



EU Environment Report

November 2012

CHEMICALS

European Commission opens consultation on four new exemptions under the RoHS Directive

Following requests from two undertakings and two industry associations, the European Commission has opened a consultation on four new exemptions under Directive 2011/65/EU on the restriction of the use of certain hazardous substances in electrical and electronic equipment ("RoHS Directive"). The requests concern the use of leaded solders in a new X-ray detector and in handheld machinery, the use of platinum electrodes in measuring instruments for electrochemistry and the use of mercury in neon lights. Interested parties are invited to submit comments until 1 February 2013.

Details in relation to this consultation, which is being run by an external contractor appointed by the European Commission, can be accessed via the following link: http://rohs.exemptions.oeko.info/fileadmin/user_upload/RoHS_VII/Guidance-doc_consultation_final.pdf

Revision of the rules in the CLP Regulation is not yet necessary

Following a report submitted to it by the European Chemicals Agency on 20 January 2012, the European Commission has reported to the Council of the European Union and the European Parliament that it is unnecessary to amend Regulation 1272/2008 on the classification, labelling and packaging of substances and mixtures ("CLP Regulation") to improve hazard information. It concluded that the public is still becoming accustomed to hazard labels introduced by legislation which came into effect in 2010, particularly since the new labelling requirements for mixtures will not come into effect until June 2015. However, the European Commission has recommended that awareness of the labels among consumers be increased and that manufacturers and importers should ensure that product packaging does not undermine the warnings conveyed through the use of the labels.

The full text of the European Commission's report can be accessed via the following link: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0630:FIN:EN:PDF>

CLIMATE CHANGE

European Parliament endorses agreement on motorbike emissions

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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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On 20 November 2012, the European Parliament endorsed an agreement reached in September 2012 to cut pollutant emissions from L-category vehicles. From 2016, new types of heavier two, three and four-wheelers will have to meet the Euro 4 emission standard, and from 2017 for existing vehicles of this kind. From 2017, the Euro 4 standard will also have to be met by new types of lighter vehicles (including mopeds and light quads). From 2020, all new types of L-category vehicles will have to meet Euro 5 emission standards, and from 2021 for existing vehicles of this kind.

The full text of the agreement can be accessed via the following link:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0424+0+DOC+XML+V0//EN&language=EN>

European Commission proposes reforms to the carbon market and the ETS

In a report dated 14 November 2012, the European Commission has released a proposal for reform of the carbon market and the Emissions Trading Scheme ("ETS"). The proposal comprises six options for reform: increasing the 2020 targets for the reduction of greenhouse gas to 30%; permanently removing some allowances from the ETS; stricter annual caps under the ETS; extending the scope of the ETS to new sectors; limiting access to international credits; and introducing a price management mechanism such as a carbon price floor. The Commission's report follows a legislative proposal, in the form of an amendment to the EU ETS Auctioning Regulation, to delay the auction of 900 million carbon allowances until 2019-20, which was issued earlier in November 2012.

The full text of the report is available via the following link:

http://ec.europa.eu/clima/policies/ets/reform/docs/com_2012_652_en.pdf

The full text of the Commission's proposed amendment to the EU ETS Auctioning Regulation can be accessed via the following link:

http://ec.europa.eu/clima/policies/ets/auctioning/third/docs/20121112_com_en.pdf

ECO-DESIGN

Commission report and impact assessment on voluntary eco-design scheme for complex set-top boxes

The European Commission has released a report, accompanied by an impact assessment, on the voluntary eco-design scheme for complex set-top boxes ("CSTBs"), otherwise known as pay TV receivers. The Commission considers that the voluntary eco-design scheme, proposed by the CSTB industry in 2010, complies with EU obligations and is thus valid under the EU's Eco-design Directive. The voluntary scheme establishes supervisory bodies for industry and introduces reporting obligations and monitoring rules. Each signatory undertakes to ensure that at least 90% of all CSTB models it places on the markets comply with energy consumption targets defined in the voluntary agreement. The Commission will continue to monitor the voluntary scheme to ensure that the underlying policy objectives continue to be met.

The Commission's report and the accompanying impact assessment can be accessed via the following links:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0684:FIN:EN:PDF>

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2012:0391:FIN:EN:PDF>

ENERGY

Council and European Parliament agree on new TEN-E guidelines

The European Parliament and the Council of the European Union have agreed on new guidelines for trans-European energy infrastructure ("TEN-E guidelines") to identify and accelerate cross-border energy infrastructure projects. A more transparent and accelerated permit granting procedure will create a fast-track procedure for "projects of common interest" ("PCIs") which could be eligible for EU funding, such as pipelines and wind farms. According to the Regulation, PCIs are projects which are cross-border or have benefits for two or more Member States. A full list of eligible PCIs is expected by the end of next year. In addition, a list of 12 priority corridors has been established for future enlargement of the TEN-E network.

PCIs may also be eligible for EU funding under the Connecting Europe Facility.

The Commission's press release announcing the agreement on the new TEN-E guidelines is available via the following link:

http://europa.eu/rapid/press-release_IP-12-1288_en.htm

EU Directive on energy efficiency published

On 14 November 2012, Directive 2012/27/EU on energy efficiency was published in the EU's Official Journal. The Directive lays down measures for the promotion of energy efficiency within the EU, to ensure that the EU meets its 2020 target to reduce the EU's energy consumption by 20%. Each EU Member State will be obliged to set an indicative national energy efficiency target. Each year EU Member States will have to report on their progress in meeting their efficiency targets. In addition, from 30 April 2014 EU, Member States must also submit a National Energy Efficiency Action Plan every three years. The Directive enters into force on 4 December 2012 and must be transposed into national law by 5 June 2014.

The full text of the Energy Efficiency Directive is available here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0001:0056:EN:PDF>

PRODUCTS

PAH restrictions may be extended to a broader range of consumer products

According to a Commission proposal, current limits on polycyclic aromatic hydrocarbons ("PAHs") used in extender oils in the manufacturing of tyres are likely to be extended to "parts of articles that come into direct and prolonged contact with the human skin or the oral cavity under normal or reasonably foreseeable conditions of use".

The proposed PAH restrictions will be discussed in early 2013 and could be adopted through an amendment of Annex XVII to Regulation 1907/2006 ("REACH Regulation"). The substances under consideration are as follows: benzo[a]pyrene, benzo[e]pyrene, benzo[a]anthracene, chrysen, benzo[b]fluoranthene, benzo[j]fluoranthene, benzo[k]fluoranthene and dibenzo[a,h]anthracene.

The full text of the Commission's proposal can be accessed via the following link:

http://ec.europa.eu/enterprise/tbt/tbt_repository/EU73_EN_1_1.pdf

The Months Ahead

12 December

L'énergie de la Ville de demain, Paris, France

http://www.development-institute.com/fr/article/10707/lenergie_de_la_ville_de_demain

12 December

The International Climate Change Regime after Doha, Brussels, Belgium

<http://www.ceps.eu/event/international-climate-change-regime-after-doha>

13 December

Water and Innovation - Learning from Innovators: Addressing the Challenges by Learning the Lessons, London, UK

<http://www.conferencealerts.com/show-event?id=109789>

7 – 9 January 2013

IPWE 2013: International Perspective on Water Resources and the Environment, Izmir, Turkey

<http://content.asce.org/conferences/ipwe2013/index.html>

28 – 29 January

EU Environmental Law for Non-Lawyers, Luxembourg

<http://seminars.eipa.eu/>

29 – 31 January 2013

TerraTec 2013 – International Trade Fair for Environmental Technologies, Leipzig, Germany

<http://www.environmental-expert.com/events/terratec-2013-international-trade-fair-for-environmental-technologies-2723>

30 – 31 January 2013

REACH 2013, Paris, France

http://www.development-institute.com/fr/article/10610/reach_2013

13 – 14 February

REACH and Global Chemical Regulations, Berlin, Germany

<http://www.informa-ls.com/event/REACH2013>

19 – 20 February

Waste to Energy + Recycling 2013, Bremen, Germany

<http://www.environmental-expert.com/events/waste-to-energy-recycling-2013-10353>

19 – 20 February

Clean Gas & Coal 2013, Bremen, Germany

<http://www.environmental-expert.com/events/clean-gas-coal-2013-12740>

24 – 25 February

2013 3rd International Conference on Future Environment and Energy - ICFEE 2013, Rome, Italy

<http://www.icfee.org/>

24 – 25 February

2013 2nd International Conference on Climate Change and Humanity - ICCCH 2013, Rome, Italy

<http://www.iccch.org/>

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