

List of EU legislations in progress

Date / Update	Title of legislation	Responsible EC DG	New / revision	Stage	Comment
22.03.2023	Proposal for a Directive on substantiation and communication of explicit environmental claims (Green Claims Directive)	DG ENV	New	Commission's proposal https://environment.ec.europa.eu/publications/proposal-directive-green-claims_en	<p>Mandatory accreditation of verifiers!</p> <p>The proposal for a Directive on Green Claims will address greenwashing by tackling false environmental claims made towards consumers, and stopping the proliferation of public and private environmental labels. Together with the March 2022 proposal for a Directive on empowering consumers for the green transition, the new rules establish a clear regime for environmental claims and labels. They aim to ensure that consumers receive trustworthy information about the environmental credentials of the products they buy.</p> <p>The proposed directive would require Member States to ensure that minimum requirements for substantiation and communication are respected by companies when they make voluntary green</p>

					<p>claims. Member States will be responsible for setting up verification and enforcement processes, to be performed by independent and accredited verifiers.</p> <p>A 'verifier' must be an officially accredited independent body, with no conflicts of interest to ensure independence of judgment and hold the highest degree of professional integrity. They must have the required expertise, equipment, and infrastructure to carry out the verifications as well as enough suitable personnel that observe professional secrecy.</p> <p>More information see https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_1693 .</p>
15.03.2023	EU Ship Recycling Regulation (SRR)	DG ENV	Revision	<p>The Commission opened the public consultation about the evaluation of the SRR.</p> <p>Consultation period: 15 March 2023 - 07 June 2023</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13377-EU-Ship-Recycling-Regulation-evaluation_en</p>	<p>The current SRR includes specific requirements for ships and ship recycling facilities. It contains an authorisation process for ship recycling facilities within the EU, but without third party conformity assessment to demonstrate compliance with the SRR. Only facilities in third countries shall demonstrate that they fulfil all the criteria in the SRR. For this purpose an Independent Verifier are tasked with certifying the</p>

					<p>facility against the SRR requirements. According to the Technical guidance note to the SRR the Independent Verifier 'should' be accredited according to ISO/IEC 17020.</p> <p>It would be much better to revise the SRR in order to require third-party conformity assessment regarding all ship recycling facilities, within the EU and outside the EU.</p> <p>This should be discussed with the national regulators!</p>
06.01.2023	<p>Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste</p>	DG ENV	New	<p>First reading in the EU Council and Parliament.</p> <p>Both, Parliament and Council, can propose amendments to the Commission's proposal.</p> <p>https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52022PC0156R(01)#2022-04-06_ADP_byCOM</p>	<p>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0156R%2801%29</p> <p>This proposed Directive does not make reference to accreditation. But it requires to the affected companies to establish and implement an environmental management system (EMS) and to contract a so call "audit organisation".</p> <p>Many times it is being expected that an "audit organisation", in this case a certification body, shall demonstrate its competence in order to ensure that the audit results are reliable and in compliance with the requirements set out in the Directive and/or in</p>

					<p>international (harmonised) standards. The best means to demonstrate the competence and impartiality of the certification body is the accreditation according to Regulation (EC) 765/2008.</p> <p>Therefore, we contacted DG ENV to make use of Regulation 765/2008, accreditation and conformity assessment/ certification.</p> <p>But at this stage, it is up to the EU Parliament and Council to propose amendments to this proposed Directive. Therefore, it is important to contact the national representatives in Parliament and Council accordingly!</p>
07.12.2022	Regulation on establishing a Union certification framework for carbon removals	DG CLIMA	New	<p>30 November 2022, the European Commission adopted the proposed regulation on a Union certification framework for carbon removals.</p> <p>The Commission proposal will now be discussed by the European Parliament and the Council. The Commission will develop tailored certification methodologies for the different types of carbon removal activities, supported by an</p>	<p>In order to ensure a credible and reliable certification process, carbon removal activities should be subject to independent third-party auditing. In particular, carbon removal activities should be subject to an initial certification audit before their implementation, verifying their compliance with the quality criteria set out in this Regulation, including the correct quantification of the expected net carbon removal benefit. Carbon removal activities should also be</p>

				<p>expert group. The first meeting of the expert group is planned for the first quarter of 2023.</p>	<p>subject to periodic re-certification audits to verify the compliance of the generated carbon removals.</p> <p>Certification schemes should be used by operators to demonstrate compliance with this Regulation. In this respect the European Commission should be empowered to adopt implementing acts, including adequate standards of reliability, transparency, accounting and of independent auditing to be applied by certification schemes. The certification schemes shall be recognised by the European Commission.</p> <p>To ensure an accurate, robust and transparent verification, certification bodies responsible for performing the certification of carbon removal activities should have the required competences and skills. Accordingly, certification bodies appointed by certification schemes shall be accredited by a national accreditation authority pursuant to Regulation (EC) No 765/2008.</p>
11.11.2022	Evaluation of the 'New Legislative Framework for Products' (Decision No 768/2008/EC on a common framework for the marketing of products and the	GROW	evaluation	On 11 November 2022, the European Commission published the Evaluation of the	The evaluation demonstrated the important role and the functioning of accreditation and conformity assessment for the single market for goods.

	accreditation and CE marking provisions of Regulation (EC) No 765/2008).			New Legislative Framework (NLF). https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12654-Industrial-products-evaluation-of-the-new-legislative-framework_en	
18.09.2022	Regulation on horizontal cybersecurity requirements for digital products and ancillary services - Cyber Resilience Act	DG CONNECT	New	The European Commission published on 15 September 2022 the proposal on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020.	<p>The proposed Cyber Resilience Act bolsters cybersecurity rules to ensure more secure hardware and software products.</p> <p>As reported in March 2022, this proposed regulation shall be based on the New Legislative Framework (NLF).</p> <p>Accordingly, this regulation includes in chapter 4 the notification and requirements on conformity assessment bodies (Notified Bodies).</p> <p>The preferred way to demonstrate the competence of the Notified Bodies is accreditation as set out in the NLF.</p> <p>The proposed regulation with additional information can be downloaded here: https://digital-strategy.ec.europa.eu/en/library/cyber-resilience-act</p>

					The legislative train schedule: https://www.europarl.europa.eu/legislative-train/theme-a-europe-fit-for-the-digital-age/file-european-cyber-resilience-act
30.06.2022	Proposal for a Directive amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting.	FISMA	new	<p>The European Council and Parliament have reached a provisional political agreement on the corporate sustainability reporting directive (CSRD) proposed by the European Commission (EC) in April 2021.</p> <p>https://www.consilium.europa.eu/en/press/press-releases/2022/06/21/new-rules-on-sustainability-disclosure-provisional-agreement-between-council-and-european-parliament/</p> <p>The agreed text: https://www.consilium.europa.eu/media/57644/st10835-xx22.pdf</p>	<p>The objective of the proposed CSRD is to improve sustainability reporting to better exploit the potential of the European single market and to contribute to the transition to a fully sustainable and inclusive economic and financial system in line with the European Green Deal and the UN Sustainable Development Goals.</p> <p>According to the proposed directive, there is the option that sustainability reporting can be verified by an accredited conformity assessment body (independent assurance services providers).</p> <p>Proposed CSRD issued April 2021: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0189</p>
03.06.2022	Train drivers – improved EU certification scheme	DG MOVE	New	There is a public consultation regarding a harmonised certification scheme for train drivers, because several	According to Directive 2007/59/EC Article 20, Persons or bodies accredited under this Directive shall be accredited by

				<p>shortcomings have been identified in the current Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system.</p> <p>Consultation period: 01 June 2022 – 01 September 2022</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13169-Train-drivers-improved-EU-certification-scheme_en</p>	<p>an accreditation body appointed by the Member State concerned. The accreditation process shall be based on criteria of independence, competence and impartiality, such as the relevant EN 45 000 series European standards and on the evaluation of a dossier submitted by candidates which provides appropriate evidence of their skills in the area in question.</p> <p>Important will be to introduce in the proposed Regulation accreditation according to Reg. 765/2008!</p>
06.04.2022	<p>Proposal for a Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.</p> <p>Sustainable products policy initiative, including a revision of the Ecodesign Directive.</p>	DG GROW	Revision / New	<p>Publication of the proposed Regulation establishing a framework for setting ecodesign requirements for sustainable products</p> <p>Feedback period: 03 April - 31 May 2022</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12567-Sustainable-products-initiative_en</p>	<p>The proposed Regulation has been published. The aim is to align the Regulation with the New Legislative Framework (NLF). That means it includes accreditation according to Regulation 765/2008, Notified Bodies, conformity assessment procedures (modules) and CE marking.</p> <p>New is that the conformity assessment activities shall not only be related to product safety, but also to “sustainable” criteria as durability, reliability and carbon footprint of the products. The</p>

					<p>procedures shall be set out in delegated act(s).</p> <p>See also below the proposed Regulation on PV-Modules. This Regulation is the first Ecodesign legislation with third party conformity assessment, including accreditation.</p> <p>Note from 2021: The European Commission will propose a regulatory framework for certifying carbon removals. That would be new under the Ecodesign Directive, which includes for the time being manufacturer self-declaration (module A) and market surveillance only.</p>
04.04.2022	Revision of the Construction Products Regulation (EU No 305/2011)	DG GROW	Revision	<p>The proposal for a revised Construction Products Regulation was adopted on 30 March 2022.</p> <p>Public consultation from 03 April 2022 - 30 May 2022.</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12458-Construction-products-review-of-EU-rules_en</p>	<p>https://ec.europa.eu/growth/sectors/construction/construction-products-regulation-cpr/review_de</p> <p>The draft revised regulation has been published by the European Commission for public consultation (see link above).</p> <p>This revision includes several provisions on accreditation, which needs to be commented. Specific attention needs:</p> <p>Recital 66, Articles 48 (2), 49 (6), 53, 55 (2).</p>

					Please take part on the public consultation and contact your national authorities.
09.03.2022	Energy efficiency – ecodesign and energy labelling requirements for hydronic central space heaters and combination heaters (review)	DG ENER	New	Call for evidence for an impact assessment Feedback period: 03 March - 31 March 2022	<p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13202-Energy-efficiency-ecodesign-requirements-for-space-and-combination-heaters-review_en</p> <p>Type of the initiative:</p> <ul style="list-style-type: none"> - Commission implementing regulation (ecodesign) - Commission delegated regulation (energy labelling) <p>One problem among others the initiative aims to tackle is the absence of third-party certification for innovative heating products which undermines the credibility of harmonised test procedures, leading to national test and accreditation initiatives, which fragment the single market.</p> <p>It will be important that third-party conformity assessment will be used underpinned by</p>

					<p>accreditation according to Regulation (EC) No 765/2008.</p> <p>Hence, EA members shall contact their national authorities and influence this new proposed regulation accordingly!</p>
09.03.2022	Revision of the Toy Safety Directive - Proposal for a regulation	DG GROW	Revision	Public consultation 02 March - 25 May 2022	<p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13164-Protecting-children-from-unsafe-toys-and-strengthening-the-Single-Market-revision-of-the-Toy-Safety-Directive_en</p> <p>This revision is focused on hazardous chemical substances rules. There is no issue regarding third party conformity assessment. But in order to make toys safer third-party conformity assessment (Notified Bodies) would be important.</p> <p>It could be a good moment to encourage the national authorities to consider third-party conformity assessment in this proposed regulation.</p>

08.02.2022	Proposal for a regulation: Certification of carbon removals – EU rules	DG CLIMA	New	<p>Public consultation on this initiative and call for evidence for an impact assessment.</p> <p>Feedback period: 07 February - 02 May 2022</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13172-Certification-of-carbon-removals-EU-rules_en</p> <p>https://www.europarl.europa.eu/legislative-train/theme-a-european-green-deal/file-carbon-removal-certification</p>	<p>The initiative will assess whether</p> <ul style="list-style-type: none"> - An EU certification framework should set common minimum standards for the certification methodologies, including on monitoring, reporting and verification, or provide for comprehensive rules on the certification of each type of carbon removal. - The different functions, including the prior validation of projects and the subsequent verification of carbon removals achieved, should be carried out by private operators or by public authorities, possibly as part of a centralised EU system. <p>The impact assessment for this initiative will consider the economic, social and environmental impacts of options for the certification of carbon removals, notably on the scale of deployment and quality of carbon removals.</p>
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03.02.2022	Proposed Regulation laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act, AIA))	DG CNECT	New	<p>The EC adopted the legal proposal. The proposal has been transmitted to the Parliament and Council for negotiation.</p> <p>The Slovenian Presidency of the EU Council analysed the proposed Regulation and presented its compromise text end of November 2021</p>	<p>https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1623335154975&uri=CELEX%3A52021PC0206</p> <p>More detailed information can be found here: https://ec.europa.eu/commission/presscorner/detail/en/IP_21_1682</p> <p>EA established a TFG AI.</p> <p>The TFG evaluated the Presidency compromise text to the proposed AIA. The report has been distributed to EA members and stakeholders on 02 Febr 2022 and to the European Commission.</p>
18.01.2022	Carbon border adjustment mechanism	DG CLIMA	New	In July 2021, the Proposal for a Regulation establishing a carbon border adjustment mechanism (CBAM) Has been published.	<p>To complement the ETS, the CBAM will be based on a system of certificates to cover the embedded emissions in products being subsequently imported into the EU. The CBAM departs from the ETS in some limited areas, however, in particular since it is not a 'cap and trade' system. Instead, the CBAM certificates mirrors the ETS price.</p> <p>The proposed regulation includes provisions to the accreditation of</p>

					<p>verifiers. But the provision can be misunderstood because of recital 41 and Article 18 “Accreditation of verifiers”:</p> <ol style="list-style-type: none"> 1. Any person accredited pursuant to Implementing Regulation (EU) No 2018/2067 shall be regarded as an accredited verifier under this regulation. 2. In addition to paragraph 1, a national accreditation body may on request accredit a person as a verifier under this Regulation <p>It is important to clarify this issue - that NABs accredit bodies and not (natural) persons - with the European Commission and the national authorities.</p> <p>Further information:</p> <p>https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3661</p> <p>https://ec.europa.eu/taxation_customs/green-taxation-0/carbon-border-adjustment-mechanism_en</p>
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14.01.2022	Plant and forest reproductive material (revised rules)	DG SANTE	Revision	<p>Proposal for a directive</p> <p>The Inception impact assessment has been carried out in June/July 2021.</p> <p>The public consultation started on 21 December 2021 and will last until 27 March 2022.</p> <p>The adoption by the Commission is planned for the fourth quarter of 2022.</p>	<p>Topic: Food safety</p> <p>This revision aims to:</p> <ul style="list-style-type: none"> - align EU legislation on plant & reproductive material with the political objectives of the Green Deal and its farm to fork, biodiversity, climate adaptation, digital and forest strategies - support technical developments, sustainable and climate-resilient agri-food systems & forests, and conserve biodiversity and plant & forest genetic resources - remove barriers to trading on the single market. <p>Accreditation and certification according to Regulation 765/2008 can play a role. This should be discussed on the national level with the responsible authorities.</p> <p>Further information about this initiative:</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13083-Plant-and-forest-reproductive-material-revised-rules- en</p>
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27.12.2021	Commission Implementing Regulation on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria	DG ENER	New		<p>https://ec.europa.eu/transparency/comitology-register/core/api/integration/ers/250508/076697/1/attachment</p> <p>The draft Commission Implementing Regulation on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria has been published on 01 November 2021. According to this draft regulation, a certification body performing audits on behalf of a voluntary scheme shall be accredited to ISO 17021 or 17065, and to ISO 14065 where it performs audits on actual GHG values. Certification bodies shall also be accredited or recognised to cover the scope of Directive (EU) 2018/2001, or the specific scope of the voluntary scheme.</p> <p>Important for this draft regulation is the Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources.</p> <p>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L2001</p> <p>Attention: It must be ensured that accreditation is being applied</p>
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					<p>according to Regulation (EC) No 765/2008.</p> <p>The (preferred) standard for accreditation shall be defined!</p> <p>Furthermore, for the voluntary schemes, referenced in the Directive and the draft Regulation, EA-1/22 should be considered.</p>
29.09.2021	EU energy efficiency directive (EED) – evaluation and review	ENER	Revision	Public consultation to the draft proposal for a (revised) directive. Feedback period: 16 July - 19 November 2021.	<p>Article 26 includes provisions on the availability of qualification, accreditation and certification schemes. There is now a reference to Regulation 765/2008.</p> <p>But there is a need to ensure that the provisions are really in compliance with Regulation 765/2008 and accreditation rules.</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12552-EU-energy-efficiency-directive-EED-evaluation-and-review_en</p>
29.09.2021	General Product Safety Directive – review	JUST	New	<p>Proposal for a regulation.</p> <p>Publication consultation to the proposal for a regulation last from 01 July - 04 October 2021.</p> <p>Commission adoption is planned for Q4 2021.</p>	<p>There are some relation to Regulation 765/2008 and Decision 768/2008.</p> <p>https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12466-General-Product-Safety-Directive-review_en</p>

29.09.2021	Vehicle safety – data collection rules for vehicle checks (market surveillance)	GROW	New	Draft 'Commission Implementing Regulation laying down rules on the application of Regulation (EU) 2018/858 of the European Parliament and of the Council as regards functional requirements for market surveillance of vehicles, systems, components and separate technical units' has been published in June 2021 for public consultation.	This draft regulation deals with market surveillance, but it includes provisions regarding accredited third-party conformity assessment activities (see Article 6 in the draft regulation). https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12223-Vehicle-safety-data-collection-rules-for-vehicle-checks-market-surveillance_en
29.09.2021	Air quality - revision of EU rules	ENV	revision	Public consultation Feedback period: 23 September - 16 December 2021	https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12677-Air-quality-revision-of-EU-rules_en
29.09.2021	Proposal for a legislative act to reduce methane emissions in the oil, gas and coal sectors	ENER	new	Inception Impact Assessment Commission adoption planned for Q4 2021	https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12581-Climate-change-new-rules-to-prevent-methane-leakage-in-the-energy-sector_en
04.08.2021	Potential regulation on Ecodesign requirements for photovoltaic modules, inverters and systems	GROW	new	draft proposed regulation shall be published in autumn 2021	EA is in contact with the EC, EA TFG established, Discussion on the best approach on third-party CA under the NLF.

14.07.2021	Revision of the EU Emissions Trading System (ETS), including maritime, aviation and CORSIA as well as a proposal for ETS as own resource	CLIMA	revision	<p>Impact assessment Q2 2021</p> <p>Proposal for a decision amending Directive 2003/87/EC as regards the notification of offsetting in respect of a global market-based measure for aircraft operators based in the Union has been published on 14.07.2021 for public consultation.</p> <p>Public consultation to the 'Proposal for a Directive amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and appropriately implementing a global market-based measure'.</p> <p>Feedback period: 15 July - 08 November 2021.</p>	https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12494-EU-emissions-trading-system-updated-rules-for-aviation_en
13.07.2021	EC delegated Regulation supplementing Regulation (EU) 2018/848 with procedural requirements for the recognition of control authorities and control bodies that are competent to carry out controls on operators and groups of operators certified organic and on organic products in third countries and with rules on their supervision and the controls and other actions to be performed by those control authorities and control bodies	AGRI	new	Delegated regulation has been published on 13.07.2021	https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=PI_COM:Ares(2021)2731496&rid=1 EA TFG was involved in the preparation regarding accreditation and conformity assessment.

03.05.2021	Proposal for a Regulation concerning batteries and waste batteries	GROW	new	Commission adoption	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020PC0798 EA is in contact with the EC, EA TFG established.
21.04.2021	Revision of the Machinery Directive 2006/42/EC	GROW	revision	Proposed regulation on machinery products published on 21 April 2021, open for consultation until 16 August 2021	https://ec.europa.eu/docsroom/documents/45508
21.02.2021	Evaluation of the Electromagnetic Compatibility Directive 2014/30/EU	GROW	revision	Planned adoption date: Q4/2021	https://ec.europa.eu/growth/content/open-public-consultation-electromagnetic-compatibility-evaluation-eu-rules_en