



EU Environment Report

February 2013

CHEMICALS

Commission concludes that the REACH Regulation has brought significant improvements

On 5 February 2013, the European Commission ("Commission") published its general report on Regulation 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals ("REACH"). The publication of the report fulfils the obligation on the Commission to review functioning of the REACH Regulation every five years. Generally, the Commission concluded that the REACH regime has brought significant improvements in the management of chemical risks – a marked increase in the quality of data submitted to the European Chemicals Agency during the first registration phase and a marked decrease in the risks associated with the substances already registered. In particular, the report notes that the REACH Regulation poses a significant burden to SMEs and proposes a list of measures aiming to reduce the administrative burden of REACH for SMEs while assisting them to fulfil all REACH obligations.

The general report on the REACH Regulation published by the Commission is available via the following link:

http://ec.europa.eu/environment/chemicals/reach/pdf/reach_2013_en.pdf

The Commission's memo announcing the publication of the general report on the REACH Regulation is available via the following link: http://europa.eu/rapid/press-release_MEMO-13-60_en.htm

Commission releases roadmap on SVHCs

On 5 February 2013, the European Commission ("Commission") published a roadmap on substances of very high concern ("SVHCs"). The roadmap, which was drafted by the Commission with the help of the European Chemicals Agency ("ECHA"), aims to identify a process for identifying potential SVHCs. The roadmap states that between 2013 and 2020, 440 substances should be subject to a "Risk Management Options" approach, which aims to identify the best regulatory option to manage the risk, either within REACH (authorisation, restriction or substance evaluation) or outside of REACH (via another legislation). Finally, the Commission invites the Member States to work together with the Commission and ECHA on SVHC identification. The roadmap was also published within the context of the five-year review of the EU's REACH Regulation.

The full text of the roadmap sent by the Commission to the Council is available via the following link:

<http://register.consilium.europa.eu/pdf/en/13/st05/st05867.en13.pdf>

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This newsletter briefly describes EU environment developments.

Due to the general nature of its content, this newsletter is not and should not be regarded as legal advice.

For more information on these and other topics related to environmental law, please contact:

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ECHA publishes additional list of substances for REACH registration by May 2013

On 11 February 2013, the European Chemicals Agency (“ECHA”) published an additional list of some 700 substances to be registered in May 2013, for which the lead registrant is currently unknown. In 2012, ECHA published a list of substances identified by industry to be registered by 31 May 2013 on its website. The purpose of the additional list is to make industry aware of the substances for which ECHA has so far neither received a lead registrant nomination nor a registration, despite the fact that industry flagged its intention to register the substance in 2013. ECHA encourages downstream users and potential registrants to consult the list to ensure that their substances manufactured or imported at or above 100 tonnes a year will be registered on time.

The additional list can be accessed via the following link:

http://echa.europa.eu/documents/10162/13632/intentions_2013_no_lr_en.pdf

The full list of substances which must be registered by 31 May 2013 can be accessed via the following link:

http://echa.europa.eu/documents/10162/13632/intentions_2013_en.pdf

CLIMATE CHANGE

Parliament backs Commission's proposal to suspend ETS for intercontinental flights

On 26 February 2013, the Environment Committee in the European Parliament backed the European Commission's proposal of 12 November 2012 to temporarily suspend the EU's Emissions Trading Scheme (“ETS”), established under Directive 2003/87, for intercontinental flights. The purpose of the temporary suspension is to enable the International Civil Aviation Organisation (“ICAO”) to agree worldwide measures. The "stop the clock" proposal, as it has been dubbed, would temporarily exempt airlines from the ETS requirement to report carbon emissions for flights between EU airports and third countries, and sanctions would not be imposed for failure to report. The exception for intercontinental flights is to apply for a maximum of one year and can only be prolonged if “clear and sufficient” progress is made within the ICAO.

The press release announcing the Environment Committee's decision is available via the following link: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bIM-PRESS%2b20130225IPR06039%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

ECO-DESIGN

Commission publishes eco-label criteria for sanitary tapware

On 29 January 2013, a Commission Decision was published which sets out ecological criteria for the award of the EU Eco-label for sanitary tapware. Article 1 of the Commission Decision provides that the product group “sanitary tapware” comprises household taps, showerheads and showers which are mainly used to derive water for personal hygiene, cleaning, cooking and drinking, including when they are marketed for non-domestic use. Article 2 gives individual definitions for the terms used in Article 1. The criteria for awarding the EU Eco-label for the product group “sanitary tapware” are set out in the Annex to the Commission Decision.

The full text of the Commission Decision is available via the following link:

<http://register.consilium.europa.eu/pdf/en/13/st05/st05668.en13.pdf>

PRODUCTS

Commission adds illustrative examples to EU definition of packaging

On 7 February 2013, the European Commission adopted Directive 2013/2/EU which amends Annex I to Directive 94/62/EC on packaging and packaging waste. The amendment introduced additional "illustrative examples" of the application of the criteria laid down for the definition of "packaging" in Article 3 (1) of Directive 94/62/EC. The amendment, which was instigated by the Member States and by industry, was considered necessary to clarify additional cases where the borderline between what is packaging and what is not remains unclear.

The full text of Directive 2013/2/EU is available via the following link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:037:0010:0012:EN:PDF>

French government proposes broad environmental labelling requirement

On 18 February 2013, French Minister for Ecology, Sustainable Development and Energy Delphine Batho proposed environmental labelling across a wide range of consumer products and sectors during the presentation of the results of trials completed in July 2012. Before the proposal of a labelling scheme, French authorities want to provide a "tool box" with calculation methods, indicators and labelling standards according to which the environmental impacts of products can be assessed and communicated. Recommendations by a group of experts are expected in autumn 2013. Consultants from Ernst & Young produced a report after the trials in July 2012, recommending a two-step approach by which companies first voluntarily sign up to environmental labelling before it becomes a mandatory requirement.

The Government press release can be accessed via the following link: http://www.developpement-durable.gouv.fr/spip.php?page=article&id_article=31607

The report produced by Ernst & Young can be accessed via the following link: http://www.developpement-durable.gouv.fr/IMG/pdf/synthese_rapport_E_Y_V2.pdf

OTHER

Commission opens consultation on revision of EU inspection rules

On 21 February 2013, the European Commission opened a consultation on the revision of the current EU framework on environmental inspections. The EU's current legal framework on environmental inspections consists of a combination of mandatory requirements in specific laws such as the Directive 2010/75 on industrial emissions and Recommendation 2001/331/EC, adopted by the European Parliament and Council, providing for minimum criteria for environmental inspections in the Member States. The European Commission is aiming to get stakeholders' feedback on more specific proposals, including giving it explicit power to request specific investigations in Member States and to review national inspection systems in case of serious breaches of EU environmental legislation. The consultation is open to all relevant stakeholders until 25 May 2013.

Information in relation to the consultation is available via the following link: http://ec.europa.eu/environment/consultations/inspections_en.htm

A background document to the consultation is also available via the following link: <http://ec.europa.eu/environment/consultations/pdf/inspections.pdf>

Commission opens anti-dumping investigation into imports of solar glass originating in China

On 28 February 2012, the European Commission launched an anti-dumping investigation into imports of solar glass originating in China, following a complaint lodged on 15 January 2013, by industry association EU Pro Sun. Provisional findings will be issued within nine months of the opening of the investigation, namely by November 2013. From this date, provisional duties may be imposed on Chinese imports for a six-month period. Hereafter the Council of the European Union is legally obliged to take a final decision on the imposition of any definitive anti-dumping measures within 15 months of the investigation being started. In the present case, that means before 28 May 2014.

The press release announcing the opening of this investigation is available via the following link: <http://trade.ec.europa.eu/doclib/press/index.cfm?id=872>

The Months Ahead

7 March

REACH Regulation – The Impact on Equipment Manufacturers and Downstream Chemical Users, Leatherhead, UK

<http://www.environmental-expert.com/events/reach-regulation-the-impact-on-equipment-manufacturers-and-downstream-chemical-users-13909>

12 March

Arctic Summit 2013, Oslo, Norway

<http://www.environmental-expert.com/events/arctic-summit-2013-13716>

12 March

Introduction to Implementing an Environmental Management System (EMS), Stratford-upon-Avon, UK

<http://www.environmental-expert.com/events/introduction-to-implementing-an-environmental-management-system-ems-13917>

12 – 13 March

Global Water Leakage Summit 2013, London, UK

<http://www.environmental-expert.com/events/global-water-leakage-summit-2013-13594>

12 – 14 March

8th Annual World Biofuels Markets Congress & Exhibition 2013, Rotterdam, The Netherlands

<http://www.environmental-expert.com/events/8th-annual-world-biofuels-markets-congress-exhibition-2013-11834>

13 – 14 March

The Air Quality and Emissions Show (AQE Show 2013), Telford, UK

<http://www.environmental-expert.com/events/the-air-quality-and-emissions-show-aqe-show-2013-11911>

13 – 15 March

13th Annual Automobile Recycling Congress IARC 2013, Brussels, Belgium

<http://www.icm.ch/iarc-2013>

14 March

Transport and Environmental Appraisal: Tools & Techniques 2013, Newcastle University, UK

<http://www.environmental-expert.com/events/transport-and-environmental-appraisal-tools-techniques-2013-13299>

14 – 16 March

The 11th International Conference & Exhibition on Emissions Monitoring, Istanbul, Turkey

<http://www.environmental-expert.com/events/>

16 – 17 March

WorldClimate 2013, World Conference on Climate Change and Humanity, Vienna, Austria

<http://www.vienna-conference.com/worldclimate/index.html>

16 – 19 March

ROMENVIROTEC, Bucharest, Romania

<http://www.environmental-expert.com/events/romenvirotec-2013-6068>

20 March

Directeur environnement 2013, Paris, France

http://www.development-institute.com/fr/article/10834/directeur_environnement_2013

20 March

ROHS & REACH Support Sessions, Stratford-upon-Avon, UK

<http://www.environmental-expert.com/events/rohs-reach-support-sessions-20-march-2013-13937>

20 – 21 March

Oil & Gas Telecommunications 2013, London, UK

<http://www.smi-online.co.uk/energy/uk/>

20 – 22 March

Mastering Renewable & Alternative Energies, London, UK

<http://www.iff-energy.com/>

20 – 22 March

Biogaz Europe 2013, LeParc, France

<http://www.environmental-expert.com/events/biogaz-europe-2013-13132>

21 March

10e Conférence Achats d'énergie, Paris, France

http://www.development-institute.com/fr/article/10831/achats_denergie

4 April

How to Comply with the Carbon Reduction Commitment, Stratford-upon-Avon, UK

<http://www.environmental-expert.com/>

7 – 11 April

Decommissioning Challenges – Industrial Reality and Prospects, Avignon, France

<http://www.environmental-expert.com/events/decommissioning-challenges-industrial-reality-and-prospects-13434>

8 – 12 April

19th Group Exhibit Hydrogen + Fuel Cells at Hannover Messe 2013, Hanover, Germany

<http://www.environmental-expert.com/events/19th-group-exhibit-hydrogen-fuel-cells-at-hannover-messe-2013-13277>

10 – 11 April

Water & Environment 2013: CIWEM's Annual Conference, London, UK

<http://www.ciwem.org/events/annual-conference.aspx>

10 – 12 April

WasteECo-2013 Cooperation for Waste Issues: Exhibition and Conference, Kharkiv, Ukraine

<http://www.environmental-expert.com/events/wasteeco-2013-cooperation-for-waste-issues-exhibition-and-conference-13825>

11 April

Introduction to International Compliance Seminar, Stratford-upon-Avon, UK

<http://www.environmental-expert.com/events/introduction-to-international-compliance-seminar-11-april-2013-13766>

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