



## EU Environment Report

April/May 2014

### CHEMICALS

#### Commission amends Annex XVII to REACH Regulation as regards 1,4-dichlorobenzene in relation to air fresheners and deodorisers

On 9 May 2014, the EU's Official Journal published Regulation 474/2014 which adds the use of 1,4-dichlorobenzene ("DCB") in air fresheners and deodorisers to Annex XVII of Regulation 1907/2006 concerning the registration, evaluation, authorisation and restriction of chemicals ("REACH Regulation"). Annex XVII to the REACH Regulation sets out the restrictions on the manufacture, placing on the market and use of certain dangerous chemical substances, mixtures and articles.

As a result of this change, DCB must not be placed on the market or used, as a substance or as a constituent of mixtures in a concentration equal to or greater than 1% by weight, where the substance or the mixture is placed on the market for use or used as an air freshener or deodoriser in toilets, homes, offices or other indoor public areas.

The new restriction on DCB is the result of a long process which started in 2003 with a risk assessment carried out by the French authorities and which culminated recently in the submission by the European Chemicals Agency to the European Commission ("Commission") of two opinions advocating the restriction of DCB. The restriction will apply from 1 June 2015.

Regulation 474/2014 can be accessed [here](#)

#### Commission adopts Delegated Directives containing additional specific exemptions to RoHS Directive

On 20 May 2014, the EU's Official Journal published eight Delegated Directives adding new exemptions to the lists of specified applications of lead and mercury in Annex III and Annex IV to Directive 2011/65 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ("RoHS Directive"). Annex III and Annex IV contain lists of specified applications of restricted substances that are exempted from the general Article 4 prohibition. The new exemptions are as follows, some concerning all electrical and electronic equipment (Annex III) and some specific to medical devices and industrial monitoring and control instruments (Annex IV):

- Lead in solders and termination finishes of electrical and electronic components and finishes of printed circuit boards used in ignition modules and other electrical and electronic engine control systems (Annex III)
- Lead in dielectric ceramic in capacitors for a rated voltage of less than 125 V AC or 250 V DC for industrial monitoring and control instruments

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- Lead in micro-channel plates containing specific properties (Annex IV)
- Lead in solder in one interface of large area stacked die elements (Annex IV)
- Lead in platinized platinum electrodes used for conductivity measurements under specific conditions (Annex IV)
- Lead used in other than C-press compliant pin connector systems for industrial monitoring and control instruments (Annex IV)
- Mercury in hand-crafted luminous discharge tubes (HLDTs) used for signs, decorative or architectural and specialist lighting and light-artwork under certain limitations (Annex III)
- Mercury in cold cathode fluorescent lamps (CCFLs) for back-lighting liquid crystal displays, not exceeding 5mg per lamp, used in industrial monitoring and control instruments placed on the market before 22 July 2017 (Annex IV)

*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.*

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Member States must adopt national measures implementing these Delegated Directives by the end of 2014.

The Delegated Directives can be accessed [here](#)

### General Court hands down judgment in relation to Commission decision partially approving Germany's request to maintain higher limit value than those contained in Toys Directive

On 14 May 2014, the General Court of the European Union ("GC") handed down its judgment in the action for annulment brought by Germany against a 2012 Commission decision partially approving its request to maintain stricter limit values for certain hazardous substance in toys – namely antimony, arsenic, mercury, lead and barium – than those contained in Directive 2009/48 on the safety of toys ("Toys Directive").

As regards arsenic, antimony and mercury, the GC concluded that Germany had not proved that the German limit values ensured a higher level of protection than those contained in Toys Directive, since, on conversion, the German limit values were, for the most part, higher than those contained in Toys Directive. As regards lead, the GC annulled the Commission decision insofar as it approved the German limit values for lead only until 21 July 2013. The GC found that the Commission failed to state reasons underlying its decision and that the decision, in effect, amounted to a negative decision given that the previous EU limit values, on which the German limit values were based, were valid until 20 July 2013. As regards barium, the GC declared, at Germany's request, that there is no longer any need to adjudicate on the action, as the Commission has amended the limit value for barium in the meantime.

The full text of the GC's judgment can be accessed [here](#)

### Commission consults on nanomaterials

On 13 May 2014, the Commission launched a public consultation to identify and develop the most adequate means to increase transparency and ensure regulatory oversight of nanomaterials. According to the Commission's draft impact assessment report, the main problem that the Commission aims to address is the current level of available information on the presence of nanomaterials and products containing nanomaterials on the market which it considers insufficient for an adequate response to health and environmental risks and for informed

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consumer choice. In addition, it has identified diverging national approaches of registration and notification systems for nanomaterials or products containing nanomaterials.

The Commission's draft impact assessment report indicates that it is considering the following policy options:

- Baseline scenario: the use of the existing EU legislative framework (e.g. the registration and notification duties under the REACH Regulation);
- Soft law approach: a recommendation of a "best practice model" for implementation at Member State level;
- Structured approach: the establishment of a "Nanomaterials Observatory" to collect information;
- Legislative approach: the adoption of one of the following:
  - a Regulation creating an EU nanomaterial registry with one annual registration per substance for each manufacturer/importer/downstream user/distributor; or,
  - a Regulation creating an EU nanomaterial registry with one annual registration per use (including substances, mixtures and articles with intended release)

Responses to the public consultation must be submitted by 5 August 2014.

Further details in relation to the Commission's consultation are available [here](#)

## CLIMATE CHANGE

### Commission adopts Implementing Regulation on innovative technologies for reducing CO<sub>2</sub> emissions from light commercial vehicles

On 26 April 2014, the EU's Official Journal published Implementing Regulation 427/2014 establishing a procedure for the application for and the assessment, approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from light commercial vehicles under Article 12 of Regulation 510/2011. Regulation 510/2011 sets out emission performance standards for new light commercial vehicle and enables manufacturers and suppliers under its Article 12 to apply for the approval of certain innovative technologies contributing to reducing CO<sub>2</sub> emissions from light commercial vehicles, the aim of which is to promote the development and the early uptake of new and advanced CO<sub>2</sub> emission-reducing vehicle technologies.

Implementing Regulation 427/2014 contains a definition of "innovative technologies" which can avail of the procedure and specifies measures that will not be considered "innovative technologies". The new procedure Implementing Regulation 427/2014 entered into force in May 2014.

Implementing Regulation 427/2014 can be accessed [here](#)

### Commission adopts a Communication proposing a strategy for reducing fuel consumption and CO<sub>2</sub> emission of HDV

On 21 May 2014, the Commission adopted a Communication proposing a strategy for targeting fuel consumption and CO<sub>2</sub> emissions from HDVs. The strategy aims to curb CO<sub>2</sub> emissions from Heavy Duty Vehicles ("HDV") in a cost-efficient and proportionate way and to provide stakeholders with a clear and coherent policy framework which indicates likely regulatory developments. Concretely, the Commission proposes a number of short-term actions, for

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example a series of initiatives foreseen in its 2011 “Transport White Paper” and an action to address the perceived knowledge gap between HDV fuel consumption and CO<sub>2</sub> emissions. On foot of these short-term actions, the Commission proposes a number of medium-term policy options, including the setting of mandatory CO<sub>2</sub> emissions limits for newly registered HDVs, which are considered necessary to support the implementation of the broader EU 2030 climate and energy policy framework.

This Communication can be accessed [here](#)

### The Commission adopts Regulation on fluorinated greenhouse gases emissions

On 20 May 2014, the EU's Official Journal published Regulation 517/2014 on fluorinated greenhouse gases (“F-gases”), which repealed the former Regulation 842/2006. The new Regulation 517/2014 covers hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and other greenhouse gases that contain fluorine listed in its Annex I and contains provisions which aim to:

- Establish rules on containment, use, recovery and destruction of F-gases, and on related ancillary measures;
- Impose conditions on the placing on the market of specific products and equipment that contain, or whose functioning relies upon F-gases;
- Impose conditions on specific uses of F-gases;
- Establish quantitative limits for the placing on the market of hydrofluorocarbons.

The Regulation will apply from 1 January 2015. The Regulations aims to cut F-gas emissions by two-thirds of 2012 levels by 2030.

This Regulation can be accessed [here](#)

### Sweden brings action against the Commission for failure to adopt scientific criteria on endocrine disruptors

On 23 May 2014, Sweden announced that it has initiated proceedings before the Court of Justice of the European Union against the Commission for failing to specify scientific criteria for the determination of endocrine-disrupting properties under Regulation 528/2012 concerning the making available on the market and use of biocidal products. Under Article 5(3) of the Regulation, the Commission's deadline to adopt delegated acts specifying such scientific criteria was 13 December 2013. If a substance has endocrine disrupting properties according to these scientific criteria, Article 5 (1) (d) of the Regulation provides that it must not be approved.

The Official Press Release from the Swedish government can be accessed [here](#)

## ECODESIGN

### The Commission adopts ecodesign requirements for power transformers

On 22 May 2014, the EU's Official Journal published Regulation 548/2014 implementing Directive 2009/125/EC (“Ecodesign Directive”) with regard to small, medium and large power transformers. It establishes eco-design requirements for the placing on the market or putting into service power transformers with a minimum power rating of 1 kVA used in 50 Hz electricity transmission and distribution networks or for industrial applications. As set out in Annex I to the

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Regulation, the requirements are applicable in two stages: for first-tier requirements, from 1 July 2015 and for second-tier requirements from 1 July 2021. Finally, no later than three years after the entry into force, i.e. in June 2017, the Commission must review the Regulation in the light of technological progress and present the results of this review to the Consultation Forum, a group of experts established by the Ecodesign Directive.

This Regulation can be accessed via the following link: [here](#)

## ENERGY EFFICIENCY

### The Commission adopts a Regulation on Energy-labelling for internet selling

On 17 May 2014, the EU's Official Journal published Delegated Regulation 518/2014 with regard to the labelling of energy-related products on the internet which amends ten product-specific Delegated Regulations. The ten product-specific Delegated Regulations were adopted under Article 10 (1) of Directive 2010/30 ("Energy Labelling Directive") under which the Commission is to lay down details relating to the label and the product fiche for each type of product. The ten product-specific Regulations concern household dishwashers, refrigerators, household washing machines, televisions, air conditioners, household tumble drier models, lamps, vacuum cleaner and space and water heaters.

Delegated Regulation 518/2014 imposes additional requirements on suppliers under each of the ten product-specific Delegated Regulations to make available electronic product labels and electronic products fiches to dealers. At the same time, Delegated Regulation 518/2014 imposes additional requirements on dealers to make available electronic product labels and electronic product fiches in the case of sale, hire or hire-purchase through the internet, where the end-user cannot be expected to see the particular product displayed. The additional requirements apply, in most cases, to products placed on the market from 1 January 2015.

Delegated Regulation 518/2014 can be accessed via the following link: [here](#)

## The Months Ahead

### 8-10 June

10th International Recycling, Environmental Technologies & Waste Management Trade Fair, Istanbul, Turkey

<http://www.environmental-expert.com/events/10th-international-recycling-environmental-technologies-waste-management-trade-fair-4227>

### 8-12 June

Ecology and Safety 2014, 23rd International Conference, Elenite Holiday Village, Burgas, Bulgaria

<http://www.sciencebg.net/en/conferences/ecology-and-safety/>

### 10-12 June

GreenTech Amsterdam 2014, Amsterdam, Netherlands

<http://www.environmental-expert.com/events/greentech-amsterdam-2014-15849>

### 12-13 June

3rd Annual Weather Risk Management for the Energy Markets, Berlin, Germany

<http://www.marcusevans-conferences-paneuropean.com/marcusevans-conferences-event>

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### 18-19 June

8<sup>th</sup> Annual Gas Storage and Transmissions, London, UK

<http://www.smi-online.co.uk/energy/uk/conference/gas-storage>

### 24-25 June

Energy Systems Conference: When Theory Meets Reality, London, UK

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

### 25-27 June

Sustainability in Energy & Buildings 2014, Cardiff, UK

<http://seb-14.sustainedenergy.org/>

### 27-28 June

Sixth International Conference on Climate Change: Impacts and Responses, Reykjavik, Iceland

<http://on-climate.com/the-conference/registration/registration>

### 29 June – 4 July

The 1st South East European Conference on Sustainable Development of Energy, Water and Environment Systems - SEE SDEWES Ohrid 2014, Ohrid, Macedonia

<http://www.ohrid2014.sdewes.org/>

### 30 June – 4 July

Summer Course on EU Environmental Law, Trier, Germany

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

### 3–6 July

ECSEE 2014 - The Second European Conference on Sustainability, Energy and the Environment, Brighton, United Kingdom

<http://iafor.org/iafor/conferences/the-european-conference-on-sustainability-energy-the-environment-2014/>

### 8 – 10 July

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### 9 July

Free Webinar: "Infection Control and Environmental Sampling

<http://www.environmental-expert.com/events/free-webinar-infection-control-and-environmental-sampling-7-9-14-15897>

### 17 July

Water Efficiency and Resource Management, London, UK

<http://www.aquaenviro.co.uk/>

### 17–19 July

Special Session: Towards Cleaner Energy for Sustainable Development, Santorini Island, Greece

<https://www.dropbox.com/s/n9pdl2hjk3onebd/Special%20session%20announcement.pdf>

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**18-19 July**

2014 International Conference on Energy and Environment Research (ICEER 2014), Madrid, Spain

<http://www.iceer.net/>

**27–29 August**

Nordic Biogas Conference 2014, Reykjavik, Iceland

<http://www.environmental-expert.com/events/nordic-biogas-conference-2014-15308>

**31 August – 5 September**

World Water Week 2014, Stockholm, Sweden

<http://www.environmental-expert.com/events/world-water-week-2014-15703>

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