



EU Environment Report

July/August 2013

CHEMICALS

European Chemicals Agency consults on BPA classification

On 27 August, the European Chemicals Agency (“ECHA”) launched a consultation on the classification of bisphenol A (“BPA”). This is a response to a proposal by France to change the current harmonized classification of BPA, as regards sexual function and fertility. Parties have until 11 October 2013 to respond to the consultation with their views on the proposal.

The consultation is available here: http://echa.europa.eu/view-article/-/journal_content/title/public-consultation-launched-on-a-proposal-for-revision-of-the-harmonised-classification-and-labelling-on-bisphenol-a.

Norway proposes to restrict decaBDE

Norway has proposed to add decabromodiphenyl ether (“decaBDE”) to the Stockholm Convention on Persistent Organic Pollutants. In order to avoid confusion in relation to how the chemical will be regulated; the ECHA is now preparing a proposal to include the chemical in Annex XVII of the regulation, which deals with restrictions placed on dangerous substances. There will be future consultations on this restriction.

The ECHA press release is available here: <http://echa.europa.eu/documents/10162/eea1b117-d017-4446-bb3b-5497bd1c478a>.

Danish register of goods containing nanomaterials

On 16 August, the Danish Environmental Protection Agency (“EPA”) concluded its consultation on a plan to create a register for all imports and Danish products that contain nanomaterials. Denmark hopes to publish regulations governing the register by the end of the year. It is expected that the register will mostly affect imports. The European Commission itself is consulting until 13 September on whether to create a reporting regime for nanomaterials within the REACH Regulation.

The consultation (in Danish) is available here: <http://hoeringsportalen.dk/Hearing/Details/16910>.

ECO-DESIGN

New eco-design measures for vacuum cleaners

On 13 July 2013, a Regulation concerning the eco-design of vacuum cleaners was published which establishes eco-design requirements and information to be

In this issue...

Chemicals

European Chemicals Agency consults on BPA classification

Norway proposes to restrict decaBDE

Danish register of goods containing nanomaterials

Eco-design

New eco-design measures for vacuum cleaners

Updated eco-design requirements for household electronics and televisions

Energy

New Directive published on regulating offshore oil and gas safety

Consultation on EU nuclear liability rules

Climate Change

European Parliament approval of CO₂ backloading

Member States add industrial sectors to EU carbon leakage list

Other

Highest French court overturns Monsanto ban

New pesticide restriction agreed by Member States

The Months Ahead

Workshops & Conferences

For more information on these and other topics related to environmental law, please contact:

Jacquelyn MacLennan
Partner, Brussels
jmaclelland@whitecase.com

David Strelzyk-Herzog
Director of European Regulatory and Government Affairs, Paris, Silicon Valley, Brussels
dstrelzykherzog@whitecase.com

provided to manufacturers, with the aim of making energy consumption of vacuum cleaners more efficient. The Regulation was adopted in the context of the EU Directive on eco-design requirements for energy-related products. Different deadlines apply for different measures, in an attempt to give manufacturers time to make the necessary alterations. The complete package of measures will come into force by 1 September 2017.

The Regulation is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:192:0024:0034:EN:PDF>.

Updated eco-design requirements for household electronics and televisions

On 23 August, a new regulation was published, which updates the previous eco-design requirements for products with networked standby modes (Regulation 1275/2008/EC and Regulation 642/2009/EC). With the new regulation, networked standby will now be considered in the eco-design requirements of electrical and electronic household and office equipment, as well as televisions.

The implementing regulation can be accessed here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:225:0001:0012:EN:PDF>.

ENERGY

New Directive published on regulating offshore oil and gas safety

On 28 June, the Directive on offshore oil and gas operations was published in the EU's Official Journal. The Directive establishes a regulatory framework which aims to reduce the occurrence of major accidents related to offshore oil exploration and establishes minimum conditions for offshore exploration. In particular, it stipulates that there will be financial liability for the operators of offshore installations in case of any environmental damage that is caused by their oil and gas activities. Member States have until 19 July 2015 to transpose the Directive in their national law.

The Directive is accessible here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0066:0106:EN:PDF>.

Consultation on EU nuclear liability rules

On 30 July, the European Commission ("**Commission**") issued a public consultation on the question of nuclear liability. The consultation aims to gather views from stakeholders in relation to the need for common rules at EU level on insurance and compensation for nuclear accidents that occur within the EU. The Commission is expected to publish a legislative proposal on nuclear liability and insurance by the end of the year.

The nuclear liability consultation is available here: http://ec.europa.eu/energy/nuclear/consultations/20130718_powerplants_en.htm.

CLIMATE CHANGE

European Parliament approval of CO₂ backloading

On 3 July, the European Parliament approved the CO₂ backloading plan that it had previously rejected last April. The Parliament has agreed that 900 million CO₂ allowances should be withheld from the EU's cap-and-trade system for emissions (the emissions trading scheme), to boost carbon prices. News of the adopted measure led to an immediate rise in carbon prices and 10 million units were traded only minutes after the vote. Member States in the Council must now approve the draft Directive. The subject under discussion is considered to be of a delicate nature, some Member States having already expressed concern and disagreement vis-à-vis some initial draft proposals.

The press release from the European Parliament is accessible here:

This newsletter briefly describes EU environment developments.

Due to the general nature of its content, this newsletter is not and should not be regarded as legal advice.

<http://www.europarl.europa.eu/news/en/news-room/content/20130701IPR14761/html/Parliament-backs-planned-temporary-boost-to-CO2-permit-price>.

Member States add industrial sectors to EU carbon leakage list

A Committee of Member States has approved six additions to the 2009 list of industrial sectors deemed to be at risk of carbon leakage. The new sectors include plaster, plasterboard, potato products, solid whey production and open-die forging. It is foreseen that the sectors and subsectors will only receive extra free allowances under the EU Emissions Trading Scheme from 2014 onwards. If no objections are raised by the European Parliament or the Council of Ministers the addition to the carbon leakage list will come into effect in three months.

The press release by the European Commission is available here: http://ec.europa.eu/clima/news/articles/news_2013071001_en.htm.

OTHER

Highest French court overturns Monsanto ban

France's highest administrative court has overturned the country's ban on Monsanto's MON810 genetically modified maize. The court supported a 2011 ruling of the EU court that emergency bans like that in place in France should only be taken when there is a serious risk to human health, animal health or the environment. The court sustained that in the case of MON810 no such risks had been demonstrated.

The press release from the court (in French) is available here: <http://www.conseil-etat.fr/fr/communiqués-de-presse/arrete-sur-les-ogm-.html>.

New pesticide restriction agreed by Member States

Member States have voted to restrict the use of filpronil, an insecticide which allegedly poses a risk to bees. From 31 December, it will be illegal to treat maize and sunflower seeds with filpronil. The restriction will be reviewed in two years. BASF has already publicly disputed the merits of the decision, stating that other factors than pesticides are behind the decline in bee population in Europe. BASF considers the European Food Safety Authority study to contain several data gaps and criticizes the risk assessment scheme on which the research was based.

Press release from the European Commission is available here: http://europa.eu/rapid/press-release_IP-13-708_en.htm?locale=en.

The Months Ahead

10-11 September

The Energy Event 2013, UK

<http://www.environmental-expert.com/events/the-energy-event-2013-13659>

10-11 September

The Renewables Event 2013, UK

<http://www.environmental-expert.com/events/the-renewables-event-2013-13660>

11-12 September

1st Inter-Regional Conference on Land and Water Challenges: "Water, Environment and Agriculture: Challenges for Sustainable Development", Bari, Italy

<http://www.landandwater2013.iamb.it/>

15-21 September

Summer Academy: "Energy and the Environment", Brussels, Belgium

<http://ikemsummeracademy.de/>

16-17 September

Oil Spill and Environmental Risks in New Frontier Operations, Barcelona, Spain
http://www.marcusevans-conferences-paneuropean.com/oilspill_confalert

18-19 September

Financing the Energy Transition, London, UK
<http://www.biee.org/conference-list/financing-the-energy-transition/>

19 September

Sustainable consumption and production and the environmental footprint, Brussels, Belgium
<http://www.regonline.co.uk/builder/site/Default.aspx?eventid=1240311>

19-20 September

Mediterranean Fertilizers 2013, Istanbul, Turkey
http://userfiles.directiq.com/mango_cl/files/BF_MED_Fertilizers_2013.pdf

23-24 September

European Conference on Energy from Chemical Fuels, Frankfurt am Main, Hessen, Germany
<http://ecf.kic-innoenergy.com/>

25-26 September

Energy from Waste, London, UK
<http://www.smi-online.co.uk>

25-26 September

Atmos'Fair 2013, Paris, France
<http://www.environmental-expert.com/events/atmos-fair-2013-14988>

30 September – 4 October

28th European Photovoltaic Solar Energy Conference and Exhibition (28th EU PVSEC), Paris, France
<http://www.environmental-expert.com/events/28th-european-photovoltaic-solar-energy-conference-and-exhibition-28th-eu-pvsec-13650>

2 October

"When is Green not Green? Communicating Environmental Information to Consumers", Brussels, Belgium
<https://www.regonline.co.uk/Register/Checkin.aspx?EventID=1245325>

3-4 October

Science for the Environment: Mapping future horizons -- Identifying knowledge gaps for the Climate Action and Resource Efficiency Challenge in Horizon 2020, Aarhus, Denmark
<http://dce-conference.au.dk/>

7-8 October

Carbon Trading: Risk & Strategy Training Course, London, UK
<http://www.iff-energy.com/event/carbon-trading-risk-and-strategy-training-course>

8 October

Solar Power UK 2013, Birmingham, UK
<http://www.environmental-expert.com/events/solar-power-uk-2013-13958>

8-9 October

State Aid: Energy and Environment - Review of Critical Issues, Maastricht, The Netherlands
<http://www.eipa.eu/>

10 October

Competition in the Water sector: reality or mirage?, London, UK
<http://marketforce.eu.com/events>

Worldwide. For Our Clients.

39 Offices. 27 Countries.

White & Case LLP
Avocats-Advocaten
62 rue de la Loi – Wetstraat 62
B-1040 Brussels
Belgium

+32 (0)2 219 16 20

www.whitecase.com

In this publication, White & Case means the international legal practice comprising White & Case LLP, a New York State registered limited liability partnership, White & Case LLP, a limited liability partnership incorporated under English law and all other affiliated partnerships, corporations and undertakings.