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frESH Law Horizon

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Contents

UK2

Environmental Policy and Legislation	3
Changes to How Waste Tyres Are Regulated	3
Amendment of The Waste Electrical and Electronic Equipment Regulations Published	3
The Planning and Infrastructure Bill 2024-25 – Update	4
Mandatory Digital Waste Tracking Service – An Update	5
Consultation on Modernising the Environmental Permitting Regime for Industrial Activities	5
Chemicals	6
UK REACH Update	6
Products.....	7
Product Regulation and Metrology Act 2025 – What Is Coming and What It Means for UK Businesses	7
Update on the Drinks Container Deposit Return Scheme in Wales.....	8
Wet Wipes Containing Plastic To Be Banned in England	8
Price Marking Order Reforms Delayed Until April 2026	9
Food.....	10
Publication of UK Regulations Exempting Brand Advertising From Advertising Restrictions on foods High in Fat, Salt or Sugar (HFSS)	10
Voluntary Industry Guidelines for Commercial Baby Food and Drinks.....	10
Building Safety	11
Building Safety (Wales) Bill Update	11
Modern Slavery.....	11
Modern Slavery Update in the UK	11
Health and Safety.....	12
Latest HSE Work-related Fatal Injury Statistics	12
Environmental, Safety and Health Prosecutions	12

EU.....13

Chemicals	14
EU Commission Proposes Revision to the Carcinogens, Mutagens and Reprotoxic Substances Directive (CMRD) To Improve Workplace Protections From Hazardous Substances.....	14
Chemicals Simplification Omnibus VI	14
Commission Launches Consultation on Hazardous Chemicals Export Regulation of Hazardous Chemicals Banned in the EU	15
ECHA Launched a Call for Evidence for Substances in Packaging and Packaging Waste	15
Joined Cases C-71/23 P and C-82/23 P – Court Upheld the Annulment of the Classification of Titanium Dioxide	15
Food.....	16
European Commission Publishes Food and Feed Safety Simplification Omnibus	16
Climate.....	16
Carbon Border Adjustment Mechanism (CBAM) Developments – European Commission Publishes Calls for Evidence	16
New CBAM Simplified Rules Finalized – Time for Companies to Prepare for Compliance	16
Environmental Policy and Legislation.....	17
Battery Regulation – Recycling Efficiency and Recovery of Materials From Waste Batteries	17
EU Formally Adopts New EU Rules To Tackle Food and Textile Waste	17
Environmental Omnibus – Commission Gathers Feedback To Streamline Environmental Legislation.....	17
Products.....	18
European Commission Updates Borderline and Classification Manual for Medical Devices	18
European Commission Completes First Product Safety Sweep Under the EU General Product Safety Regulation	18
EU Deforestation Regulation – European Commission Considers One-year Delay	19
EUDR Guidance Document Published in All EU Languages	19
Circular Economy Act – Stakeholder Consultation and Call for Evidence	19



UK

Environmental Policy and Legislation

Changes to How Waste Tyres Are Regulated

The [tyre waste exemption regime](#) is changing in the UK, and it may impact your existing environmental permit. A review, driven by recent investigations and public campaigns, means that many existing waste exemptions will be revoked or tightened. All holders of tyre-related waste exemptions should, without delay, review their exemptions.

For further information, please read our [blog post](#).



Amendment of The Waste Electrical and Electronic Equipment Regulations Published

The [Waste Electrical and Electronic Equipment \(Amendment, etc.\) Regulations 2025](#) (the WEEE Amendment Regulations) came into force on 12 August 2025 and amend the Waste Electrical and Electronic Equipment Regulations 2013.

Notable provisions of the WEEE Amendment Regulations include:

- A new category of electrical and electronic equipment (EEE), Category 7.1, for devices that are intended to be used for the consumption of tobacco products, nicotine, vaping or any substance containing nicotine, non-nicotine liquids, herbal smoking products, vaping substances or nicotine-containing vapour (with the exception of a medical device or a medicinal product)
- Extension of the definition of producer to now include an online marketplace operator (OMP) in circumstances where that person supplies EEE, that originates from a person who is not established in the UK, to private households in the UK

By defining OMP operators as producers, the WEEE Amendment Regulations place the financial obligations arising from EEE that is placed onto the UK market by overseas sellers via an OMP onto the OMP operators. This replicates the addition of online marketplaces as producers with responsibilities for the cost of disposing of packaging waste in the UK under the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024.

If not already registered as producers, OMPs must either apply to join a producer compliance scheme by 15 November or register as a small producer by 31 January 2026.

Prior to the WEEE Amendment Regulations, e-cigarettes, vapes and heated tobacco products fell within Category 7 of EEE as “toys and leisure equipment”. With this new Category 7.1, it is likely that producers of toys and leisure equipment will pay less in fees as the financial costs of collecting, treating and recycling e-cigarettes, vapes and heated tobacco products is higher than for toys and leisure equipment.

The Planning and Infrastructure Bill 2024-25 – Update

On 17 July 2025, amendments to Part 3 (Development and Nature Recovery) of the [Planning and Infrastructure Bill](#) (the Bill) were tabled in the House of Lords at the committee stage (the Amendments).

The Bill has introduced reforms to accelerate housing and infrastructure delivery and sits against the backdrop of the government's commitment to deliver 1.5 million safe and decent homes and 150 major infrastructure projects.

The Lords' [guidance](#) on the Amendments to the Bill notes the concern that the Nature Restoration Fund (NRF) will not effectively deliver on its proposed environmental benefits, and the insufficiency of the safeguards the Bill contains. The NRF is a strategic fund that would allow developers to fund offsite environmental mitigation measures as set out in environmental delivery plans (EDPs) where environmentally important sites could be impacted by the development. The NRF would substitute what are often viewed as piecemeal contributions to environmental improvements by developers in their Section 106 Agreements.

By way of summary, the House of Lords' proposed Amendments include:

- Clarification of the overall improvement test to make it clear that the secretary of state can only improve an EDP where the effect of the conservation measures will materially outweigh the negative effect of development on the conservation status of each identified environmental feature
- Requirement for an EDP to include backup measures, as well as explicitly requiring Natural England to monitor the effectiveness of conservation measures
- Reframing the duty on the secretary of state to deliver remedial action if the conservation measures and backup conservation measures do not deliver
- An explicit provision in the primary legislation requiring both Natural England and the secretary of state to take account of the best available scientific evidence when preparing, amending or revoking an EDP
- New provisions to clarify the consultation requirements when amending an EDP

The next step will be the report stage in the Lords, which is scheduled to begin on 20 October 2025, before the Bill proceeds to third reading in the Lords and then for consideration of any amendments.

The whole planning industry will be impacted by these reforms. The planning process is likely to change with developers waiting less for planning decisions where there is a strategic NRF in place. Planning authorities may also see an overhaul to their planning processes and procedures. Given Natural England's latest rounds of employee voluntary exit scheme, some may question how it will have the resources to monitor the effectiveness of these conservation measures.

Mandatory Digital Waste Tracking Service – An Update

In a [policy paper](#) published by the Department for Environment, Food & Rural Affairs (Defra), the government provided an update on the digital waste tracking service. Digital waste tracking is aimed at reducing the amount of waste managed in the UK, with the Environment Agency estimating that in England alone, 34 million tonnes of waste are illegally managed annually.

The digital waste tracking service aims to modernise how waste movements are recorded and monitored across the UK by requiring those who hold a permit or licence to receive waste to record details of waste received on the service from October 2026.

The digital waste tracking service is being rolled out in phases:

- Firstly to waste receiving sites – these will be part of the first phase of reform, which will become mandatory from October 2026.
- Secondly to all other waste operators – an expansion will follow from April 2027 to cover other waste operators, such as carriers, brokers, dealers and exemption holders.

By September 2025, the government will confirm whether there are any specific sectors or categories of operation currently within the second phase that it would be prudent to include in the first phase.

It is planned that secondary legislation will be introduced by April 2026 to support the transition and confirm that the use of the digital tracking system will become mandatory from October 2026 for all waste receiving sites.

The digital tracking service is expected to expand further from April 2027 to include a broader range of operators, such as carriers, brokers and waste producers (the full scope and timings are still being finalised).

The government is eager to engage with stakeholders and is planning on using working groups and a technical group to inform the development of the service. Readers can register their interest in [waste tracking service user groups](#).

The government hopes that digitalising record-keeping will make it easier for waste producers and legitimate waste companies to comply with reporting requirements and more difficult for rogue operators to compete in the industry and commit waste crime. The update will be of particular interest to those in the waste and recycling industry.

Consultation on Modernising the Environmental Permitting Regime for Industrial Activities

Defra launched a [consultation](#) to reform how industrial activities are regulated in England.

It focuses on industrial emission regulation – installations, medium combustion plants and specified generators, small waste incineration plants, solvent emission activities, Part B mobile plants and mobile medium combustion plants. The consultation excludes from reform waste operations, mining waste operations, radioactive substances activities, water discharge activities, groundwater activities and flood risk activities.

If you would like to know more about the main strategic goals of the proposed reforms, please read our analysis in this [blog post](#).



Chemicals

UK REACH Update

This quarter, there have been a number of notable developments on UK REACH. As anticipated, Defra [consulted](#) on further extensions to the transitional registration model deadlines. The current transitional registration deadlines are October 2026, October 2028 and October 2030, depending on the quantity and hazard classification of the substance. The consultation closed on 8 September 2025, and the government response has yet to be published. The alternative transitional registration model's (ATRM) primary aim is to minimise the financial burden on the chemicals industry of transitioning from EU REACH to UK REACH, while ensuring that the protection of human health and the environment is not compromised.

On 27 June, Defra published its [decision](#) on a UK REACH restriction proposal for lead in ammunition, citing an unacceptable risk to the environment and human health resulting from the use of lead shot and lead bullets. The restriction is intended to cover the placing on the market and use of lead shot containing lead in a concentration equal to or greater than 1% by weight, and intended to apply after a three-year transition period. There will be exemptions to the restriction for technical testing and development of materials and products; for applications by the police, military and government security services; and for museum collections.

The Health and Safety Executive (HSE) announced in August 2025 that it is [consulting](#) on restricting PFAS in firefighting foams in Great Britain. For six months, the HSE will gather views from stakeholders on the technical dossier and proposed restrictions. A short [Q&A document](#) was published alongside the consultation, providing background on the restriction process, the basis for the HSE's concern about PFAS in firefighting foams, and the reasons for extending the definition of "PFAS" since the 2023 [Regulatory Management Options Analysis](#) document. Shortly before the consultation was launched, the UK Fire Industry Association updated its [guidance on PFAS](#) to reflect the changes to the regulatory landscape in the EU and UK; for instance, the end of the transition period for use of PFOA.

We are already seeing issues raised on potential contamination from the use of firefighting equipment containing PFAS in COMAH sites. There have also been reports in the news of potential civil claims in the EU and UK for contamination of sites and water with forever chemicals.



Products

Product Regulation and Metrology Act 2025 – What Is Coming and What It Means for UK Businesses

[The Product Regulation and Metrology Act 2025](#) (Act) received royal assent on 21 July 2025. This new legislation is the foundation for a modernised UK product safety framework, granting powers to the secretary of state to introduce secondary legislation covering product safety, conformity and metrology. The Act itself does not create substantive obligations for producers, and monitoring the use of these new powers is essential to mitigate future risks coming from regulatory changes.

Historically, product regulation in the UK had been shaped by EU law. While the UK was an EU member, product safety rules were harmonised at the European level, so the current UK regime comes directly from the EU.

Following Brexit, much of this framework was retained as assimilated law, with some adaptations like the introduction of the UK Conformity Assessed (UKCA) marking, and the recognition of UK-based conformity assessment bodies alongside continued acceptance of CE marking in certain cases.

However, this system was inflexible, particularly when it came to regulating emerging technologies or new product categories. The government has been using powers under the [Retained EU Law \(Revocation and Reform\) Act 2023](#), but these were time limited and primarily allowed for the modification or revocation of existing retained EU law, not the creation of entirely new regulations on new products.

With rapid technological developments and increasing regulatory divergence with the EU and Northern Ireland, where EU product safety rules still apply, there was a growing need for a more agile, UK-specific regulatory system, as the current UK product safety was failing to regulate all these new areas.

This Act allows the UK to respond to new or updated EU product legislation. When an EU product legislation changes, the UK can decide whether to continue CE recognition, to mirror these changes in Great Britain, or to diverge. The “relevant EU law” concept referred to in the Act has a broad meaning and captures future EU law.

The remit of the Act excludes in its schedule a list of products that cannot be regulated using its powers. This list includes aircraft, food and medical devices.

The government produced a [code of conduct](#) in support of the Act, which includes areas of potential reform or review: online marketplaces, digital labelling, introducing civil monetary penalties, information sharing and the recovery of enforcement costs by local authorities.

Although not specific to any sector, the changes that the Act may bring apply to all products sold and/or imported into Great Britain.

It is also important to note that the government has asked the [Law Commission](#) to review the law relating to product liability, set out in the Consumer Protection Act 1987, with a view to covering all new products and technologies, as the current regime has not kept pace with those. We could potentially see further alignment with the new [EU Liability Directive](#).

First uses of the Act:

Only one week later, a [call for evidence](#) was launched to seek views on changing the [Supply of Machinery \(Safety\) Regulations 2008](#), and any change to this legislation would be made using the powers under the Act. As the EU published a new [Machinery Regulation](#), which will apply from January 2027 in all EU countries and Northern Ireland, the call for evidence is seeking views about implementing the same approach as the EU and continuing the recognition of new EU product requirements for machinery. The call for evidence is open until 20 October 2025.

On 8 September 2025, the Office for Product Safety and Standards (OPSS) published a [summary of responses](#) following a call for evidence to introduce changes to legislation measuring noise from outdoor equipment. The EU recently amended its [Directive on Noise Emission in the Environment by Equipment for Use Outdoors](#), which is applicable in Northern Ireland, and the government has sought views on whether to continue the recognition on outdoor equipment. The government will proceed with a similar approach to the EU changes and will use powers under the Act to update the legislation.

Update on the Drinks Container Deposit Return Scheme in Wales

On 10 July 2025, the Welsh government published a [written statement](#) on the development of a deposit return scheme (DRS) for drinks containers.

Key points from the statement include:

- Glass remains in scope of the DRS and rollout of reuse will be a core part of the scheme, unlike in England and Northern Ireland.
- Industry has highlighted the need for a phased approach within which there would be no requirement to have different labelling and no fraud risk.
- The Welsh government will work with small and medium-sized enterprises to ensure there are sensible arrangements that do not overtly impact the industry, such as exclusions for low volume products.

The statement notes the Welsh government's willingness to accelerate the DRS implementation timetable to align with the rest of the UK and to avoid a scenario where a scheme is introduced in other parts of the UK with no scheme in Wales, therefore providing for interoperability between common materials.

A [public consultation](#) into the DRS was launched on 18 August 2025, providing businesses and stakeholders with the opportunity to engage and inform the proposed scheme. The consultation will end on 10 November 2025.

Wales hopes that introducing glass into its DRS will drive the standardisation of the size of reusable glass bottles, but this is a tall order if glass is not included in a UK-wide DRS scheme and could result in certain drinks producers exiting the Welsh market. Nevertheless, it is very positive news for those involved in the production, distribution and retail of drinks containers that Wales wishes to align its DRS launch date with the rest of the UK, as it will cause less distortion to the internal drinks market in the UK.

Wet Wipes Containing Plastic To Be Banned in England

On 16 September 2025, the draft [Environmental Protection \(Wet Wipes Containing Plastic\) \(England\) Regulations 2025](#) (Draft Regulations) were laid before Parliament. If approved, the Draft Regulations will make it an offence to supply or offer to supply wet wipes containing plastic in England, with certain exceptions. Wales also banned wet wipes containing plastic in June 2025 (as discussed in the last [frESH publication](#)).

In summary, the key factors from the Draft Regulations include:

- The ban covers the supply and/or offer of wet wipes containing plastic.
- "Wet wipe" means a nonwoven piece of fabric that has been pretreated and which is not designed or intended to be reused.
- There is an exception for pharmacies, medical purposes, supply to businesses or local authorities.
- A person convicted of an offence under the Draft Regulations will be liable to a fine of £200 or a compliance notice.
- The ban is expected to come into force 18 months after the Draft Regulations are signed.

The ban on wet wipes containing plastic is part of an ongoing effort to reduce plastic pollution across the UK and follows the recent ban in Wales. Scotland will also ban such wet wipes but has not yet published draft legislation. One of the main aims of this ban is to lower the volume of plastic litter and reduce the amount of microplastic entering the waterways.

Businesses involved in retail and distribution, such as supermarkets and convenience stores, will likely be impacted by the Draft Regulations, as will anyone involved in the manufacture of noncompliant wet wipes.

Although exceptions apply to the pharmaceutical and medical industry, those involved in such industries should take care to be advised on the nuances of this ban to ensure they are compliant.

Price Marking Order Reforms Delayed Until April 2026

The implementation date for significant reforms to the [Price Marking Order 2004](#) (PMO) has been delayed to 6 April 2026, originally planned for 1 October 2025.

The planned reforms will introduce amendments designed to improve price transparency and provide tools for consumers to make informed decisions when purchasing products.

Main provisions of the reforms include:

- If metric unit prices are displayed, they must be shown using standard measurements, as appropriate.
- Prices must be unambiguous, easily identifiable, clearly legible and use a font size that is clear and of reasonable size.
- Delivery and postal charges for products (including any taxes) must be unambiguous, easily identifiable and clearly legible.
- Where a retailer offers a product at more than one selling price, for example a discounted price owing to a retailer's loyalty scheme, then the retailer is required to show each selling price and unit price together with the conditions that need to be satisfied in order for the different prices to apply.
- Exemptions to mixed product packages (for instance, hampers).

The UK Government has published [guidance](#) reflecting the amendments to the PMO, with examples of obligations to help retailers to comply with the new requirements. The guidance also refers to the enforcement, which can be both civil and criminal, with fines of unlimited amount if criminal, or fines of up to £300,000 or 10% of the business's global turnover (whichever is higher) if civil enforcement.

Although the delay provides retailers with additional time to update their in-store and online materials, this industry will need to carefully consider how it sells products and ensure compliance with the reformed PMO.



Food

Publication of UK Regulations Exempting Brand Advertising From Advertising Restrictions on foods High in Fat, Salt or Sugar (HFSS)

The UK government had delayed, to 5 January 2026, the implementation of the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024 (Advertising Regulations), which were due to come into force on 1 October 2025. The delay was to allow the explicit exemption of “pure brand” advertising from the Advertising Regulations.

Since then, in September 2025, following the publication of the [consultation outcome](#) by the Department of Health and Social Care, the new Advertising (Less Healthy Food and Drink) (Brand Advertising Exemption) Regulations 2025 (Brand Advertising Exemption Regulations) have been published, alongside an accompanying [explanatory memorandum](#). The Brand Advertising Exemption Regulations will come into force on 31 October 2025, with the intended purpose of ensuring that advertising that does not identify a specific less healthy product is outside of scope of the restrictions under the Advertising Regulations.

However, food business operators that advertise, or wish to advertise, using a brand name that may be associated with “less healthy” products in scope of the Advertising Regulations, will need to review the detail of the exemption provisions. There are certain adverts that will not be considered as “brand advertisements”; for example, adverts that depict a specific less healthy product (albeit the depiction of a product name could still be classified as brand advertisements in certain circumstances); adverts for brands that are also the name of a “less healthy” food (unless that name has been established/used in the name of a brand of a range of products prior to 16h July 2025); and adverts that include a realistic image of a food or drink that looks indistinguishable from a “less healthy” product (we would envisage that an image of a diet soft drink would be indistinguishable from a soft drink containing sugar, for instance).

The Advertising Standards Agency (ASA) is currently [consulting](#) on the implementation of the “less healthy” advertising restrictions. The consultation closes on 9 October 2025.

Voluntary Industry Guidelines for Commercial Baby Food and Drinks

On 22 August 2025, the government published [voluntary industry guidelines](#) in relation to commercial baby food and drinks, with the aim of reducing sugar content in baby food and drink products aimed at children under 36 months old. This has been introduced to account for the fact that baby food is generally out of scope in relation to advertisements for products that are high in fat, salt and sugar.

The guidelines introduced have been split into three product types: baby meals, baby finger food and snacks; and baby drinks.

The guidelines are voluntary but are relevant to retailers and manufacturers of commercial baby food, and they are expected to implement these guidelines within 18 months of publishing (which will be the end of February 2027). As with other sectors, not complying with voluntary codes or guidance can result in the risk of future legislation and sanctions.



Building Safety

Building Safety (Wales) Bill Update

On 7 July 2025, the [Building Safety \(Wales\) Bill](#) (Bill) was introduced to the Welsh Parliament. Most will already know that the English law, the Building Safety Act 2022 (Act), was enacted around 3 1/2 years ago. The Welsh Parliament decided to wait until the Grenfell Tower Inquiry (Inquiry) concluded to publish its version, with the objective of seeking to reflect the Inquiry's recommendations in the new legislation.

Importantly, the Bill differs from the Act in that there is no height requirement for a building to come within its scope, so all multioccupied residential and mixed-use buildings (containing two or more residential units) are proposed to be within scope according to the current draft. Instead, three separate categories of risk have been created, where the tallest buildings fall into "Category 1" and are subject to stricter regulation than shorter buildings falling into "Category 2" or "Category 3".

This Bill is currently at Stage 1 and likely has a fair way to go before it is enacted. The government is also [reviewing the definition of "higher-risk building"](#) under the Act following the conclusion of the Inquiry, which stated that relying on the height requirement alone was "essentially arbitrary in nature" (see [Phase 2, Volume 7](#)). It may be that the Bill provides some insight into what Parliament could do with the definition; for example, not abandoning height entirely but instead using it as an indicator of the severity of risk and in turn the required risk reduction measures for a building, rather than as a criterion for the application of the Act entirely, as is presently the case.

If the Bill becomes law, many more buildings will have to comply with building safety law in the near future, and this may extend to buildings of any height in England too. That could have far reaching consequences that will increase costs for building owners and landlords as more onerous duties are imposed with the potential for criminal penalties for noncompliance with them.

Modern Slavery

Modern Slavery Update in the UK

The UK's modern slavery regime and its perceived limitations in preventing forced labour has been the subject of parliamentary discussions for several years. At the end of July 2025, the parliamentary Joint Committee on Human Rights (Joint Committee) released a new publication ([Forced Labour in UK Supply Chains \(Sixth Report of Session 2024-25 HC 633/HL Paper 159\)](#)) that appears to go beyond the recommendations of last year's House of Lords Modern Slavery Act 2015 Committee report ([The Modern Slavery Act 2015: Becoming World-leading Again](#)). Of particular note, the Joint Committee:

- Calls for UK legislation to be introduced within the next year to "establish
 - That it is unlawful to import or sell goods linked to forced labour in the UK
 - New mandatory human rights due diligence duties for businesses
 - A right for those who have suffered forced labour to bring a claim for civil liability against those responsible
 - The regulatory arrangements for imported goods, sale of goods, and ensuring business compliance with the new due diligence duties
 - How such regulations will be enforced and how those responsible for enforcement will be resourced"
- Recommends a "duty to prevent" mechanism, modelled on the bribery regime, to "give survivors clear routes to access the courts in the UK and therefore seek justice against companies in the UK benefiting from forced labour in their supply chains. In terms of civil law, the creation of a duty to prevent would effectively be a new cause of action, failure to comply with which could be the basis of a civil claim. The burden would be on the corporation to demonstrate that they had adequate procedures in place designed to prevent such forced labour."
- Highlights the limitations of modern slavery transparency statements in tackling forced labour, citing lack of engagement from organisations and "fundamental problems with the [transparency in supply chains] duty even where it is complied with".
- The report will be of interest to a range of UK businesses, but perhaps of particular interest to those with cotton, fish, processed tomato, solar panel and crucial mineral supply chains, as these were the examples of forced labour considered by the Joint Committee in the course of its inquiry. The Joint Committee's report follows the publication of revamped guidance on [transparency in supply chains](#) for businesses earlier this year. For further detail. see [our article on supply chain transparency](#).

Health and Safety

Latest HSE Work-related Fatal Injury Statistics

The Health and Safety Executive (HSE) has published its annual work-related fatal injury statistics. The most common causes of work-related fatal injury were falls from height, being struck by a moving object and being trapped by something collapsing or overturning, accounting for 60% of all fatal injuries. The highest numbers of deaths occurred in the construction, agriculture, forestry and fishing industries.

For further information about these statistics and an example of a recent prosecution, read our dedicated [blog post](#).

Environmental, Safety and Health Prosecutions

Significant fines from regulators in the last few months have included:

- A skip hire company that had its environmental permit revoked after a series of breaches, and was issued with an enforcement notice to clear the land of waste, continued to store and illegally burn waste. The skip hire manager was found to have profited from illegal waste crime and had to [pay back £250,000](#) within three months to avoid facing up to three years in prison.
- A textile manufacturer has been [fined £220,000](#) after a worker was killed while acting as banksman, helping a vehicle reverse into the warehouse. The HSE investigation found that there was no safe system in place for reversing HGVs and a lack of employee training.
- A company has been [fined £300,000](#) after one of its workers was hit by a telehandler and suffered severe injuries. The HSE investigation found that the company failed to organise the workplace to ensure a safe vehicle movement on site.





EU

Chemicals

EU Commission Proposes Revision to the Carcinogens, Mutagens and Reprotoxic Substances Directive (CMRD) To Improve Workplace Protections From Hazardous Substances

On 24 September 2025, the European Commission proposed the sixth revision of the CMRD (Directive 2004/37/EC) to strengthen protection for workers exposed to hazardous chemicals. The revision introduces new or updated occupational exposure limits for:

- Cobalt and inorganic cobalt compounds (used in battery, and metal and hard metal production)
- Polycyclic aromatic hydrocarbons (PAHs) (common in metal and welding industries)
- 1,4-dioxane (a solvent used in chemical and textile production, and in household detergents)

It also adds welding fumes to the “List of substances, mixtures and processes considered CMR for worker’s production” in Annex I.

The commission’s proposal will now be discussed by the European Parliament and the council. Once adopted, Member States will have two years to incorporate the Directive into national law. The above-mentioned industries will need to change internal policies and processes to ensure compliance with these new requirements.

Chemicals Simplification Omnibus VI

On 08 July 2025, the European Commission published the [sixth omnibus package](#) focusing on simplification for the chemical sector. The [first proposal](#) aims to amend three key regulations:

- For the regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation), the changes aim to make labels easier to read and design, expand digital labelling options, and simplify advertising rules.
- The proposed amendments to the Cosmetics Regulation aim to streamline the ingredient approval process, clarify the rules concerning CMR substances, simplify nanomaterial notifications, reduce reporting obligations, and promote the digitalisation of the ingredient glossary.
- Finally, the proposed changes to the Fertilising Products Regulation aim to eliminate the need for extended registration by applying standard REACH rules, making market access easier. It also proposes to introduce clearer methodologies for assessing microorganisms, remove the “Unbundling Clause” in Article 43, and promote further digitalisation.

In addition, the Omnibus VI package includes a [second proposal](#) to postpone the entry into application of the revised [CLP Regulation \(EU\) 2024/2865](#) to January 2028. On 24 September 2025, the [council approved its position](#) on this “stop-the-clock” mechanism on chemicals, and will now negotiate with the European Parliament to reach a final agreement.

Commission Launches Consultation on Hazardous Chemicals Export Regulation of Hazardous Chemicals Banned in the EU

In July 2025, the European Commission launched a public consultation on a draft delegated regulation aimed at updating the rules governing the export of hazardous chemicals banned or severely restricted within the EU. The proposal amends Regulation (EU) No 649/2012, also known as the Prior Informed Consent (PIC) Regulation, which implements the Rotterdam Convention.

The draft delegated regulation updates the lists of chemicals in annexes I and V of the PIC Regulation to reflect recent developments in both EU law and international obligations. Changes include new entries added to Part 1, Part 2 and Part 3 of Annex I, while the entry for carbosulfan in Part 2 has been removed.

The consultation was open for feedback from 14 July to 11 August 2025, inviting stakeholders to comment on the proposed changes. The commission plans to adopt the amended regulation in the third quarter of 2025.

These updates are part of the EU's ongoing efforts to strengthen environmental protection and safeguard public health by tightening controls on the export of hazardous substances.

ECHA Launched a Call for Evidence for Substances in Packaging and Packaging Waste

On 17 September 2025, the European Chemicals Agency (ECHA) opened a [call for evidence](#) to gather information on packaging and packaging components falling under the scope of the Packaging and Packaging Waste Regulation (PPWR). More specifically, ECHA is seeking information about substances of concern present in packaging materials, those used during manufacturing, and those involved in the treatment and recycling of packaging waste. It is worth mentioning again that one of the aims of the PPWR is to minimise the presence of substances of concern in packaging and includes a stand-alone PFAS restriction in the use of food contact materials, such as packaging.

Contribution can be submitted until 28 October 2025. The collected information will support the ECHA in preparing a study report to identify substances of concern in packaging and packaging components under the PPWR.

Joined Cases C-71/23 P and C-82/23 P – Court Upheld the Annulment of the Classification of Titanium Dioxide

On 1 August 2025, the Court of Justice of the European Union [dismissed](#) the appeals brought by the French Republic and the European Commission, thereby confirming the annulment of the classification of titanium dioxide in powdered form. This classification had previously been overturned by the General Court in November 2022, which found a manifest error in the commission's assessment of the scientific study that served as the basis for the classification. Of particular interest, the Court of Justice departed from the opinion of its advocate general, and, although it acknowledged that the General Court had exceeded its competence by assessing the appropriateness of the standard density value used for titanium dioxide particles, it nevertheless concluded that the junior court did not err in law in finding that the Risk Assessment Committee (RAC) had failed to take into account all relevant factors when calculating lung overload in its assessment of the Heinrich study using the Morrow model.

As a result of the annulment of its classification, there is no longer a legal requirement to classify and label certain titanium dioxide powder forms as suspected carcinogens.

However, this does not affect, and is separate from, the European Commission's earlier decision to withdraw titanium dioxide from the EU list of approved food additives. It has not been permitted as a food additive in the EU since 2022, following a risk assessment by the European Food Safety Authority (EFSA).

Titanium dioxide currently remains authorised as a food additive in Great Britain, as the prohibition post-dated Brexit.





Food

European Commission Publishes Food and Feed Safety Simplification Omnibus

The European Commission has published its Simplification Omnibus for Food and Feed Safety, proposing amendments to several pieces of EU legislation.

The initiative aims to streamline procedures, enhance clarity and support innovation across the agrifood sector.

Despite its title, the new omnibus package is relevant not only to the agrifood sector but also to the chemical industry – particularly stakeholders involved in biocides and plant protection products. The implications are significant. They could reshape compliance obligations and create new risks and opportunities for businesses across the EU.

For further information, read our [blog post](#).

Climate

Carbon Border Adjustment Mechanism (CBAM) Developments – European Commission Publishes Calls for Evidence

The European Commission has recently taken a significant step in preparing the next phase of the Carbon Border Adjustment Mechanism (CBAM). On August 29, 2025, the commission [published three calls for evidence](#), with a submission deadline of September 25, to support the development of upcoming implementing acts under CBAM.

For further information on CBAM developments, read our *Sustainability in Business* [blog](#).

New CBAM Simplified Rules Finalized – Time for Companies to Prepare for Compliance

On 10 September, the European Parliament adopted in plenary its final position on the simplification of the Carbon Border Adjustment Mechanism (CBAM), as part of the so-called “*Omnibus I*” legislative package. The Council of the European Union followed **on 29 September by formally adopting the Regulation**, thereby concluding the legislative process. The Regulation will be **published in the EU Official Journal in the coming days** and will enter into force on the twentieth day following its publication.

For further information regarding the simplified rules, please read our [Sustainability in Business blog](#).

Environmental Policy and Legislation

Battery Regulation – Recycling Efficiency and Recovery of Materials From Waste Batteries

On 4 July 2025, the European Commission published the [Delegated Regulation 2025/606](#) setting the methodology and rules to calculate and verify the rates for recycling efficiency and recovery of materials from waste batteries. These guidelines are relevant for battery recyclers, and the established methodology will enter into force on 24 July 2025.

In line with Article 71(2) of the [EU Batteries Regulation \(EU\) 2023/1542](#), recyclers operating in authorised facilities are required to comply with these new calculation and verification methods. The methodology defines how to measure the recycling efficiency of batteries containing lead-acid, nickel-cadmium, lithium and other chemistries. It also outlines how to measure the recovery rates of specific materials, particularly critical raw materials such as cobalt, copper, lithium and nickel, as well as lead.

EU Formally Adopts New EU Rules To Tackle Food and Textile Waste

On 26 September 2025, [Directive \(EU\) 2025/1892](#) was published in the EU's Official Journal. It amends the EU's Waste Framework Directive, in order to introduce binding food waste reduction targets to be met by member states by 2030. The revisions also require companies making textiles available on the EU market (including via internet sales) to cover the costs of their collection, sorting and recycling, through new extended producer responsibility (EPR) schemes to be set up by each member state by 17 June 2027 at the latest. For more information, see our previous update on this topic in our [March 2025 frESH Law Horizons publication](#).

Companies involved in the food and textile industries should monitor the transposition of these requirements into national law, which will more precisely set out what they need to do to comply.

Environmental Omnibus – Commission Gathers Feedback To Streamline Environmental Legislation

The European Commission held a [call for evidence](#) open from 22 July to 10 September 2025, to gather input on how to simplify and streamline administrative requirements stemming from EU environmental legislation. This initiative forms part of the preparation for the upcoming Environmental Omnibus Regulation, expected to be published in the fourth quarter of 2025.

The consultation call focused on identifying opportunities for simplification across key environmental areas, including the circular economy, industrial emissions, waste management and product-related requirements. Although the commission has not yet specified which legal acts may be amended, it has proposed several potential areas for improvement, such as:

- Streamlining and digitalising reporting obligations
- Eliminating duplicative reporting requirements
- Harmonising rules for authorised representatives under EPR across member states
- Discontinuing the Substances of Concern in Products (SCIP) database under the Waste Framework Directive
- Reducing administrative burdens in permitting procedures and environmental assessments, drawing on recent experience under the Net-Zero Industry Act

The final proposed measures could change once the commission has considered the stakeholder feedback gathered in the consultation and further internal analysis.

The results of the call for evidence are publicly [available](#) and will inform an eventual draft regulation.

Products

European Commission Updates Borderline and Classification Manual for Medical Devices

On 12 September 2025, the European Commission released the [fourth version](#) of the Borderline and Classification Manual under the EU's Medical Device Regulation (MDR) (Regulation 2017/745) and In Vitro Diagnostic Regulation (IVDR) (2017/746). The update provides updated guidance to help distinguish between medical devices, medicinal products, cosmetics and other types of products. Key clarifications introduced relate to:

- Dual action warming and cooling cream containing menthol and capsaicin
- Red blood cell additive solutions containing adenine
- Vaginal lactose tablets
- Microabrasion dental stain removers
- Mobile sterile air systems used to create sterile zones for performing minor medical procedures
- Medical examination table covers

These updates underscore that an item's intended purpose and whether it involves a pharmacological, immunological or metabolic action are often determinative when categorising borderline cases.

This guidance will help companies placing the above-mentioned borderline products on the market to ensure that they have correctly categorised these products and their risk profile in line with the revised guidance in compliance with the appropriate legislation. Misclassification of products can result in product recalls, potential penalties and reputational harm.

European Commission Completes First Product Safety Sweep Under the EU General Product Safety Regulation

The first EU-wide product safety sweep under the General Product Safety Regulation (GPSR), coordinated by the European Commission, evaluated childcare product listings on 47 online marketplaces (both EU and non-EU based) between 1 April and 15 May 2025. The sweep focused on compliance with the GPSR, which requires marketplaces to ensure transparency and traceability in product listings, enable communication with consumers and authorities, and register with the EU Safety Gate portal. Of the 1,741 listings reviewed, major platforms like Temu and AliExpress (very large online platforms or VLOPs) accounted for 69% of the listings. Key findings showed that 52% of listings met the required manufacturer information disclosure, 68% disclosed EU responsible person details, and 95% provided clear product identification. VLOPs generally demonstrated higher compliance than smaller platforms.

Enforcement actions followed the discovery of noncompliance and even dangerous products already flagged on the EU Safety Gate. A total of 252 orders were issued to marketplaces, with 79% responding (VLOPs at 74%, smaller platforms at 88%). However, 21% of platforms did not respond, and relistings of removed products were detected in 10 cases. Regarding structural obligations, only 53% of platforms registered on the Safety Gate portal and 64% had a consumer contact point, with VLOPs again showing better adherence. The Consumer Safety Network will continue monitoring these marketplaces, with future focus including mobile apps, where compliance was found to be lower than on web interfaces. The commission will integrate these findings into its broader e-commerce safety strategy and engage with signatories of the Product Safety Pledge+.



EU Deforestation Regulation – European Commission Considers One-year Delay

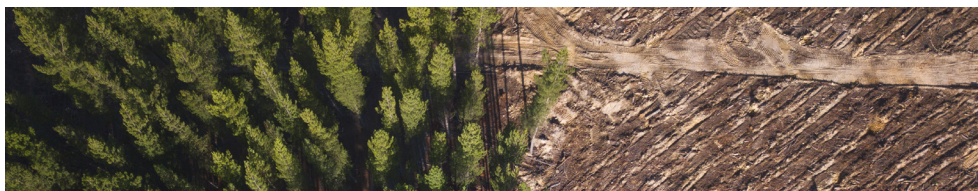
On 23 September 2025, European Commissioner for the Environment, Jessika Roswall, announced that the commission is considering a one-year delay to the implementation of the [EU Deforestation Regulation 2023/1115](#) (EUDR). The proposed delay stems from concerns over the readiness and performance of the IT system used by operators to register and submit due diligence statements.

Read more on the implications in our [Sustainability in Business blog](#).

EUDR Guidance Document Published in All EU Languages

In July 2025, the European Commission published all official language versions of the [EUDR guidance document](#) in Commission Guidance Notice C/2024/6789.

The initial version of the guidance was released in April 2025, together with the fourth iteration of the FAQ document, and a public consultation for a draft delegated act amending Annex 1 of the EUDR providing further clarifications and simplification on the scope of EUDR.



Circular Economy Act – Stakeholder Consultation and Call for Evidence

On 1 August 2025, the European Commission opened a [public consultation and the call for evidence](#) to feed into the impact assessment for the upcoming Circular Economy Act (CEA), which is scheduled for adoption in 2026. The deadline for submitting comments is 6 November 2025.

The CEA aims to establish a single market for secondary raw materials, boost the supply of high-quality recycled materials, and stimulate demand within the EU. It will contribute to broader policy frameworks, including the Clean Industrial Deal, the Competitiveness Compass and the European Green Deal.

The call for evidence outlines several key challenges that the initiative aims to address. These include the stagnant circularity rate in the EU, which has shown minimal improvement over the last 15 years; the EU's continued dependence on imported raw materials, including critical raw materials essential for the green and digital transitions; and regulatory fragmentation.

In addition, CEA's interventions could be structured around two main pillars. The first focuses on e-waste, to improve its collection and recycling, and boost the supply of critical secondary raw materials. The second pillar seeks to foster a true single market for waste and secondary raw materials through legal and procedural reforms, which may include revising end-of-waste criteria, streamline extended producer responsibility schemes, and introduce targeted circular public procurement rules to stimulate both supply and demand for circular products and services.

Stakeholder input during this consultation can play a relevant role in helping the Commission in providing feedback on existing bottlenecks and opportunities for scaling up circular economic solutions across the EU.

Authors



Rob Elvin

Partner, Manchester
T +44 161 830 5257
E rob.elvin@squirepb.com



David Gordon

Partner, Birmingham
T +44 121 222 3204
E dave.gordon@squirepb.com



Nicola A. Smith

Partner, Birmingham
T +44 121 222 3230
E nicola.smith@squirepb.com



Peter Sellar

Partner, Brussels
T +322 627 11 02
E peter.sellar@squirepb.com



Gerard McElwee

Partner, Brussels
T +322 627 76 28
E gerard.mcelwee@squirepb.com



Caroline Almond

Director, Birmingham
T +44 121 222 3544
E caroline.almond@squirepb.com



Begonia Filgueira

Director, London
T +20 7655 1296
E begonia.filgueira@squirepb.com



Manon Ombredane

Legal Director, Brussels
T +322 627 11 34
E manon.ombredane@squirepb.com



Aodhan Mc Gourty

Senior Associate, Brussels
T +322 627 11 39
E aodhan.mcgourty@squirepb.com



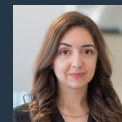
Francesca Puttock

Associate, Birmingham
T +44 121 222 3215
E francesca.puttock@squirepb.com



Nayelly Landeros Rivera

Associate, Brussels
T +32 2 627 1115
E nayelly.landerosrivera@squirepb.com



Maria-Magdalena Markova

Associate, Brussels
T +32 2 627 7644
E maria-magdalena.markova@squirepb.com



Cristina Vela Gonzalez

Professional Support Lawyer, London
T +44 207 655 1303
E cristina.velagonzalez@squirepb.com



Oliver Bristow

Associate, Manchester
T +44 161 830 5332
E oliver.bristow@squirepb.com

