



What's new from the EU?

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Environmental Law Update: Case Studies, compliance and coming regulations

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Business Support on Your Doorstep



What's new in the EU - overview

- What is Enterprise Europe Yorkshire?
- Reminders & recent developments
(environmental liability, batteries, air con, REACH, eco-labelling)
- What's in the pipeline?
(WEEE, emissions, biowaste, "mixture toxicity" etc)



What is Enterprise Europe Yorkshire?

“ We help Yorkshire and Humber firms to compete by accessing new markets, opportunities and business contacts, using our network throughout the UK and the rest of Europe ”



What is Enterprise Europe Yorkshire?

- Local gateway to a wealth of support for
 - doing business
 - finding collaborative partners
 - increasing competitiveness } in Europe
- Supported by the European Commission and Yorkshire Forward
- Part of a Europe-wide network in over 40 countries
- Majority of our services are free to organisations based in the Yorkshire and Humber region



Reminder: Environmental Liability Directive

- Adopted 2004 (implemented in UK spring 2009)
- Based on principle of “polluter pays”
- Requires action to prevent pollution and remedy any environmental damage caused
- Applies to companies, public sector and voluntary organisations



Pollution covered by ELD

- Damage to sites of special scientific interest
- Serious damage to species & habitats protected by EU law
- Serious damage to surface or ground water
- Contamination of land with significant risk to human health



Two types of liability

- Certain dangerous or potentially dangerous activities (e.g. those requiring IPPC licences, chemical and waste management firms):
 - operator may be responsible even if not at fault
- All other occupational activities:
 - liability only when at fault or negligent



Costs

- Polluter pays
- Where Environment Agency took action to remedy damage, operator liable for those costs
- Where others are also responsible for damage, costs to be paid jointly & severally or on proportional basis
- NB: regulations do not apply to damage caused before regulations came into force

Reminder: Batteries Directive

- Adopted 2006 (implemented in UK 2008 & 2009)
- Based on principle of “producer responsibility”
- Sets targets for collection & recycling of batteries
- Puts strict limits on mercury, cadmium & lead in batteries (with certain exemptions)
- Bans landfill or incineration of auto/industrial batteries





Reminder: Air conditioning

- Energy Performance of Buildings Directive 2002 requires regular inspection
- “Regular” – at least every 5 years
- 1st inspection for air conditioning over 12Kw by 4th January 2011 (4th January 2009 for over 250Kw)
- Inspection by independent assessor

Reminder: REACH

- Registration, Evaluation, Authorisation and restriction of CHemicals
- Producers & importers of chemicals responsible for understanding and managing risks associated with their use
- Registration required according to risk & quantities produced or imported



REACH deadlines

- First deadline approaching: 1st December 2010
 - 1000 tpa (+ very toxic or Category 1 & 2 CMR substances)
- Subsequent deadlines:
 - 1st June 2013
 - 1st June 2018

Recent legislation: chemicals (classification & labelling)

- Regulation adopted May 2010 on fees
- Reduction of up to 90% for SMEs
- Guidance available in all EU languages



Recent development: revised EU Eco-label scheme

- Voluntary scheme running since 1992
- Currently 26 categories of products & services
- Aims to encourage marketing of “green” products & services
- Strict product / service criteria



Revised EU Eco-label scheme

- Revised 2010
- Aims to:
 - speed up the criteria development process
 - increase the product scope
 - simplify the assessment procedure
 - harmonise EU eco-label with other schemes
 - reduce cost for firms involved



What's in the pipeline: WEEE

- Waste Electrical & Electronic Equipment Directive 2002
- Aims to:
 - prevent creation of WEEE in the first place
 - promote re-use, recovery & recycling
- Applies to 10 categories of equipment
- Provides for separate collection, recovery & treatment of WEEE -“producer responsibility”

Proposed WEEE amendments

Why are changes being proposed?

- Only 1/3 of WEEE is being appropriately treated
- Remainder going to landfill or sub-standard treatment sites inside or outside EU
- Illegal export of WEEE a problem
- Aim to reduce the admin burden

What is proposed?

- Clarification of scope and definitions
- New binding WEEE collection targets:
 - Current target 4kg / capita
 - Proposed: 65% of average weight of EEE placed on national market in previous 2 years
- Increase recovery & recycling targets by 5%
- New target for recovery of medical equipment

What is proposed cont?

- Registration and reporting obligations for producers to be harmonised
- National producer registers to be made interoperable
- Allow producers to show costs for collection, treatment & disposal at time of sale for all equipment and without time limit
- Controls on illegal trade in WEEE

What's in the pipeline: industrial emissions

- Proposed new legislation on industrial emissions
- Merges 7 existing Directives into 1 (aim: reduced admin burden)
- Tightens minimum emission limits for certain industrial sectors
- Strengthens application of best available techniques
- Introduces standards for inspections



What's in the pipeline: biocides

Proposed tighter safety rules for biocides:

- Phasing out of most hazardous substances
- New rules for articles such as furniture or clothing treated with biocides
- Reduction of animal testing
- Centralised authorisation for low-risk biocides

What else is on the EU horizon?

Potential new legislation on “mixture toxicity”:

- Combination effects of chemicals
- Currently no systematic approach to assessing risk
- Commission study published early 2010
- Consultations throughout the summer
- May involve modifications to existing chemicals legislation and / or specific guidelines for businesses



What else is on the EU horizon?

Chemicals: other action / areas being looked at include:

- Sustainable use of pesticides
- Nanomaterials
- Endocrine disrupters

What else is on the EU horizon?

Potential action on biowaste:

- New strategy launched May 2010
- Dual aim:
 - Cut levels of biowaste (& resulting methane)
 - Unlock potential as renewable energy / recycled material
- Use of existing legislation to encourage better biowaste management
- Back-up measures at EU level e.g. standards for composts

What else is on the EU horizon?

“Green” procurement:

- Public sector being encouraged by European Commission to lead the way
- Increasing pressure on suppliers to demonstrate how they can help reduce environmental impacts
- Able to introduce environmental criteria in specifications, bidder selection criteria and award criteria



What else is on the EU horizon?

Sustainable production & consumption – retail

- Code of Conduct adopted June 2010
- Voluntary commitment
- Sustainable sourcing of specific products
- Increased in-store resource efficiency
- Better waste management practices
- Reducing environmental impacts of transport / logistics
- Signed already by major retailers such as Tesco



What do businesses need to do?

- Track changes / new developments
 - Free e-newsletter from Enterprise Europe
 - More hints & tips to follow
- Seek advice on environmental policies and systems
- Keep in touch to ensure compliance, e.g. with EA

Questions?

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