



EFAEP Survey on Pending Environmental Legislation in the European Union

Brussels, August 2008

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

Brussels: busy agenda before June 2009 elections

While for some of us the approaching parliamentary elections on 04.-07. June 2009 still seem far away, the decision makers in Brussels are becoming increasingly hectic. Legislative projects which will not be ended under the French Council Presidency (01.07.2008-31.12.2008) might not be finished before the European elections. The members of the European Parliament (EP) will be very much occupied with their election campaigns from the beginning of next year and nobody expects many EP decisions to be made in the hot phase of the election campaign in April and May 2009. Therefore decision makers are very eager to finish important dossiers as soon as possible. This is especially true for the “climate change package”- which consists of four proposals for EU legislation following the so called 20-20-20 decision of the EU heads of state of government in March 2007. (The decisions to reach the following targets until 2020: 20% more energy efficiency, 20% less emissions of greenhouse gases and an increase of renewable energy sources to 20% of the total energy consumption)

The four legislative acts that shall ensure that those targets are binding are:

- A directive on air pollution, greenhouse gas emission: allowance trading system of the Community [COM 2008/0016] The rapporteur of this dossier is Avril Doyle, a conservative (Fine Gael Party) MEP from Ireland (<http://www.avrildoyle.ie/>) (See page 18 of this survey)
- A decision on greenhouse gas emissions: effort of Member States to meet the Community's greenhouse gas emission reduction commitments up to 2020. This decision will lay down which member state will have to shoulder which reduction target. At the summit in head 2007 only the total EU goal of a 20% reduction was fixed but it was left open how this burden would be shared. Rapporteur is the Green (Vihreä liitto) MEP Ms Satu HASSI from Finland. <http://www.satuhassi.net/> (See page 19 of this survey)
- A directive on the geological storage of carbon dioxide CO₂. This directive shall provide a European legal framework for the emerging practice of capturing and storing CO₂ from coal-fired power stations (currently 24% of the EU emissions are from burning coal). Rapporteur is the liberal (Liberal Democrat Party) MEP Chris Davies from the United Kingdom. <http://www.winwithchris.org.uk/> (See page 20 of this survey)
- A directive on the promotion of renewable energy sources: Energy and climate change: promotion of the use of energy from renewable sources RES-E. Rapporteur is the Green (Déi Gréng) Claude Turmes from Luxemburg. <http://www.claudeturmes.lu/> (See page 7 of this survey)

The French Government is decided to close these dossiers before the end of the French Council Presidency at the end of this year. This means that decision makers will try to reach a compromise even before the first reading of the European Parliament- a stage in which the Council is not yet officially involved in negotiations with the Parliament. It is not uncommon to start so called “trilogues” at such an early stage if all institutions are interested in a quick end of the procedure. The goal will be to find a compromise text to be adopted in Parliament’s first reading which is acceptable for the Council and can thus be accepted in the Council’s first reading without any changes. (This would mean the final adoption of the legal act) However negotiations will not be easy as Parliament has made it clear that it wants significant changes compared to the original proposal made by the Commission.

Co2 emissions of cars

Another important directive that should be adopted before the next elections is the planned regulation on the reduction of CO₂ emissions from light-duty vehicles which will set binding emission performance standards for new passenger cars (See page 18 of this survey). The development of the discussion on this topic is highly interesting because we have many different interested parties giving endless room for



differing views. The two Parliamentary committees working on this subject differ widely in their opinion.

On the one hand we have the industry committee with its conservative draftsman (CDU) German MEP Werner Langen. On the other hand we have the environment and health committee with socialist (Partito Democratico) Italian rapporteur Guido Sacconi, who has also done the highly controversial REACH Legislation (Registration, Evaluation and Authorisation of Chemicals). While the German Werner Langen wants to mitigate the Commission's original proposal by giving the industry more time to meet the 130g/km target (120g by improved technology 10g by other measures such as better driving and the use of biofuels) the Italian Sacconi wants tighter targets and insists on a binding long-term target of 95g/km until 2020. Langen however is opposed to any binding 2020 target. This reflects a conflict between the needs of the German car industry which produces a great percentage of big vehicles and the Italian car industry which produces lighter, smaller cars, as well as differing political priorities. However the differing positions in the two committees also reflect a well known phenomenon in the European Parliament: the members of the committees develop a very strong identification with their specialisation. In this situation this will lead to socialist members of the industry committee supporting conservative MEP Langen whereas many conservative members of the environment and health committee will support socialist Sacconi. We will know a little more about the outcome of this battle at the ninth of September when the votes in both committees will be held and it will be decided how the final report will look like. This report will then go to the plenary of the European Parliament for the first reading on 22.10.2008.

Vera Kessler

EFAEP Office Brussels

GENERAL PROVISIONS

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	Proposal published by the Commission
Content	<p>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 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>
Further procedures	Second reading in Parliament 03.12.2008

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	Draft regulation published, awaiting first reading Council
Content	<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 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</p>

	Breyer (Verts/ALE)
Further procedures	First reading by Council pending

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 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>

	<p>1. Full implementation and revision of the relevant legal framework[6]</p> <p>2. Development of a Thematic Strategy on the Sustainable Use of Pesticides</p> <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> <p>1. Directive 91/414/EEC on the placing of plant protection products on the market[7], and</p> <p>2. Regulation (EC) No 396/2005 on maximum residue levels of pesticides in food and feed[8].</p>
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	Proposal Published
Content	<p>This Proposal for a Directive aims to establish an overall binding target of a 20% share of renewable energy sources in energy consumption and a 10% binding minimum target for biofuels in transport to be achieved by each Member State, as well as binding national targets by 2020 in line with the overall EU target of 20%. Renewable energy sources are largely indigenous, they do not rely on the future availability of conventional sources of energy, and their predominantly decentralised nature makes our economies less vulnerable to volatile energy supply. Consequently they constitute a key element of a sustainable energy future.</p> <p>For renewables to become the "stepping stone" to reaching the dual objective of increased security of supply and reduced greenhouse gas emissions, a change in the way in which the EU promotes renewables is needed. Strengthening and expansion of the current EU regulatory framework is necessary. It is important to ensure that all Member States take the necessary measures to increase the share of renewables in their energy mix.</p> <p>A new legislative framework for the promotion and the use of renewable energy in the European Union will provide the business community with the long term stability it needs to make rational investment decisions in the renewable energy sector so as to put the European Union on track towards a cleaner, more secure and more competitive energy future.</p>
Further procedures	First reading in Parliament: 08.10.2008

Title	Community Ecolabel scheme (repeal. Regulation (EC) No 1980/2000)
Kind of document	Regulation
Number	COM/2008/0401
Status	Proposal published by Commission
Content	<p>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 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</p>

	<p>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 is 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	Appointment of a rapporteur by Parliament

Title	Establishing a framework for the setting of ecodesign requirements for energy related products
Kind of document	Directive
Number	COM/2008/0399 e.g.
Status	Proposal published by Commission
Content	<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	Appointment of a rapporteur by Parliament

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	Green paper

document	
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</p>

	<p>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 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 NO_x 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</p>

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.

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.

- 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.
- 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.
- 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.
- 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.
- 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

	<p>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: 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	The second reading of the EP was on 17.06.2008 Rapporteur: Caroline Jackson EPP-ED
Content	<p>This Directive, in which EFAEP was particularly active has been hotly discussed since 2005. In it's second reading Parliament, to which EFAEP had sent an position paper on the issue, has adopted a compromise which had been reached with the Council before the reading. Here are some points of the compromise text:</p> <p>Waste hierarchy: the compromise text states that the following waste hierarchy shall apply as a priority order in waste prevention and management legislation and policy prevention: preparing for re-use; recycling; other recovery, e.g. energy recovery other recovery; disposal. When applying the waste hierarchy Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. Member States shall ensure that the development of waste legislation and policy is a fully transparent process, observing existing national rules about the consultation and involvement of citizens and stakeholders.</p> <p>They must take into account the general environmental protection principles of precaution and sustainability, technical feasibility and economic viability, protection of resources as well as the overall environmental, human health, economic and social impacts, in accordance with the legislation.</p> <p>Incineration: MEPs were again divided over the question of whether incineration should be classified as recovery or disposal. Parliament endorsed the common position that incineration should be categorised as recovery, provided it meets certain energy efficiency standards (described in Annex II).</p> <p>In the first report that intervenes 6 years after entry into force of the Directive, the Commission shall review the implementation of the Directive, including the energy efficiency provisions, and will present a proposal for revision if appropriate. The report shall also assess the existing Member State waste prevention programmes, objectives and indicators and shall review the opportunity of Community level programmes, including producer responsibility schemes for specific waste streams, targets, indicators and measures related to recycling, material and energy recovery operations that may contribute to fulfilling the objectives more effectively.</p> <p>Prevention of waste: a new Article states that the Commission shall submit</p>

the following reports accompanied, if appropriate, by proposals for measures required in support of the prevention activities and the implementation of the waste prevention programmes referred to in the text covering:

(a) by the end of 2011 an interim report on the evolution of waste generation and the scope of waste prevention;

(aa) by the end of 2011 the formulation of a product eco-design policy addressing both the generation of waste and the presence of hazardous substances in waste, with a view to promoting technologies focusing on durable, re-usable and recyclable products;

by the end of 2014 the setting of waste prevention and decoupling objectives for 2020, based on best available practices including, if necessary, a revision of the indicators referred to in the text;

(b) by the end of 2011 the formulation of an action plan for further support measures at European level seeking in particular to change the current consumption patterns.

Parliament added that the Commission shall create a system for sharing information on best practice regarding waste prevention and develop guidelines in order to assist the Member States in the preparation of the Programmes. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.

Re-use and recycling: Parliament stated that by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass. Furthermore, Member States shall take the necessary measures designed to achieve the following targets:

-by 2020 the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50% by weight;

-by 2020 the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the European Waste Catalogue (EWC) shall be increased to a minimum of 70% by weight.

By 31 December 2014 at the latest, the Commission shall examine these measures and targets with a view to, if necessary, reinforcing the targets and consider setting targets for other waste streams. In its report the

	<p>Commission shall take into account the relevant environmental, economic and social impacts of setting the targets. Every three years, Member States shall report to the Commission on their record with regard to meeting the targets. If targets are not met, this report shall include the reasons for failure and the actions the Member State intends to take to meet the targets. Control of hazardous waste: Member States shall take the necessary action to ensure that the production, collection and transportation of hazardous waste, as well as its storage and treatment, are carried out in conditions providing protection for the environment and human health, including action to ensure traceability from production to final destination and control of hazardous waste. Bio-waste: Member States must, inter alia, encourage the separate collection of bio-waste with a view to the composting and digestion of bio-waste. The Commission's assessment shall examine the opportunity of setting minimum requirements for bio-waste management and quality criteria for compost and digestate from bio-waste, in order to guarantee a high level of protection for human health and the environment.</p> <p>By-products: Article 5 on by-products remains part of the Directive.</p> <p>End-of-waste: Parliament added that end-of-waste specific criteria should be considered, among others, at least for aggregates, paper, glass, metal, tyres and textiles.</p> <p>Extended producer responsibility: Member States may take measures to ensure that any person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility. These measures may include the obligation to provide publicly available information as to the extent to which the product is re-usable and recyclable.</p> <p>Ban on mixing different categories of hazardous waste: the reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.</p>
Further procedures	Awaiting second reading in council

Title	Extractive industries: management of waste from the extractive industries
Kind of document	Proposal for a directive
Number	COM 2003/319; COD 2003/0107
Status	Discussions in the conciliatory committee going on
Content	PURPOSE: to lay out precise regulations for managing waste from extractive industries in order to prevent major ecological accidents and accidents posing a risk to human health from such industries.

	<p>LEGISLATIVE ACT: Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC.</p> <p>CONTENT: this act has been adopted in accordance with the Community's environmental policy and in particular its objective to prevent and reduce, as far as possible, any adverse effects on the environment or on human health from the management of waste stemming from the extractive industries. The waste here refers principle to trailings (waste solids or slurries), waste rock, any material moved in order to access ore or minerals and topsoil.</p> <p>The final act was approved after Council and Parliament reached an agreement during the Conciliation Committee (please refer to preceding summary). This foresaw the provision of measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment and in particular on water, air, soil, fauna and flora and landscape and any risks to human health which may be brought about as a result of the mismanagement of waste from the extractive industries.</p> <p>The main elements of the Directive are as follows:</p> <ul style="list-style-type: none"> - conditions linked to the issue of operating permits, including the involvement of the public; - obligations concerning waste management; - the requirement to describe the waste before disposing of or treating it; - measures to ensure the safety of waste management facilities; - steps to prepare plans for the closure of waste management facilities; - the requirement to provide an appropriate level of financial security. <p>Following the conciliation procedure the following points were agreed:</p> <p>Financial Guarantee (art. 14) requires that funds should be made readily available at any given time for the rehabilitation of the land affected by the waste facility. It also stipulates that the size of the guarantee be periodically adjusted in accordance with any rehabilitation work needed to be carried out on the land affected by the waste facility.</p> <p>Excavation voids (art. 10) requires operators to replace extractive waste back into excavation voids for rehabilitation and construction purposes. The extractive waste and the excavation void must be monitored.</p> <p>Construction and management of waste facilities (art. 11) requires the competent authority to satisfy itself that any waste facility, within the context of this Directive, is suitably located taking into account a number of factors including the 'Community or national obligations relating to protected areas'.</p> <p>Finally, and taking account of the importance of this Directive on the environment, Bulgaria and Romania, issued a joint statement in which they promise to transpose the Directive into their national legislation by the date of transposition.</p> <p>Member States are obliged to submit reports to the European Commission on the implementation of the Directive every three years. Following receipt of these reports, and within a nine month deadline, the European Commission will in turn publish a report on the Directive.</p> <p>ENTRY INTO FORCE: 1 May 2006.</p> <p>TRANSPOSITION: 1 August 2008.</p>
Further procedures	Procedure ended and published in the Official Journal

AIR POLLUTION

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	Proposal published in committee
Content	<p>The Commission's proposal setting performance emission standards for new passenger cars addresses the growing climate change impact from road transport and ensures that this sector contributes to the achievement of the Community's overall objective of limiting the global annual temperature increase to a maximum of 2°C above pre-industrial levels; delegations supported the integrated approach as proposed by the Commission, that is, the target of 120g CO₂/km by 2012, in the knowledge that improvements in motor technology would have to reduce emissions to 130g CO₂/km while complementary measures would contribute a further emissions cut of up to 10 g CO₂/km.</p> <p>The regulation is currently being hotly discussed in Parliament – the main point of discussion is the reduction target and the timeframe in which a target should be reached. In these points the rapporteur Guido Sacconi (PSE, Italy) responsible and the draftsman who writes the opinion of the industry committee (Werner Langen EPP-ED, Germany) differ widely. It has to be seen which position can gain a majority of votes or if a compromise can be reached.</p>
Further procedures	Probable dates: adoption in Committee 09.09.2008, 1 st reading in Parliament: 22.10.2008

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	Proposal published by Commission
Content	<p>On 1 January 2005, the European Emission Trading System (EU ETS) started operation. It represents the spearhead and “one of the most important instruments” of EU climate policy due to its ability to achieve absolute emission reductions in an economically efficient manner.</p> <p>The 1st phase of the EU ETS (2005 to 2007) successfully established free trade of emission allowances across the EU, set up the necessary infrastructure for monitoring, reporting, verification including registries and has so far successfully concluded two compliance cycles. It developed into the world's largest single carbon market accounting for 67% in terms of volume and 81% in terms of value of the global carbon market and also worked as the driver of the global credit market and in that triggered investments in emission reduction projects today indirectly linking 147 countries to the EU ETS through JI/CDM projects.</p> <p>However, the environmental outcome of the 1st phase of the EU ETS could have been more significant but was limited due to excessive allocation of allowances in some Member States and some sectors, which must mainly be attributed to reliance on projections and a lack of verified emission data. Once such data became available, it swiftly corrected the market price of allowances demonstrating convincingly that the carbon market is working.</p> <p>The principles and mechanisms resulting in problems during the 1st trading</p>

	<p>period recurred in most 2nd phase National Allocation Plans (NAP) of Member States. However, thanks to verified emission data and experience gathered, the Commission could much better ensure that national allocation plans result in real emission reductions. Approved NAP decisions show an absolute emission reduction of 6.5% compared to 2005 verified emissions, thus ensuring that the EU ETS, designed as a cap-and-trade system, will deliver real emission reductions. However, experience of the 1st period and the NAP assessment of the 2nd period gave strong reason to believe that the overall functioning of the EU ETS could be improved in a number of aspects.</p> <p>Against this background and responding to Article 30 of the EU ETS Directive, the Commission, in November 2006, issued a Communication “Building a global carbon market – Report pursuant to Article 30 of Directive 2003/87/EC, where it identified the main subjects to be reviewed with a view to streamlining the EU ETS.</p> <p>In March 2007, the European Council endorsed an EU objective of a 30% reduction in greenhouse gas emissions (GHG) by 2020 provided that other developed countries would commit themselves to comparable emission reductions and economically more advanced developing countries contribute adequately according to their responsibilities and respective capabilities. The Council also made a firm independent commitment of at least a 20% reduction of GHG emissions by 2020, irrespective of any international agreement. In the longer term, by 2050, the European Council reaffirmed that developed countries should collectively reduce their emissions by 60% to 80% by 2050 compared to 1990. Against this background and with a view to enhancing the certainty and predictability of the emissions trading system, the Directive should provide for automatic and predictable adjustments upon the conclusion of a future international agreement. They should increase the level of contribution of the EU ETS to achieving the reduction of 30% and should concern the allocation mechanism, the adjustment of the EU-wide cap, the use of credits from JI/CDM and potentially additional types of credits and/or mechanisms foreseen under the agreement. In its conclusions of 20 February 2007, the Council emphasised the EU commitment of transforming Europe into a highly energy efficient and low greenhouse-gas-emitting economy. It also called on the Commission to “bring forward proposals which create the right incentives for forward-looking, low-carbon investment decisions”</p>
Further procedures	17.10.2008: probably adoption in Committee, 16.12.2008: probably first reading in Parliament (rapporteur: Avril Doyle EPP-ED)

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	Proposal published by the Commission
Content	This Decision determines the contribution of Member States to meeting the Community's greenhouse gas emission reduction commitment from 2013 to 2020 for greenhouse gas emissions from sources not covered under Directive 2003/87/EC (sources outside the EU ETS). It provides for the evaluation of the achieved emissions reductions resulting from the implementation of this Decision. It also promotes flexibility in achieving this effort through allowing for the use of certified emission reductions resulting from clean development

	mechanism projects under Article 12 of the Kyoto Protocol and resulting from emission reduction activities in third countries to implement this effort. The implementation by Member States of EU wide measures outside the EU ETS contributes to the achievement of the target for each Member State.
Further procedures	07.10.2008 adoption by committee; 16.12.2008: First reading in Parliament

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	Proposal published by Commission
Content	<p>EU or world CO₂ emissions by 50% in 2050 if we do not also use the possibility to capture CO₂ from industrial installations and store it in geological formations (carbon dioxide capture and storage, or CCS). Around a third of existing coal fired power capacity in Europe will be replaced in the next 10 years. Internationally, China, India, Brazil, South Africa and Mexico's energy consumption will lead a major global demand increase, which is likely to be met in large part from fossil fuels. This legal framework is designed to ensure that CO₂ capture and storage is an available mitigation option, and that it is done safely and responsibly. General context</p> <p>The Commission Communication on meeting the Community's objective of limiting climate change to 2° C clarifies that in the context of the global reduction of CO₂ emissions of 50% by 2050, a reduction in emissions of 30% in the developed world by 2020 is required, rising to 60-80% by 2050, that this reduction is technically feasible and the benefits far outweigh the costs, but that, to achieve it, all mitigation options must be harnessed, among them carbon dioxide capture and storage.</p> <p>The Second European Climate Change Programme (ECCP II) set up a Working Group on Carbon Capture and Geological Storage. The Working Group stressed the need for the development of both policy and regulatory frameworks for CCS. The Communication on Sustainable Power Generation from Fossil Fuels of January 2007 set out an action plan for the Commission during 2007, which required the development of a sound management framework for CCS. Following this, the Brussels European Council of March 2007 also urged the Member States and the Commission develop the necessary technical, economic and regulatory framework to bring environmentally safe CCS to deployment. Existing provisions in the area of the proposal. Where possible, existing provisions have been used to manage the risks of CCS. Directive 96/61/EC concerning Integrated Pollution Prevention and Control (IPPC) is used for regulating the risks of CO₂ capture. Directive 85/337/EEC on the assessment of the environmental impact of certain projects (EIA) is used for assessing environmental impact of capture, pipeline transport and storage. Directive 2004/35/EC on Environmental Liability is used for regulating the liability for local environmental damage from CCS. Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading is used for regulating the liability for climate damage by requiring surrender of allowances for leakage.</p>
Further procedures	25.09.2008 adoption of the report by the committee responsible; 16.12. First reading in Parliament

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	Proposal published by Commission
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-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.</p> <p>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.</p> <p>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.</p> <p>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</p>

	<p>engines. There are general transitory periods in the proposal in order to allow sufficient lead times for vehicle manufacturers.</p> <p>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').</p> <p>This proposal introduces requirements, developed in the framework of the UN-ECE WP.29 – World Forum for Harmonisation of Vehicle Regulations – relating to:</p> <ol style="list-style-type: none"> 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	Voted on by the committee responsible in May
Content	<p>The proposal's aim is to contribute towards the creation of a market for "clean" vehicles in order to reduce pollutant emissions in the transport sector. Considering the continuing growth of the transport sector and its knock-on effects in terms of pollution and dependence on oil, the Commission stresses the need to develop a market for "clean" vehicles. In the EU as a whole, road transport accounts for approximately one-quarter of total energy consumption and CO₂ emissions. The potential for reducing vehicle emissions and making energy savings is substantial. However, the technologies needed remain more expensive than conventional vehicle manufacturing technologies. As far as the European vehicle mass production industry is concerned, manufacturers are unlikely to produce special vehicle series to respond to local or even national incentives aimed at improving energy efficiency or reducing pollutant emissions. Action at Community level is therefore needed in order to encourage the investments required for the manufacture of vehicles that are more energy-efficient and less polluting. The resulting increased demand would provide support for vehicle manufacturers to develop vehicles with better performances in terms of energy consumption and pollutant emissions. This could then</p>

	<p>allow a turn-around in demand and create markets of sufficient size and the necessary economies of scale to broaden industrial production to large series. The objective of this proposal is to reduce pollutant emissions by the transport sector and contribute to the establishment of a market for clean vehicles. This is particularly relevant for agglomerations and zones in difficulties to meet the requirements of the Air Quality Directive (Directive 1996/62/EC on air quality and Directive 1999/30/EC on limit values of pollutants in ambient air). An environmentally enhanced performance standard has already been established in EU legislation for vehicles above 3.5 t weight for optional use, such as tax incentives. This proposal takes a next step and uses the existing "Enhanced environmentally friendly vehicle" (EEV) for Heavy Duty Vehicles, above 3.5 t weight, as defined in Directive 2005/55/EC to implement it on a mandatory basis for part of the fleet. Public bodies (State, regional or local authorities, bodies governed by public law, public undertakings and operators contracted by public bodies to supply transport services) will be obliged to allocate a minimum quota of 25% of their annual procurement (purchasing or leasing) of heavy-duty vehicles (with a weight greater than 3.5 tonnes) to "enhanced environmentally friendly vehicles" as defined in the European Performance Standard (EEV). Heavy duty vehicles include buses and most utility vehicles, such as refuse collection lorries. An extension of the clean vehicle procurement obligation to passenger cars and light duty vehicles based on a thorough impact assessment could be considered at a later stages once environmentally enhanced performance standards have been developed for them.</p>
Further procedures	1 st reading in Parliament probably 22.10.2008 Rapporteur: Jørgensen (PSE)

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
Content	<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> <p>establishing objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and on the environment;</p> <p>assessing the ambient air quality in the EU on the basis of common methods and</p>

	<p>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. 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 PM_{2.5}, 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> <p>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> <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>TRANSPOSITION: before 11/06/2010.</p> <p>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> <ul style="list-style-type: none"> 47% reduction in loss of life expectancy as a result of exposure to particulate matter; 10 % reduction in acute mortalities from exposure to ozone; reduction in excess acid deposition of 74% and 39% in forest areas and surface freshwater areas respectively; 43% reduction in areas or ecosystems exposed to eutrophication. <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	Ongoing discussions in Committee responsible
Content	<p>This is a planned initiative report by the European Parliament. (rapporteur: Richard Seeber) an is a comment to a communication of the European Commission. (A communication is not a legislative document but a mere utterance of the Commissions 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,</p>

	<p>by 2009, it proposes the drawing up of specific drought management plans to 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	08.10.2008: First reading in Parliament

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	Second reading in Parliament was held on 17.06.2008
Content	<p>The European Parliament adopted, by 673 votes to 10 with 5 abstentions, a legislative resolution, amending the Council's common position for adopting a directive of the European Parliament and of the Council on environmental quality standards in the field of water policy and amending Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and 2000/60/EC. The recommendation for second reading (under the codecision procedure) had been tabled for consideration in plenary by Anne LAPERROUZE (ALDE, FR) on behalf of the Committee on the Environment, Public Health and Food Safety.</p> <p>The amendments were the result of a compromise between the Council and the Parliament. The main ones are as follows:</p> <p>Additional substances to be reviewed: a new Annex III contains a list of 13 substances</p>

	<p>subject to review for possible identification as priority substance or priority hazardous substances. These are in addition to the substances already identified in Annex II and include dioxins, PCBs and Bisphenol. Within the framework of the review of Annex X to Directive 2000/60/EC, the Commission shall consider, inter alia, the substances set out in Annex III for possible identification as priority substances or priority hazardous substances. The Commission shall report the outcome of its review to the European Parliament and to the Council 24 months after entry into force of the Directive. 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>Coordination: a new recital states that, in order to ensure consistent protection of surface water, Member States sharing bodies of surface water should coordinate their monitoring activities and, as appropriate, the compilation of inventories.</p> <p>Mixing zones: 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. Member States that designate mixing zones shall include in river basin management plans a description of: the approaches and methodologies applied to derive such zones; and measures taken with a view to reducing the extent of the mixing zones in the future, such as those pursuant to the Water Framework Directive or by reviewing permits referred to in Directive 2008/1/EC.</p> <p>Establishment of inventories: Member States shall establish 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>Target dates: the Commission shall, by 2018, verify that emissions, discharges and losses as reflected in the inventory are making progress towards compliance with the reduction or cessation objectives laid down in Directive 2000/60/EC (Water Framework Directive.)</p> <p>Reporting and review: on the basis of reports from Member States, the Commission shall review the need to amend existing acts and for additional specific Community-wide measures, such as emission controls. It will report to the European Parliament and to the Council on: the conclusions of the review; the outcome of the verification referred to in Article 5(5) i.e by 2018 emissions and discharges are making progress towards reduction objectives; measures taken to reduce the extent of mixing zones; and the situation regarding pollution originating outside the territory of the Community.</p>
Further procedures	Second reading by Council

PROTECTION OF NATURE AND BIODIVERSITY

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 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.</p>

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>the Council adopted this directive, accepting the amendments voted by the European Parliament at second reading. The Directive establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest.</p> <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. "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> <p>an initial assessment, to be completed by 15 July 2012 of the current environmental status of the waters concerned and the environmental impact of</p>

	<p>human activities thereon;</p> <ul style="list-style-type: none"> - 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 ongoing assessment and regular updating of targets; <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.</p> <p>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	Proposal published awaiting first reading in Parliament
Content	<p>The aim of this revision is to introduce new implementing procedures concerning the protection of species of wild fauna and flora.</p> <p>In 2006 rules governing the Commission's implementing powers were amended by Council Decision 2006/512/EC. This Council Decision introduced a new "regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument that have been adopted in accordance with the co-decision procedure". This may include deleting some elements, or supplementing the instrument, through the addition of new non-essential elements.</p> <p>The purpose of this proposal is to introduce the new regulatory procedure with scrutiny to Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade thereof. This Regulation is currently subject to the Commission's codification programme and adaptation of the new procedure should take place, depending on how far the codification process has progressed – either by recasting the codified proposal or, as is currently being proposed, by legislative amendment. Where justified, the adaptation contains provisions concerning time limits normally applicable in the context of the regulatory procedure with scrutiny. On the grounds of efficiency, the normal time limits for the regulatory procedure with scrutiny will be curtailed for the adoption of measures concerning amendments to Annexes A to D. The Commission also proposes specifying a reference to the regulatory procedure in the comitology provision that have not been aligned to the regulatory procedure with scrutiny.</p>
Further procedures	23.09.2008 First reading in the European Parliament

Title	Thematic Strategy for Urban Environment
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)</p>

	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

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	
Further Procedures	First reading in Council is pending. A political agreement in the Council could be reached on 20.10.2008. The second reading in Parliament is foreseen for 05.05.2009

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	Proposal published by Commission
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</p>

	<p>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. - 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. - 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.
Further Procedures	First reading in Parliament probably 22.10.2008

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	First reading by Parliament was held on
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> <p>-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.</p> <p>-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;</p>

	<p>-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;</p> <p>-data will be collected from pesticide producers, traders and importers;</p> <p>-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;</p> <p>- 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;</p> <p>-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;</p> <p>-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;</p> <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 first 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 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>PURPOSE: to improve the protection of human health and the environment from the risks of chemicals; to enhance the competitiveness of the EU chemicals industry; and to establish a European Chemicals Agency.</p> <p>LEGISLATIVE ACT: Regulation 1907/2006/EC of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) establishing a European Chemical Agency, amending Directive 1999/45/EC and repealing Council Regulation 793/93/EEC and Commission Regulation 1488/94/EC as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.</p> <p>CONTENT: 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.

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.

The basic elements of the Regulation are as follows:

Scope: All substances are covered by this Regulation – unless they are explicitly exempted from its scope (i.e. radioactive material).

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 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

	<p>authorisation if suitable substitutes become available.</p> <p>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.</p> <p>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.</p> <p>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 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.</p> <p>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. 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