

HOT ISSUES

dti

Materials, Engineering &
Manufacturing Policy Newsletter
Hot Issues

Issue 23: July 2006

Dear Reader

Welcome to the latest edition of our Hot Issues Newsletter.

We have the pleasure in confirming that Dr Robert Sullivan will be joining us at the end of August 2006 as the new Director of MEMP. The team would like to wish Gerry Miles, all the best in his retirement. A message from the new Director will be published in the next Hot Issues edition.



In this edition we provide updates on the High Level Group on Energy, Environment & Competitiveness, Energy Supply and EU ETS.

Any new subject ideas for future issues of the newsletter can be sent to tony.mills@dti.gsi.gov.uk who would be happy to take these on board.

I would like to take the opportunity to thank those who have given us feedback on previous Hot Issue newsletters. Your comments and queries are much appreciated. Do continue to send us your feedback, as we like to know we are conveying the information our readers will find most useful. Feedback can be sent to Judith Williams, judith.williams@dti.gsi.gov.uk.

Should you wish to discuss issues affecting your sector please feel free to contact us. Your first port of call to arrange a meeting should be your relationship manager. Contact details are included in the newsletter (Last Page) should you need them.

*Materials, Engineering and Manufacturing Policy
Influence and Impact Team*

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Hot Issues

High Level Group on Energy Environment & Competitiveness

The High Level Group on Energy, Environment and Competitiveness (HLG EE&C) has now met twice (28th Feb and 2nd June), and submitted its first report advising the Commission to undertake actions in the following four areas:

- Functioning of EU electricity and gas markets.
- EU Emissions Trading Scheme
- Competitiveness of energy intensive industries
- Energy efficiency

The HLG EE&C is presently undertaking two work streams, one on 'Long-term energy futures for the European Union', and the second on 'Drivers for investment in innovative technology'. We expect the output of the current expert working groups to be discussed at the next HLG EE&C meeting (30th October), and form the basis of a further report containing recommended actions in these two fields.

Future areas which have been identified for the HLG to consider include; innovation and technology perspectives; removing environmentally harmful subsidies; natural resources and waste; and, better regulation.

The HLG EE&C is a strategic advisory group for the European Commission, as an important output of the European Commission's Industry Policy Communication (October 2005), and forms part of the EU's partnership for jobs and growth.

This does present a good opportunity to look long term and take forward the Better Regulation agenda. Specifically, this is to create the framework to encourage greater investment and technological development, so that competitiveness and environmental improvements (including clean, secure energy) go hand in hand.

The HLG EE&C aims to foster closer coordination between policy and legislative initiatives, and to contribute to creating a more stable and predictable regulatory framework. It will explore ways to unleash the growth potential of basic and intermediate product industries by further integrating competitiveness, energy and environmental policies. The group will also examine the links between industrial, energy and environmental policies to make sure that initiatives in each area are mutually compatible.

In addition to Günter Verheugen (European Commission Vice President responsible for Enterprise and Industry), the High Level Group also contains: Stavros Dimas (European Commissioner for Environment), Neelie Kroes (European Commissioner for Competition), Andris Piebalgs (European Commissioner for Energy), as well as representatives from industry and the civil society.

Alistair Darling, Secretary of State for Trade and Industry, has been invited to participate as one of the Member State representatives. Simon Edmonds, Deputy Director General of DTI's Business Group, is the UK Lead Official.

For further information, please contact: Tim Cullen (timothy.cullen@dti.gsi.gov.uk),
Telephone: 0207 - 215 - 1096.
The European Commission's web site for this High Level Group is
http://ec.europa.eu/enterprise/environment/hlg/hlg_en.htm

Energy Review

The Government's report on the Energy Review was released on 11 July 2006. The remit of this review was to examine the UK's progress against the medium and long-term 2003 Energy White Paper goals and consider options for further steps to achieve them.

The review is about putting the UK in a position to meet two major long-term energy challenges:

- The need to tackle climate change by reducing carbon dioxide emissions; and
- The need to deliver secure, clean energy at affordable prices, as we move to increasing dependence on imported energy.

The conclusions represent a large, evidence-based package of measures, which reflect the scale, and complexity of the challenges. The review reaffirms the Government's commitment to the UK's competitive energy market, and specifically includes a range of measures dealing with saving energy, cleaner energy and secure energy supplies. There will be the opportunity for industry to input further into the debate on some additional work streams, and we will keep you informed as and when these arise.

Details of the review and the review document can be accessed from the link below.

- **Website:** <http://www.dti.gov.uk/energy/review/page31995.html>
- **Contact:** Keith.avis@dti.gsi.gov.uk

Energy Supply

On 11 July the Government published a statement on the winter energy supply setting out actions that are being taken to prepare for winter 2006/07. This builds on the statement published on 16 May which gives an overview of the experiences from winter 2005/06 and the outlook for winter 2006/07.

The National Grid Winter Consultation Document update, published by Ofgem on 11 July, can be found on the Ofgem website below.

The second annual report to Parliament on the security of gas and electricity supplies in Great Britain as required under section 172 of the Energy Act 2004 was published on 11 July (please see weblink below).

The Business Energy Forum met for the first time on 5 July. This is a high-level group jointly chaired by the Secretary of State for Trade and Industry and Richard Lambert, Director General of the CBI. Its members include representatives from industry bodies including the EEF and the Energy Intensive Users Group. The first meeting of the Group agreed that Government and the business organisations would work together to ensure that efforts are co-ordinated and there is effective and regular communication in preparing for next winter.

The market is already responding to the need for more gas supply and storage by developing new infrastructure online for next winter, listed below. These projects could increase GB's gas import capacity by over 100mcm/day for this winter. The utilisation of facilities would however depend on technical and commercial factors.

- Full availability of the new Humbly Grove storage facility
- The new Langeled pipeline from Norway (first gas planned for the Autumn)
- Further expansion of the Belgium-GB Interconnector (completion planned for December 2006)
- The new BBL pipeline from the Netherlands to Bacton (first gas planned for +December 2006)
- New LNG import project into Teesside (subject to regulatory consents, planned for December 2006)

Fuel Switching – Last winter the Environment Agency wrote to PPC permit holders regarding the flexibility to switch. Any operator who wants fuel flexibility next winter, and has not already done so, should contact their EA site inspector now. The UK is a net exporter of Fuel oil and gasoil, the likely replacements to gas for those who fuel switch. However, as you would expect, the oil company logistics are planned in advance. Therefore, companies expecting to use either of these products should order in plenty of time.

The Met Office early indications forecast of 10 July (see weblink below) indicates that there is a 2 in 3 chance that the winter will be milder than average. (Last winter by contrast the forecast was that there was a 2 in 3 chance of a colder than average winter). Temperatures across Europe are likely to be normal or above normal this winter. This forecast implies that southern areas of the UK are likely to experience a milder season than last winter (where last year it was coldest relative to the long-term average). A mild winter is also signalled for northern Britain. The UK is also likely to experience a wetter winter than was the case last year.

This forecasting model uses a statistical method based on the sea-surface temperature pattern in the North Atlantic. The signal is not particularly strong, but statistically the method

offers good advice on two out of three occasions. The first official forecast will be issued by the Met Office in September when information from other forecast models becomes available.

The Government is not expecting an emergency situation to occur this winter. However, as part of proper contingency planning the Government has just published proposals to update the gas priority users arrangements. The consultation document can be accessed via the weblink below. The deadline for comments is **20 October 2006**. In support of the consultation exercise the Department of Trade and Industry will be holding a workshop on 13 September at the Conference Centre in 1 Victoria Street to provide industry with an early opportunity to raise some initial views on the consultation document. Places will be on a first come first served basis. Please email Renata.Williams@dti.gsi.gov.uk to register your interest in attending the workshop

For further information, please contact: Terry Martin (terry.martin@dti.gsi.gov.uk),

Weblinks

Parliamentary Written Statements on Winter Energy Supply and on need for additional gas infrastructure <http://www.dti.gov.uk/energy/energy-reliability/winter-supply/page32154.html>

National Grid Winter 06/07 Consultation Document –
<http://www.ofgem.gov.uk/temp/ofgem/cache/cmsattach/15693MainbodyJulyfinaldoc070706.pdf?wtfrom=/ofgem/work/index.j>

Secretary of State Second Report to Parliament on security of gas and electricity supplies in Great Britain - <http://www.dti.gov.uk/energy/energy-reliability/index.html>

Met Office - www.metoffice.com/corporate/pressoffice/2006/pr20060710.html

Consultation Document on proposals to update the gas priority users arrangements –
<http://www.dti.gov.uk/files/file32080.pdf>

Emissions Trading Scheme

The EU Emissions Trading Scheme (EU ETS) is a community-wide scheme established for trading allowances to cover the emissions of greenhouse gases from permitted installations. Along with a number of other sectors, steel production is captured by the scheme, as are any combustion plants that have an aggregated thermal input of over 20MW. Phase 1 of the Scheme runs from 2005 to 2007 and Phase 2 from 2008 to 2012.

Following the conclusion of the March consultation on the Phase 2 draft National Allocation Plan, the Secretary of State for the Environment announced some high level decisions on Phase 2 of the Scheme on 29 June. The cap will be 8 million tonnes of Carbon per year below business as usual projections, equivalent to a reduction of 29.3 Million tonnes CO₂. The UK will be submitting its National Allocation Plan to the European Commission during the summer. We will send those on the Hot Issues circulation list relevant links as soon as details are published. As with all other Member States the UK is required to make a Final Allocation Decision by the end of the year.

Industrial sectors allocations will continue to be allocated in line with projected business as usual. For the electricity supply industry as the sector is mainly insulated from international competition, this sector's allowances could therefore be set at a lower level as in Phase 1, and be subject to auctioning. The level of auctioning will be 7%. All installations in the UK may use project credits such as from Clean Development Mechanism or Joint Implementation projects to meet emissions up to 8% of their allocation.

Responses to an earlier consultation highlighted that further work may be possible to exclude certain small installations from the scheme. In order to address the concerns that have been expressed given the disproportionate costs of inclusions within the scheme in relation to their actual emissions, and on the basis of the Commission's revised guidance, the UK is considering excluding certain small installations from Phase II through using a "de minimis" threshold. The Government sought views on these new policy measures and the consultation closed on 28 July.

All effected installations should have now submitted verified emissions data to the appropriate Regulator. This information and the updated projections will feed into producing installation level allocations, which will be consulted on later in the Summer.

On 29 June, Government also announced the creation of a new joint Defra/DTI Environmental Transformation Fund that will provide a boost to investment in renewable energies and other green technologies aimed at reducing carbon emissions. Final details of the scale and scope of the Fund will be announced in the Spending Review for implementation, like the ETS, in 2008.

- Cap Announcement
<http://www.defra.gov.uk/corporate/ministers/statements/dm060629.htm>
- Consultation on Exclusion of Small Emitters
<http://www.defra.gov.uk/corporate/consult/euets-smallemitters/>
- Contact: keith.avis@dti.gsi.gov.uk or georgiana.glaysheer@dti.gsi.gov.uk

Other Issues

Improving Regulatory Impact Assessments

The Better Regulation executive is currently consulting on proposals to revise the Regulatory Impact Assessment process. It has published 'The Tools to deliver Better Regulation – Revising the Regulatory Impact Assessment: A Consultation'. The proposed revisions aim to increase the transparency of Impact Assessments so that the costs and benefits of new proposals are clearer and updated throughout the policy making cycle.

Closing date: **16 October 2006**

Copies of the consultation documents can be obtained on:
<http://www.cabinetoffice.gov.uk/regulation/ria/consultation>

Environmental Impact Assessments

The Department for Communities and Local Government is currently consulting on proposed amendments to Circular 02/99: Environmental Impact Assessment on screening guidance, recent case law and the incorporation of public participation requirements into EIA legislation. Text is being amended where necessary and old references updated. There is a simultaneous consultation on good practice guidance aimed at developers.

Closing date: **22 September 2006**

Copies of the consultation documents can be obtained on:
<http://www.communities.gov.uk/index.asp?id=1500995>

Energy Review Implementation – Nuclear Policy Framework

Having reached the position that nuclear has a future role, the Department has developed a proposal for a policy framework under which developers will be able to make proposals for new nuclear build. We are seeking views on this proposal:

A policy framework (including a nuclear "statement of need") in which national strategic and regulatory issues are most appropriately discussed through processes other than the planning inquiry.

The planning inquiry should focus on the relationship between the proposal and the Local plans, and local environmental impacts. The inquiry should weigh up these local issues alongside the national strategic or regulatory material considerations, which will already have been established. The inquiry should also examine the local benefits of the development and how specific local impacts of the construction and operation of the plant can be minimized.

It is the intention that the framework will be published in a forthcoming White Paper.

Closing date: **31 October 2006**

Copies of the consultation documents can be obtained on:

<http://www.dti.gov.uk/consultations/page32340.html>

Implementing the Directive 2002/96/EC and 2003/108/EC on Waste Electrical and Electronic Equipment in the United Kingdom (WEEE)

This consultation seeks views of business, manufacturers, retailers, producers and enforcement authorities on draft regulations implementing Directives 2002/96/EC and 2003/108/EC of the European Parliament relating to waste electrical and electronic equipment. This consultation does not seek views on the provisions of the Directive itself but on the UK's proposed interpretation of it.

The WEEE Directive is European environmental legislation. It is one of a small number of European Directives, which implement the principle of "extended producer responsibility". Under this principle producers are required to take responsibility for the environmental impact of their products, especially when they become waste. The WEEE Directive applies this in relation to electrical and electronic equipment (EEE).

The broad aim of the WEEE Directive is to address the environmental impacts of WEEE and to encourage its separate collection and subsequent treatment, reuse recovery, recycling and environmentally sound disposal.

The Directive seeks to improve the environmental performance of all operators involved in the lifecycle of EEE especially those dealing with WEEE. Accordingly sets certain requirements relating to the separate collection of WEEE, standards of its treatment at permitted facilities, and sets targets for its recycling and recovery.

Consultation Closes: **17 October 2006**

Copies of Consultation documents can be obtained at:

<http://www.dti.gov.uk/consultations/page32448.html>

REACH

REACH (Registration, Evaluation and Authorisation of Chemicals) is the proposed new EU Regulation of chemicals and other substances (including metals), adopted by the European Commission on 29 October 2003. It will replace and rationalise the current ad hoc regulatory framework for chemicals and other substances, repealing over 40 pieces of existing legislation. The primary aim of REACH is to gather information on the 30, 000 substances currently marketed in the EU above 1 tonne per year, the vast majority of which we currently know little about.

REACH is subject to the Co-decision process, whereby the Council (Member States) and the European Parliament first scrutinise the proposed regulation separately, and then seek to jointly agree a final package of provisions. The European Parliament delivered its First Reading of REACH on 17 November 2005. The Council achieved political agreement on 13 December 2005 under the UK Presidency (translated into a Common Position of the Council on 27 June 2006 following the standard legal-linguistic checks).

The next stage of the EU negotiations will be the European Parliament's Second Reading, due to take place in Autumn 2006. The Parliament and Council are already close on many issues, but there is a key difference of approach over how REACH should encourage the substitution of substances of very high concern (e.g. carcinogens). The Parliament favours mandatory substitution where suitable alternatives exist, while the Council supports a more risk-based approach.

Industry input into this next stage of the process is very much welcome, and we continue to work with the Metal industry REACH group to ensure views from the sector are adequately represented.

- **Websites:**

- <http://www.defra.gov.uk/environment/chemicals/reach/index.htm>

- **Contact:** necs@defra.gsi.gov.uk.

- **Contact:** Keith.avis@dti.gsi.gov.uk

Guidance on the Waste Incineration Directive (Edition 3)

Defra, in consultation with the Welsh Assembly Government, has produced guidance describing the scope, and regulatory and technical requirements of the Waste Incineration Directive. This is the third edition and includes changes made in response to comments made about the previous editions. It is aimed primarily at operators of incineration and co-incineration plant, regulators, waste producers and waste managers, all of whom will be affected by the implementation of the Directive.

Weblink to Guidance Document:

<http://www.defra.gov.uk/environment/ppc/wasteincin/pdf/wid-guidance-edition3.pdf>

Air Pollution: DEFRA Publishes consultation findings on better regulation

Defra has published the findings of its consultation on the first stage of the better regulation review of the local authority pollution, prevention and control regime.

The consultation, which closed on 19 May, was conducted by Defra, the Scottish Executive and the Welsh Assembly Government and sought views on draft criteria for assessing the scope for simplifying or employing alternative regulatory approaches. The finalised criteria and the comments made will now be taken forward as part of the second stage of the review.

The second stage of the review will include an evidence-based assessment taking account of comments received and looking at the wider implications for human health and environmental protection. Key interested parties will be involved and a draft Regulatory Impact Assessment will be produced before a second consultation, including the draft RIA, is published in 2007.

Further information is on Defra's Pollution Prevention and Control webpage under the heading 'Other information' and the sub-heading 'Review of the regulatory approach to some "Part B" activities' at:
<http://www.defra.gov.uk/environment/ppc/policy.htm>

Proposal to Amend Non-Fossil Fuel Obligation Contracts for Municipal and Industrial Waste Projects with Combined Heat and Power

A limited 6 week consultation on technical changes to Non Fossil Fuel Obligation contracts issued under rounds 4 and 5 to Municipal Industrial Waste with Combined Heat and Power generators.

Closing Date : **22 August 2006**
Copies of the Consultation Documents:
<http://www.dti.gov.uk/consultations/page31914.html>

Consultation on Pensions White Paper

The proposals set out in 'security in retirement: towards a new pensions system' are informed by an extensive programme of Government consultation with key stakeholders and the National Pensions Debate involving nearly 10,000 members of the public in face-to-face debate and via the website.

Comments are welcome on any aspect of the proposals.

Closing date for comments is: **11 September 2006**

You can email your response to : pensions-white-paper@dwp.gsi.gov.uk

Copy of the proposals can be obtained from:

<http://www.dwp.gov.uk/pensionsreform/consultation.asp>

Implementing the new Electromagnetic Compatibility (EMC) Directive 2004/108/EC in the United Kingdom

This consultation seeks views of businesses, manufacturers, retailers, producers and enforcement authorities on draft regulations implementing Directive 2004/108/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to electromagnetic compatibility and repealing Directive 89/336/EEC. This consultation does not seek views on the provisions of the Directive itself but on our proposed interpretation of it.

Directive 2004/108/EC regulates the electromagnetic compatibility (EMC) of both apparatus and fixed installations. The Directive aims to reduce the regulatory burden on manufacturers as compared to the previous Directive. Notified Body involvement will be voluntary. There are new regulatory requirements for fixed installations.

Consultation closes: **3 August 2006:**

Consultation documents can be obtained at -

<http://www.dti.gov.uk/consultations/page28218.html>

EU Battery Directive

On 2 May 2006 the Council and the European Parliament succeeded in reaching agreement on a new Batteries Directive in the Conciliation Committee.

The agreement must now be endorsed by the wider Parliament and Council. It is anticipated that this will take place in July 2006.

- **Website:** www.dti.gov.uk/sustainability/ep/batteries.htm
- **Contact:** paul.creary@dti.gsi.gov.uk

Consultation on emissions and end of series requirements for road vehicles

Draft regulations implementing 2 EU directives ensuring that emission standards for heavy vehicles are sustained over their useful life and changing 'end of series' requirements for certain vehicles. Published: 24 May 2006. Revised 12 July 2006 to include draft regulatory provisions for implementation of directive 2006/51/EC which also relates to heavy vehicle emissions.

Closing date : **10 August 2006**

Consultation Document can be obtained on:

http://www.dft.gov.uk/stellent/groups/dft_roads/documents/divisionhomepage/611727.hcsp

Industry Support

Manufacturing Advisory Service (MAS)

The Manufacturing Advisory Service (MAS) aims to address the practical needs of British manufacturers by delivering hands-on advice and assistance from experts in a wide range of manufacturing disciplines.

MAS recently celebrated its fourth birthday and can justly be proud of its achievements to date. Delivered by manufacturers for manufacturers, and funded through the Regional Development Agencies, the service is focused on delivering real bottom-line results for manufacturing firms. In the short time since it was established, MAS has responded to almost 80,000 enquiries and requests for help from manufacturing firms; its experts have carried out 14,000 free, on-site reviews; and through its in-depth project work the service has generated over £200 million of added value for UK manufacturing firms.

For further information about the services offered by MAS, go to the MAS national website www.mas.dti.gov.uk or get in touch with your local MAS Regional Centre direct by calling the MAS helpline number 0845 658 9600.

MATERIALS UK

Materials UK is the new body established by the materials community to take forward the recommendations of the Materials Innovation and Growth Team (Mat IGT), which were published in March this year. The organisation has now been registered as a company limited by guarantee and it is currently in the process of selecting its first Chief Executive Officer. Wyn Jones, Chairman of Alcan UK, chaired the Materials IGT and will continue in this role for Materials UK for the next year.

Five working group have been established to take ownership of the various strands of the Materials IGT strategy:

- Materials in Energy
- Education and Skills
- Policy and Regulation
- Science and Technology
- Construction

These working groups will report directly to the Executive Board of Materials UK, which will comprise elected directors from materials suppliers, users and representative bodies. DTI, Defra, EPSRC, etc will sit as observers.

Key current areas of work for Materials UK include:

- Development and publication of a Materials Youth Report to raise awareness amongst 11-14 year olds of the materials industry and the career opportunities it provides.
- Establishment of an R&D assets register - Assets Connect - aimed at optimising the UK's research base through better utilisation of its R&D assets.
- Scoping work for a Materials Property Validation Centre.

Materials UK is also working closely with the newly formed Materials Knowledge Transfer Network (Materials KTN) on a number of technology/innovation related areas highlighted for action in the final report of the Materials IGT.

For further information on Materials UK or the work of the Materials Innovation and Growth Team, please see the Materials UK website: <http://www.matuk.co.uk/> or contact Nick Morgan at the Department of Trade and Industry on 020 7215 1105, E-mail: nick.morgan@dti.gsi.gov.uk

Materials, Engineering and Manufacturing Policy (Contacts)

Director
0207 215 1474
Director PA – Noreen Moriarty 0207 215 1178 Noreen.Moriarty@dti.gsi.gov.uk

Manufacturing Strategy	Manufacturing Policy	Relationship Management
Deputy Director Keith Hodgkinson 0207 215 1094 Keith.Hodgkinson@dti.gsi.gov.uk	Deputy Director Martin Berry 0207 215 2927 Martin.Berry@dti.gsi.gov.uk	Deputy Director Brian Greenwood 020 7215 1298 Brian.Greenwood@dti.gsi.gov.uk
Matt Faultless Manufacturing Forum Secretariat 0207 215 0876 – Mob 07793 447285 matt.faultless@dti.gsi.gov.uk	Dave Courtney Executive Co-ordinator -Manufacturing Advisory Service 020 7215 1490 Dave.Courtney@dti.gsi.gov.uk	Sandy Grom Relationship Manager- Paper, Print and Metals 020 7215 2963 Sandy.Grom@dti.gsi.gov.uk
Russell Kerr Senior Policy Advisor- Manufacturing Forum 020 7215 1296 R.Kerr@dti.gsi.gov.uk	Materials Innovation & Growth	Simon Greaves Relationship Manager – Metals and Engineering simon.greaves@dti.gsi.gov.uk Tel: 01132 338241
Matt Kelly Senior Policy Advisor Manufacturing Forum 0207 215 1974 matt.kelly@dti.gsi.gov.uk	Nick Morgan Assistant Director, Materials Innovation & Growth team Engineering 0207 215 1105 nick.morgan@dti.gsi.gov.uk	Demos Demosthenous Relationship Manager – Furniture, Industrial Minerals 020 7215 1890 Demos.Demosthenous@dti.gsi.gov.uk
Stuart Barthropp Senior Policy Advisor, Manufacturing Forum 020 7215 1898 Stuart.Barthropp@dti.gsi.gov.uk	Robert Quarshie Chief Analytical Advisor Materials Technology 0207 215 1563 Robert.Quarshie@dti.gsi.gov.uk	Ashley Rosengarten Relationship Manager – Engineering and Metals 0161 952 4308 Ashley.Rosengarten@dti.gsi.gov.uk
Influence and Impact Team (IIT) Terry Martin Assistant Director 0207 215 1102 Terry.martin@dti.gsi.gov.uk	Denton Robinson Information Manager - Matrix 0207 215 1467 Denton.robinson@dti.gsi.gov.uk	David Robinson Relationship Manager – Technical textiles 0161 952 4193 David.Robinson@dti.gsi.gov.uk
Keith Avis Assistant Director, Metals Policy 0207 215 1455 keith.avis@dti.gsi.gov.uk	Sagitta Fernando 0207 215 1088 Sagitta.Fernando@dti.gsi.gov.uk	
Tim Cullen Senior Policy Advisor 020 7215 1096 Timothy.Cullen@dti.gsi.gov.uk		
David Williams Senior Policy Advisor- environmental issues 020 7215 1357 David.Williams@dti.gsi.gov.uk	Georgiana Glaysher Senior Policy Advisor 0207 215 4121 Georgiana.Glaysher@dti.gsi.gov.uk	
Tony Mills Senior Policy Advisor 020 7215 1512 Tony.Mills@dti.gsi.gov.uk		
Judith Williams MEMP Administrator 0207 215 6517 judith.williams@dti.gsi.gov.uk		
Annie Norgrove Assistant Director: Cox Review & Design Council 0207 215 1637 annie.norgrove@dti.gsi.gov.uk		