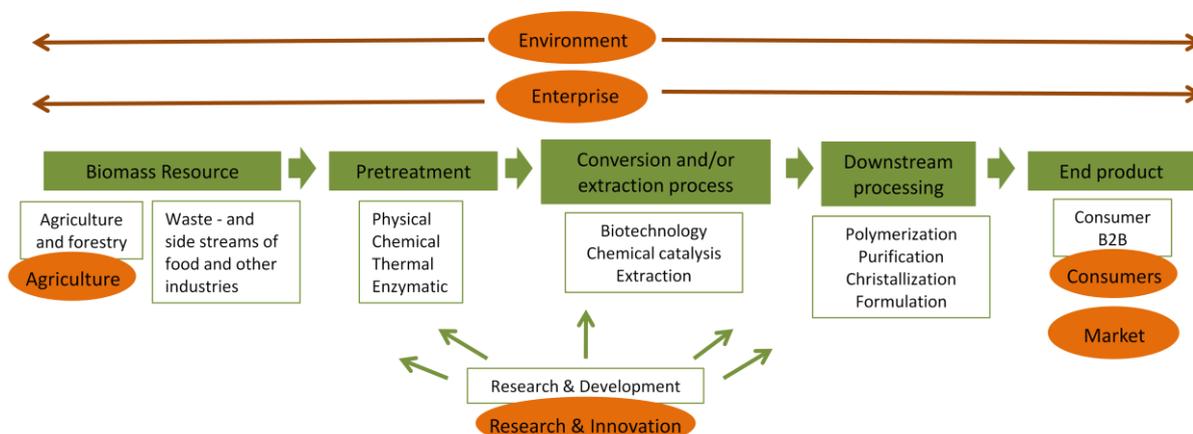


## European legislation for the sector of the bio-based products

This Newsletter wants to show the relevant policy areas for the sector of the bio-based products and gives an overview of relevant European legislation in this field. With this overview, we want to draw your attention to the broad range of legislations that apply directly or more indirectly on the activities of your company. In addition, we advise you to inform yourself about specific legislation in your countries and regions.

A schematic representation of a typical bio-based product through the value chain together with the relevant policy areas in each phase is given in the figure below.



### Agriculture

The Common Agricultural Policy (CAP) is a system of European Union agricultural subsidies and programmes. The aim of the CAP is to provide farmers with a reasonable standard of living, consumers with quality food at fair prices and to preserve rural heritage. The CAP is the most important policy in Europe having an impact on availability and price of feedstock also for industrial (non-food) use.

The CAP is due to be reformed by 2013. The presentation of legal proposals is foreseen for 2011.

#### Reference

Communication from the Commission of 18 November 2010 - The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future [[COM\(2010\) 672](#) – Not published in the Official Journal].

## Research & Innovation

### European strategy for the development of key enabling technologies or KETs

#### General Info

In 2009, the European Union identified Key Enabling Technologies (KETs) for their potential impact in strengthening Europe's industrial and innovation capacity. In particular, KETs were recognized as playing an increasingly vital role in developing the required industrial and technological base indispensable to match EU 2020 goals. The final report of the High Level Expert Group HLG on KETs was published in June 2011 and can be downloaded from

[http://ec.europa.eu/enterprise/sectors/ict/files/kets/hlg\\_kets\\_report\\_en.pdf](http://ec.europa.eu/enterprise/sectors/ict/files/kets/hlg_kets_report_en.pdf).

#### Link to the sector of the bio-based products

Industrial biotechnology is one of the six technologies being selected by the Commission as a KET. This means that industrial biotechnology is recognized as one of the technologies being of systemic relevance to enable the restructuring of industrial processes needed to modernize EU industry and to secure the research, development and innovation base in Europe.

## Environment

### Waste Management

#### General Info

The Directive on waste establishes a legal framework for the treatment of waste within the Community. In order to better protect the environment and human health, the Member States should take measures for the treatment of their waste in line with the following hierarchy which is listed in order of priority: prevention; preparing for reuse; recycling; other recovery, notably energy recovery; disposal.

#### Reference

Directive [2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

Commission Communication of 21 December 2005 "Taking sustainable use of resources forward: A Thematic Strategy on the prevention and recycling of waste" [[COM\(2005\) 666](#) - Not published in the Official Journal].

***Link to the sector of the bio-based products***

This legislation on waste is specifically relevant for those companies in the bio-based products sector that are using waste- and/or side-streams from other sectors as a resource.

**Enterprise and Market****Regulatory framework for the management of chemicals (REACH), European Chemicals Agency*****General Info***

The European Union (EU) has modernized European chemicals legislation and established REACH, an integrated system for the registration, evaluation, authorization and restriction of chemicals. Its objective is to improve the protection of human health and the environment whilst maintaining competitiveness and strengthening the spirit of innovation in Europe's chemicals industry.

**Reference**

Regulation (EC) No [1907/2006](#) of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive [1999/45/EC](#) and repealing Council Regulation (EEC) No [793/93](#) and Commission Regulation (EC) No [1488/94](#) as well as Council Directive [76/769/EEC](#) and Commission Directives [91/155/EEC](#), [93/67/EEC](#), [93/105/EC](#) and [2000/21/EC](#) [[See amending act\(s\)](#)].

***Link to the sector of the bio-based products***

**Naturally occurring substances** are exempted from REACH registration in case the following two criteria are fulfilled: "a substance that occurs in nature" (according to the definition in Article 3(39)) and "not chemically modified" (according to the definition in Article 3(40)). It is important to note that the definition for "a substance that occurs in nature" is very stringent concerning allowed processing steps: "a naturally occurring substance as such, unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, by steam distillation or by heating solely to remove water, or which is extracted from air by any means".

**Polymers, including natural polymers**, are exempted from REACH registration if they fulfil the definition in Article 3(5). It is important to note, however, that the definition of a polymer under REACH requires a distribution over a range of molecular weights wherein differences in the molecular weight are primarily attributable to differences in the number of monomer units.

For more information and guidance on REACH, we refer to the website of the European Chemicals Agency ECHA (<http://www.echa.europa.eu>).

## Consumers

### Ecolabel

#### General Info

The European Union Ecolabel is a voluntary environmental labelling system. It enables consumers to recognize high quality eco-friendly products. The EU Ecolabel may be awarded to products and services which have a lower environmental impact than other products in the same group. The label criteria were devised using scientific data on the whole of a product's life cycle, from product development to disposal.

#### Reference

Regulation (EC) No [66/2010](#) of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel.

#### Link to the sector of the bio-based products

Bio-based products can be granted an EU Ecolabel if the specific criteria of their product group (e.g. lubricants, detergents) are being fulfilled. Note that the bio-based content of a product is not a criterion *per se* in all product groups.

## Other

### Energy

#### General Info

Promotion of the use of energy from renewable resources

#### Reference

Directive [2009/28/EC](#) of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (Text with EEA relevance).

### EU Strategy for biofuels

## Reference

Commission Communication of 8 February 2006 entitled "An EU Strategy for Biofuels" [[COM\(2006\) 34](#) final - Official Journal C 67 of 18 March 2006].

### *Link to the sector of the bio-based products*

In contrast to biofuels, there is currently no European policy framework to support bio-based products and materials. As a result, these products suffer from a lack of tax incentives or other supporting regulations. Although the Ad-hoc Advisory Group for the Lead Market Initiative for Bio-based Products has developed a series of recommendations to stimulate market uptake and development, these measures still have to be implemented. The report from this Advisory Group, "Taking bio-based from promise to market" can be downloaded from [http://ec.europa.eu/enterprise/sectors/biotechnology/files/docs/bio\\_based\\_from\\_promise\\_to\\_market\\_en.pdf](http://ec.europa.eu/enterprise/sectors/biotechnology/files/docs/bio_based_from_promise_to_market_en.pdf).

### *Coming soon*

As part of the Europe 2020 strategy, the European Commission is preparing a strategy on the Knowledge Based Bio-Economy or KBBE. This strategy is foreseen for publication in summer, and to be approved by the European Council in fall.

For further reading on the mentioned topics or for additional EU legislation in other areas, we refer to [http://europa.eu/legislation\\_summaries/index\\_en.htm](http://europa.eu/legislation_summaries/index_en.htm)