



EFAEP Survey on Pending Environmental Legislation in the European Union

Brussels, September 2009

A Fresh start for European environmental legislation

The political scene in Brussels in the second half of 2009 will be significantly different from the situation before the elections to the European Parliament. As a result of the elections, the interaction of political parties within the European Parliament has changed considerably. This is particularly interesting for EFAEP as environmental EU legislation is passed in the co-decision procedure, which means that Parliament has a big influence on the directives and regulations passed in this area. The most significant changes have been as follows:

The Political Groups

The conservatives (EPP-ED) are the big winners of this election. They remain the biggest group (which they have been since 1999) with 265 out of 736 members. Though it could defend its position as the strongest political group and in spite of good election results the conservatives now have 17 members less than they had before the election. This is due to the decision of the British conservatives (Tories) to leave the conservative group and create a new and more eurosceptic group in co-operation with other parties. (See below for details)

The second biggest group are the socialists with 184 members. They have 20 members less now than at the beginning of this year, followed by the liberals with 84 and the greens with 50 members.

The Split within the Conservative Group - a new political home for the Tories

Under the leadership of David Cameron, the British conservatives had decided before the elections in June that they would not remain a member of the EPP-ED but create their own group with other and more eurosceptic parties. However to create a group you need at least 25 members from at least 25% of the member states (the EU currently has 27 members). This made it a challenging task for the Tories to find enough parties with similar political ideas. The new group is called European Conservatives and Reformists Group. The members are:

- The Conservative Party of the United Kingdom (26 MEPs)
- Poland: Law & Justice (PiS) with 15 MEPs. The PiS was formerly a member of the UEN group in the EP (Union for a Europe of Nations) and was founded in 2001 by the twin brothers Kaczynski who at one point were at the same time Prime Minister (Lech Kaczynski) and President of Poland (Jarosław Kaczynski). The PiS stands for a strong role of the state in social policy and a family policy that is strongly influenced by values of the catholic church. The PiS has been supported by the famous and ultra-catholic radio station "Radio Maria" against the

competing liberal “Platforma obywatelska” of the current Prime Minister of Poland, Donald Tusk. One critical point in the political values of PiS has been its very restrictive policy regarding the rights of homosexuals that has been much criticized throughout the EU.

- The Civic Democratic Party (ODS) from the Czech Republic (9 MEPs). The ODS is a classic conservative party, politically comparable to the Polish “Platforma Obywatelska” rather than the SiS. As the ODS is eurosceptic this should be a good match with the increasingly eurosceptic Tories.

There are a number of group member parties with just one member in the new group:

- Derk Jan Eppink from the Belgian Lijst Dedecker (LDD). The Lijst Dedecker was founded in 2007 by the Flemish politician Jean-Marie Dedecker. It stands for significant tax cuts and a stronger autonomy of the Belgian regional governments.
- Roberts Zile from the Latvian National Independence Movement (TB/LNNK)
- Peter van Dalen from the Netherlands, Christian Union (ChristenUnie)
- Lajos Bokros from the Hungarian Democratic Forum

The Tories also claim to have one member from Finland from a party whose other members are part of the Liberal group. On the official website of the European Parliament there is however clearly no Finnish member of the Conservatives and Reformists Group. Possibly talks about the member joining the group are still going on.

Will the new group be stable?

Indeed, the venture of the British conservatives to leave the stable EPP-ED looks even bolder if you take a closer look at their partners. The group currently can’t afford to lose a single party as there are only the seven nations minimum represented in the party. Even with the Finnish member representing an eighth country the fact that only three member parties have more than one member seems like a big risk to take. Being now part of a much smaller group, the Tories do not enjoy the same influence as they did when they were an important member of the majority leaders in the European Parliament. Furthermore considering the consequences if one party should leave of the group (loss of the status as a group) negotiations within the group are predestined to be difficult and will very likely result in broad compromises.

Seen from the European point of view the new group is clearly not among the most influential in the European Parliament. However, Cameron’s decision was clearly not entirely influenced by his European strategy but is an answer to the increasingly eurosceptic UK voters - the UKIP (United Kingdom Independence Party) which stands for Britain leaving the EU has received 16.5% of the vote in the EP elections and became the second biggest party of the UK delegation.

Consequences for the finding of majorities within the EP

The finding of compromises in the European Parliament has always been more complicated than in most national Parliaments. Now the number of possible majorities has even increased. The conservative majority will need partners if they want to win votes. Those partners could be the liberals and the greens as well as the socialists. There is also the possibility of a majority without the conservatives with the smaller groups working together - this has happened several times in the last legislative period. Observers should however always keep in mind that in some cases the dividing lines go right through the political parties and in some special cases MEPs tend to vote according to their nationality rather than their political affiliation.



The new environmental committee

The new chairman of the environmental committee is Joe Leinen, (PSE) a former minister for the environment in the German “Land” Saarland (1985-1994). Besides the new chairman the Committee has many new members. You will find a list of all the members with links to their homepages here: <http://www.europarl.europa.eu/activities/committees/membersCom.do?language=EN&body=ENVI>

The new European Commission

José Manuel Barroso has been confirmed as the President of the European Commission by the European Parliament on September 16th 2009. He was much criticised for his liberal economic policy and for some observers not green enough policy and has promised a more social and green approach in his next term of office.

One particular point of interest for EFAEP will be the creation of a new Commissioner for Climate Change. With this new post there will be three highly relevant Commissioners for EFAEP: the Commissioner for the Environment, the Commissioner for Climate Change and the Commissioner for Energy. (With other Commissioners being also of interest like the commissioner for Transport etc.)

The choosing of the new Commissioners will be done by the member states in agreement with Barroso. Barroso will then decide which of the commissioners will be designated to which policy area. The European Parliament will then hold a hearing of each Commissioner and vote on the approval of the Commission as a whole. EFAEP will keep you updated on this.

Vera Kessler



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GENERAL PROVISIONS

SUSTAINABLE DEVELOPMENT

WASTE MANAGEMENT

NOISE POLLUTION

AIR POLLUTION

CLIMATE CHANGE

WATER PROTECTION AND MANAGEMENT

PROTECTION OF NATURE AND BIODIVERSITY

SOIL PROTECTION

CHEMICAL PRODUCTS

CIVIL PROTECTION

ENVIRONMENT: COOPERATION WITH THIRD COUNTRIES

GENERAL PROVISIONS

Title	The placing on the market and use of biocidal products
Kind of document	Regulation
Number	COD 2009/0076
Status	published
Content	<p>PURPOSE: to improve the safety of biocidal products used and placed on the market in the European Union and to simplify authorisation procedures.</p> <p>PROPOSED ACT: Regulation of the European Parliament and of the Council.</p> <p>BACKGROUND: Directive 98/8/EC establishes a harmonised regulatory framework for the authorisation and the placing on the market of biocidal products, the mutual recognition of these authorisations within the Community and the establishment at Community level of a positive list of active substances that may be used in biocidal products.</p> <p>The review of the implementation of the Directive has indicated that for the evaluation of active substances, the simplified procedures provided for in the Directive, notably for low-risk products (Annex IA to the Directive), have no real effect. It has also indicated that the data requirements and data waiving provisions may be unclear or inconsistently applied. In addition, although product authorisation has not yet started, simplification of the procedures concerning the authorisation of biocidal products in Member States may be beneficial in reducing costs and administrative burden for companies and public authorities alike.</p> <p>IMPACT ASSESSMENT: the impact assessment covers five main issues requiring action:</p> <ol style="list-style-type: none"> 1. Scope: including treated materials in the scope of the Directive would significantly increase the costs to industry. However, although the equal treatment of industry and environmental and human health benefits are difficult to quantify, they are likely to be significant; 2. Product authorisation: a combination of the Community authorisation for certain products with the strengthening of the mutual recognition process for other products appears to be the most realistic solution; 3. Data sharing: mandatory data sharing at product authorisation and active substance approval stage implies the highest total cost savings to applicants, possibly the highest number of safer products remaining on the market and the highest number of animals saved; 4. Data requirements: the best option seems to be a combination of data waiving with the use of existing information and a new approach to low risk biocidal products; 5. Fees charged by Member States: a partially harmonised fee structure may encourage the development of more new active substances and the retention of more existing active substances. Another option - specific provisions for SMEs - would make the procedure less costly for SMEs. <p>CONTENT: on 8 October 2008, the Commission submitted a report on the implementation of Directive 98/8/EC and the functioning of the simplified procedures (see COD/1993/0465 under follow-up documents). Based on the conclusions of the report, the present proposal for a revision of Directive 98/8/EC aims to tackle the identified weaknesses of the regulatory framework during the first eight years of its implementation, to improve and update certain elements of the system and to avoid problems anticipated in the future. The main elements of the revision are as follows:</p>

Legal form: the Directive is turned into a Regulation. As a result, there will be no need for national transposition measures, which is also expected to ensure more harmonised implementation of the regulatory framework in the Member States.

Scope: the scope is extended to biocides in materials that might come into contact with food. With regard to materials containing biocidal products, under the current situation, if an article is treated in the EU, then only a biocidal product that is authorised for that purpose may be used. However, if the article is treated with a biocidal product outside the EU and then imported, there is no control over the substance it may incorporate. This could represent risks for human health or for the environment. In addition, this situation is discriminatory to the EU industry, and could lead to the production of treated articles or materials being moved out of the EU in order to circumvent restrictions on certain substances. As part of the revision of the Biocides Directive, it is proposed that **all articles or materials** must be treated only with biocidal products authorised for that purpose in at least one Member State .

Labelling requirements: these have two objectives: (i) to inform consumers that the article was treated with a biocidal product; and (ii) to alert competent authorities in the Member States and trigger any existing inspection provisions aimed at ensuring compliance. The labelling provisions apply equally to EU and non EU manufacturers.

Authorisation: the proposal provides for harmonised procedures for the authorisation of biocidal products. The provisions regarding mutual recognition of authorisations are reworked and clarified, in particular the resolution of disputes between Member States, or between Member States and applicants. Apart from authorisations granted by Member States, a **centralised authorisation system** is proposed. This will be available for products identified as low-risk - without having to go through a separate evaluation of the active substance first- and for products containing new active substances.

The technical and scientific tasks relevant to this centralised system will be carried out by the **European Chemicals Agency (ECHA)**. In addition, ECHA will undertake the coordination of organisational and technical tasks for the evaluation of all applications for inclusion of active substances in Annex I (the Community positive list for active substances) which were until now attributed to the Commission Joint Research Centre.

The **simplified procedures** involving the current Annex IA and IB are repealed, as very little use has been made of them so far. The simplified procedure involving frame formulations is modified so as to allow, within a group of products belonging to the same frame formulation, the replacement of any non-active ingredient by other non-active ingredients (currently, this is restricted to pigments, dyes, and perfumes).

The **rules on comparative assessment** are also modified: the proposed system comprises a first stage where active substances that still give rise to concern and are listed in Annex I, but are also flagged for substitution. Biocidal products containing these active substances may be compared with others that are available on the market for the same or similar use pattern, and if they present significantly higher risk than the latter, their authorisations are refused or cancelled at national level.

Research on animals: the new proposal will also reduce the number of tests on animals. In line with recent policy developments, animal testing may only be carried out once. Following the example of REACH (Community legislation on chemicals), the proposed Regulation shall force undertakings, that make a request for an authorisation, to share the results of their studies on animals, in exchange

	<p>for equitable compensation. Moreover, tests proving the safety and effectiveness of a biocidal product shall only be required when there is a real need.</p> <p>Data protection: the data protection system is significantly simplified, without cutting back on any acquired rights under the current system. It also grants protection to data submitted after the inclusion of the active substance in Annex I (mainly during product authorisation): these studies are not protected by the current legislation. The proposed data protection system also covers the case of newly generated studies.</p> <p>Data requirements: these are modified: (i) the principle of proposing adaptations to the data requirements is formalised and Member States have to inform and assist the applicants with their adaptation requests; (ii) the grounds for waiving of data provided for in REACH will apply also for the proposed Regulation; (iii) the core data requirements are modified and certain long-term animal studies are only required when necessary. Lastly, the confidentiality provisions are slightly modified and aligned with those of REACH. This is to facilitate their application by ECHA.</p> <p>Specific parallel trade rules: for the purpose of facilitating the movement of biocidal products in the EU territory, the proposal provides for specific parallel trade rules: authorised biocidal products that have the same use, contain the same active substance and have essentially identical composition to products authorised in another Member State may be placed on the market of that other Member State via a simplified administrative procedure.</p> <p>BUDGETARY IMPLICATION: the proposal will have budgetary implications as there is a need to support the European Chemicals Agency (the Agency) in taking up the additional tasks related to the assessment and inclusion of active substances used in biocidal products in Annex I of the Regulation and the centralised authorisation of certain biocidal products. The Agency will receive specific fees from applicants for certain of these activities as well as an annual fee on products centrally authorised by the Community. The revenue from the fees will have to be supplemented by a subsidy from the Community.</p>
Further procedures	First reading in Parliament

Title	Hazardous substances, plant protection products: framework for Community action to achieve a sustainable use of pesticides
Kind of document	Directive
Number	COD/2006/0132 e.g. COM(2006)0373
Status	Second reading by EP terminated
Content	Pesticides are active substances and products designed to influence fundamental processes in living organisms and, therefore, have the potential to kill or control harmful organisms such as pests. Consequently, these products can cause undesirable adverse effects on non-target organisms, human health and the environment. Because of the particular circumstances of pesticide use (in

	<p>particular for plant protection purposes)-deliberate release into the environment-, they are subject to regulation in Member States and the Community. Over the years, a highly elaborate system has been developed for evaluating the risks to human health and the environment.</p> <p>Despite the existing regulatory framework, undesirable amounts of certain pesticides can still be found in environmental media (in particular soil, air and water), and residues exceeding the regulatory limits can still be detected in agricultural products. New and emerging scientific findings-such as the potential of certain chemicals, among them pesticides, to disrupt the functioning of the endocrine system even at low concentrations-underline the possible risks for humans and the environment from the use of such substances.</p> <p>At its Plenary Session of 13 January 2009, the European Parliament adopted a compromise package which had been agreed with the Council in view of reaching a second reading agreement. The Commission accepts the compromise package as it is in line with the overall purpose and the general characteristics of the proposal.</p> <p>These amendments concern essentially:</p> <ul style="list-style-type: none"> • the establishment of risk and use reduction targets in National Action Plans with reporting requirements for the Commission; • the strengthening of the protection of residents and bystanders; • requirements for the distribution of pesticides to non-professional users; • the establishment of systems for gathering information on poisoning incidents among people regularly exposed to pesticides; • the handling of requests for aerial spraying; • the use of pesticides in specific areas.
Further procedures	Second reading by Council

Title	Plant protection products: placing on the market, evaluation of the active substances (repl. direct. 91/414/EEC)
Kind of document	Regulation
Number	COM(2006)0388 e.g. COD/2006/0136
Status	Second reading in Parliament terminated
Content	<p>In its second reading in January 2009 the European Parliament adopted a compromise text agreed on in a “trilogue” between the three legislative institutions. It is therefore expected that the regulation will be adopted by the Council without any changes.</p> <p>This is a recast and replacement of an existing regulation on the subject (91/414/EC) Members specified that Articles 152 (4)(b) and 175(1) should be used as dual legal bases since the purpose of the Regulation is to ensure a high level of protection of both human and animal health and the environment. The purpose of the Regulation is furthermore to harmonise the rules on the placing on</p>

	the market of plant protection products in order to harmonise the availability of plant protection products between farmers in different Member States. Member States may not be prevented from applying the precautionary principle in restricting or prohibiting pesticides. They may establish any pesticide-free zones they deem necessary in order to safeguard drinking water resources. Such pesticide-free zones may cover the entire Member State. Member States may impose a ban on the use and marketing of EU-authorized pesticides where they are found in measurable quantities outside the root zone. Rapporteur: Hiltrud Breyer (Verts/ALE)
Further procedures	Awaiting council decision

Title	Hazardous substances, plant protection products: thematic strategy to achieve a sustainable use of pesticides
Kind of document	Communication
Number	COM/2006/0372
Status	EP resolution passed on 24. 10.2007-
Content	<p>1. Description of the environmental problem</p> <p>Mainly comprised of plant protection products (PPP)[1] and biocidal products, pesticides are designed to influence fundamental processes in living organisms and thus may have the potential to kill or control harmful organisms such as pests. At the same time, they can cause unwanted adverse effects on non-target organisms, human health and the environment. The possible risks associated with their use are accepted to a certain extent by society given the related economic benefits since inter alia plant protection products contribute to ensuring reliable supplies of affordable and healthy agricultural products of high quality.</p> <p>Pesticides have been regulated for a long time in most Member States and the Community[2]. Over the years, a highly developed system has been established for evaluating the risks to human health and the environment from pesticide use.</p> <p>Despite all the efforts that have been made to limit the risks linked to the use of pesticides and to prevent any undesirable effects, unwanted amounts of certain pesticides can still be found in environmental media (in particular soil and water)[3] and residues exceeding regulatory limits still occur in agricultural produce[4].</p> <p>It is, therefore, necessary to reduce the risks from pesticides to humans and the environment as far as possible by minimising or eliminating, where possible, exposure and by encouraging the research and development of less harmful, including non-chemical, alternatives.</p> <p>1.2. Current legal framework</p> <p>In adopting the 6th Environment Action Programme (6thEAP)[5], the European Parliament and the Council recognised that the impact of pesticides on human</p>

	<p>health and the environment, in particular from plant protection products, must be further reduced. They underlined the need to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection.</p> <p>Therefore, the 6thEAP outlines a two-track approach:</p> <ol style="list-style-type: none"> 1. Full implementation and revision of the relevant legal framework[6] 2. Development of a Thematic Strategy on the Sustainable Use of Pesticides <p>The Community regulatory framework concerning pesticides focuses particularly on the placing on the market and the end of the life cycle of such products.</p> <p>The most relevant legislative measures concerning PPP are:</p> <ol style="list-style-type: none"> 1. Directive 91/414/EEC on the placing of plant protection products on the market[7], and 2. Regulation (EC) No 396/2005 on maximum residue levels of pesticides in food and feed[8].
Further procedures	No further procedures



SUSTAINABLE DEVELOPMENT

Title	Energy and climate change: promotion of the use of energy from renewable sources RES-E
Kind of document	Directive
Number	COD/2008/0016
Status	The final legislative act was adopted on 24.03.2009

Content	<p>This is the official press statement of the European Parliament:</p> <p>EP seals climate change package</p> <p>20% renewable energy in the EU's energy mix by 2020</p> <p>The new renewables directive seeks to ensure that by 2020 renewable energy makes up at least 20% of the EU's total energy consumption. In 2005 renewable energies - that is energy produced from hydro power, solar, wind, biomass or geothermal sources - accounted for less than 7% of the EU's total energy consumption, says Eurostat.</p> <p>To achieve the 20% target, the new directive will lay down mandatory national targets to be achieved by the Member States through promoting the use of renewable energy in the electricity, heating and cooling, and transport sectors. Member States could meet their targets more easily by promoting energy efficiency and energy saving, says the compromise text.</p> <p>During the informal negotiations ahead of Parliament's vote, MEPs made sure that the renewable energy action plans, which Member States will have to draw up to demonstrate how they are going to achieve their national targets, must fulfil certain minimum requirements.</p> <p>The agreement foresees that by 2020 renewable energy - biofuels, electricity and hydrogen produced from renewable sources - account for at least 10% of the EU's total fuel consumption in all forms of transport. Each Member State will thus have to increase its share of renewable energy in transport to 10%. Biofuels, for example, accounted for only around 1% of all transport fuels consumed in the EU in 2005, says Eurostat.</p> <p>The agreement with Council did not take up the Industry Committee's proposal to set an interim target of 5% by 2015 for renewables in road transport fuel.</p> <p>Promote more sustainable "second-generation" biofuels</p> <p>The Industry Committee, voting on a report by Claude Turmes (Greens/EFA, LU) on 11 September 2008, had specified that the 10% target should relate to road transport only and stipulated that at least 40% of this target (i.e. 4% of all road transport fuels) would have to come from "second-generation" biofuels, electricity or hydrogen - an amendment which was not taken up in the final compromise agreement.</p> <p>Unlike traditional, "first-generation" biofuels, the second generation ones do not compete with food or feed production as these biofuels are, for example, produced from wastes, residues, or non-food cellulosic and ligno-cellulosic biomass such as algae, wood residues, or paper waste. To promote those new, more sustainable alternatives, "second-generation" biofuels will be double credited towards the 10% target, says the compromise text.</p> <p>While green electricity for trains will count only once towards the target for the transport sector, renewable electricity consumed by electric cars will be counted at 2.5 times its input, states the amended proposal.</p> <p>Sustainability criteria for biofuels</p> <p>The new legislation will also establish binding criteria to ensure that biofuels production is environmentally sustainable. For example, to count towards the transport fuel target, the use of biofuels must save at least 35% of greenhouse gas emissions compared to fossil fuels (the Industry Committee had advocated a saving of 45%). From 2017 onwards, the greenhouse gas emission savings of biofuels produced in existing production plants must be at least 50% compared to fossil fuels. The greenhouse gas emissions of biofuels produced in new installations will have to be at least 60% lower than those from fossil fuels.</p> <p>Peatland</p>
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	<p>Biofuels made from crops grown in an area that was peatland in January 2008 should not count towards the transport target, says the text, unless the cultivation and harvesting of the raw material does not involve drainage of previously undrained soil.</p> <p>Indirect land use change By 2010 the Commission will have to develop a methodology to measure the greenhouse gas emissions caused by indirect land use changes - that is, for example, when crops for biofuel production are grown in areas which have previously been used to grow a food crop and this food crop production then moves to other areas which were not in use before (e.g. existing forests).</p> <p>Ensure social sustainability, too Parliament's Industry Committee had inserted binding social sustainability criteria, such as respect for the land rights of local communities or the fair remuneration of all workers, into the draft directive. However, as doubts remained about whether such fixed social sustainability criteria were in line with the rules of the World Trade Organisation, the revised text now requires the Commission to monitor the impact of the EU's biofuel policy and if necessary propose corrective action, especially if increased biofuels production leads to rising food prices or does not comply with social sustainability criteria.</p> <p>Proof for green electricity The European Commission had proposed that "guarantees of origin" should be used for trading renewable energy shares in the EU to enable Member States to achieve targets jointly. However, the Council Presidency agreed with the Industry Committee's call that those "guarantees of origin" should only prove to consumers how much of the energy supplied to them comes from renewable sources.</p> <p>Co-operation to achieve renewables targets jointly The political agreement fully incorporated the Industry Committee's proposal for cooperation mechanisms to allow Member States to achieve their renewables targets jointly. It will, for example, be possible for Member States to run joint projects on green electricity production, heating or cooling, or to transfer renewable energy "statistically" between each other. Member States may also join or partly coordinate their national support schemes so that renewable energy produced in one Member State counts towards the national target of another Member State.</p> <p>Large projects with a very long lead time The compromise text also enables Member States to count towards their national targets "green" electricity consumed in the EU but produced by newly constructed joint projects with third countries such as future solar thermal plants to be built in Northern Africa under the Mediterranean Solar Plan. Such renewable energy plants or interconnectors linking a Member State to these plants whose construction might have started by 2016 but which would nevertheless not be operational by 2020 due to a very long lead time may be accounted for in the calculation of a Member State's renewable energy share, says the amended proposal for a directive.</p> <p>Member States with a high share of aviation</p>
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	<p>Energy consumed in aviation can make up a large percentage of some Member States' gross energy consumption. As technological and regulatory constraints have so far prevented the commercial use of biofuels in aviation, there should be a "partial exemption" for these Member States when their total energy consumption is calculated, says the text. The revised directive states that the amount of energy consumed in aviation should be no more than 6.18% of a Member State's total energy consumption. For the peripheral island Member States Cyprus and Malta, which rely heavily on aviation, the share of energy consumed in aviation taken into account will be a maximum of 4.12% of their final consumption.</p> <p>Improve access of renewables to grid infrastructure</p> <p>The directive as amended also requires Member States to develop transmission and distribution grid infrastructure, intelligent networks, storage facilities and electricity systems that can be operated safely while accommodating renewable energies. Green electricity should either be given priority or guaranteed grid access.</p> <p>2014 review will not change the 20% target</p> <p>MEPs and the Council Presidency agreed that the Commission's evaluation of the implementation of the directive, which is to take place by 2014, will not affect the overall 20% target but will serve to improve, if necessary, the efficiency of co-operation mechanisms. The Commission's review should also assess whether the transport target can be reached while ensuring a sustainable biofuels production as well as the commercial availability of second generation biofuels and of electric, hybrid and hydrogen powered vehicles.</p> <p>Post-2020 Renewable Energy Roadmap</p> <p>The compromise text requires the Commission to present in 2018 a Renewable Energy Roadmap and if necessary new proposals for the post-2020 period.</p> <p>Member States will have to bring into force the laws, regulations and administrative provisions necessary to comply with the directive within 18 months after its publication in the EU's Official Journal.</p> <p>The compromise was adopted with 635 votes in favour, 25 against and 25 abstentions.</p>
Further procedures	None

Title	Community Ecolabel scheme (repeal. Regulation (EC) No 1980/2000)
Kind of document	Regulation
Number	COM/2008/0401-COD 2008-0152
Status	First reading by Parliament ended
Content	<p>The European Parliament adopted by 633 voted to 18, with 2 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on a Community Ecolabel scheme.</p> <p>The amendments adopted in plenary were the result of a compromise negotiated with the Council:</p> <p>Scope: the Regulation shall apply neither to medicinal products for human use, as defined in Directive 2001/83/EC on the Community code relating to medicinal products for human use, or for veterinary use, as defined in Directive 2001/82/EC on the Community code relating to veterinary medicinal products, nor to any type of medical devices.</p> <p>Competent bodies: competent bodies shall ensure that the verification process is carried out in a consistent, neutral and reliable manner by a party independent from the operator being verified, based on international, European or national standards and procedures concerning bodies operating product-certification schemes.</p> <p>European Union Ecolabelling Board (EUEB): this shall consist of the representatives of the competent bodies of all the Member States and shall elect its president according to its rules of procedure. The EUEB shall ensure a balanced participation of all relevant interested parties in respect of each product group, such as competent bodies, manufacturers, producers, retailers, service providers, wholesalers and importers, notably SMEs.</p> <p>General requirements for the Ecolabel criteria: the criteria shall be determined on a scientific basis and considering the whole life cycle of products. The following shall also be taken into consideration: (i) the substitution of hazardous substances by safer substances, as such or via the use of different materials or design changes, where it is technically feasible; (ii) the potential to reduce environmental impacts due to durability and reusability of products; (iii) where appropriate, social and ethical aspects, e.g. by making reference to related international conventions and agreements such as relevant ILO standards and codes of conduct.</p> <p>The development of criteria shall as far as possible take into account the goal of reducing animal testing.</p> <p>Study: before developing criteria for food and feed products, as defined in Regulation (EC) No 178/2002, the Commission shall undertake a study, by 31 December 2011 at the latest, exploring the feasibility of establishing reliable criteria covering environmental performance during the whole life cycle of such products, including the products of fishing and aquaculture. The study should pay particular attention to the impact of any Ecolabel criteria on food and feed products, as well as unprocessed agricultural products that lie within the scope of Regulation (EC) No 834/2007. The study should consider the option that only those products certified organic would be eligible for receiving the Ecolabel award, to avoid confusion for consumers.</p> <p>Hazardous substances: the Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic,</p>

hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), nor to substances referred to in Article 57 of Regulation (EC) No 1907/2006 (REACH).

Development and revision of the Ecolabel criteria: other stakeholders may be put in charge of leading the development of criteria. In this case, they must demonstrate expertise in the product area, as well as the ability to lead the process with neutrality and in line with the aims of the regulation. In this regard, consortiums consisting of more than one interest group shall be favoured. Where a non-substantial revision of the criteria is necessary, the shortened revision procedure as laid down in Part C of Annex I may apply.

Working plan: within one year from the entry into force of the regulation, the EUEB and the Commission shall agree on a working plan including a strategy and a non-exhaustive list of product groups. This plan will consider other Community action (e.g. in the field of green public procurement) and may be updated according to the latest strategic objectives of the Community in the field of the environment.

Establishment of the Ecolabel criteria: draft Ecolabel criteria shall be developed in accordance with the procedure laid down in Annex I and taking into account the working plan. The Commission shall, no later than nine months after consultation of the EUEB, adopt measures to establish specific Ecolabel criteria for each product group. These measures shall be published in the Official Journal of the European Union.

When establishing Ecolabel criteria, care shall be taken not to introduce measures whose implementation may impose disproportionate administrative and economic burdens on SMEs.

Awarding the Ecolabel: any operator who wishes to use the Ecolabel shall apply to the competent bodies in accordance with certain rules.

Applications shall specify the full contact details of the operator, as well as all other information requested by the competent body. The use of the Ecolabel shall be conditional upon the fees having been paid in due time. The competent body may reject the application if the operator fails to complete the documentation within six months after the competent body notifies it.

Competent bodies shall preferentially recognise tests which are accredited according to ISO 17025 and verifications performed by bodies which are accredited under the EN 45011 standard or an equivalent international standard. They shall conclude a contract, covering the terms of use of the Ecolabel. The operator may place the label on the product only after conclusion of the contract.

Promotion of the Ecolabel: Member States and the Commission shall, in cooperation with the EUEB, agree on a specific action plan to promote the use of the Community Ecolabel by: (i) awareness-raising actions and information and public education campaigns for consumers, producers, manufacturers, wholesalers, service providers, public purchasers, traders, retailers and the general public; (ii) encouraging the uptake of the scheme, especially for SMEs. Promotion of the Ecolabel may be undertaken via the Ecolabel website providing basic information and promotional materials on the Ecolabel, and information on where to purchase Ecolabel products, in all community languages.

Exchange of information and experiences: in order to foster consistent implementation of the regulation, competent bodies shall regularly exchange information and experiences. The Commission shall set up a working group of competent bodies for this purpose, which shall meet at least twice a year. The overall objective of this Regulation is to encourage the sustainable production and consumption of products, and the sustainable provision and use of services, by setting benchmarks for the good environmental performance of

	<p>products and services, based on the top performers in the market. By guiding consumers towards them, the Ecolabel logo should promote those products and services that have met these benchmarks compared to others in the same category. These benchmarks will also be used for developing and implementing other environmental policy tools, where consistency within the single market is desirable, such as for providing environmental criteria for public purchasers to use and giving recommendations on potential future minimum standards for products.</p> <p>General context</p> <p>According to Article 20 of the Ecolabel Regulation [1], the EU Ecolabel scheme, which has been in place since 1992, has to be reviewed and the Commission must then propose any appropriate amendments to the Regulation. As highlighted in different reports published by the European Environment Agency and others, the state of the environment gives rise to increasing concerns. Global warming is just one – and currently the most prominent – issue in this context but there are many others such as biodiversity, air and water pollution or ozone depletion.</p> <p>A more detailed description of the policy background and a justification of the choice of instrument are provided in the impact assessment.</p> <p>The Proposal is designed to replace Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community Ecolabel award scheme.</p>
Further procedures	Council decision

Title	Establishing a framework for the setting of ecodesign requirements for energy related products
Kind of document	Directive
Number	COM/2008/0399 e.g. COD/2008/0151
Status	First reading by Parliament terminated
Content	<p>The European Parliament adopted by 394 votes to 13, with 3 abstentions, a legislative resolution modifying, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy related products (recast).</p> <p>The amendments are the result of a compromise negotiated with the Council.</p> <p>The main amendments mostly concern the recitals and stress the following points:</p> <ul style="list-style-type: none"> • many energy related products have a significant improvement potential for reducing environmental impacts and achieving energy savings through better design which also leads to economic savings for businesses and end users. In addition to products which use, generate, transfer, or measure energy, selected energy related products, including products used in construction such as windows, insulation materials, or some water using products like shower heads or taps could also contribute to significant energy savings during use; • the text stresses that improving the energy and resource efficiency of products contributes to the security of the energy supply and reduces demand on natural resources, which are preconditions of sound economic activity and therefore of sustainable development; • considering at the design stage a product's environmental impact throughout its whole life cycle has a high potential to facilitate environmental improvement in a cost-effective way, including on

	<p>resource and material efficiency and thereby meeting the objectives of the Thematic Strategy on Natural Resources;</p> <ul style="list-style-type: none"> • regard should be given to the modules and rules intended for use in technical harmonisation Directives set out in Decision No 768/2008/EC on a common framework for the marketing of products and repealing Council Decision 93/465/EEC; • in accordance with the Interinstitutional Agreement on better law-making, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public. <p>Not later than 2012 the Commission shall review the effectiveness of this Directive and of its implementing measures, including, inter alia:</p> <ul style="list-style-type: none"> • the methodology for the identification and coverage of significant environmental parameters, such as resource efficiency, considering the whole life-cycle of products; • the threshold for implementing measures; • market surveillance mechanisms; • any relevant self-regulation stimulated. <p>Following this review, and in particular considering the experience related to the extended scope of the Directive, the Commission shall assess notably the appropriateness of extending the scope of the Directive to non energy related products, in order to achieve significant reduction of environmental impacts throughout their whole life cycle.</p> <p>The aim of the recast of the framework Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005, establishing a framework for the setting of eco-design requirements for energy-using products (EuP) and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council[1], hereafter referred to as the "Ecodesign Directive", is to incorporate the amending Directive 2008/28/EC[2] and to extend its scope to allow for the setting of Community ecodesign requirements also for all energy related products. In doing so, it follows the overall objective to ensure the free movement of products and improve their environmental performance, thereby protecting the environment.</p> <p>Establishing a single framework for the ecodesign of energy related products will ensure efficiency and consistency by using a common methodology for setting requirements for such products at EU level. It will thus avoid the risk of overlapping national and Community initiatives.</p> <p>The resulting comprehensive Ecodesign framework Directive will also be the essential building block for an integrated sustainable environmental product policy, as complemented by initiatives on labelling and incentives relating to public procurement and taxation. In addition to setting minimum requirements for the placing on the market of products, it will enable the setting of environmental performance benchmarks referring to the best performing products on the market. This is already possible under the present Ecodesign Directive for energy-using products and will hence be extended to be possible for all energy related products, providing thus for a link to incentives relating to public procurement and taxation.</p>
Further procedures	First reading by Council

Title	Sustainable agriculture and biogas: a need for review of EU-legislation
Kind of document	Initiative Report
Number	INI/2007/2107
Status	Passed by the European Parliament on 12.03.2008
Content	<p>This is not a legislative document but an initiative report by the European Parliament in which it stresses the need for a review of EU Legislation in the field of Biogas. The report is however not binding for the Commission. As the European Parliament has no right of initiative it can not introduce draft legislation itself. The resolution recognises that biogas is a vital energy resource that contributes to sustainable economic, agricultural and rural development and environmental protection. It also stresses the contribution that biogas can make to reducing the EU's energy dependence on imports. Members encourage both the EU and Member States to exploit the huge potential in biogas by creating a favourable environment, as well as developing support schemes to inspire investment in, and sustenance of, biogas plants. Parliament discusses the environmental, energy-efficiency and sustainability implications of biogas. It emphasises that biogas from livestock manure has numerous environmental advantages. For biogas installations just as for livestock farms, sustainability and a size that is adapted to the particular region are essential if the environmental benefits are to also lead to greater acceptance of livestock farms, which encounter many problems due to an increased number of complaints from neighbours and the general public. With regard to economic viability, Parliament reminds Member States and the Commission that further advancement of biogas is not possible without additional funding. It recalls that funding needs to be provided for research and development, for the promotion of results from specific projects, for installations and for the increased support of 'green electricity' and 'green gas'. Parliament urges the Commission and Member States to ensure that funds from EU and national programmes go to the most efficient and sustainable installations. The Commission is asked to present a specific report on biogas and its promotion in the EU, outlining the necessary changes in Community and national law to facilitate further expansion of the biogas sector and pointing out the most efficient ways of using EU funds and programmes, while providing examples of best practices. Parliament also asks, in this regard, for an impact assessment of the various forms of biogas production on climate, the ecology of the landscape, rural incomes and worldwide security of food supply.</p>

Title	Green Paper on market-based instruments for environment and related policy purposes
Kind of document	Green paper
Number	2007/2203/INI

Status	Published
Content	<p>This is the European Parliament’s initiative report and as such a non binding “commentary” to the Commission’s Green paper on the subject. In its report Parliament welcomes the reference to the polluter pays principle but criticises the fact that the link is weak or non-existent when it comes to designing and calibrating existing environment policy instruments. It stresses that the polluter pays principle enables a real price to be set by including in the product price the cost of cleaning up pollution and repairing damage caused by production. Pointing out that households bear the bulk of the burden of environmental taxes even though other sectors of the economy are the main energy and water consumers and transport users, Parliament also stresses that the polluter pays principle cannot be seen only in terms of making final users, particularly households, pay. Members regret the absence of an in-depth analysis on the merits of differentiation between market-based instruments targeted at the consumer as opposed to the producer level. They also criticise the fact that the Green Paper concentrates mainly on atmospheric pollution and global warming, and by and large disregards the other negative impacts of production and distribution processes and consumption patterns on the environment.</p> <p>Measures: the Commission is urged to develop a clear strategy on the use of MBIs to price environmental damage and correct related market failures. This strategy should cover taxation, the EU Emission Trading Scheme (ETS) review, trade, and technology policy. Parliament recognises that a failure to internalise environmental costs is tantamount to subsidising environmentally harmful activities. It points out that the existence of a large number of Environmentally Harmful Subsidies (EHS) in EU Member States aggravates pollution and seriously undermines the polluter pays principle. The reform of EHS must not be limited to the CAP. In this area the transport sector, particularly road transport, requires specific, determined action. The Commission is asked rapidly to propose a roadmap for the abolition of EHS in accordance with the European Council’s decision on the review of the sustainable development strategy.</p> <p>Principles: Parliament points out that the polluter pays principle is one of the pillars of EU environment policy, but that its implementation leaves a lot to be desired in most Member States. Members take the view that the move towards sustainable development and a carbon-free economy requires a combination of deterrent instruments (e.g. taxes, fees) and incentive instruments (e.g. trading schemes). They stress that the development of instrument mixes will help to optimise the use of MBIs, which can contribute greatly to achieving the goals of the Lisbon agenda. Social consequences resulting from the implementation of MBIs should be compensated for by specific policy measures such as floor prices, rate reductions, subsidies etc. for low-income households. Parliament considers it also necessary to adopt measures aimed at penalising excessive consumption. It states that Community market-based measures cannot be limited to emission permit or emission quota trading schemes and that other possible schemes need to be envisaged, such as the introduction of a carbon tax, as well as a reduction in subsidies for fossil fuels.</p> <p>Instruments: the Commission is called to strengthen the EU ETS by establishing a progressively tightening cap and extend it to all first-tier emitters as the main means of achieving the 2020 GHG reduction targets. Parliament stresses the urgent need for a revision of the EU ETS in order to address effectively the shortcomings experienced during the trial period, including the windfall profits of companies due to the assets acquired from the allocation of CO2 quotas free of</p>

	<p>charge (for instance the large electricity producers). It emphasises that the strong endorsement of the polluter pays principle in the EU Sustainable Development Strategy implies that the EU ETS should be primarily based on auctioning of the emission permits and on a total emissions cap that is consistent with the EU 2020 reduction target of 30%, including quantitative limits and qualitative requirements for the use of Clean Development Mechanism / Joint Implementation (CDM/JI) project credits.</p> <p>Encouraging the development of the global carbon market is also important in order to achieve the extensive emission cuts needed in a cost-effective manner. An increased use of MBIs in the transport sector is particularly important. The low degree of internalisation from road traffic has adverse effects on the competitiveness of other modes of transport, such as rail, and in terms of promoting clean technologies. The Commission is called upon to present, by 2009, a legislative proposal for GHG reduction in the area of maritime transport. Parliament welcomes the Commission's proposal to include aviation activities in the EU ETS, but considers that parallel measures, such as a kerosene tax and NOx emission charges, are necessary. It goes on to make recommendations concerning the Eurovignette Directive the Energy Taxation Directive, and the construction sector.</p> <p>Lastly, Parliament calls on the EU to distinguish gross economic wealth per inhabitant from net economic, social and environmental wealth as the true progress indicator (TPI). The European Commission and the Member States are called upon to study in more depth the possibility of measuring European growth using 'green' indicators, which factor in the wealth lost as a result of environmental damage.</p>
Further procedures	None

Title	Energy policy: renewable sources, biomass action plan
Kind of document	Communication
Number	SEC(2006)0142
Status	
Content	<p>This Commission Communication, which supports the “Biomass Action Plan” published in December 2005, sets out an EU Strategy for Biofuels. It has three specific aims. They are: a) the promotion of biofuels in the EU and developing countries; b) to prepare for the large-scale use of biofuels by improving their cost-competitiveness and through the optimised cultivation of dedicated feedstock through research into “second generation” biofuels; and c) to support developing countries that have the potential to harvest biofuels by stimulating long-term economic growth.</p> <p>Processed from biomass, a renewable energy source, biofuels are a direct substitute for fossil fuels in transport and can readily be integrated into fuel supply systems. Biofuels can be used as an alternative fuel for transport and thus help prepare the way for further advanced developments, such as hydrogen. The increasing use of biofuels offers a number of advantages, notably Europe’s reduced dependence on the import of fossil fuels, a reduction in green house gas emissions, agricultural rewards as well as economic opportunities for developing countries.</p> <p>The EU Strategy on Biofuels centres on seven priority policy axes, that together, form a body of measures which the Commission will adopt in order to encourage the production and use of biofuels.</p> <p>1) Stimulate the demand for biofuels: the European Commission will publish, in the course of 2006 a report on the possible revision of the Biofuels Directive. This report will, inter alia, address the issues of setting national targets for the market share of biofuels, using biofuel obligations and ensuring sustainable production. It will also encourage Member States to give favourable treatment to second-generation biofuels in biofuel obligations. The Commission will seek a speedy approval of its recently adopted legislative proposal to promote public procurement of clean and efficient vehicles.</p> <p>2) Capturing environmental benefits: the European Commission will examine how biofuel use can count towards the CO₂ emission reduction targets for car fleets. In addition, it will work towards the sustainability of biofuel feedstock cultivation in the EU and third countries as well as examine the issues of limits in the content of ethanol, ether and other oxygenates in petrol; limits of vapour content of petrol and limits on the biodiesel content of diesel.</p> <p>3) Developing the production and distribution of biofuels: the Commission will encourage Member States and regions to take account of biofuels and other bio-energy options within the context of the EU’s Cohesion policy and Rural Development policy. In addition, the Commission proposes the setting up of a specific ad hoc group to consider biomass including biofuels opportunities within national rural development programmes. It will look into practices that act as barriers to the introduction of biofuels and monitor any that may lead to a discrimination against biofuels.</p>

	<p>4) Expanding feedstock supplies: under this measure the Commission proposes including the production of sugar for biofuels as eligible for financial support under the CAP. Within this context the following measures will be applied: make sugar production for bioethanol eligible for both the non-food regime on set-aside land and the energy crop premium; assess the opportunities for additional processing cereals from existing intervention stock into biofuels; finance a campaign to inform farmers and forest holders about the properties of energy crops and the opportunities they offer; bring forward a Forestry Action Plan and review how animal by-products legislation could be amended to facilitate the authorisation and approval of alternative processes for the production of biofuels.</p> <p>5) Enhancing trade opportunities: the Commission will consider whether or not to present a proposal for separate nomenclature codes for biofuels; maintain market access conditions for imported bioethanol that are not less favourable than those provided by the trade agreements currently in force; and pursue a balanced approach in ongoing and future trade negotiations with ethanol-producing countries and regions and propose amendments to the biodiesel standard.</p> <p>6) Supporting developing countries: the Commission will ensure that measures under the Sugar Protocol affected by the sugar reform can be used to support the development of bioethanol production; it will also develop a “Biofuels Assistance Package” for those developing countries with the potential to produce biofuels; and it examine how the EU can best assist the development of national biofuel platforms that are both environmentally and economically sustainable.</p> <p>7) Supporting research and development: within the framework of the EU’s 7th research programme, the Commission will continue to offer support for the development of biofuels and the strengthening of a competitive biofuel industry. In other measures, it will give priority to research into the bio-refinery concept, continue to encourage an industry led “Bio-fuel technology platform” and support the implementation of the “Strategic Research Agenda” prepared by these technology platforms.</p>
Further procedures	The communication is published. The Parliament passed an initiative report. Rapporteur: Werner Langen (PPE-ED).

WASTE MANAGEMENT

Title	Waste electrical and electronic equipment WEEE (repeal. Directive 2002/96/EC). Recast
Kind of document	Proposal for a directive
Number	2008/0241
Status	published
Content	<p>PURPOSE: to revise Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) in the light of the experience of the first years of implementation.</p> <p>PROPOSED ACT: Directive of the European Parliament and of the Council.</p> <p>BACKGROUND: Directive 2002/96/EC on waste electrical and electronic equipment (WEEE) entered into force on 13 February 2003. Member States were required to transpose the requirements of the Directive by 13 August 2004. The extensive analysis carried out as part of the WEEE review process led to the identification of the following problems related to the application of the WEEE Directive:</p> <ul style="list-style-type: none"> • there is lack of clarity on the products covered by the current WEEE Directive and their categorisation, with different interpretations by different Member States and stakeholders; • currently approximately 65% of electrical and electronic equipment (EEE) placed on the market is collected separately, but less than half of this is treated and reported according to the requirements of the Directive. The remainder potentially leaks out to substandard treatment and is illegally exported to third countries, including non-OECD countries. This leads to losses of valuable secondary raw materials and increases the risk of release of hazardous substances into the environment; • the current collection rate, 4kg/inhabitant per year of WEEE from private households, ("one size fits all") does not reflect the economies of individual Member States and thus leads to sub-optimal targets for some countries and too ambitious targets for others; • currently there are no targets for the re-use of whole appliances in the Directive; • there are no detailed enforcement requirements in the Directive, which results in lack of enforcement in Member States; • there are diverging producer registration requirements in Member States; • indications on substandard treatment of WEEE in the EU and illegal export of WEEE outside the EU are highlighted. <p>The specific objectives of the review of the WEEE Directive are therefore:</p> <ul style="list-style-type: none"> • reduced administrative costs through the removal of all unnecessary administrative burdens, without lowering the level of environmental protection; • improved effectiveness and implementation of the Directive through increased compliance and reduced free-riding; • reduced impacts on the environment from the collection, treatment and recovery of WEEE at the levels where the greatest net benefit to society results. <p>The proposed measures are as follows:</p> <p>Scope: it is proposed to bring Annex IA and IB of Directive 2002/96/EC describing the scope for both the WEEE Directive and the Directive on the</p>

	<p>restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive) under the RoHS Directive, which is based on Article 95 of Treaty. The WEEE Directive, based on Article 175 of the EC Treaty, will refer to this scope.</p> <p>Clarification of definitions: clarification is proposed on the distinction between WEEE from private households (B2C) and non household WEEE (B2B) by classifying the equipment as either B2C or B2B through the comitology procedure. These actions will contribute to better clarification of which products fall under the WEEE Directive and will further clarify the obligations applying to different producers of equipment.</p> <p>Collection target: a 65% WEEE collection rate (including B2B equipment) is proposed which is set according to the average quantity of EEE placed on the market in the two preceding years. This target reflects the amounts of WEEE which are currently already collected separately in the Member States and takes the variations in EEE consumption in individual Member States into account. Therefore, it will encourage Member States to target an optimal rate of separate WEEE collection. The proposed collection rate should be achieved annually, starting in 2016. There are certain degrees of flexibility: possible transitional measures for Member States and a re-examination of the rate by the European Parliament and the Council in 2012, on the basis of a proposal from the Commission.</p> <p>Recycling targets: in order to encourage the re-use of whole WEEEs, it is proposed to include the re-use of whole appliances in the increased target (by 5%) for recycling combined with re-use. The recycling target for medical devices (category 8 equipment) is proposed to be set at the same level as that for monitoring and control instruments (category 9 equipment).</p> <p>Producer registration: in order to reduce the administrative burden, the registration and reporting obligations for producers, which are specified by the different national producer registers, should be harmonised, including making the registers interoperable.</p> <p>Enforcement: in order to bridge the implementation gap, it is proposed to set minimum inspection requirements for Member States, in order to strengthen the enforcement of the WEEE Directive. Minimum monitoring requirements are proposed for shipments of WEEE.</p>
Further procedures	First reading in Parliament scheduled for 18.05.2010

Title	Electrical and electronic equipment: restriction of the use of certain hazardous substances (repeal. Directive 2002/95/EC). Recast
Kind of document	Proposal for a Directive
Number	COD 2008/0240
Status	Published
Content	uncertainty about the scope of the Directive, lack of clarity on legal provisions and definitions as well as disparities in Member States' approaches to product compliance and potential duplication of procedure with other pieces of EU legislation such as REACH, generate unnecessary administrative costs. If the

RoHS Directive is not reviewed, environmental benefits reaped from the legislation will remain sub-optimal. Uncertainty among manufacturers about legal requirements for demonstrating compliance with the RoHS Directive and about enforcement methodologies in the 27 Member States will persist, maintaining or increasing administrative burden.

The RoHS recast will enhance its complementarity and coherence with other relevant Community legislation, such as the "Marketing of Products Package" (regarding definitions and enforcement), REACH (regarding the use of substances), the Energy-using Products (EuP) Directive regarding the design of electrical and electronic equipment (EEE), and legislation related to management of waste from EEE. The aim is to reduce the administrative burden and make the RoHS Directive more cost effective.

CONTENT: the basic objectives and mechanisms of this Directive have not been changed. The ultimate aim is the elimination of certain hazardous substances from electrical and electronic equipment; where this is temporarily not possible, exemptions are granted. No new substances are proposed to be banned. The main proposed modifications are as follows:

Harmonisation of the scope: two new annexes describing the Directive's scope are added, the first describing the broad product categories and the second, amendable by the Commission, providing binding product lists within each category. Medical devices and control and monitoring instruments are included to reap the environmental and health benefits from the reduction of use of hazardous substances in such equipment, but in a gradual manner so that adverse socioeconomic impacts are avoided.

Definitions: the definitions for economic operators are aligned to the "Marketing of products" package and new definitions, such as for "medical devices" and "homogeneous material" are added. Harmonised definitions, coherent with related Community legislation, enhance legal clarity and reduce administrative cost.

Substance ban: maximum concentration values for the banned substances are set (incorporation in the Directive of a Commission Decision) and permission to use non-compliant spare parts is extended to equipment benefiting from an exemption when placed on the market, to prevent premature withdrawal of equipment from use. A new annex with exemptions specific to the new product categories (medical devices and control and monitoring instruments) is added for cases where substitution is currently not feasible. A mechanism for introducing new substance bans in line with the REACH methodology is inserted to ensure coherence and maximise synergy with the work carried out under the chemicals' legislation. Detailed rules of this process will be developed through comitology. When developing these detailed rules, the Commission will give priority to using the expertise available at the European Chemicals Agency (ECHA). The Commission will invite ECHA to evaluate the substances concerned as a priority.

Exemptions mechanism: a 4-year maximum validity period for the exemptions is set to stimulate substitution efforts, provide legal security and shift the burden of proof to the applicant, in line with REACH. New criteria such as availability and reliability for granting exemptions are introduced to take into account broader socio-economic aspects. A mandate is given to the Commission for establishing detailed rules for the applicants to apply when requesting an exemption for facilitating them and speeding up the scrutiny process.

Evaluation of product conformity and market surveillance mechanisms: new provisions introduce product conformity assessment requirements and market surveillance mechanisms in line with the "Marketing of products" package. Reducing the number of non-compliant products through strengthened and harmonised market surveillance is a cost effective way of increasing the

	environmental benefit of the Directive. Harmonised conformity assessment requirements increase legal certainty and reduce the administrative cost for Member States and manufacturers.
Further procedures	First reading in Parliament scheduled for 18.05.2010

Title	Waste: revision of the Waste Framework Directive (repeal. direct. 75/439/EEC, 75/442/EEC and 91/689/EEC)
Kind of document	Directive
Number	COD/2005/0281
Status	Procedure ended
Content	<p>Parliament and Council have agreed on a compromise before second reading in the Parliamentary Plenary. This means that the procedure is now closed; the directive will soon be published in the official journal. Changes after the first reading included:</p> <ul style="list-style-type: none"> • the setting of the recycling targets for household and construction and demolition waste and introducing provisions for shaping the future waste prevention objectives; • the setting of a five step waste hierarchy as a priority order, • and the clarification of certain provisions related to hazardous waste, end-of-waste criteria, and biowaste.
Further procedures	Awaiting publication in official journal

AIR POLLUTION

Title	Environment: substances depleting the ozone layer (repeal. Regulation (EC) No 2037/2000). Recast
Kind of document	Regulation (Recast of existing regulations)
Number	COD/2008/0165
Status	Final legislative act completed
Content	<p>The European Parliament adopted by 667 votes to 13, with 10 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on substances that deplete the ozone layer (ODS).</p> <p>The amendments adopted in plenary were the result of a compromise negotiated with the Council.</p> <p>Minimising ODS: the compromise stresses that many ozone depleting substances (ODS) are greenhouse gases but are not controlled under the United Nations Framework Convention for Climate Change and its Kyoto Protocol. Given that, at present, many alternatives to ozone depleting substances have a high a global</p>

warming potential, it is therefore necessary to minimise and eliminate the production and use of ODS **wherever technically feasible alternatives** with low global warming potentials are available.

Definitions: "production" means the amount of controlled substances or new substances produced, including the amount produced, intentionally or inadvertently, as by-product unless this by-product is destroyed as part of the manufacturing process or following a documented procedure ensuring compliance with this Regulation and the legislation on waste. MEPs also clarified the definition of "placing on the market" and introduced a definition of "products and equipment relying on controlled substances".

Placing on the market and use of controlled substances: controlled substances shall not be placed on the market in non-refillable containers, except for laboratory and analytical uses.

Labelling: as of 1 July 2010 containers of controlled substances produced or placed on the market as process agents shall be labelled with a clear indication that those substances may only be used as process agents. Where such substances are required to be labelled in accordance with Directive 67/548/EEC and Directive 1999/45 EC or Regulation (EC) No 1272/2008, such indication shall be included in the label referred to in these Directives or in the supplemental information part of the label as referred to in the aforementioned Regulation. Those labelling requirements shall also apply to controlled substances produced or placed on the market for essential laboratory and analytical uses.

The Commission may determine, in accordance with the regulatory procedure with scrutiny, the form and content of the label to be used.

Controlled substances as process agents: the maximum amount of controlled substances that may be used as process agents within the Community shall not exceed 1 083 metric tonnes per year. The maximum amount of controlled substances that may be emitted from process agent uses within the Community shall not exceed 17 metric tonnes per year.

Destruction and reclamation of controlled substances: controlled substances and products and equipment containing or relying on controlled substances may be placed on the market for destruction within the Community. Controlled substances may also be placed on the market for reclamation within the Community.

Essential laboratory and analytical uses of controlled substances other than hydrochlorofluorocarbons: the text provides that the Commission shall issue licences to producers and importers of the controlled substances, other than hydrochlorofluorocarbons, produced or imported for essential laboratory or analytical use. The quantity annually authorised under licences for individual producers and importers shall not exceed 130% of the annual average of the calculated level of controlled substances licensed for the respective producer or importer for essential laboratory or analytical use in the years 2007 to 2009. Total quantity annually authorised under licences shall not exceed 110 ODP tonnes. Remaining quantities may be allocated to producers and importers who did not place on the market or use the controlled substances, for their own account for essential laboratory and analytical uses in the years 2007 to 2009. The Commission shall determine, in accordance with the regulatory procedure with scrutiny, a mechanism for the allocation of quotas to producers and importers.

Phase-out schedule: hydrochlorofluorocarbons may be produced provided that each producer ensures the following:

- the calculated level of its production of hydrochlorofluorocarbons in the period from 1 January 2010 to 31 December 2010 and in each 12-month

	<p>period thereafter until 31 December 2013 does not exceed 35% of the calculated level of its production of hydrochlorofluorocarbons in 1997;</p> <ul style="list-style-type: none"> • the calculated level of its production of hydrochlorofluorocarbons in the period from 1 January 2014 to 31 December 2014 and in each 12-month period thereafter until 31 December 2016 does not exceed 14% of the calculated level of its production of hydrochlorofluorocarbons in 1997; • the calculated level of its production of hydrochlorofluorocarbons in the period from 1 January 2017 to 31 December 2017 and in each 12-month period thereafter until 31 December 2019 does not exceed 7% of the calculated level of its production of hydrochlorofluorocarbons in 1997; • it produces no hydrochlorofluorocarbons after 31 December 2019 (note that the committee responsible had mentioned the end of 2014 as the deadline). <p>Methyl bromide: until 18 March 2010, methyl bromide may be placed on the market and used for quarantine and for pre-shipment applications for treatment of goods for export provided that the placing on the market and use of methyl bromide are allowed respectively under Directive 91/414/EEC and Directive 98/8/EC as transposed by the Member State concerned.</p> <p>Methyl bromide may only be used on approved sites and, if economically and technically feasible, under the condition that at least 80% of methyl bromide released from the consignment is recovered. The calculated level of methyl bromide which undertakings place on the market or use for their own account in the period from 1 January 2010 to 18 March 2010 shall not exceed 45 ODP tonnes.</p> <p>Each undertaking shall ensure that the calculated level of methyl bromide does not exceed 21% of the average of the calculated level of methyl bromide which it placed on the market or used for its own account for quarantine and pre-shipment in the years 2005 to 2008.</p> <p>Decommissioning of equipment containing halons: halons may only be placed on the market by undertakings authorised by the competent authority for storing halons for critical uses. Fire protection systems and fire extinguishers containing halons applied in critical uses shall be decommissioned by the end dates to be specified in Annex VI.</p> <p>List of products and equipment: the Commission shall make available at the latest by 1 January 2010 a list of products and equipment which might contain or rely on controlled substances and of Combined Nomenclature codes for guidance of the Member States' customs authorities.</p> <p>Leakages and emissions of controlled substances: undertakings operating refrigeration, air conditioning or heat pump equipment, or fire protection systems, including their circuits, which contain controlled substances, shall ensure that the stationary equipment or systems:</p> <ul style="list-style-type: none"> • with a fluid charge of 3kg or more of controlled substances are checked for leakage at least once every 12 months (this shall not apply to equipment with hermetically sealed systems, which are labelled as such and contain less than 6kg of controlled substances); • with a fluid charge of 30kg or more of controlled substances are checked for leakage at least once every six months; • with a fluid charge of 300kg or more of controlled substances are checked for leakage at least once every three months; and that any detected leakage is repaired as soon as possible and in any event within 14 days. <p>The equipment or system shall be checked for leakage within one month after a leak has been repaired to ensure that the repair has been effective. Undertakings</p>
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	<p>shall maintain records on: (i) the quantity and type of controlled substances added and the quantity recovered during servicing, maintenance and final disposal of the equipment or system referred to above; (ii) other relevant information including the identification of the company or technician who performed the servicing or maintenance, as well as the dates and results of the leakage checks carried out. These records shall be made available on request to the competent authority and to the Commission.</p> <p>Reporting by undertakings: each producer shall communicate the following data: (i) any purchases from and sales to other producers in the Community; (ii) any quantity recycled, reclaimed or destroyed and the technology used for the destruction. Each undertaking using controlled substances as feedstock or process agents, shall communicate the following data: (i) any quantities of such substances used as feedstock or process agents; (ii) any stocks of such substances; (iii) processes and emissions involved.</p>
Further procedures	None

Title	Integrated pollution prevention and control: industrial emissions, titanium dioxide industry, use of organic solvents, incineration of waste, large combustion plants (repeal. Directives 78/176/EEC, 82/883/EEC, 92/112/EEC, 96/61/EC, 1999/13/EC, 2000/76/EC and 2001/80/EC). Recast
Kind of document	Recast of existing directives
Number	COD/2007/0286
Status	Proposal published by Commission
Content	<p>The European Parliament adopted by 402 votes to 189, with 54 abstentions, a legislative resolution amending, under the first reading of the codecision procedures, the proposal for a directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).</p> <p>The main amendments are as follows:</p> <p>Obligation to hold a permit: the Commission's proposal provides that a permit may cover two or more installations or parts of installations operated by the same operator on the same site or on different sites. The Parliament makes it clear that this is a possibility left to Member States and that they are not forced to use this flexibility. Moreover, MEPs propose that a single natural or legal person shall be identified to take the responsibility for meeting the obligations of the Directive.</p> <p>Compliance with the permit conditions: MEPs propose that the operator provides the competent authority with the relevant data on compliance with the permit conditions at least every 24 months, which shall be made available on the internet without delay.</p> <p>Permit applications: if the activity involves dangerous substances in significant amounts, permit applications shall include a baseline report providing information on those substances.</p> <p>BAT (best available techniques) reference documents and exchange of information: the Commission shall organise exchanges of information between the Member States, representatives of their relevant competent authorities,</p>

operators and providers of techniques representing the industry concerned, non-governmental organisations promoting environmental protection, and the Commission in relation to the following: (a) the performance of installations as regards emissions, pollution, consumption and the nature of raw materials, use of energy and generation of waste; (b) the best available techniques used, associated monitoring and their developments.

The Commission shall establish an Information Exchange Forum, guidance for the exchange of information and publish an evaluation report in this regard. It shall publish the result of the information exchange as a new or updated BAT reference document. The revision of the BAT reference documents shall be finalised within eight years of the publication of the previous version.

Emission limit values, equivalent parameters or technical measures: the amended text stipulates that the competent authority shall set emission limit values and monitoring and compliance requirements to ensure that the BAT associated emission levels are not exceeded. Emission limit values may be supplemented by equivalent parameters or technical measures provided that an equivalent level of environmental protection can be achieved.

By derogation, and in exceptional cases, BAT associated emission levels may be exceeded. Member States shall ensure that the public concerned is given early and effective opportunities to participate in the decision-making process relating to the grant of the derogation. The reasons for allowing emission levels to deviate from BAT associated emission levels, as described in the BAT reference documents, shall be documented and justified in an annex to the permit conditions.

Monitoring requirements: MEPs consider that periodic monitoring should be carried out at least once every five years for groundwater and ten years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

Inspections: Member States shall ensure that a sufficient number of skilled persons are available to carry out the inspections. Those programmes shall include at least one random site visit every eighteen months, for each installation. This frequency shall be increased to at least every six months if an inspection has identified a case of non-compliance with the permit conditions. When carrying out such a non-routine inspection, the competent authorities may require operators to provide information in order to investigate the content of an accident, incident or occurrence of non-compliance, including health statistics.

Minimum requirements: in order to reduce widespread recourse to exemptions, which lead to market distortions, MEPs propose that the Commission shall, within 12 months of the publication of a BAT reference document, set emission limit values as well as monitoring and compliance requirements as minimum requirements. Such minimum requirements shall be directed to significant environmental impacts of the activities or installations concerned, and shall be based on best available techniques associated emission levels (BAT-AEL).

The Commission shall, in particular, set, by 31 December 2011 emission limit values as well as monitoring and compliance requirements for dioxins and furans emitted by installations producing pig iron and steel and, in particular, sintering

	<p>iron ore. Member States may set stricter emission limit values for dioxin and furan emissions. These measures shall be adopted in accordance with the regulatory procedure with scrutiny (comitology).</p> <p>Medium-sized combustion plants: MEPs broadly agree with a Commission proposal to bring medium-sized combustion plants (between 20 and 50 MW), within the rules, but want to exclude installations (below 50 MW) which operate for no more than 500 hours/year.</p> <p>MEPs also changed the annexes, which set specific permit conditions for types of industrial activity. For example, when calculating the total rated thermal input of installations for combustion plants used in healthcare facilities, only the normal running capacity shall be included for the purposes of this calculation.</p> <p>Reducing the administrative burden and better informing the public: several other amendments aim to reduce administrative burdens, relax rules on reporting and inspections, and improve the information to the public.</p>
Further procedures	Second EP reading scheduled for 13.02.2010

Title	Reduction of CO₂ emissions from light-duty vehicles: setting emission performance standards for new passenger cars
Kind of document	Regulation
Number	COM 2007/0856 e.g. COD 2007/0297
Status	Adopted
Content	<p>This was one of the most discussed legislative acts in recent years. The French Presidency has reached an agreement between the European Parliament, the Council and the Commission. (In so called “trilogue” negotiations) The compromise agreed on will be easier for the car industry as the deadline for CO₂ efficient cars have been prolonged and fines are also less strict. This compromise was accepted by the Parliamentary plenary so that the regulation can be adopted by the council still in December.</p> <p>This is the official press statement of the European Parliament: Reducing CO₂ emissions from new cars</p> <p>MEPs approved a compromise on a draft regulation which sets emission performance standards for new passenger cars (the "M1" category) registered in the EU. These account for 12% of overall EU emissions of carbon dioxide (CO₂), the main greenhouse gas according to European Commission's figures. The new regulation, on which Guido Sacconi (PES, IT) was Parliament's rapporteur, is part of the EU's effort to reduce CO₂ emissions by 20% by 2020.</p> <p>The compromise backed the Commission's proposed target of an average of 120g of CO₂/km for the whole car industry by 2012, compared to the current levels of 160g/km. The regulation sets an average target of 130g CO₂/km for new passenger cars to be reached by improvements in vehicle motor technology. It will be supplemented by additional measures to achieve a further 10g/km reduction, so as to reach the 120g/km target, through other technical improvements such as better tyres or the use of biofuels.</p>

	<p>Key elements of the new regulation</p> <p>Long term target - the compromise introduced a long term target for 2020 for the new car fleet of average emissions of 95 g CO₂/km.</p> <p>Phasing in - manufacturers will be given interim targets of ensuring that average CO₂ emissions of 65% of their fleets in January 2012, 75% in January 2013, 80% in January 2014 and 100% from 2015, so as to comply with each manufacturer's specific CO₂ emissions target.</p> <p>Excess emissions premiums - manufacturers will have to pay the following fines (so called "excess emissions premiums"), if their average emissions of CO₂ exceed the specific emission target set by the regulation:</p> <p>From 2012 until 2018:</p> <p>€ 5 for the first gram of CO₂ € 15 for the second gram of CO₂ € 25 for the third gram of CO₂ € 95 from the fourth gram of CO₂ onwards.</p> <p>(NB. These fines are cumulative. So for an excess of 4 grams a fine of € 5 + € 15 + € 25 + € 95 = € 140 would have to be paid).</p> <p>From 2019, manufacturers will have to pay €95 for each gram exceeding the target.</p> <p>Eco-innovations - at the Environment Committee's request, the compromise states that car manufacturers may apply to be given special credits for eco-innovations - that is innovative CO₂-reducing technologies on the car, such as energy-efficient lights, which are currently not included in the normal test cycle. The total contribution of those technologies may a reduction of up to 7 gram CO₂ in each manufacturer's average specific target.</p> <p>Special targets for small manufacturers - as proposed by the Commission, the compromise allows small manufacturers producing fewer than 10,000 new registered cars per year to apply to the Commission for a derogation from the specific emissions target.</p> <p>As requested by the Environment Committee, larger independent car manufacturers (producing 10,000 to 300,000 new registered cars per year) will have the opportunity to apply for an alternative target of reducing their average specific emissions by 25% from 2007 levels. This application may be made by the manufacturer alone or together with any of its business partners.</p> <p>Supercredits - the Environment Committee proposed in its vote that a multiplier be introduced for ultra low-carbon vehicles, so as to give car manufacturers incentives and reduce their average CO₂ emissions. The compromise states that each new passenger car with CO₂ emissions of less than 50 g CO₂/km shall count as: 3.5 cars in 2012 and 2013, 2.5 cars in 2014, 1.5 cars in 2015 and one car (like any other) from 2016.</p> <p>The compromise was adopted with 559 votes in favour, 98 against and 60 abstentions.</p>
Further procedures	None

Title	Air pollution, greenhouse gas emission: allowance trading system of the Community (amend. Directive 2003/87/EC)
Kind of document	Directive
Number	COM 2008/0016 e.g. COD 2008/0013
Status	adopted
Content	<p>Following a first reading agreement with the European Parliament, the Council adopted a revised Emissions Trading System (ETS) for greenhouse gases in order to achieve greater emissions reductions in energy-intensive sectors. The main points are as follows:</p> <p>Definition of greenhouse gas: the definition of greenhouse gases is aligned with the definition contained in the UNFCCC, and greater clarity is given on the setting and updating of global warming potentials for individual greenhouse gases.</p> <p>Allowances: the Community-wide quantity of allowances will decrease in a linear manner calculated from the mid-point of the period from 2008 to 2012, ensuring that the emissions trading system delivers gradual and predictable reductions of emissions over time. The annual decrease of allowances will be equal to 1.74 % of the allowances issued by Member States pursuant to Commission Decisions on Member States' national allocation plans for the period from 2008 to 2012, so that the Community scheme contributes cost-effectively to achieving the commitment of the Community to an overall reduction in emissions of at least 20 % by 2020.</p> <p>Auctioning: from 2013 onwards heavy industry will contribute significantly to the EU's overall target of cutting greenhouse gas (GHG) emissions by 20 % compared to 1990 levels by 2020. To stimulate the adoption of clean technologies, the new ETS provides that GHG emissions permits will no longer be given to industry for free, but be auctioned by Member States from 2013 onwards. ETS sectors must start by purchasing 20 % of their emissions permits at auctions in 2013. That rate will rise gradually to 70 % in 2020, with a view to reaching 100 % in 2027.</p> <p>Power producers, on the other hand, are obliged to acquire all of their emissions allowances at auctions so as to prevent windfall profits. To facilitate the energy transition for countries with high dependence on fossil fuel or insufficient connection to the European electricity network, a derogation is available. 10 Member States may apply for reduced auctioning rates in power production: at least 30 % in 2013, gradually rising to 100 % in 2020. In order to prevent market distortion, recipient power producers must invest in clean technology to the market value of the permits.</p> <p>Solidarity mechanism: the Directive provides for a solidarity mechanism in order to help less affluent EU states with the transition to a low-carbon economy. They will receive an increased amount of emissions permits to auction, i.e. 12 % more than their actual share in overall EU GHG emissions. That will give them an opportunity of generating substantial revenues from selling allowances. Each EU state will determine the use of its revenues from auctioning the pollution permits. At least half of the proceeds should be used to fight climate change in the EU and abroad and also to alleviate the social consequences of moving towards a low-carbon economy.</p> <p>Reducing auctioning: if international negotiations on climate change in Copenhagen, in December 2009, do not lead to a new international agreement on climate change, a number of sectors could be exposed to a risk of "carbon</p>

	<p>leakage", i.e. see investments and production move to third countries with lower environmental standards. With that in mind, Parliament and Council have introduced the possibility of reducing auctioning for a limited number of sectors. If an industry can demonstrate that purchasing permits significantly increases its costs (more than 5 % of its gross value added) and that it faces international competition (non-EU trade intensity above 10 %), it can qualify for the free allocation of its allowances. Full free allocation will not, however, exceed the level of an ambitious benchmark corresponding to the 10 % cleanest technologies in the EU. If an installation emits more than that, it will need to acquire allowances up to the level of its actual emissions. Substantial auctioning rates can therefore be expected even in exempt industry sectors. The Commission will determine the list of sectors in question no later than 31 December 2009, after discussions at the European Council.</p> <p>The overall reduction of auctioning through these provisions could have an impact on the volume of the solidarity mechanism and diminish the redistribution in favour of less affluent EU members. For that reason the "carbon leakage" derogation is subject to further review before the start of the third trading period in 2013.</p> <p>Clean technologies: up to 300 million emission allowances will be set aside for the financing of clean technologies (estimated value EUR 6 to 9bn). They will contribute to the funding of up to 12 demonstration projects in carbon capture and storage and also innovative renewable energy projects.</p> <p>Lastly, the Directive includes provision for its adaptation after the conclusion of an international agreement to fight climate change and for a subsequent move beyond the EU's overall 20 % reduction target.</p> <p>The reviewed ETS will apply from the start of its third trading period on 01/01/2013.</p> <p>It should be noted that this Directive forms part of the climate-energy legislative package containing measures aimed at fighting climate change and promoting renewable energy. (See also COD/2008/0014, COD/2008/0015, COD/2008/0016, COD/2007/0019 and COD/2007/0297). The package is designed to achieve the EU's overall environmental target of a 20 % reduction in greenhouse gases and a 20 % share of renewable energy in the EU's total energy consumption by 2020.</p> <p>ENTRY INTO FORCE: 25/06/2009. TRANSPOSITION: 31/12/2012.</p>
Further procedures	None

Title	Air pollution, greenhouse gas emissions: effort of Member States to meet the Community's greenhouse gas emission reduction commitments up to 2020
Kind of document	Decision
Number	COM(2008)0017 e.g. COD 2008/0014
Status	Adopted
Content	<p>This is the official press statement of the European Parliament</p> <p>EP seals climate change package Effort sharing: Member States' targets for CO2 reduction Parliament and Council agreed on national targets for Member States to reduce greenhouse gas emissions from sectors not covered by the ETS, on a mechanism</p>

to ensure compliance with these targets and on the quantity of "external offsetting" (e.g. by funding emission reductions in third countries).

The "effort sharing" decision will set binding national targets for each EU Member State to reduce greenhouse gas emissions from non-ETS sources (e.g. road and sea transport, buildings, services, agriculture and smaller industrial installations), between 2013 and 2020. These sources currently account for about 60% of all EU greenhouse gas emissions. The decision aims to reduce these emissions by 10% overall between 2013 and 2020, so as to contribute towards the EU's overall aim of a 20% reduction in total greenhouse gas emissions by 2020. The effort sharing decision is the first of its kind worldwide.

The decision stipulates that in the event of the conclusion of an international agreement, the overall EU reduction commitment would be stepped up to minus 30%. In that event, the Commission will assess the overall situation and make legislative proposals.

Agreement on national targets for 2020

Parliament followed Satu Hassi's (Greens/EFA, FI) recommendation and backed the national targets proposed by the Commission, which would allow some Member States, such as Bulgaria, to increase their emissions by up to 20%, whereas others, such as Denmark, Ireland, and Luxembourg, would have to reduce theirs by 20% (see annex II for national targets). Furthermore, the Parliament and Council delegations have agreed to allow for trading and transferring of "overachievement" of targets among Member States, so as to enhance cost efficiency and favour reductions within the EU as a whole.

New "corrective system" should Member States miss their targets

The compromise does not incorporate the compliance mechanism requested by MEPs. This would have stipulated that a Member State which fails to meet its target must pay an "excess emissions penalty" equivalent to the fines paid under the ETS - i.e. €100 per tonne of carbon dioxide equivalent emitted. However, the delegation did agree on a new article on "corrective action", which had not been included in the Commission's proposal.

Corrective measures will apply when a Member State exceeds its annual limits. In this case, Member States will have to compensate for this underachievement in the following year. Additionally, the excess emissions will be multiplied by a mandatory climate "abatement factor" of 1.08, thus further reducing the emissions allowed for the following year.

Flexibility for Member States to achieve targets

Parliament and Council agreed to allow the trading and transfer of "overachievement" of targets among Member States, so as to enhance cost efficiency and to favour reductions within the EU as a whole:

- up to 5% of the annual emission allocation may be transferred from the following year to the year in question,
- in the event of extreme meteorological conditions, an even higher rate may be transferred in 2013 and 2014, and
- a Member State may transfer up to 5% of its annual emission allocation of a given year to another Member State.

Share and quality of external offsetting

The decision will allow Member States to "offset" emissions, i.e. to buy credits resulting from projects in third countries under the UN's Clean Development

	<p>Mechanism (CDM), as a means of complying with their greenhouse gas emission limits. The annual use of such credits may not exceed 3% of the greenhouse gas emissions of that Member State in 2005; in addition to this 3%, certain Member States with stricter targets will be able to use additional credits from projects in least-developed countries and small island developing states amounting up to 1% of their 2005 emissions.</p> <p>Based on Environment Committee amendments, Member States will be required to report on the quality of external offset credits, following non-binding guidance on criteria which is set out in a recital.</p> <p>Adjustment to future international agreement It is agreed that, should an international agreement commit the EU to an overall reduction target of 30% by 2020, the internationally agreed target will not be called into question, but the details of internal sharing of effort among ETS and non-traded sectors and among Member States would be decided through the co-decision procedure.</p> <p>Forestry and maritime emissions/ energy efficiency It is also agreed that if no international agreement has been approved by the Community by 31.12.2010, the Commission should make proposals to include emissions and removals related to land use, land use change and forestry in the Community reduction commitment. The same would apply for international maritime emissions, which should be subject to Community measures by 2013 should no international agreement be approved through the IMO or the UNFCCC.</p> <p>The delegations have also agreed that, if appropriate, the Commission shall propose before December 2012 strengthened or new measures to accelerate energy efficiency improvements.</p> <p>The compromise was adopted with 555 votes in favour, 93 against and 60 abstentions.</p>
Further procedures	None

Title	Air pollution: geological storage of carbon dioxide CO₂ (amend. Directives 85/337/EEC, 96/61/EC, 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC and Regulation (EC) No 1013/2006)
Kind of document	Directive
Number	COM(2008)0017 e.g. COD 2008/0015
Status	Adopted
Content	<p>This is the official press statement of the European Parliament:</p> <p>Equipping power plants to store CO₂ underground Parliament confirmed a compromise on Chris Davies's (ALDE, UK) report on a draft directive providing the legal framework for new carbon dioxide capture and storage technology (CCS). Emissions from power plants - especially from those fired by oil, coal and natural gas - account for around 40% of all CO₂ emissions in the EU, estimates the European Commission. To cut their CO₂ emissions, industrial installations and</p>

	<p>power plants could in future use new technology to capture CO₂ and store it "permanently and safely underground" in geological formations.</p> <p>Funding demonstration projects with revenue from emission trading allowances</p> <p>The European Council in March 2007 advocated building at least 12 large-scale commercial demonstration facilities by 2015 to test the permanent underground storage of CO₂, but the necessary funding had yet to be secured. Environment Committee MEPs therefore proposed in their vote on the revised EU Emission Trading System to award up to 500 million ETS allowances in the new entrants reserve to large-scale CCS projects in the EU or in third countries.</p> <p>The Council had initially proposed to reserve only 100 to 200 million allowances for CCS projects.</p> <p>The compromise foresees that up to 300 million allowances will be set aside "to help stimulate the construction and operation of up to 12 commercial demonstration projects that are aiming at the environmentally safe capture and geological storage of carbon dioxide as well as the demonstration projects of innovative renewable energy technologies, in the territory of the EU".</p> <p>The value of this support mechanism will depend on the price of CO₂ when the gas is eventually buried underground, but according to the rapporteur it could mean €6-9 billion, providing funding for 9 or 10 demonstration projects.</p> <p>Future power plants with carbon capture technology</p> <p>The compromise requires operators of new power plants with an output of more than 300 Megawatts to assess whether storage sites are available, transport facilities are viable and if it is technically and economically feasible to retrofit the power station for CO₂ capture. If these conditions are met, Member States' authorities should guarantee that "suitable space on the installation site for the equipment necessary to capture and compress CO₂ is set aside", says the new text.</p> <p>Parliament's Environment Committee had sought to introduce a new provision into the draft directive, which the rapporteur had termed the "Schwarzenegger clause", setting a mandatory "emission performance standard" for new power plants with a capacity of more than 300 Megawatts. The committee had wanted to cap emissions from these large power plants at a maximum of 500 gram CO₂ per kilowatt hour on an annual average basis from 2015 onwards. Thus, future power stations would have been obliged to store carbon dioxide underground instead of emitting it to air.</p> <p>The compromise was adopted with 623 votes in favour, 68 against and 22 abstentions.</p>
Further procedures	None

Title	Specification of petrol, diesel and gas-oil: Directive introducing a mechanism to monitor and reduce greenhouse gas emissions from fuels (road transport and inland waterway vessels)
Kind of document	Directive
Number	COD/2007/0019 eg COM 2007/0018
Status	Adopted
Content	<p>This is the official press statement of the European Parliament:</p> <p>The revised fuel quality directive sets a target of reducing greenhouse gas emissions produced throughout the life cycle of transport fuels (i.e. fossil fuels like petrol, diesel and gas-oil and also biofuels, blends, electricity and hydrogen)</p>

	<p>of up to 10% by 2020. The directive also sets out technical specifications for protecting the environment and human health.</p> <p>Up to 10% reduction by 2020 Parliament and Council agreed that suppliers should reduce, "as gradually as possible", greenhouse gas emissions caused by extraction or cultivation, including land-use changes, transport and distribution, processing and combustion of fuels, by up to 10% by 2020.</p> <p>The 10% total breaks down as follows:</p> <ul style="list-style-type: none"> • a binding reduction of 6% from 2010 levels is to be achieved by the end of 2020. To achieve this 6% reduction, Member States may set interim targets of 2% by the end of 2014 and a further 4% by the end of 2017, • an indicative additional 2% reduction is to be obtained through the use of electric vehicles - such as cars, excavators, bulldozers or inland water vessels (but not trains) - or greenhouse gas saving technologies such as carbon capture and storage in the production process, and • credits purchased under the United Nations' Clean Development Mechanism are expected to achieve a further indicative 2% cut. <p>In its vote on the co-decision report drawn up by EP rapporteur Dorette Corbey (PES, NL), Parliament's Environment Committee backed the Commission proposal for a binding obligation upon fuel suppliers to cut emissions by 10 % by 2020. However, the compromise reached with Council would require a mandatory 6% reduction and asks the Commission to submit a review by 2012, when the directive might be amended to make the indicative 4% reduction by the end of 2017 mandatory, too.</p> <p>The cuts in greenhouse gas emissions could be achieved, for example, by using more biofuels, alternative fuels or by reducing "gas flaring and venting" at production sites, says the revised text. The World Bank estimates that gas flaring and venting - the burning off or release of natural gas wastes from oil wells and refineries - causes annual emissions of about 400 million tonnes of carbon dioxide.</p> <p>The compromise was adopted with 670 votes in favour, 20 against and 25 abstentions.</p>
Further procedures	None

Title	Air pollution: type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and access to vehicle repair and maintenance information
Kind of document	Regulation
Number	COM 2007/0851 e.g. COD/2007/0295
Status	Awaiting first reading in Parliament
Content	<p>Common EU standards limiting the emission of atmospheric pollutants from motor vehicles are required to prevent the emergence of varying product standards across Member States, which results in fragmentation of the internal market and imposition of unnecessary barriers to intra-Community trade.</p> <p>Euro IV emission limits for trucks and buses are applicable as from 9 November 2006 and Euro V emission limits will apply from 1 October 2008 for new type-</p>

approvals in both cases. However, with no change in the policy of reducing emission levels for heavy duty motor vehicles, there is a high risk that Member States will seek to take unilateral action. In addition, the risks of air pollution to human health and the environment are of concern to Member States. Despite improved air quality over the last decade, significant problems remain, especially in urban areas and densely populated regions.

This proposal has been developed in the context of the "Clean Air For Europe" (CAFE) programme (see INI/2006/2060), which assessed levels of emissions, current and future air quality and the costs and benefits of further measures to improve air quality. On this basis, the Commission has identified measures which are required in order to attain the necessary air quality levels. Euro VI is one among several such measures that are important to reduce emissions of ozone precursors (such as nitrogen oxides-NOX and hydrocarbons-HC) and particulate matter. The proposal is fully in line with the aims of the European Union's Sustainable Development Strategy and contributes significantly to the objectives of the Lisbon strategy.

The proposal required analysis of vehicle technologies to be used to reduce emissions and the associated costs of achieving the various scenarios for Euro VI emission limit values. Data were collected from a range of stakeholders in the automotive area and collated by a group of consultants led by TNO in The Netherlands. The panel of consultants summarised the cost data provided and preferred emission limit values were selected on the basis of their technical feasibility and cost-effectiveness. This proposal follows the policy of revising the existing Euro V legislation through setting new Euro VI emission limit values at European Union level.

The main aspect of this Regulation is that it requires a further tightening of vehicle emission limits for particulate matter (PM) and nitrogen oxides (NOX). A reduction of 66% in the mass of particulate emissions from compression-ignition engines will be required. While this lower emission limit does not prescribe a particular technology, it will de facto require the introduction of diesel particulate filters (DPFs). For compression-ignition engines, a reduction of 80% in NOx is planned. To comply with this emission limit, internal engine measures (e.g. Exhaust Gas Recirculation - EGR) and after-treatment devices (e.g. Selective Catalytic Reduction - SCR) will be needed at the current state of the art. The proposal also includes reductions in emissions from positive-ignition engines. There are general transitory periods in the proposal in order to allow sufficient lead times for vehicle manufacturers.

The proposal includes a requirement that vehicle on-board diagnostic (OBD) information and vehicle repair and maintenance information be made available through websites in the standardised format developed by a technical committee of stakeholders (the so-called 'OASIS format').

This proposal introduces requirements, developed in the framework of the UN-ECE WP.29 – World Forum for Harmonisation of Vehicle Regulations – relating to:

- 1) use of world-wide harmonised steady state (WHSC) and transient (WHTC) driving cycles for the evaluation of pollutant emissions;
- 2) emissions testing and measurement methodology;
- 3) World-Wide Harmonised on-board diagnostic (WWH-OBD) systems.

	<p>The proposal also introduces requirements for the type-approval of exhaust after-treatment components such as catalysts and diesel particulate filters (DPFs).</p> <p>Lastly, the proposal provides for simplification of legislation and administrative procedures for public authorities.</p>
Further procedures	23.09.2008: probably first reading in the European Parliament

Title	Environmental protection, energy policy: promotion of clean road transport vehicles
Kind of document	Directive
Number	COD/2005/0283
Status	none
Content	<p>Following a first reading agreement with the Parliament, the Council adopted this directive on the promotion of clean and energy-efficient road transport vehicles. The Directive aims to promote the market for clean and energy efficient vehicles and to improve the transport sector's contribution to fulfilling the EU's environment, climate and energy policies. It requires contracting authorities, contracting entities as well as certain operators to take into account lifetime energy and environmental impacts, including energy consumption and emissions of CO₂ and of certain pollutants, when purchasing road transport vehicles with the objectives of promoting and stimulating the market for clean and energy-efficient vehicles and improving the contribution of the transport sector to the environment, climate and energy policies of the Community. Compared to the Commission's original proposal, the agreement reached between Parliament and Council redefines the scope of the Directive and introduces the requirement that authorities and operators take energy and environment impacts into account when purchasing a vehicle, while allowing the application of different options for meeting this requirement. With regard to the scope, the Directive covers road transport vehicles purchased by contracting authorities and contracting entities, irrespective of whether such authorities and entities are public or private. Furthermore, the Directive covers the purchase of road transport vehicles used for performing public passenger transport services under a public service contract, leaving to Member States the freedom to exclude minor purchases with a view to avoiding an unnecessary administrative burden. In line with Directive 2007/46/EC and with a view to avoiding an undue administrative burden, Member States may exempt authorities and operators from the requirements laid down in the Directive when purchasing vehicles designed and constructed for special use. Member States must ensure that, from 4 December 2010, all contracting authorities, contracting entities and operators within the scope of the Directive, when purchasing road transport vehicles, take into account the operational lifetime energy and environmental impacts, which must include at least the following: (a) energy consumption; (b) emissions of CO₂; and (c)</p>

	<p>emissions of NO_x, NMHC and particulate matter.</p> <p>Member States must then apply one of the following options:</p> <p>(a) by setting technical specifications for energy and environmental performance in the documentation for the purchase of road transport vehicles on each of the impacts considered, as well as any additional environmental impacts; or</p> <p>(b) by including energy and environmental impacts in the purchasing decision, whereby: — in cases where a procurement procedure is applied, this shall be done by using these impacts as award criteria, and — in cases where these impacts are monetised for inclusion in the purchasing decision, the methodology for the calculation of operational lifetime costs shall be used. The latter is set out in the text of the Directive.</p> <p>The Commission must adapt to inflation and to technical progress the data for the calculation of the operational lifetime costs of road transport vehicles as set out in the text, in accordance with the regulatory procedure with scrutiny. It must facilitate and structure the exchange of knowledge and best practices between Member States on practices for promoting the purchase of clean and energy-efficient road transport vehicles by contracting authorities, contracting entities and operators.</p> <p>Report: every 2 years, with effect from 4 December 2010, the Commission must prepare a report on the application of the Directive and on the actions taken by individual Member States to promote the purchase of clean and energy-efficient road transport vehicles. Those reports must particularly assess the options referred to above, and the need for further action. In those reports, the Commission must compare the nominal and relative numbers of vehicles purchased corresponding to the best market alternative in terms of lifetime energy and environmental impacts, within each of the categories of vehicles listed in Table 3 of the Annex (Lifetime mileage of road transport vehicles), to the overall market for these vehicles and estimate how the options have affected the market. The Commission must also present an evaluation of the methodology for the calculation of operational lifetime costs. ENTRY INTO FORCE: 04/06/2009, TRANSPOSITION: 04/12/2010.</p>
Further procedures	1 st reading by Council

Title	Air pollution: ambient air quality and cleaner air for Europe (repeal. direct. 96/62/EC, 1999/30/EC, 2000/69/EC, 2002/3/EC, dec. 97/101/EC)
Kind of document	Proposal for a directive
Number	COD/2005/0183
Status	Published 21.05.2008

<p>Content</p>	<p>the Council adopted a directive aimed at improving ambient air quality across Europe, approving all amendments voted by the European Parliament in second reading.</p> <p>The directive is part of the EU's strategy on air pollution which is aimed at reducing the number of premature deaths from air pollution-related diseases by 40% by 2020 from the 2000 level, as well as reducing damage to forests and ecosystems from airborne pollutants.</p> <p>The directive stresses the importance of combating emissions of pollutants at source and identifying and implementing emission reduction measures at local, national and Community level.</p> <p>More specifically, the directive lays down measures aimed at:</p> <ul style="list-style-type: none"> • establishing objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and on the environment; • assessing the ambient air quality in the EU on the basis of common methods and criteria; • obtaining information on ambient air quality in order to monitor long-term trends and improvements, and ensuring that such information is made available to the public; • maintaining air quality where it is good, and improving it in other cases; • promoting increased cooperation between EU countries in reducing air pollution. <p>The new measures have been designed to combat emissions of harmful air pollutants, taking into account latest health and scientific developments and experience gained, as well as relevant World Health Organisation standards, guidelines and programmes.</p> <p>While covering all major air pollutants, the directive pays special attention to particulates and ground-level ozone pollution because of their danger for human health. The new provisions seek to achieve a general reduction of concentrations of fine particulates, known as PM2.5, in the urban environment in order to ensure that large sections of the population benefit from improved air quality.</p> <p>The new directive is also intended to provide greater clarity, simplicity and efficiency by replacing five existing legal instruments:</p> <ul style="list-style-type: none"> • the directive on ambient air quality assessment and management (96/62/EC); • the directive on limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead (1999/30/EC); • the directive on limit values for benzene and carbon monoxide (2000/69/EC); • the directive on ozone (2002/3/EC); • the decision on exchange of information from stations measuring ambient air pollution (97/101/EC). <p>As regards information and reporting, Member States shall make available to the public annual reports for all pollutants covered by this Directive. Those reports shall summarise the levels exceeding limit values, target values, long-term objectives, information thresholds and alert thresholds, for the relevant averaging periods</p> <p>In 2013 the Commission shall review the provisions related to PM2.5 and, as appropriate, other pollutants, and shall present a proposal to the European Parliament and the Council.</p> <p>As regards PM2.5, the review shall be undertaken with a view to establishing a legally binding national exposure reduction obligation in order to replace the national exposure reduction target and to review the exposure concentration obligation, taking into account, <i>inter alia</i>, the following elements: i) latest</p>
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	<p>scientific information from WHO and other relevant organisations; ii) air quality situations and reduction potentials in the Member States; iii) the revision of Directive 2001/81/EC; iv) progress made in implementing Community reduction measures for air pollutants.</p> <p>The Commission shall take into account the feasibility of adopting a more ambitious limit value for PM2.5, shall review the indicative limit value of the second stage for PM2.5 and consider confirming or altering that value.</p> <p>As part of the review, the Commission shall also prepare a report on the experience and on the necessity of monitoring of PM10 and PM2.5, taking into account technical progress in automatic measuring techniques. If appropriate, new reference methods for the measurement of PM10 and PM2.5 shall be proposed.</p> <p>TRANSPOSITION: before 11/06/2010. ENTRY INTO FORCE: 11/06/2008.</p>
Further procedures	none

CLIMATE CHANGE

Title	Communication on the strategy for climate change
Kind of document	Communication
Number	COM 2005/446
Status	Published
Content	<p>The Strategy chosen sets health and environmental objectives and emission reduction targets for the main pollutants. These objectives will be delivered in stages, and will make it possible to protect EU citizens from exposure to particulate matter and ozone in air, and protect European ecosystems more effectively from acid rain, excess nutrient nitrogen, and ozone</p> <p>When drawing up the Strategy, it was impossible to determine a level of exposure to particulate matter and tropospheric ozone that does not constitute a danger to human beings. However, a significant reduction in these substances will have beneficial effects in terms of public health, and will also generate benefits for ecosystems.</p> <p>Compared with the situation in 2000, the Strategy sets specific long-term objectives (for 2020):</p> <p>47% reduction in loss of life expectancy as a result of exposure to particulate matter;</p> <p>10 % reduction in acute mortalities from exposure to ozone;</p> <p>reduction in excess acid deposition of 74% and 39% in forest areas and surface freshwater areas respectively;</p> <p>43% reduction in areas or ecosystems exposed to eutrophication.</p> <p>To achieve these objectives, SO₂ emissions will need to decrease by 82%, NO_x emissions by 60%, volatile organic compounds * (VOCs) by 51%, ammonia by 27%, and primary PM_{2.5} (particles emitted directly into the air) by 59% compared with the year 2000.</p> <p>Implementing the Strategy will entail an incremental additional cost compared with spending on existing measures. This additional cost is likely to amount to EUR 7.1 billion per annum from 2020.</p> <p>In terms of health, the savings that will be made as a result of the Strategy are estimated at EUR 42 billion per annum. The number of premature deaths should fall from 370 000 in 2000 to 230 000 in 2020 (compared with 293 000 in 2020 without the Strategy).</p> <p>Where the environment is concerned, there is no agreed way to assign a monetary value to ecosystem damage or the likely benefits resulting from the Strategy. However, there should a be a favourable impact as a result of reducing acid rain and nutrient nitrogen inputs, resulting among other things in better protection for biodiversity.</p>
Further procedures	Legislation in this area will follow



WATER PROTECTION AND MANAGEMENT

Title	Addressing the challenge of water scarcity and droughts in the European Union
Kind of document	Initiative report by Parliament commenting on a communication of the European Commission
Number	2008/2074(INI)
Status	published
Content	<p>This is a planned initiative report by the European Parliament. (Rapporteur: Richard Seeber) and a comment to a communication of the European Commission. (A communication is not a legislative document but a mere utterance of the Commission's opinion on a certain subject). While little is known at this stage about Parliament's position here is a summary of the Commission's original communication:</p> <p>The Communication presents an initial set of policy options at a European, national and regional level to address and mitigate the challenge posed by water scarcity and drought within the Union. It is also a response to a request for action on water scarcity and droughts from the Environment Council meeting in June 2006. In this Communication the Commission sets out a list of challenges that need to be addressed. For each challenge a way forward is proposed and an example of "good practice" given. In summary, the main challenges, faced by the EU include:</p> <p>Progressing towards the full implementation of the Water Framework Directive (WFD): Implementation of this Directive (Directive 2000/60/EC) is given high priority in order to address the mismanagement of water resources.</p> <p>Ineffective water pricing policies: The "user pays" principle is hardly implemented beyond the sectors of drinking water supply and waste water treatment. Introducing this principle at an EU level would put an end to needless losses or waste, thereby ensuring that water remains available for essential use across Europe, including all parts of trans-boundary river basins. A more effective water pricing policy would encourage efficient water use.</p> <p>Land use planning: This is also one of the main drivers of water use. Inadequate water allocation between economic sectors results in imbalances between water needs and existing water resources. A pragmatic shift is required in order to change policy-making patterns and to move forward effective land-use planning at the appropriate levels.</p> <p>Water savings: There is a huge potential for water savings across Europe. Europe continues to waste at least 20% of its water due to inefficiency. Water saving must become the priority and all possibilities to improve water efficiency must therefore be explored. Policy making should be based on a clear water hierarchy. Additional water supply infrastructures should be considered as an option when other options have been exhausted, including effective water pricing policy and cost-effective alternatives. Water uses should also be prioritised: it is clear that public water supply should always be the overriding priority to ensure access to adequate water provision.</p> <p>Improving drought risk management: at European level, the Commission proposes fostering exchanges of information and best practices on drought risk management; identifying methodologies for drought thresholds and drought mapping and developing recommendations by the end of 2008. At national level, by 2009, it proposes the drawing up of specific drought management plans to</p>

	<p>supplement WFD river basin management plans, where needed, in accordance with WFD provisions. It also recommends the creation of a drought observatory and a rapid alert system and to make use of the EU's Solidarity Fund and the Civil Protection Mechanism for these purposes.</p> <p>Considering additional water supply infrastructures: there are several possible ways of developing additional water infrastructures, (e.g. the storage of surface or ground waters, water transfers, or use of alternative sources). The construction of new water supply dams and water transfers are subject to EU legislation. Alternative options like desalination or waste water re-use are increasingly considered as potential solutions across Europe.</p> <p>Fostering water efficient technologies and practices: in addition to improving technologies, the upgrading of water management practices is a necessary instrument in all sectors where huge quantities of water are used (e.g. agriculture, manufacturing or tourism). The Commission suggests, among other things, the development of standards for water-using devices, such as irrigation systems and other energy-using farm equipment, as well as developing a new directive similar to the Energy Performance of Buildings Directive for the water performance of buildings.</p> <p>Fostering the emergence of a water-saving culture in Europe: developing a responsible water-saving and efficiency culture requires an active awareness-raising policy in which all actors in the water sector need to be involved. Information, education and training are priority areas for action.</p> <p>High quality knowledge and information: existing European and national assessment and monitoring programmes are neither integrated nor complete. Filling knowledge gaps and ensuring data comparability across the EU is therefore a precondition. In this context, research has a significant role to play for policy makers.</p>
Further procedures	None

Title	Water policy: establishment of environmental quality standards (amend. direct. 2000/30/EC)
Kind of document	Directive
Number	COM 2006/0397; COD 2006/0129
Status	adopted
Content	<p>The Directive sets limit values for 33 pollutants, including pesticides, heavy metals and biocidal products. These limits concern pollution peaks as well as annual average values. Member States must adopt the necessary measures to comply with these standards by 2015 in accordance with the provisions of the framework Directive in the field of water policy (Directive 2000/60/EC).</p> <p>A new Annex III contains a list of 13 substances subject to review for possible identification as priority substance or priority hazardous substances. The Commission shall report the outcome of its review to the European Parliament and to the Council by 13 January 2011. It shall accompany the report, if appropriate, with relevant proposals, in particular proposals to identify new priority substances or priority hazardous substances or to identify certain priority substances as priority hazardous substances and to set corresponding environmental quality standards for surface water, sediment or biota, as appropriate.</p>

	<p>The new Directive requires Member States not only to monitor river pollution and establish long-term trends but also to analyse its origin and draw up an inventory, including maps, if available, of emissions, discharges and losses of all priority substances and pollutants listed in Part A of Annex I to this Directive for each river basin district or part of a river basin district lying within their territory, including their concentrations in sediment and biota, as appropriate.</p> <p>Member States may designate mixing zones adjacent to points of discharge. Concentrations of one or more substances listed in Part A of Annex I may exceed the relevant EQS within such mixing zones if they do not affect the compliance of the rest of the body of surface water with those standards.</p> <p>On the basis of reports from Member States, including reports in accordance with Article 12 of Directive 2000/60/EC and in particular those on transboundary pollution, the Commission shall review the need to amend existing acts and the need for additional specific Communitywide measures, such as emission controls.</p> <p>ENTRY INTO FORCE: 13/01/2009. TRANSPOSITION: 13/07/2010.</p>
Further procedures	None

PROTECTION OF NATURE AND BIODIVERSITY

Title	Wilderness in Europe
Kind of document	Initiative Report
Number	INI/2008/2210
Status	Draft proposal by rapporteur Hegyi Gyula published
Content	<p>This is a excerpt from the draft report, not the final version:</p> <p>The European Parliament</p> <ul style="list-style-type: none"> - Calls on the Commission to define wilderness; - Calls on the Commission to map Europe's last wilderness areas, in order to ascertain the current distribution and cover of still-untouched areas (divided into major habitats types: forest, freshwater and marine wilderness areas); - Calls on the Commission to undertake a study on the value and benefits of wilderness protection; <p>Developing wilderness areas</p> <ul style="list-style-type: none"> - Calls on the Commission to develop an EU wilderness strategy; - Calls on the Commission and the Member States to develop wilderness areas; stresses the need to provide special funding for reducing fragmentation, careful management of re-wilding areas, development of compensation mechanisms and programmes, raising awareness, building understanding, tourism packages, measuring and improving management effectiveness ; - Calls on the Commission and Member States to co-operate with local non-governmental organisations to promote the value of wilderness; - Calls on the Member States to launch and support information campaigns to raise awareness among the general public about wilderness and its significance; - Calls on the Member States to exchange their experiences about wilderness areas; - Calls on the Commission and the Member States to support and promote sustainable tourism in wilderness areas; - Calls on the Commission and Member States to give special attention to the effective protection of wilderness areas; - Calls on the Commission and Member States to better protect wilderness areas by implementing the Birds and Habitats Directives and the Water Framework Directive in a more effective and more consistent way, with better financing, to avoid the destruction of these areas by harmful developments; - Calls on the Commission to develop guidelines on how to protect, manage, monitor and finance wilderness areas under the Natura 2000 network; - Calls on the Commission to give a special role and stricter protection for wilderness zones in the Natura 2000 network; - Calls on the Commission to ensure that the Natura 2000 network will be strengthened further to become a coherent and functioning ecological network in which wilderness areas have a central place; - Calls on the Commission and Member States to work together to develop a robust legislative framework on invasive alien species that tackles both ecological and economic impacts arising from such species and the particular vulnerability of wilderness areas to this threat; - Expresses its strong support for the strengthening of wilderness-related policies

	and measures;
Further Procedures	Vote in Plenary (first and last reading) of the European Parliament probably 15.01.2008

Title	Halting the loss of biodiversity by 2010
Kind of document	Communication
Number	COM(2006)0216 e.g. INI/2006/2233
Status	Published- Parliament has published an initiative report by Adamou Adamos
Content	<p>This paper discusses measures to halt the decline in both the variety and extent of natural systems — of biodiversity. This loss of biodiversity, at the levels of ecosystems, species and genes, is of concern not just because of the important intrinsic value of nature, but also because it results in a decline in ‘ecosystem services’ which natural systems provide. These services include production of food, fuel, fibre and medicines, regulation of water, air and climate, maintenance of soil fertility, cycling of nutrients.</p> <p>At Community level, the policy framework to halt biodiversity loss in the EU is now largely in place. Biodiversity objectives are, for example, integrated in the Sustainable Development Strategy and the Lisbon partnership as well as in a wide range of environmental and sector policies. An EC Biodiversity Strategy was adopted in 1998 and related Action Plans in 2001. Most Member States have also developed such strategies. While important progress has been made and there are first signs of slowing rates of loss, the pace and extent of implementation has been insufficient. Achievement of the 2010 target is still possible but will require accelerated implementation at both Community and Member State levels.</p> <p>Two particular threats to EU biodiversity are highlighted:</p> <ul style="list-style-type: none"> - ill-considered land use and development. Member States have particular responsibility, through improved planning, to reconcile land use and development needs with the conservation of biodiversity and maintenance of ecosystem services; - the increasing impact of climate change on biodiversity. This reinforces the imperative for effective action on greenhouse gas emissions beyond the Kyoto Protocol targets. <p>The initiative report of the European Parliament approved of the Commission’s communication but Parliament expressed profound concern at the continuing loss of biodiversity and the related decline of ecosystem services, stressing that climate change and biodiversity loss are closely linked and are equally important. It recognised the potential importance of the emerging concept of ecosystem services promoted by the Commission Communication as a tool for incorporating the economic value of biodiversity into other policy areas, and suggested that the maintenance of ecosystem services should become a fundamental goal of all EU horizontal and sectoral policies. Parliament warned, however, against reducing the value of biodiversity to the benefits humans could derive from it, or viewing the loss of biodiversity as only an economic concern. Whilst welcoming the "EU</p>

	Action Plan to 2010 and Beyond", Parliament felt that the Action Plan would be insufficient to conserve biodiversity and sustain ecosystem services in the longer term. Accordingly, it asked the Commission to start developing a long-term EU vision for biodiversity, as a framework for further policy development.
Further procedures	None

Title	Protection and conservation of the marine environment: framework for Community action, Marine Strategy Directive
Kind of document	Proposal for a directive
Number	COD 2005/0211
Status	Published
Content	<p>Objective: marine strategies must be developed and implemented in order to:</p> <ul style="list-style-type: none"> -protect the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected; -prevent inputs in the marine environment, with a view to phasing out pollution, so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea. <p>Marine strategies will apply an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.</p> <p>The marine strategies will be regularly updated and made available to the public.</p> <p>"Good environmental status" means the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations. The Directive expands this definition further.</p> <p>Marine strategies: each Member State must, in respect of each marine region or subregion concerned, develop a marine strategy for its marine waters in accordance with the Directive. Member States sharing a marine region or sub-region must cooperate to ensure that the measures required to achieve the objectives of the Directive, in particular the different elements of the marine strategies (preparation and programme of measures), are coherent and coordinated across the marine region or sub-region concerned, in accordance with the following plan of action for which Member States concerned endeavour to follow a common approach:</p> <p>(a) preparation:</p> <ul style="list-style-type: none"> an initial assessment, to be completed by 15 July 2012 of the current environmental status of the waters concerned and the environmental impact of human activities thereon; - a determination, to be established by 15 July 2012 of good environmental status for the waters concerned; - establishment, by 15 July 2012, of a series of environmental targets and associated indicators; - establishment and implementation, by 15 July 2014 except where otherwise specified in the relevant Community legislation, of a monitoring programme for

	<p>ongoing assessment and regular updating of targets;</p> <p>(b) programme of measures:</p> <ul style="list-style-type: none"> - development, by 2015 at the latest, of a programme of measures designed to achieve or maintain good environmental status; - entry into operation of this programme by 2016 at the latest. <p>Member States having borders on the same marine region or sub-region covered by the Directive should, where the status of the sea is so critical as to necessitate urgent action, devise a plan of action which includes an earlier entry into operation of programmes of measures as well as possible stricter protective measures, provided that this does not prevent good environmental status from being achieved or maintained in another marine region or sub-region. The Commission will be invited to consider providing supportive action to Member States for their enhanced efforts to improve the marine environment by making the region in question a pilot project.</p> <p>Progress report on protected areas: on the basis of the information provided by the Member States by 2013, the Commission shall report by 2014 on progress in the establishment of marine protected areas.</p> <p>Commission reports: the Commission shall publish</p> <ul style="list-style-type: none"> - a first evaluation report on the implementation of the Directive within two years of receiving all programmes of measures and, in any case, by 2019 at the latest; - further reports every six years thereafter; - by 15 July 2012 at the latest, a report assessing the contribution of this Directive to the implementation of existing obligations, commitments and initiatives of the Member States or the Community at Community or international level in the sphere of environmental protection in marine waters. <p>ENTRY INTO FORCE: 15/07/2008. TRANSPOSITION: 15/07/2010.</p>
Further procedures	None

Title	Protection of wild fauna and flora: regulating trade in species (amend. Regulation (EC) No 338/97, adaptation to the regulatory procedure with scrutiny)
Kind of document	
Number	COM 2008/0104 e.g. COD 2008/0042
Status	Adopted
Content	<p>PURPOSE: to introduce new implementing procedures concerning the protection of species of wild fauna and flora and recast Council Regulation (EC) No 338/97.</p> <p>LEGISLATIVE ACT: Regulation (EC) No 398/2009 of the European Parliament and of the Council amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, as regards the implementing powers conferred on the Commission</p> <p>CONTENT: following a first reading agreement with the Parliament, the Council adopted this Regulation which recasts legislation on the protection of species of wild fauna and flora. Implementing powers conferred on the Commission will be exercised in accordance with Council Decision 1999/468/EC as amended by Council Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for the adoption of measures of general scope and designed to amend non-essential elements of a basic instrument adopted in accordance with the codecision procedure. Accordingly, the Commission will adopt certain implementing measures in accordance with the regulatory procedure with scrutiny. This applies particularly to the Commission's powers to adopt certain measures regulating trade in species of wild fauna and flora, to adopt certain amendments to the Annexes to Regulation (EC) No 338/97 and to adopt additional measures to implement resolutions of the Conference of the Parties to the Convention on international trade in endangered species of wild fauna and flora (CITES), decisions or recommendations of the Standing Committee of the Convention and recommendations of the Convention Secretariat. On grounds of efficiency, the normal time-limits for the regulatory procedure with scrutiny are curtailed for the adoption of measures amending the Annexes to Regulation (EC) No 338/97, in order to comply with the deadline for entry into force of amendments to the Appendices to the Convention.</p> <p>ENTRY INTO FORCE: 10/06/2009.</p>
Further procedures	None

Title	Thematic Strategy for Urban Environment
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Kind of document	Communication
Number	
Status	published
Content	<p>Contributes to the improvement of the environmental efficiency of urban areas to secure a healthy living environment for urban citizens.</p> <p>Approach: 1. Develop a common Vision for the development of environmentally sustainable cities; 2. Develop a policy framework for the strategy. Translate the vision into an ecosystems approach, based on the following three components: a) The individual urban area; b) The individual urban area and its supporting natural environment; c) The City region. 3 Develop new actions and recommendations. The strategy will be developed incrementally through a phased approach. For the first phase three priority areas are to be included: Sustainable urban transportation; Sustainable urban design, construction and regeneration; Sustainable management of the urban environment</p>

Soil Protection

Title	Environment: strategy for the protection and sustainable use of soil (amend. Directive 2004/35/EC))
Kind of document	Directive
Number	COD/2006/0086
Status	First reading by Parliament was held on 14.11.2007
Content	<p>The objective to protect natural resources and to promote a sustainable use of the soil. Therein the Community committed itself to the adoption of a Thematic Strategy on soil protection to halt and reverse soil degradation. In its 2002 Communication "Towards a Thematic Strategy on Soil Protection" (COM(2002) 179), the Commission identified the main eight threats to which soils in the EU are confronted. These are erosion, organic matter decline, contamination, salinisation, compaction, soil biodiversity loss, sealing, landslides and flooding.</p> <p>Existing provisions in the area of the proposal Soil has not, to date, been subject to a specific protection policy at Community level. Some soil protection aspects can be found scattered in the acquis, hence different Community policies can contribute to protect soil. This is the case of many provisions in the existing environmental Community legislation in areas such as water, waste, chemicals, industrial pollution prevention, nature protection and pesticides. Positive effects on the state of agricultural soils are also expected to result from the introduction of cross-compliance requirements related to the introduction of agricultural soil protection aspects into the reformed Common Agricultural Policy and from the contribution of Rural Development. However, due to their different objectives and scopes, and to the fact that they often aim to safeguard other environmental media, existing provisions, even if fully implemented, yield a fragmented and incomplete protection to soil, as they do not cover all soils and all soil threats identified. Hence, soil degradation still continues.</p> <p>Consistency with the other policies and objectives of the Union The proposed legislation, which aims at protecting soil and the preservation of the capacity of soil to perform its environmental, economic, social and cultural functions, is perfectly in line with the objectives of Article 174 of the EC Treaty. It takes</p>

account of the diversity of situations in the various regions of the Community. It is based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay. It has been based on an analysis of the potential benefits and costs of action or lack of action as well as the respect of the economic and social development of the Community as a whole and the balanced development of its regions. |

The Presidency briefed the Council on progress concerning the draft Directive establishing a framework for the protection of soil, as set out in its report.

While the European Parliament delivered its opinion in first reading in November 2007, the Council has not yet reached political agreement on this dossier. Several delegations regretted this fact and expressed the need for a Community instrument, whereas others reiterated their opposition to such common measures as well as their concerns in relation to administrative burden and cost-effectiveness.

The following contains an outline of the major outstanding issues addressed in the latest Presidency text by means of a number of compromise proposals.

Scope and definitions; current/ approved future use of degraded soils: a number of delegations are of the opinion that, in some cases, re-establishing the appropriate level of functionality of a soil can be achieved through changing the land use. Other delegations, and the Commission, are concerned that such a provision could be misused by the owner of a contaminated site to circumvent remediation.

Integration (Article 3): a majority of delegations are of the opinion that integrating soil protection aspects into policies which may significantly exacerbate soil degradation processes as set out in this Article would be essential for a successful soil protection strategy. However, a number of delegations remain concerned about the scope of Article 3 and the potential difficulty of transposing and implementing it. They are also apprehensive about possible overlap with other pieces of Community legislation, notably the Directive on the assessment of the effects of certain plans and programmes on the environment. Identification of priority areas: some Member States would prefer to manage possible soil degradation processes without having to define specific areas, and wish to ensure that the assessment would not be required to go down to the individual plot level. They are furthermore doubtful that establishing relevant levels of risk acceptability, including in numerical terms, would be practicable. Finally, there is a concern that some degradation processes may occur across the whole of a Member State's territory in a patchy way, making it impracticable to define specific areas.

Identification and inventory of contaminated sites: this Article, dealing with soil contamination, covers some of the most intensively debated provisions of the Directive. Several delegations have expressed concerns regarding the identification procedure for contaminated sites, finding it too cumbersome and costly, as well as the timeline for the finalisation of the inventory of contaminated sites. The Article now contains a much streamlined identification procedure, leaving significant flexibility to Member States. A number of other delegations and the Commission, however, oppose the degree of flexibility as provided for in the text and prefer greater harmonisation in order to achieve a level playing field

	<p>across the EU. Soil status report: some delegations remain concerned about cost implications for economic actors, with potential negative impacts on economic development and in particular the housing market. In the current Presidency text, requirements concerning the establishment, content and use of soil status reports have been relaxed and leave more flexibility to Member States in order to respond to these concerns. Implementation and adaptation to technical progress: this Article on comitology poses problems for some delegations which would prefer a platform for the exchange of information and best practices, without further provisions that could in their view lead to harmonised risk assessment methodologies in some degree.</p>
Further Procedures	First reading in Council is pending.

CHEMICAL PRODUCTS

Title	Dangerous substances and preparations: restrictions on the marketing and use of dichloromethane (amend. Directive 76/769/EEC)
Kind of document	Decision
Number	COM 2008/0080 e.g. COD 2008/0033
Status	Adopted
Content	<p>Dichloromethane (DCM), CAS number 75-09-2 and EINECS number 200-838-9, is a colourless, halogenated aliphatic hydrocarbon compound with a penetrating ether-like or mild sweet odour. It is mainly used in the production of pharmaceuticals, solvent and auxiliary applications, paint strippers manufacture and adhesives.</p> <p>The risks posed to human health by Dichloromethane (DCM) in paint strippers have been assessed in several studies which concluded that risk reduction measures are required throughout the EU to reduce the risks posed to human health during the application of DCM at industrial, professional and consumer level. The results of those studies were evaluated by the Commission's Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE - later named SCHER), which confirmed that the exposure to DCM released from paint strippers is of concern for human health.</p> <p>During the last four years discussions have taken place between the Commission, Member States and other stakeholders. Despite strongly divergent opinions on the risks associated with DCM and on the safety of alternatives, an agreement has been reached on the need for marketing and use restrictions at Community level under Council Directive 76/769/EEC to limit the risks from DCM.</p> <p>The main aspects of the proposal are:</p> <ul style="list-style-type: none"> - due to the fact that there is a need for limiting the risks during industrial, professional and consumer uses of DCM-based paint strippers, certain restrictions on placing on the market and use should be applied. The present Decision would amend Annex I to Directive 76/769/EEC by adding Dichloromethane, which will ensure harmonised rules applied at Community wide level. - for the activities conducted in industrial installations some mandatory requirements should be applied, in order to increase the protection of workers, such as: the use of appropriate protective gloves, the installation of local ventilation or independent air supply respiratory protective equipment, and modification of the strip tanks, to ensure reduction of exposure of workers.

	<p>- professional uses should be banned in general, but Member States could opt to allow further use on their territories by specifically licensed professionals for those activities where they believe that the replacement of DCM is particularly difficult or inappropriate. Licenses should be subject to specific training requirements.</p> <p>- lastly, a total ban of the placing on the market of paint strippers containing DCM for consumer uses should be applied as this is the only effective measure to eliminate the risks.</p> <p>following a first reading agreement between Parliament and Council, this Decision imposes a ban on the supply to consumers of paint strippers containing dichloromethane (DCM), which is commonly used for domestic purposes to remove paints, varnishes and lacquers. It also imposes restrictions better to control and reduce the risks involved in industrial and professional uses.</p> <p>The risks posed to human health by dichloromethane (DCM) in paint strippers were assessed in several studies which concluded that risk reduction measures were required throughout the Community to reduce the risks posed to human health during the application of DCM at industrial, professional and consumer levels.</p> <p>Accordingly, paint strippers containing dichloromethane in a concentration equal to or greater than 0.1% by weight shall not be:</p> <ul style="list-style-type: none"> • placed on the market for the first time for supply to the general public or to professionals after 6 December 2010; • placed on the market for supply to the general public or to professionals after 6 December 2011; • used by professionals after 6 June 2012. <p>However, by way of derogation, Member States may allow specifically trained professionals to use paint strippers containing dichloromethane and may allow the placing on the market of such paint strippers for supply to those professionals. Member States making use of this derogation must ensure that a professional holds a certificate demonstrating proper training and competence to use paint strippers containing dichloromethane safely. The Decision sets out the minimum criteria for appropriate training.</p> <p>Paint strippers containing dichloromethane in concentrations equal to or greater than 0.1% by weight may be used in industrial installations only if as a minimum certain prescribed conditions are met. These include effective ventilation in all processing areas and personal protective equipment that complies with Directive 89/686/EEC.</p> <p>The Decision modifies Council Directive 76/769/EEC on restrictions in the marketing of dangerous substances.</p> <p>ENTRY INTO FORCE : 06/06/2009</p>
Further Procedures	None

Title	Plant protection products, pesticides: statistics on the placing on the market and use of plant protection products
Kind of document	Regulation
Number	COM 2006/0778 e.g. COD/2006/0258
Status	Second reading in Parliament terminated

Content	<p>In its first reading the main amendments of the European Parliament were: The main amendments – adopted under the co-decision procedure - are as follows :</p> <ul style="list-style-type: none"> -Members wish to specify that the Regulation establishes a framework for the production of Community statistics on the production, placing on the market and use of pesticides. The latter term is used instead of “plant protection products.” Statistics should cover: the annual amounts of plant protection products produced and placed on the market according to Annex I; the annual amounts of plant protection products used according to Annex II; and the annual amounts of biocidal products used belonging to product types 14 to 19 as defined in Annex V to Directive 98/8/EC. -a new clause states that the statistics shall, in particular, serve the following purposes: a) implementation and evaluation of the Thematic Strategy on the Sustainable Use of Pesticides; b) development of harmonised national and Community risk indicators, identification of trends in the use of plant protection products and assessment of the effectiveness of national action plans; c) recording of substance flows at the stages of production of, trade in, and use of plant protection products; -the term ‘plant protection product’ is replaced by ‘pesticides’. The latter is defined as (i) plant protection products as defined in Article 2(1) of Directive 91/414/EEC as amended; (ii) biocidal products as defined in Directive 98/8/EC belonging to product types 14–19 as defined in Annex V thereto; -data will be collected from pesticide producers, traders and importers; -Member States shall communicate their choice of data to the Commission, which shall approve the data collection method in accordance with the regulatory procedure with scrutiny; - Member States shall ensure that producers of plant protection products and those responsible for placing plant protection products on the market or importing them report annually to the competent authority on: (a) the quantities in which a given active substance or a given plant protection product is produced; (b) the quantities in which a given active substance or a given plant protection product is supplied to processing firms or wholesalers in the EU; (c) the quantities in which a given active substance or a given plant protection product is exported. This information shall be assessed by the competent authorities and, where appropriate after editing to preserve the confidentiality of certain information, published; -Member States shall ensure that the data collected are used for an adequate evaluation by the competent national authorities and their existing advisory bodies with regard to the aims of the respective national action plans as referred to in the proposed Directive establishing a framework for Community action to achieve a sustainable use of pesticides. This evaluation shall be published on the Internet, taking due account of the confidential nature of sensitive business information as well as privacy obligations; -in accordance with Regulation (EC) N° 322/97, confidential data shall be used by national authorities and by the Community authority exclusively for the purposes of the Regulation;
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	<p>-adaptation of the list of substances needs to take place on a regular basis and in light of the ongoing consideration of active substances;</p> <p>-the Commission's report shall evaluate in particular the quality and comparability of data transmitted, the burden on agricultural holdings, horticultural holdings and other businesses and the usefulness of these statistics in the context of the Thematic Strategy on the Sustainable Use of Pesticides, in particular with regard to the objectives set out in the text. It shall, if appropriate, contain proposals designed to further improve data quality and reduce the burden on agricultural holdings and other businesses;</p> <p>-lastly, an amendment in the Annex states that statistics shall cover the agricultural, horticultural and professional non-agricultural use of plant protection products, such as use in communal green areas, road or railway maintenance, in each Member State.</p>
Further procedures	Awaiting 2 nd reading by Council

Title	Environment and health: restrictions on the marketing of certain non-electrical measuring devices containing mercury (amend. direct. 76/769/EEC)
Kind of document	Amendment to directive
Number	COD/2006/0018
Status	Procedure ended
Content	<p>The objective of the proposal is to provide a high level of protection of the environment and human health, whilst preserving the internal market. It intends to do so by harmonising provisions relating to the use of mercury in measuring devices. Measuring equipment is the largest mercury-using product group in the EU not yet covered by Community legislation and here refers mostly to household goods such as, fever and room thermometers, barometers, blood pressure gauges and manometers – in other words non-electrical measuring devices.</p> <p>Mercury and its compounds are highly toxic to humans, eco-systems and wildlife. Of the 3 600 tons used globally per year, the EU will demand 300 tons. The most significant use is dental amalgam – which is covered in different EU legislative acts. However, the main mercury product group not yet covered by Community legislation is non-electrical measuring and control equipment. An estimated 33 tons of mercury is estimated to be used for measuring and control devices per year in the EU and on an annual basis some 25-30 tons of mercury enters the cycle via thermometers alone. Although professional use of mercury in measuring devices is carefully controlled it has proved to be extremely difficult to keep used measuring devices for consumers use out of the waste stream. Some Member States complain that the mercury derived from measuring products is responsible for the foremost source of mercury in surface water.</p> <p>In terms of cost, the economic impact of the proposed restriction is expected to be small. The number of EU producers is negligible illustrated by the fact that no sectoral organisation exists on a European or Member State level. Similarly, the social impact is expected to be limited to potential job losses with the producers – but again the overall impact on EU employment would be limited and would need to be weighed up against the number of benefits foreseen. The most significant</p>

	<p>predicted benefit being a reduction of mercury in the municipal waste stream leading to a reduction of emissions from landfill and incineration.</p> <p>Lastly, the proposed Directive is considered a short-term measure and is limited to restricting the placing on the market of new measuring devices. It does not apply to devices that are already in use or which are sold second hand. A further study will be conducted by the Commission into figures showing that the amount of mercury in existing household equipment is greater than the amount represented by sales of new equipment. In the medium to longer term, any remaining use is likely to be subject to authorisation under the proposed REACH Regulation.</p>
Further procedures	None

Title	Revision of the EU policy on chemicals- REACH Regulation
Kind of document	Planned Regulation – co-decision procedure
Number	COM (2003) 644 – e.g. COD/2003/256
Status	Entry into force 01.07.2007
Content	<p>The Council adopted, with unanimity, the REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation. The new Regulation marks a departure from the previous chemicals regulatory framework and with its adoption replaces over forty pieces of EU chemicals legislation. The final draft was approved following a meeting of the European Parliament, the Council and Commission in the Conciliation Committee. The European Parliament adopted the Regulation during its plenary session on 13 December 2006.</p> <p>Once in force, REACH will require the registration of some 30 000 chemical substances in use today. Industry has been given a number of years in which to prepare for, and implement, the provisions set out in this Regulation, according to the level of risk attributed to a chemical and according to the tonnage being manufactured. Substances of high concerns are:</p> <ul style="list-style-type: none"> - Carcinogens (CMR); -Mutagens (CMR); -substances which are toxic to reproduction (CMR); -persistent, bio-accumulative and toxic-substances (PBTs); -very persistent, bio-accumulative and toxic substances (vPvBs); and -endocrine disrupters. <p>REACH is based on the idea that industry itself is best placed to ensure that the chemicals it manufactures and puts on the market in the EU do not adversely affect human health or the environment. As such, REACH creates a single system for both “existing” and “new” substances.</p> <p>The basic elements of the Regulation are as follows:</p> <p>Scope: All substances are covered by this Regulation – unless they are explicitly exempted from its scope (i.e. radioactive material).</p> <p>Registration: This provision requires a manufacturer or importer of chemicals to provide a registration dossier to the newly established European Chemicals Agency. Manufacturers and importers of chemical substances will need to submit a registration to the Agency for each substance manufactured or imported in quantities of 1 tonne, or above, per year. Failure to register will mean that the substance will be prohibited from being either manufactured in, or imported into, the EU. Certain, well regulated products are exempted such as medicinal products or products that present low risks (water, oxygen etc.). Strict deadlines for</p>

registration are set out as follows: pre-registration between 1 June 2008 and 30 November 2008 and registration deadlines commencing from November 2010, June 2013 and June 2018 – depending on the volume band or level of concern of a particular substance.

Evaluation: Two types of evaluation, both with different aims, are outlined. The first concerns “dossier evaluation”, whereby the Agency will undertake quality checks of the registration dossiers (i.e. compliance and checking of testing proposals) and the second will be “substance evaluation”. Evaluation may lead the authorities to conclude that action needs to be taken under REACH procedures or that information needs to be passed on to other authorities responsible for relevant legislation. One further advantage of the evaluation procedure is that reliable and useful data is provided and made available to the relevant bodies by the Agency.

Authorisation: Substances, which are rated as being “of a very high concern” will require authorisation. They are CMRs, PBTs and endocrine disrupters. Substances that fall into these categories will be fed into the authorisation system – but their use will not be banned by default. The Agency will be responsible for publishing a list of all the properties of very high concern. Applicants will have to demonstrate that risks associated with use of these substances are adequately controlled or that the socio-economic benefits of their use outweigh the risks. Applicants must also analyse whether there are safe suitable alternative substances or technologies in existence. If there are, they must use the alternatives. In cases where safe alternatives are not available they are obliged to provide information to the Agency on research to remedy this. The Commission will be allowed to amend or withdraw any authorisation and/or review the authorisation if suitable substitutes become available.

Restrictions: The restrictions procedure allows the Community to regulate conditions for the manufacture, placing on the market or use of certain substances where there is an unacceptable risk to health or the environment. Certain substances, if necessary, may be prohibited all together. The restrictions provisions are to act as a safety net.

European Chemicals Agency: The Regulation establishes the European Chemicals Agency (ECA), which will be based in Helsinki. Its purpose is to manage all aspects relating to REACH. As such it will be responsible for carrying out dossier evaluations and co-ordinating the substance evaluation process. It is to provide expert opinions to the Commission on authorisations and restriction procedures. Further, it will be subject to strict confidentiality and information requirements. It will become operational as from 1 June 2008.

Classification and labelling inventory: Industry will be required to classify and label dangerous substances and preparations according to standard criteria. The classification and labelling inventory will ensure that hazard classifications of all dangerous substances manufactured in, or imported into, the EU will be available to all. Industry will be required to submit all classifications to the Agency three and a half years after the REACH Regulation has entered into force.

Data sharing: One of the Regulation’s main objectives is to minimise testing on animals. As such, the Regulation provides that animal test data must be shared.

	<p>For other tests, data sharing is required on request. Further, better information on hazards and risks and how to manage those risks will be passed down and up the supply chain.</p> <p>Access to information: All non-confidential information on chemicals will be made openly available to the public. The Regulation specifically seeks to balance the public's "right to know" with the need to keep certain information confidential.</p>
Further procedures	none



CIVIL PROTECTION

Currently no legislative projects

ENVIRONMENT: COOPERATION WITH THIRD COUNTRIES

Currently no legislative projects