



EU Environment Report

September/October 2013

CHEMICALS

Proposed REACH restriction on chromium in leather goods

On 5 November, the Danish Environment Minister announced that the Member States representatives in an EU legislative committee ("comitology committee") have approved the proposed restriction on chromium VI in leather goods which are intended to come into contact with the skin. If the restriction enters into force, it will limit the use of chromium VI to 3 mg per kilogram of dry leather. This would apply to products such as leather shoes, handbags and watch straps. According to Denmark, chromium VI can be formed from chromium III during the tanning process, and can cause allergic reactions.

The restriction will enter into force if it is formally adopted by the Member States in the Council and by the European Parliament, which now have three months to scrutinise the proposal. If adopted, it will be included in the "Restriction List" in Annex XVII of the EU's chemical regulation, REACH.

ECHA consults on new authorisation requests on phthalates

The European Chemicals Agency ("ECHA") is consulting on requests under the EU's chemical regime, REACH, to use the phthalates DEHP and DBP. DEHP and DBP are listed in the "Authorisation" Annex XIV of REACH, which means that companies wanting to sell or use them beyond 2015 must make an application for authorisation. ECHA received 7 applications for the use of these two phthalates, including for the manufacture of a variety of PVC products, electrical components, and explosive propellants for ammunition and aircraft ejection. In the context of the consultation, it is asking for information on potential substitutes. The consultation runs until 8 January. Submissions received will be considered by ECHA's expert committees, whose views will then be passed to the European Commission for a final decision on the applications for authorisation.

The consultation can be accessed here:

<http://echa.europa.eu/web/guest/addressing-chemicals-of-concern/authorisation/applications-for-authorisation>

General Court finds REACH restriction of cadmium unjustified; Commission did not conduct a proper risk assessment

On 14 November, the EU's General Court released its judgment in Case T-456/11. The case was brought by the International Cadmium Association against the European Commission, to challenge a 2011 decision to extend the REACH restriction on the use of all cadmium compounds as colouring agents for plastic materials. The restriction was later revoked by the Commission when the Commission itself realised it had gone too far. The applicants nevertheless challenged the ban for the period it was in force. In its defence, the Commission

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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.

cited reports dealing with cadmium pigments only very indirectly and outdated reports which were not taken into account in the risk assessment. The Court found that there was no evidence to justify the REACH restriction and that the Commission had not conducted a proper risk assessment. It stated:

“In this connection, where experts carry out a scientific evaluation of the risks, the Commission must be given sufficiently reliable and cogent information to allow it to understand the ramifications of the scientific question raised and decide upon a policy in full knowledge of the facts. Consequently, if it is not to adopt arbitrary measures, which cannot in any circumstances be rendered legitimate by the precautionary principle, the Commission must ensure that any measures that it takes, even preventive measures, are based on as thorough a scientific evaluation of the risks as possible, account being taken of the particular circumstances of the case at issue (para 52)”.

The Court judgment in case T-456/11 can be accessed here:

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=144481&pageIdex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=152956>

CLIMATE CHANGE

Changes to EU Emissions Trading Scheme

On 21 November, the Commission published a “non-paper”, which proposes options to change the schedule of auctions under the EU’s Emissions Trading Scheme (“ETS”). The reason for changing the timetable is to give the institutions time to reach an agreement on the amendment of the EU ETS Directive to enable the “back-loading” (withdrawal) of 900 million allowances from the ETS system. Back-loading was supposed to begin this year, but has been delayed. The non-paper suggests the following two options:

- Option 1: Reduce the volume of EU emissions allowances by 400 million in 2014, followed by a further reduction of 500 million in 2015.
- Option 2: Reduce the volume of EU emissions allowances by 300 million in 2015.

The two options will be considered by the EU’s climate change committee on 11 December.

The non-paper is available here:

http://ec.europa.eu/clima/news/docs/2013112101_en.pdf

UN climate talks in Warsaw

The UN climate change conference took place between 11–23 November in Warsaw. The governments discussed a draft text of a new universal climate agreement, which will be further negotiated at the next UN climate change conference in Peru. Both developed and developing countries agreed to table their “intended nationally determined contributions” to tackling climate change by March 2015. The legal status of such “contributions” is still to be determined. The notion of “commitments” had to be changed to “contributions” to break a deadlock between developed countries (including the EU and the US) and developing countries (including China and India). The aim is to have a global climate deal on emissions reduction by 2015.

The UN website can be accessed here:

http://unfccc.int/meetings/warsaw_nov_2013/meeting/7649.php

ENERGY EFFICIENCY

New guidance on EU energy efficiency rules

On 6 November, the European Commission published detailed guidance on the

implementation of the EU Energy Efficiency Directive. The purpose of the guidance is to help Member States to understand how the Directive should be implemented into national law. It explains some of the more complex provisions of the Directive, such as the rules on public procurement, energy audits and co-generation. The EU Member States are required to implement the Energy Efficiency Directive into their national laws by June 2014.

The Guidance is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0762:FIN:EN:PDF>

OTHER

Council and Parliament agree on stricter noise limits for vehicles

On 15 November, it was reported that the Member States in the Council and the European Parliament have reached an agreement on new noise limits for motor vehicles. Manufacturers of cars, vans, buses and lorries will have to comply with the new noise limits, which will be phased in, from 2016 onwards. In 2016, new testing methods will apply and stricter limits will begin to apply from 2020 onwards.

The Council press release setting out the new limit values is available here:

http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/intm/139612.pdf

Commission launches public consultation on marine biotechnology

On 18 November, the European Commission opened a public consultation on marine biotechnology. It is seeking to understand the current level of activity in the field and scope for increased activity, to determine whether EU action is required in the sector. It asks about modern applications of marine biotechnology, including the derivation of drugs from marine sponges, fuel from microalgae and environmental monitoring technologies. Interested parties have until 10 February 2014 to submit comments.

The consultation can be accessed here:

http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/marine-biotechnology/index_en.htm

The Months Ahead

4 December

Shale Gas – An unconventional resource, London, UK

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

5 December

Energy Management Seminar, Stratford-upon-Avon, UK

<http://www.environmental-expert.com/events/energy-management-seminar-5-december-2013-13930>

5 December

European vs national energy policy in the light of international energy markets, London, UK

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

9-13 December

Air Pollution 2013, Newcastle, UK

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

10 December

Oil and Gas Joint Ventures – Building enduring partnerships, London, UK

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

2014

14-16 January

Biogas Convention and Trade Fair, Nuremberg, Germany

http://www.envirotech-online.com/calendar_entry/biogas_convention_and_trade_fair/1576/

22-24 January

13th International Electronics Recycling Congress IERC 2014, Salzburg, Austria

<http://www.icm.ch/13th-international-electronics-recycling-congress-ierc-2014>

22-24 January

2014 Tenth International Conference on Environmental, Cultural, Economic and Social Sustainability, Split, Croatia

<http://www.onsustainability.com/split-2014>

28-30 January

European Unconventional Gas Summit 2014, Vienna, Austria

<http://www.theenergyexchange.co.uk/event/european-unconventional-gas-summit-2014>

10-14 February

Traffic and Environment Management for Sustainability 2014, Newcastle upon Tyne, UK

<http://www.environmental-expert.com/events/traffic-and-environment-management-for-sustainability-2014-15036>

5-7 March

10th Energy Efficiency and Renewable Energy Congress and Exhibition for South-East Europe, Sofia, Bulgaria

<http://via-expo.com/en/pages/ee-re-congress>

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