



EU Environment Report

December/January 2013

CHEMICALS

France bans bisphenol A in food contact materials

On 24 December, France approved a law banning bisphenol A (“BPA”) in all food packaging, containers and utensils, with effect from 1 January 2015. BPA will also be banned from food containers aimed at children under the age of three from 2013. This goes further than the current EU regulation, which only bans BPA in infant feeding bottles.

The law is available here:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026830015&dateTexte=&categorieLien=idhttp://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026830015&dateTexte=&categorieLien=id>

Commission adopts RoHS exemption for lead

From 2 January 2013, the use of lead is permitted in PZT-based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors. This takes effect by way of an exemption adopted by the Commission to the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (“RoHS Directive”). The Commission determined that the substitution of lead in these applications is still technically impracticable.

The full text of the exemption is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:348:0016:0017:EN:PDF>

Commission adopts RoHS exemption for cadmium

From 2 January 2013, the use of cadmium is permitted in photoresistors for analogue optocouplers applied in professional audio equipment. This is the result of an exemption to the RoHS Directive adopted by the Commission, which otherwise prohibits the use of cadmium in electrical and electronic equipment. The Commission determined that the substitution of cadmium in those photoresistors is still technically impracticable. However, the exemption is limited in time, since the Commission considers that the research for cadmium-free technology is in progress and substitutes could become available by the end of 2013.

The full text of the exemption is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:348:0018:0019:EN: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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Consultation begins on three additional RoHS exemptions for lead and mercury

On 21 December, on behalf of the European Commission, the Öko-Institut launched a stakeholder consultation on three exemptions from the prohibition of lead and mercury in electrical and electronic equipment under the RoHS Directive. The three exemption requests relate to the following applications:

- Lead in glass of electronic components and fluorescent tubes, or in electronic ceramic parts
- Lead used in compliant pin connector systems for use in industrial monitoring and control instruments
- Mercury in cold cathode fluorescent lamps for back-lighting liquid crystal displays

Interested parties are invited to submit comments in response to the consultation, which closes on 15 February 2013.

More information on the consultation and how to participate is available here: http://ec.europa.eu/environment/consultations/rohs6_en.htm

Governments reach international binding agreement on mercury

On 19 January, governments agreed on a global, legally-binding treaty to address mercury emissions and releases. The agreement, known as the Minamata Convention, is the result of four years of negotiations. It provides for controls on mercury use, release and emissions across a wide range of products and industries, such as thermometers, energy-saving light bulbs, batteries, mining, cement and power stations.

To read more, the press release of the United Nations Environment Programme is available here: <http://www.unep.org/newscentre/Default.aspx?DocumentID=2702&ArticleID=9373&l=en>

CLIMATE CHANGE

Governments agree on “Doha Gateway” to achieve a global climate agreement

Governments re-united for UN climate talks in Doha from 26 November until 8 December 2012. The governments agreed to establish a single negotiations platform, dubbed the “Doha Climate Gateway”, to facilitate the conclusion of a new global climate deal by the end of 2015, for implementation in 2020. This agreement will aim to achieve the UN goal of limiting global warming to 2 degrees Celsius. Governments also agreed to continue the Kyoto Protocol, limiting greenhouse gas emissions for a further 8 years. The emissions targets will be reviewed in 2014 with a view to increasing the level of ambition. UN Secretary-General Ban Ki-moon welcomed the outcome of the Doha talks, but said that “far more needs to be done”.

More information on the Doha talks is available here: <http://www.cop18.qa/>

Commission amends rules on non-mobile machinery emissions

On 6 December 2012, the European Commission (“Commission”) adopted a Directive amending rules introduced in 1997 to regulate emissions of certain gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery. The new measure updates the durability requirements and test procedure for the type-approval of these engines and specifies the operating conditions under which those tests are to be carried out.

Member States are required to adapt their national laws to comply with the Directive by 21 December 2013 at the latest.

The full text of Commission Directive 2012/46/EU is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:353:0080:0127:EN:PDF>

Commission confirms emissions targets for manufacturers of passenger cars

Under the EU Regulation on emission performance standards for new passenger cars, the Commission is required each year to confirm the average specific emissions of CO₂ and the specific emissions target for each manufacturer of passenger cars in the EU, as well as for each pool of manufacturers. On 11 December, the Commission adopted a Decision confirming the average specific emissions of CO₂ from new passenger cars registered in 2011, the specific emissions targets and the difference between those two values. The targets for 2011 aim to serve as indicators to manufacturers of the effort required to reach the mandatory target in 2012.

The Commission Decision is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:338:0029:0036:EN:PDF>

ECO-DESIGN

Commission publishes eco-design working plan for 2012-2014

On 7 December, the Commission finalised its Working Plan for 2012 – 2014 under the EU's Eco-design Directive. The Working Plan sets out the energy-related product groups which will be considered "priorities" for the adoption of eco-design requirements. The indicative list sets out 12 broad product groups to be considered during 2013 and 2014, including window products, steam boilers, power cables, enterprises' servers, data storage and ancillary equipment, smart appliances/meters and water-related products.

The full working plan is available here: <http://register.consilium.europa.eu/pdf/en/12/st17/st17624.en12.pdf>

Commission adopts new eco-design requirements for lamps and lighting equipment

On 12 December, the Commission adopted new eco-design requirements for directional lamps, light-emitting diode lamps and related equipment. The mandatory eco-design requirements apply to products placed on the EU market wherever they are installed or used. The requirements focus on energy consumption in the use phase along with mercury content and mercury emissions. The eco-design requirements will be introduced in three stages, from 1 September 2013, 2014 and 2016.

The Commission Regulation 1194/2012 is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:342:0001:0022:EN:PDF>

Commission publishes impact assessment recommending continuation of voluntary eco-design scheme for imaging equipment

On 29 January, the Commission published an impact assessment on the voluntary eco-design scheme proposed by industry for imaging equipment (copiers, printers, multi-functional devices, fax machines). The Commission considered whether mandatory eco-design requirements for imaging equipment should be adopted under the EU's Eco-design Directive. The Commission concluded that, compared to other energy-related products, there is no major eco-design problem for imaging equipment. In particular, it considers that energy efficiency and core environmental impacts of imaging equipment are addressed

by the voluntary EU ENERGY STAR programme. Accordingly, the Commission believes that continuing the voluntary option, rather than imposing mandatory EU eco-design requirements, is the preferred choice. The Commission stated that it will continue to monitor the application of the voluntary scheme to ensure that it complies with the principles of the Eco-design Directive.

The executive summary of the impact assessment for imaging equipment is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2013:0014:FIN:EN:PDF>

The full impact assessment is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2013:0015:FIN:EN:PDF>

The Commission's report to the Parliament and Council accompanying the impact assessment is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0023:FIN:EN:PDF>

ACCESS TO INFORMATION

European Court issues judgment allowing access to urban planning decisions

On 15 January, the Court of Justice of the EU handed down a ruling on access to information under the Integrated Pollution Prevention and Control ("IPPC") directive. The case came before the Court when a group of residents in Slovakia challenged the construction of a landfill site in their town. Slovakia originally authorised the project without publishing a decision on the location of the site, claiming that it contained confidential commercial and industrial information. The EU Court found that commercial confidentiality is not a valid reason to deny access to urban planning decisions and that the public has a right to access planning decisions from the beginning of the authorisation procedure.

The full Judgment C-416/10 is available here: <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-416/10>

The Months Ahead

24 – 25 February

2013 3rd International Conference on Future Environment and Energy - ICREE
2013, Rome, Italy
<http://www.icree.org/>

24 – 25 February

2013 2nd International Conference on Climate Change and Humanity - ICCCH
2013, Rome, Italy
<http://www.iccch.org/>

25 – 28 February

Ukrainian Energy Forum, Kyiv, Ukraine
<http://www.adamsmithconferences.com/event/energy-power-oil-gas-ukraine>

5 – 7 March

Black Sea Oil and Gas Forum 2013, Sofia, Bulgaria
<http://www.blackseaoilgas.com/>

6 – 7 March

Deeper Water Offshore Wind, London, UK
<http://www.offshorewindconference.com/>

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

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

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

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/>

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