



## EU Environment Report

May/June 2013

### CHEMICALS

#### Governments agree on global ban on flame retardant HBCD

On 9 May 2013, governments from around the world agreed at a meeting in Geneva to add the flame retardant hexabromocyclododecane (“HBCD”) to a list of 22 other substances targeted for global elimination under the Stockholm Convention on Persistent Organic Pollutants. HBCD is currently used in polystyrene foam in approximately one third of the EU building insulation market. From August 2015, use of HBCD will be restricted in the EU under REACH.

The Stockholm Convention website can be accessed via the following link: <http://chm.pops.int/Home/tabid/2121/mctl/ViewDetails/EventModID/7595/EventID/403/xmid/7598/Default.aspx>

#### Proposal to remove inconsistencies from Biocides Regulation

On 16 May 2013, the European Commission (“Commission”) published a legislative proposal to address discrepancies in the new Biocides Regulation 528/2012. The current legislation prohibits articles treated with biocides if they have not been approved at the EU level, regardless of whether they have been approved in national jurisdictions. The proposal would remove this, and other, inconsistencies and errors. It is expected that the new Regulation will be adopted before the end of this year.

The Commission’s proposal can be accessed via this link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0288:FIN:EN:PDF>

#### Commission extends exemption for lead in vehicle components

On 17 May 2013, the EU adopted a new Directive which extends the permission for lead in certain vehicle components. The current EU Directive on end-of-life vehicles (Directive 2000/53) bans the use of specific substances, including lead, in components and materials of vehicles which came on the market after July 2003. However, there are various exemptions from the ban. The new Directive extends the application of the exemption for lead in solders in electrical glazing applications on glass, except for soldering in laminated glazing, for vehicles type-approved before 1 January 2016.

Directive 2013/28/EU can be accessed via the following link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:135:0014:0018:EN:PDF>

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## Commission set to change REACH rules on nanomaterials

On 24 June 2013, the Commission launched a public consultation on whether to tighten the information requirements for nanomaterials under Regulation 1907/2006 on Registration, Evaluation, Authorisation and Restriction of Chemicals ("REACH Regulation"). According to the consultation, the existing requirements are too general and do not ensure that sufficient information is provided on nanomaterials. Therefore, taking into account the conclusions in the Commission's "Second Regulatory Review on Nanomaterials" from December 2012 and the Commission's "General Review of REACH" from February 2013, this public consultation is focused on technical provisions in the annexes to the REACH Regulation, which the Commission may propose to amend later in 2013, depending on the results of this consultation. The deadline for replying to the consultation is 13 September 2013.

Details in relation to the Commission's consultation are available via the following link:

<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=NanomaterialsREACH>

## New proposals by ECHA under REACH Regulation

On 20 June 2013, the European Chemicals Agency ("ECHA") agreed to add six substances of very high concern (SVHC) to the "Candidate List" under the REACH Regulation. These substances are as follows: cadmium, cadmium oxide, ammonium pentadecafluorooctanoate (APFO), pentadecafluorooctanoic acid (PFOA), Dipentyl phthalate (DPP) and 4-Nonylphenol. Substances on the "Candidate List" can eventually end up on the "Authorisation List" under Annex XIV of the REACH Regulation, which means that any undertaking wanting to use such substances after a set date must seek approval.

The ECHA's press release in relation to this development is available via the following link:

[http://echa.europa.eu/view-article/-/journal\\_content/title/echa-updates-the-candidate-list-for-authorisation-with-six-new-substances-of-very-high-concern-svhcs-](http://echa.europa.eu/view-article/-/journal_content/title/echa-updates-the-candidate-list-for-authorisation-with-six-new-substances-of-very-high-concern-svhcs-)

On 24 June 2013, the ECHA opened a public consultation seeking comments in relation to its draft recommendation to include a further six substances in the authorisation list under the REACH Regulation. The ECHA prioritised the substances from the Candidate List to be included in the Authorisation List. The prioritisation is based on the available information on intrinsic properties, uses and volumes of the substances in the scope of authorisation. The substances which the ECHA has prioritised are as follows: zirconia aluminosilicate refractory ceramic fibres (Zr-RCF), aluminosilicate refractory ceramic fibres (Al-RCF), diazene-1,2-dicarboxamide, 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated (4-tert-OPnEO) and N,N-dimethylformamide (DMF). The deadline for submitting comments is 13 September 2013.

The ECHA's press release opening the public consultation is available via the following link:

<http://echa.europa.eu/addressing-chemicals-of-concern/authorisation/recommendation-for-inclusion-in-the-authorisation-list>

## CLIMATE CHANGE

### China's new system for National Emissions Trading anticipated for 2016

In May 2013, a representative of China's National Development and Reform Commission announced that the country plans to develop a national cap-and-trade system resembling the EU's Emissions Trading Scheme ("ETS"). With \$8 million from the World Bank and several other international entities supporting pilot programs, China says it expects the system to be in operation by 2016. The details of the system have not yet been finalised.

*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.*

The website of the National Development and Reform Commission can be accessed via the following link: <http://en.ndrc.gov.cn/>

### EU adopts new CO<sub>2</sub> emissions regulations for cars

On 1 May 2013, the EU published two new measures amending the mandatory monitoring parameters for monitoring and reporting CO<sub>2</sub> emissions from passenger cars. These measures are adopted in the context of 2009 EU legislation which sets mandatory emission performance standards for new cars. The monitoring parameters will now be aligned with those of light commercial vehicles, to include engine capacity, electric energy consumption, as well as the type-approval number.

Commission Implementing Regulation 396/2013 and Regulation 397/2013 can be accessed via the following link:

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2013:120:SOM:EN:HTML>

## ENERGY

### Consultation by European Commission finds strong backing for rules on shale gas extraction

On 7 June 2013, the Commission organised an open stakeholder meeting to discuss the results of its public consultation on unconventional fossil fuels (e.g. shale gas). The consultation, which attracted more than 22,000 individual responses, found a huge majority in favour of EU guidelines or a legal framework governing the extraction of unconventional fossil fuels (e.g. shale gas). Inaction at the EU level was the least favoured option. The Commission will take account of the results of this consultation and put forward proposals later this year.

The Commission's presentation containing the results of the public consultation can be accessed via the following link:

[http://ec.europa.eu/environment/integration/energy/pdf/Presentation\\_07062013.pdf](http://ec.europa.eu/environment/integration/energy/pdf/Presentation_07062013.pdf)

### Council adopts offshore oil and gas safety directive

On 10 June 2013, the Council of the European Union ("Council") adopted a Directive on the safety of offshore oil and gas operations. The goal of this new regulatory framework is to reduce major accidents related to offshore oil and gas operations and to limit their consequences. To this end, it establishes minimum conditions for safe offshore exploration and exploitation and improves the response mechanisms in the event of a major accident, while also increasing the protection of the marine environment and coastal economies against pollution. The Directive will enter into force 20 days after publication in the Official Journal of the European Union.

The text of the Directive can be accessed via the following link:

<http://register.consilium.europa.eu/pdf/en/13/pe00/pe00008.en13.pdf>

## Other

### Consultation shows support for environmental inspection powers for European Commission

On 17 June 2013, the preliminary results of the public consultation on the revision of the current EU framework on environmental inspections were announced. The deadline for submitting comments was 25 May 2013. The preliminary results found strong support to grant the Commission the power to ask Member States to carry out environmental inspections, and report their findings to the Commission. At present, the legal framework covering environmental inspections comprises

mostly non-binding recommendations and only a few mandatory requirements in specific laws such as Directive 2010/75 on industrial emissions and Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States.

Details in relation to the public consultation are available via the following link:  
[http://ec.europa.eu/environment/consultations/inspections\\_en.htm](http://ec.europa.eu/environment/consultations/inspections_en.htm)

## The Months Ahead

### 5 July

EU Committee Business Lunch with Peter Vis – Head of Cabinet of Commissioner Hedegaard, DG Climate Action, European Commission, Brussels  
<http://www.regonline.co.uk/builder/site/Default.aspx?eventid=1240307>

### 5 July

Climate change and EU industrial competitiveness: Towards 2030, Brussels  
<http://www.regonline.co.uk/builder/site/Default.aspx?eventid=1240307>

### 8 July

AmCham EU Environment Plenary on “REACH: lessons learned and upcoming challenges”, Brussels  
<http://www.amchameu.eu/membersevents/tabid/159/vw/3/itemid/972/d/20130708/default.aspx>

### 8 – 9 July

M2M for the Oil and Gas Industry, London  
<http://www.smi-online.co.uk/energy/uk/M2M-for-the-Oil-and-Gas-Industry>

### 9 July

EU Committee Business Lunch with Marie Donnelly - Director, Renewable, Research and Innovation, Energy Efficiency, DG ENERGY, European Commission on Horizon 2020 and its implications for business, Brussels  
<http://www.regonline.co.uk/Register/Checkin.aspx?EventID=1243895>

### 10 – 12 July

12th Global Conference: Environmental Justice and Citizenship, Oxford, UK  
<http://www.inter-disciplinary.net/critical-issues/ethos/environmental-justice-and-global-citizenship/call-for-papers/>

### 17 – 18 July

UK Shale 2013: Making It Happen, London  
<http://www.shale-uk-2013.com/>

### 18 July

Introduction to Implementing an Environmental Management System, Manchester, UK  
<http://www.environmental-expert.com/events/introduction-to-implementing-an-environmental-management-system-13925>

### 22 July

Second International Conference, Catalysis for Renewable Sources: Fuel, Energy, Chemicals, Lund, Sweden  
<http://conf.nsc.ru/en/page/CRS-2;jsessionid=68127CE315A2BB698EDEF444C9B8FA0F>

### 25 July

Waste Management Evaluation Seminar, Stratford-upon-Avon, UK  
<http://www.environmental-expert.com/events/waste-management-evaluation-seminar-13926>

### 28 July – 2 August

The 11th International Conference on Mercury as a Global Pollutant (ICMGP)

2013, Edinburgh

<http://www.environmental-expert.com/events/the-11th-international-conference-on-mercury-as-a-global-pollutant-icmcp-2013-13547>

**17 – 19 August**

Solar Energy for World Peace, Istanbul

<http://solar4peace.org/>

**19 – 23 August**

Environment and Health – Bridging South, North, East and West, Basel

<http://ehbasel13.org/>

**22 August**

Rohs & REACH International Compliance, Stratford-upon-Avon, UK

<http://www.environmental-expert.com/events/rohs-reach-international-compliance-22-august-2013-13934>

**22 – 25 August**

Climate Change, Sustainability and an Ethics of an Open Future, Soesterberg, Utrecht, Netherlands

<http://www.societasethica.info/?l=en&sc=true>

**1 – 6 September**

World Water Week 2013, Stockholm

<http://www.environmental-expert.com/events/world-water-week-2013-13645>

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