our Continent and our Union for years and decades to come. In a time of great global instability and great expectations of Europeans, we must live up to that responsibility. **We must deliver and lead from the front**, working closely with the people and regions of Europe and the parliaments, governments and institutions that serve them.

This was the spirit of the Political Guidelines which I presented to the European Parliament in July 2024 – our common plan for European strength and unity. It focuses on ensuring our **security** in every sense in a more dangerous and turbulent world, on supporting people and citizens by strengthening our **prosperity**, our social market economy, green and digital transitions and sustaining our unique quality of life. We will strengthen our **democracy**, rally around our values and ensure that we are stronger at home. We will work with our partners and better assert our interests around the world.

Together, we will respond to the real and legitimate concerns and expectations that Europeans expressed at the last elections. We will be closer to people and businesses where it really matters with practical support and sustained investment. We will strive to **make Europe faster and simpler** in the way that we act – and in the way we interact

1

You will also work with the Commissioner for Environment, Water Resilience and a Competitive Circular Economy on a new **Chemicals Industry Package**, to simplify REACH and provide clarity on "forever chemicals", or PFAS, working with sustainability, competitiveness, security and safety considerations in mind.

To come with new Commission (III)

European Commission

MISSION LETTER

Brussels, 17 September 2024

Ursula von der Leyen
President of the European Commission

Wopke Hoekstra

Commissioner-designate for Climate, Net Zero and Clean Growth

Dear Wopke,

The Commission we will serve in together will be called upon to make choices that will shape our Continent and our Union for years and decades to come. In a time of great global instability and great expectations of Europeans, we must live up to that responsibility. **We must deliver and lead from the front**, working closely with the people and regions of Europe and the parliaments, governments and institutions that serve them.

This was the spirit of the Political Guidelines which I presented to the European Parliament in July 2024 – our common plan for European strength and unity. It focuses on ensuring our **security** in every sense in a more dangerous and turbulent world, on supporting people and citizens by strengthening our **prosperity**, our social market economy, green and digital transitions and sustaining our unique quality of life. We will strengthen our **democracy**, rally around our values and ensure that we are stronger at home. We will work with our partners and better assert our interests around the world.

Together, we will respond to the real and legitimate concerns and expectations that Europeans expressed at the last elections. We will be closer to people and businesses where it really matters with practical support and sustained investment. We will strive to **make Europe faster and simpler** in the way that we act – and in the way we interact

1

You will propose to enshrine the 90% emission-reduction **target for 2040 in our European Climate Law**. Following this, and in line with foreseen reviews, you will prepare a climate policy architecture beyond 2030. You will work on the necessary enabling conditions, supporting the competitiveness of European industry, ensuring a just transition and a level playing field. You will organise strategic dialogues on the **post-2030 framework** with all stakeholders.

I would like you to develop, with the Executive Vice-President for Prosperity and Industrial Strategy, the **Clean Industrial Deal**, notably with a focus on decarbonisation, clean technologies and incentivizing investment. You should also contribute to the **Industrial Decarbonisation Accelerator Act**.

You will work with other relevant Members of College to ensure investment is targeted towards **European net zero infrastructure**, industrial decarbonisation and a more circular economy, notably for energy intensive sectors

To come with new Commission (IV)

REACH revision

EC proposal initially planned for 2022!

The revision would address:

- Simplification
- PFAS

- Generic Approach to Risk Management (GRA) ??
- Restriction / Authorisation of substances ??
- Essential Use ??
- Mixture Assessment Factor (MAF) ??
- Polymers Requiring registration (PRR) ??
- Use and exposure information ??

To come with new Commission (V)

Cosmetic Products Regulation revision ?

EC proposal initially planned for 2022!

The revision would:

- **extend the generic approach to risk management** to ensure that cosmetics do not contain hazardous chemicals, and, in particular, take into account **combination effects** (i.e. interactions between different chemicals present in cosmetics);
- improve **safety assessments**;
- review the **definition of nanomaterial** used in the CPR to ensure coherent terminology across chemicals legislation;
- improve the **labelling** of cosmetic products.

Thank you

Source: wirestock / Freepik