



## EU Environment Report

March 2012

### CHEMICALS

#### Member states to evaluate chemicals published in first list of substances under REACH Regulation

The European Chemicals Agency (ECHA) released its very first Community Rolling Action Plan (CoRAP) listing 90 substances to be evaluated under the REACH Regulation's substance evaluation process. This year 36 substances will be evaluated by 17 member states, with the remainder to be examined in 2013 and 2014. Included in the CoRAP's list are new car refrigerant HFO-1234yf and bisphenol A, to be evaluated by Germany this year. Member states have one year to complete their evaluations and to request further information from REACH registrants if required. Registrants will be able to comment before the ECHA or the European Commission (if the ECHA's Member State Committee does not reach a unanimous decision) issues any final decision.

The ECHA Press release can be found here: [http://echa.europa.eu/en/view-article/-/journal\\_content/c26e0b90-8d88-4580-9954-842a934486a1](http://echa.europa.eu/en/view-article/-/journal_content/c26e0b90-8d88-4580-9954-842a934486a1)

#### EU restricts the use of phosphates and other phosphorus compounds in detergents

On 30 March 2012, the EU published limitations on the use of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents in order to reduce the contribution of these compounds to eutrophication risks and to reduce the costs of removal at waste water treatment plants. The limits for consumer laundry detergents are set at 0.5 grams in the recommended quantity to be used in the main cycle of the washing process and will apply from 30 June 2013. For consumer automatic dishwasher detergents, the total content is limited to 0.3 grams of the standard dosage; this limitation will apply from 1 January 2017.

To read Regulation (EU) No 259/2012, please click here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:094:0016:0021:EN:PDF>

#### ECHA publishes summary of consumer products containing Substances of Very High Concern

On Monday 5 March 2012 the European Chemicals Agency (ECHA) published its first summary of products on the EU market containing substances of very high concern (SVHCs). The ECHA's summary aims at increasing knowledge and awareness of hazardous chemicals in consumer products, but the information released does not provide a comprehensive assessment of all SVHCs.

Producers and importers have until June 2012 to notify the ECHA of any products containing the 20 SVHCs included in December 2011's candidate list, which is updated every six months.

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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.*

The ECHA Press Release can be found here:

[http://echa.europa.eu/en/web/guest/view-article/-/journal\\_content/800e9ce8-253b-415e-8972-262879ddf8ce](http://echa.europa.eu/en/web/guest/view-article/-/journal_content/800e9ce8-253b-415e-8972-262879ddf8ce)

### EU toughens cadmium limits for toys

On 23 March 2012, a new EU Directive entered into force, amending the Toy Safety Directive by setting stricter limits for cadmium in toys. In light of recommendations from the European Food Safety Authority (EFSA), the EU has amended cadmium limits in toys to:

- 17 mg/kg for scraped-off material;
- 1.3 mg/kg for dry material;
- 0.3 mg/kg for liquid material

Member states are expected to have adopted the revisions into their national laws by 20 January 2013, and should apply the new provisions from 20 July 2013 onwards.

Click here to read the Commission Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:064:0007:0008:EN:PDF>

### EU Court pronounces on definition of biocidal products

On 1 March 2012, the Court of Justice of the European Union (ECJ) handed down judgment in the case of *Söll GmbH v Tetra GmbH*. The Court considered what products should be included in the definition of “biocidal products”, contained in Article 2(1)(a) of the Biocidal Products Directive. Article 2(1)(a) states that biocidal products are: “Active substances and preparations containing one or more active substances, put up in the form in which they are supplied to the user, intended to destroy, deter, render harmless, prevent the action of, or otherwise exert a controlling effect on any harmful organism by chemical or biological means.” The ECJ ruled that this definition also covers products which act **indirectly** on the target harmful organisms, provided that the product contains one or more active substances that provoke a chemical or biological action that is an integral part of a causal chain, and the causal chain has the objective of inhibiting the harmful organisms targeted.

Case: [Söll GmbH v Tetra GmbH \[2012\] EUJECJ C-420/10 \(1 March 2012\)](#).

### France sets temporary new ban on GM maize

On 16 March, France restored a ban on Monsanto’s MON810 genetically modified (GM) maize. GM maize is the only GM crop authorised for cultivation in the EU. The French ban was originally put in place in 2008 and later annulled by the highest court in November 2011. Public opinion in France is strongly opposed to the cultivation of genetically modified organisms (GMOs), with activists calling on the French government to act quickly in light of the approaching sowing season. France cites environmental and human health concerns to justify the ban. Monsanto considers its GM maize to be safe, but will refrain from selling MON810 in France from 2012 onwards.

## CLIMATE CHANGE

### European Commission publishes new guidance on Best Available Technique (BAT) reference documents and quality assurance for industrial emissions

On 2 March, a Commission Decision was published in the Official Journal which lays down guidance on the collection of data and on the drawing up of Best Available Technique (BAT) reference documents and on quality assurance for industrial emissions. The Commission Decision outlines the procedure in drawing up and reviewing BAT reference documents (BREFS), a process which the Commission is responsible for initiating. In addition to the procedure for drawing up and reviewing a BREF, the text also sets out the definition of “BAT

conclusions”, what a BREF should include, its scope and how to organise the exchange of information.

To read the Decision, please click here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:063:0001:0039:EN:PDF>

### EC publishes BAT for glass, iron, and steel

On 8 March, two Commission Decisions were published in the EU Official Journal on BAT conclusions for industrial emissions for (i) the manufacture of glass and (ii) for iron and steel production. Manufacturers in the glass, iron, and steel production industry are required to comply with the BAT set out in the BAT conclusions in the annexes of the decisions by (i) 7 January 2013 for new installations and (ii) 7 January 2014 for existing installations.

To read the Decision, click here: [OJ 2012 L 70/63 \(8 March 2012\)](#).

### Poland still not convinced by EU emissions policy

Poland continues to oppose any further restrictions on emissions targets after vetoing proposals in the Council on 9 March on the EU’s low-carbon Roadmap to 2050. The Roadmap sets out plans to cut 40% of emissions by 2030, and 60% by 2040. Relying on coal for more than 90% of its electricity, Poland believes the planned cuts will stunt its own national economic growth and will only exacerbate Europe’s economic problems. According to EU climate commissioner Connie Hedegaard, the European Commission will move towards the roadmap’s implementation as requested by the remaining 26 member states in support of the policy.

## ECO-DESIGN

### New eco-design standards for air conditioning appliances

On 6 March, new eco-design requirements for air conditioners and comfort fans were published in the EU Official Journal. The new rules, originally adopted by a committee of national experts last June, establish requirements ranging from sound levels to energy efficiency and energy use in different usage modes. Products falling under the scope of the new regulation include electric mains-operated air conditioners using up to 12 kilowatts and comfort fans with an electric fan power input of up to 125 watts. From 1 January 2013, single and double duct air conditioners are required to comply with requirements for minimum energy efficiency, maximum power consumption in off/standby mode, and for maximum sound power levels. More stringent requirements will follow in 2014.

The Regulation can be found here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:072:0007:0027:EN:PDF>

## OTHER

### EU contests China’s policy on rare earth exports

On 19 March, the EU, US, and Japan formally requested dispute settlement consultations with China in the World Trade Organisation (WTO), challenging China’s export restrictions on 17 different kinds of rare earths and the metals tungsten and molybdenum. Despite a WTO ruling resulting from the EU’s previous challenge earlier this year, China enforces various export restrictions such as export quotas, export duties, and other measures limiting access to foreign companies, with the country’s latest quota announcements even further tightening restrictions. China has maintained that, as a key exporter of rare earth resources, its policy seeks to protect the environment and preserve its natural resources. The EU believes that China’s policy does not support these goals and is seeking more “effective environmental protection measures that do not discriminate against foreign industries.”

To read the EC press release, please click here:  
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/12/239&format=HTML>

## The Month Ahead

### 16 April

EWEA Wind Energy Event 2012, Copenhagen, Denmark

<http://www.eubusiness.com/topics/energy/ewea-event.2012>

### 16-17 April

Smart Water Systems, London, UK

<http://www.smi-online.co.uk/events/overview.asp?is=17&ref=3698>

### 16-18 April

Technoport RERC (Renewable Energy Research Conference) 2012 , Trondheim, Norway

<http://technoport.no/conference-2012/>

### 17 April

2nd European Energy Conference, Maastricht, The Netherlands

<http://www.eubusiness.com/events/energy-2012>

### 17-18 April

7th PCF World Summit -- From Environmental Footprinting to Implementation: Renewable Energy in the Value Chain, Berlin, Germany

<http://www.pcf-world-forum.org/summit/>

### 18 April

Europe's Energy Challenge, Brussels, Belgium

To register, please contact: [staffan.jerneck@ceps.eu](mailto:staffan.jerneck@ceps.eu)

### 19-20 April

Carbon Trading, Risk & Strategy, London, UK

[http://www.informaglobalevents.com/appdata/downloads//Carbon\\_Trading.pdf](http://www.informaglobalevents.com/appdata/downloads//Carbon_Trading.pdf)

### 22-24 April

A New Energy Policy for Europe, Maastricht, The Netherlands

[http://www.eipa.eu/files/repository/product/20120127145120\\_info\\_1231902.pdf](http://www.eipa.eu/files/repository/product/20120127145120_info_1231902.pdf)

### 22-25 April

Business for the Environment – Global Summit 2012, Berlin, Germany

<http://www.b4esummit.com/>

### 23-24 April

Essentials of the Oil & Gas Industry, London, UK

[http://www.informaglobalevents.com/appdata/downloads/essentials-of-the-oil-and-gas-industry//Essentials\\_of\\_the\\_Oil\\_and\\_Gas\\_Industry2.pdf](http://www.informaglobalevents.com/appdata/downloads/essentials-of-the-oil-and-gas-industry//Essentials_of_the_Oil_and_Gas_Industry2.pdf)

### 25-27 April

ERIN 2012 & Energy and Biomass 2012, Prague, Czech Republic

<http://erin-conference.cz>

### 26 April

EU Committee Breakfast with Inge Bernaerts, Head of Unit – Internal Market II: Wholesale Markets, Electricity and Gas, DG Energy: “Energy, Competition and the Third Liberalization Package”, Brussels, Belgium

<http://www.britcham.be/>

### 26-27 April

Climate Change and European Energy Law, Brussels, Belgium

<https://www.era.int/>

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