



## EU Environment Report

December 2011 - January 2012

### AUTOMOBILES

#### Commission proposes changes to pollution limits for cars

On 11 January, the European Commission issued a proposal for a Regulation establishing on-board diagnostic ("OBD") limits for cars and light commercial vehicles which comply with Euro 6 pollution standards. If the proposal is adopted, type approval will be conditional on compliance with the new OBD threshold limits.

The Commission's proposal is available online here:

<http://register.consilium.europa.eu/pdf/en/12/st05/st05446.en12.pdf>

### CHEMICALS

#### New Biocides Regulation approved by Parliament

On 19 January, the European Parliament formally approved the new Biocides Regulation. The Regulation sets out rules which are aimed at minimising the risks posed to health and the environment by biocides. In particular, the Regulation bans the most dangerous chemicals and recognises the potential threat posed by nanomaterials. An EU authorisation system will be phased in between 2013 and 2020. Under that system, articles which have been treated with biocides must be labeled accordingly. The Council must now formally rubber-stamp the Regulation. The Regulation will apply in the Member States from 1 September 2013.

The procedure file for the new Regulation is available here:

[http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2009/0076\(COD\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2009/0076(COD))

#### 20 substances added to REACH Candidate List

On 13 December, the European Chemicals Agency (ECHA) added an additional 20 substances to the REACH candidate list, bringing the list to a total of 73 substances. Substances on the candidate list are subject to extra rules on information disclosure. Among the new additions is 4-ter-octylphenol, due to its endocrine-disrupting properties. Octylphenol, a substance used in the manufacture of paints, adhesives and tires, was of particular interest to the ECHA because it wanted to ensure that the substance meets the "equivalent concern" criteria justifying the addition of endocrine disruptors to REACH's candidate list. More substances are expected to be proposed by member states at the beginning of next year.

The REACH candidate list is available here:

<http://echa.europa.eu/web/guest/candidate-list-table>

### In this issue...

#### Automobiles

Commission proposes changes to pollution limits for cars

#### Chemicals

New Biocides Regulation approved by Parliament

20 substances added to REACH Candidate List

REACH representatives for non-EU companies

#### Climate Change

Successful agreement reached at UN climate change meeting in Durban

Commission publishes cost analysis of 30% CO<sub>2</sub> target

#### Electronics

New Waste Electrical and Electronic Equipment ("WEEE") Directive approved by European Parliament

#### Energy

EU Energy Roadmap to 2050 published

#### Other

Commission publishes draft State aid rules for EU Emissions Trading Scheme

Commission makes legislative proposal for new Public Procurement rules

#### The Months Ahead

Workshops & Conferences

*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.*

## REACH representatives for non-EU companies

The Commission has confirmed that companies based outside the EU can use the same representative that they used for the REACH registration process to seek authorisation for substances which are “restricted” under REACH. Until now it was not clear whether the so-called “only representative” was legally allowed to apply for authorisations on behalf of their non-EU clients. The Commission informed the ECHA of its decision in December 2011.

The ECHA report is available here: <http://echa.europa.eu/web/guest>

## CLIMATE CHANGE

### Successful agreement reached at UN climate change meeting in Durban

EU officials emerged from negotiations in Durban having successfully reached an agreement to draft a legally binding deal by 2015. Key highlights of the talks included commitments to new binding emissions reductions under the Kyoto Protocol, new accounting rules on emissions reductions from land use, land-use change and forestry (LULUCF), and an EU push for either a protocol or a legal instrument for the future policy's global framework. Notably, the negotiations resulted in the more concrete goal of a legal treaty to which industrialised and developing countries alike are bound. Additional topics discussed in Durban included rules for the Green Climate Fund, financing of REDD+ forestry projects, and carbon capture and storage projects under the clean development mechanism (CDM), which resulted in the adoption of a new materiality standard for emissions reporting.

The outcome is available here:

[http://unfccc.int/files/meetings/durban\\_nov\\_2011/decisions/application/pdf/co\\_p17\\_lcaoutcome.pdf](http://unfccc.int/files/meetings/durban_nov_2011/decisions/application/pdf/co_p17_lcaoutcome.pdf)

### Commission publishes cost analysis of 30% CO<sub>2</sub> target

The European Commission has published a provisional version of its much-awaited analysis on the costs and benefits of adopting a 30% carbon reduction target in the EU. The study shows that the 30% target would hit poorer, eastern European states harder than richer ones. However, it recommends 3 measures to ensure an equitable distribution of costs amongst Member States, including cutting the number of CO<sub>2</sub> allowances that richer Member States can auction. At EU-level a 30% target would cost an additional €33bn, but the Commission claims that this is largely offset by savings on fuel and additional health and environmental benefits.

The Study is available here:

[http://ec.europa.eu/clima/policies/package/docs/staff\\_working\\_doc\\_2012\\_en](http://ec.europa.eu/clima/policies/package/docs/staff_working_doc_2012_en)

## ELECTRONICS

### New Waste Electrical and Electronic Equipment (“WEEE”) Directive approved by European Parliament

The revised directive on waste electrical and electronic equipment (WEEE) was approved by the European Parliament in its plenary session on 19 January 2012. It now only requires a formal rubber-stamping by the Council to become law. After much negotiation, the Council and the Parliament finally reached an agreement on the Directive on 20 December 2011. The new WEEE directive amends the basis for calculating collection rates of electrical and electronic equipment. The new Directive is “open” in scope, meaning that it will now cover all equipment that meets the definition of WEEE (including a few precisely defined exceptions).

The text adopted by the European Parliament is available here:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2b20120119%2bTOC%2bDOC%2bXML%2bV0%2f%2fEN>

## ENERGY

### EU Energy Roadmap to 2050 published

On 15 December 2011, Günther Oettinger, the EU Commissioner for Energy, released the EU Energy Roadmap to 2050. The Roadmap describes the consequences of a carbon free energy system and the policy framework needed to meet the EU's ambitious target of cutting emissions by over 80% by 2050. The Roadmap explores five decarbonising scenarios, which are all based energy efficiency, renewables, nuclear and carbon capture and storage ("CCS"). Oettinger pointed out that by 2035, our CO2 reduction objectives will be so strict that even the use of gas will not be possible without carbon capture and storage ("CCS").

The Roadmap is available here:

[http://ec.europa.eu/energy/energy2020/roadmap/index\\_en.htm](http://ec.europa.eu/energy/energy2020/roadmap/index_en.htm)

## OTHER

### Commission publishes draft State aid rules for EU Emissions Trading Scheme

The European Commission has published draft temporary state-aid rules in relation to the amended EU emissions trading scheme (ETS) post-2012. The temporary measures aim to allow Member States to compensate sectors exposed to the risk of carbon leakage, for the period 2013-2020. The proposed draft guidelines set out the compatibility criteria for granting state aid in the context of the EU ETS. The rules were open for consultation until the end of January. The final rules are expected to be adopted during the first quarter of 2012.

The draft rules are available at:

[http://ec.europa.eu/competition/consultations/2012\\_emissions\\_trading/index\\_en.html](http://ec.europa.eu/competition/consultations/2012_emissions_trading/index_en.html)

### Commission makes legislative proposal for new Public Procurement rules

On 20 December 2011, the European Commission issued a legislative proposal on the reform of the EU Public Procurement rules. The proposal encourages public authorities to take account of environmental sustainability in their procurement decisions, and includes a provision on life-cycle costing.

The new legislative proposals are available here:

[http://ec.europa.eu/internal\\_market/publicprocurement/modernising\\_rules/ref orm\\_proposals\\_en.htm](http://ec.europa.eu/internal_market/publicprocurement/modernising_rules/ref orm_proposals_en.htm)

## The Months Ahead

### FEBRUARY

#### 7-8 February

EU Renewable Energy Project Finance Summit, Amsterdam, Netherlands  
<http://www.umievents.com/en/UMI-Energy/Conferences/Renewable-Energy-Project-Finance-Europe.htm>

#### 8 February

Carbon Capture and Storage Forum, London, UK  
[http://marketforce.eu.com/Conferences/ccs12/?utm\\_source=conferencealerts.com&utm\\_medium=CA\\_ad&utm\\_campaign=ccs12](http://marketforce.eu.com/Conferences/ccs12/?utm_source=conferencealerts.com&utm_medium=CA_ad&utm_campaign=ccs12)

#### 10 February

EU Committee Breakfast Briefing with Colette Maloney: An overview of Green ICT policy and the calculation of the environmental footprint of ICT products, networks and services, Brussels, Belgium  
<http://www.regonline.co.uk/builder/site/Default.aspx?eventid=1051323>

#### 22-24 February

Essentials of gas trading and risk, London, UK  
<http://www.iff-training.com/essentials-of-gas-trading-and-risk-training-course/128/>

### MARCH

#### 5 March

CEPS Task Force on "Which economic model for a water-efficient Europe?", Brussels, Belgium  
<http://www.ceps.eu/taskforce/which-economic-model-water-efficient-europe>

#### 5-6 March

European Chemicals Policy – REACH, Brussels, Belgium  
<http://www.informaglobalevents.com/event/REACH2012>

#### 8 March

Conference on Renewable Energy Law 2012: Market Design and System Transformation for a Renewable Energy Future, Brussels, Belgium  
<http://www.lexion.de/en/verlagsprogramm-konferenzen/anstehende-konferenzen/conference-on-renewable-energy-law-2012.html>

#### 15-16 March

European Chemical Manufacturing Masters 2012, Berlin, Germany  
[http://business-masters.econique.com/overview\\_chemical\\_manufacturing0.html](http://business-masters.econique.com/overview_chemical_manufacturing0.html)

#### 19-20 March

European Nuclear Forum, Brussels, Belgium  
[http://marketforce.eu.com/Conferences/eunuclear12/?utm\\_source=conferencealerts.com&utm\\_medium=CA\\_ad&utm\\_campaign=eunuclear12\\_CA\\_ad](http://marketforce.eu.com/Conferences/eunuclear12/?utm_source=conferencealerts.com&utm_medium=CA_ad&utm_campaign=eunuclear12_CA_ad)

#### 20 March

The 2nd Annual European Raw Materials Conference, Brussels, Belgium  
[www.rawmaterials-conference.eu](http://www.rawmaterials-conference.eu)

#### 20-21 March

19th Annual Packaging Waste and Sustainability Forum: Moving towards a Resource Efficient Society, Brussels, Belgium  
<http://packagingwaste.agraevents.com/>

**20-22 March**

Progress in Nuclear Energy and Education, London, United Kingdom

<http://www.progressnuclearenergy.com/>

**27-28 March**

Smart Energy Management World Europe 2012, London, UK

<http://www.terrapinn.com/2012/smart-energy-management-world-europe/>

**28-29 March**

Cooperation for Waste Issues: 9-th International Conference, Kharkiv, Ukraine

[http://waste.ua/cooperation/index\\_en.html](http://waste.ua/cooperation/index_en.html)

**28-30 March**

South-East European Conference and Exhibition: SAVE the Planet - Waste Management, Recycling, Environment, Sofia, Bulgaria

<http://www.eco.viaexpo.com/en/conference>

**29-31 March**

CEP® Clean Energy & Passive House 2012, Stuttgart, Germany

<http://www.cep-expo.de/kongress.html?&L=1>

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