

Materials and engineering Hot Issues. Issue 7: September 2003.

URN No: 03/415e

Dear Reader,

Thank you for taking time to look at our latest newsletter. Issues in this edition include: Emissions Trading, Waste Prevention and Recycling, Landfill Directive and DTI Business Support.

The purpose of this newsletter is to stimulate a two-way dialogue on issues where there is an opportunity to influence the policy process and also to alert you to some of the issues which are likely to arise over the coming months. Working with you on these policy issues allows us to present more robust evidence of the potential impact on your company/sector, which in turn makes us more effective in influencing the policy debate.

Suggestions for subjects you wish to be covered in future issues are always welcome. Please e-mail Ambert.Prosper@dti.gsi.gov.uk. If you would find it helpful, the Influence and Impact Team is happy to meet you to discuss the issues impacting on your company/sector. Please contact your relationship manager to arrange a convenient time.

The Hot Issues newsletter, along with previous editions, is also available on the DTI website at www.dti.gov.uk/materials-engineering/index.htm.

DTI Strategy

The Department published its Strategy on 18 September. It brings sharper focus to our activity to raise UK productivity and sets the Department's key priorities for the next 5 years. The Strategy is founded on rigorous analysis of the UK's economic and productivity performance and a companion paper detailing this has also been published. Both documents are available from the DTI website at www.dti.gov.uk/about/strategy2003.html.

Terry Martin
Assistant Director, Influence and Impact Section
Materials and Engineering Sector Unit

Issue: Emissions Trading Scheme

Main Points:

The EU Emissions Trading Scheme (EU ETS), one of the policies being introduced across Europe to tackle emissions of carbon dioxide and other greenhouse gases, will begin from 1 January 2005. In line with this, Member States must submit a National Allocation Plan (NAP) to the European Commission by 31 March 2004.

Detailed background on the scheme, updates, announcements and contacts can be found on the Defra website at the link below. If the scheme affects you please take the time to look and keep up to date with developments through this site. There are many work strands attached to this complex legislation, but two key issues worthy of consideration at this juncture are:

On 5th September 2003 - Defra launched a public consultation on the UK's draft implementing regulations for the EU ETS. Important issues such as individual allocations and the level of the overall cap are not addressed (these will be covered in a separate consultation in December), but there are still some key decisions being taken here, such as the mechanics for exclusion, treatment of new entrants and issues regarding enforcement. More details can be found via the Defra website, at the link below. You can either respond to the consultation through your MESU contact or directly to Defra. Either way, we would very much wish to be aware of your comments.

Another key piece of work currently being carried out by Defra is the identification of all installations in the UK that are likely to be covered by the EU ETS. It is vital that, prior to the submission of the NAP to the European Commission, relevant installations have been identified. Defra have written to the installations for which they have records, describing what business should be doing now to prepare for the EU ETS. If you have not received a letter but have reason to believe that you might be covered by the EUETS you need to let Defra know. Most importantly, this will allow you to be given an allocation before the scheme starts. Again, details of the action you need to take can be accessed via the Defra website link. You should then click on "Identification of Installations" from the individual headings.

Deadline for input: As per separate work streams

Hot links (to further information/consultation documents):

<http://www.defra.gov.uk/environment/climatechange/trading/eu/index.htm>

Contact us at: Keith.Avis@dti.gsi.gov.uk

Issue: Landfill Directive Waste Acceptance Criteria
Consultation Paper

Main Points:

Defra has issued a consultation paper seeking views on the proposed amendments to the Landfill (England and Wales) Regulations 2002 to implement the Waste Acceptance Criteria contained in Council Decision 2003/33/EC and on a partial

Regulatory Impact Assessment.

In particular, the consultation seeks views on whether the Waste Acceptance Criteria (WAC) for new and hazardous waste landfills should be introduced in July 2004 or July 2005 and on whether the UK should take advantage of the risk assessment option.

If the WAC are not introduced until July 2005 then the Government proposes to deal with the interim year by:

- controlling the acceptance of hazardous waste at previous co-disposal sites by application of site specific assessments between July 2004 and July 2005; and thereafter
- by restricting subsequent deposits of hazardous waste to landfill cells that are separate from previously deposited waste and that only accept treated waste that meets the full WAC.

The Government's preferred approach is July 2005 and to take advantage of the risk assessment option, but possibly as a limited interim measure relating to sulphate and chloride leaching from a range of wastes where it would be extremely difficult to meet the full WAC in the short term.

Responses to the consultation should be sent to landfill.policy@defra.gsi.gov.uk and copied to the contact below.

Deadline for input: 17 December 2003.

Hot links (to further information/consultation documents):
www.defra.gov.uk/corporate/landfill-regs/index.htm

Contact us at: Terry.Martin@dti.gsi.gov.uk

Issue: Working Time Directive – Excluded Sectors – Updated Sept

Main Points:

A number of sectors - road, rail, air, sea, inland waterway and lake transport, sea fishing, "other work at sea" (essentially offshore oil and gas exploitation) and the activities of doctors in training - were excluded from Working Time Directive 93/104 (WTD) when it came into force in October 1998, because the Commission and member states agreed that these sectors would require their own special rules. Five measures to extend Working Time to these sectors have now formally been adopted. The main proposal, the Horizontal Amending Directive was implemented by the Working Time (Amendment) Regulations which came into effect on 1 August 2003.

Working Time (Amendment) Regulations 2003

The Regulations extend working time measures in full to all non-mobile workers in the previously excluded sectors and to all workers in the rail, aviation and offshore sectors. Mobile workers in road transport who are not subject to European Drivers' Hours rules are entitled to more limited measures:

- (1) an average 48 hour working week;
- (2) 4 weeks paid annual leave;
- (3) health assessments if a night worker;
- (4)adequate rest.

Deadline for input: Ongoing

Hot links (to further information/consultation documents):

http://www.dti.gov.uk/er/work_time_regs/exsectors.htm

Contact us at: Ambert.Prospier@dti.gsi.gov.uk

Issue: Defining Innovation – Government Consultation on R&D Tax Credits

Main Points:

Thank you to those of you who have copied us your response on this consultation. There is still time to submit your comments.

'Defining Innovation' consults on:

- Revising the current definition of R&D for tax purposes so as to provide greater clarity and certainty for companies;
- Exploring areas where the definition might be extended, such as design, to take account of the full range of innovative activities carried on by companies: and
- Providing greater certainty over what constitutes 'consumable stores' for tax credit purposes; the extension of credits to include expenditure on licences for advanced software; and the definition of 'qualifying bodies' (to which large companies can sub-contract R&D).

The R&D tax credit is an integral part of the Government's strategy to improve productivity growth in the UK. The consultation on the definition of R&D will complement broader policy development to support innovation and growth by UK businesses, including the Lambert Review on business-university collaboration, and the DTI Innovation Review. These will both report by the Autumn.

Responses to the consultation (which can be accessed by the weblink below) should be sent to rdconsultation@hm-treasury.gov.uk no later than 10 October 2003. Please copy your response to Terry Martin (see below)

Deadline for input: 10 October 2003

Contact us at: Terry.Martin@dti.gsi.gov.uk

Issue: European Commission Communication on Waste Prevention and Recycling

Main Points:

As reported in the July issue, the European Commission has adopted a Communication towards a thematic strategy on the prevention and recycling of waste. Some of the issues the Commission is seeking comments on are set out below:

Fixing quantitative targets for waste prevention

The Commission suggest several potential measures:

- Waste Prevention Plans – the Commission could encourage the involvement of industry sectors and individual companies in the development of such plans, which would include concrete measures
- Low-waste Production Techniques – the Commission could ensure that these are used by European industry
 1. Diffusing Best Practice – the Commission could identify the most effective national strategies and broaden them to EU level

Use market forces to recycle more

The Commission suggest that EU recycling policy could be improved in several ways, including:

- Setting recycling targets for materials
- Getting the prices of the different waste streams right. This could be corrected through tradable certificates, co-ordination of national landfill taxes, promoting pay-as-you-throw schemes and making producers responsible for recycling.
- Ensuring recycling is both easy and clean. In some cases, implementation of EU waste law may have led to unnecessary burdens on the recycling industry. The problems need to be identified and solved.

The Commission also invites views on the definition of waste set out in the Waste Framework Directive. The Communication can be accessed via the weblink below. All stakeholders are invited to provide comments to the Commission, copied to the contact below, before 30 November 2003. The Commission will take these into account when the Thematic Strategy is drafted. It is expected to be presented in 2004.

Deadline for input: 30 November 2003

Hot links (to further information/consultation documents):



The Commission Communication is available from
<http://europa.eu.int/comm/environment/waste/strategy.htm>

Contact us at: Terry.Martin@dti.gsi.gov.uk

Issue: European Commission Communication on Waste Prevention and Recycling

Main Points:

The European Commission has adopted a Communication towards a thematic strategy on the prevention and recycling of waste. The Communication launches a broad consultation exercise on how to avoid generating waste, how to reduce the use of resources, and which waste to recycle. Some of the issues the Commission is seeking comments on are set out below:

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- Waste Prevention Plans – the Commission could encourage the involvement of industry sectors and individual companies in the development of such plans, which would include concrete measures
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- Diffusing Best Practice – the Commission could identify the most effective national strategies and broaden them to EU level

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Contact us at: Terry.Martin@dti.gsi.gov.uk

Issue: Sustainable Consumption and Production

Main Points:

'Changing Patterns: UK Government Framework for Sustainable Consumption and Production' was launched by Stephen Timms, DTI Minister for Energy and Lord Whitty, Defra on Thursday 25 September at an event organized by the Associate Parliamentary Sustainable Waste Group.

This framework document is the starting point for the UK Government's long-term programme to deliver commitments made at last year's World Summit on Sustainable Development.

'Changing Patterns: UK Government Framework for Sustainable Consumption and Production can be viewed at: - www.defra.gov.uk/environment/business/scp or www.dti.gov.uk/sustainability/scp

And is available in hard copy format from: Defra Publications, Admail 6000, London SW1A 2XX, Tel: 08459 556000, Fax: 020 8957 5012, Email: defra@iforcegroup.com

Deadline for input: Ongoing

Hot links (to further information/consultation documents): www.defra.gov.uk/environment/business/scp or www.dti.gov.uk/sustainability/scp

Contact us at: Terry.Martin@dti.gsi.gov.uk

OTHER ISSUES

The following are some of the other ongoing issues. Should you need further information please email the contacts below:

EU Environmental Liability Directive

Framework political agreement was reached at June 13 Environment Council on a number of contentious aspects of the Environmental Liability Directive; this was despite early UK concerns about reaching political agreement on the Directive at this stage. The UK was able to take the opportunity to ensure our key concerns were addressed:

- A compulsory financial security regime has been avoided, with a voluntary approach agreed instead.
- A form of permit and 'state of the art' exception has also been agreed

These specific outcomes represent a far better result than could have previously been envisaged. We hope you will welcome this more pragmatic approach to ensuring remediation of environmental damage. We will keep in contact with you as we progress towards the second reading in European Parliament. It is expected the second reading will take place in early 2004.

Contact: Terry.Martin@dti.gsi.gov.uk

Websites: Environment Council minutes:

<http://ue.eu.int/newsroom/loadbook.asp?BID=89&LANG=1>

DG Environment site:

<http://europa.eu.int/comm/environment/liability/>

EU Physical Agents (Electromagnetic Fields) Directive

The Danish Presidency of the European Union introduced a proposal for a Physical Agents (Electromagnetic Fields (EMF)) Directive on 17 December 2002. The Danish proposal has been carried forward under the Italian Presidency, which began on 1 July 2003.

The Italian Presidency is keen to progress with this proposal and negotiations remain ongoing. For further information please contact the following:

Contact: Kirsty.Marshall@hse.gsi.gov.uk

Website: <http://www.hse.gov.uk>

EU Groundwater Directive

On 19 September the European Commission adopted a proposal for a new Directive to protect groundwater from pollution – COM (2003) 550 final. It introduces monitoring requirements and quality objectives, obliging Member States to monitor and assess groundwater quality and to identify and reverse trends in groundwater pollution. The Commission's proposal can be accessed from the weblink below.

Contact: Terry.Martin@dti.gsi.gov.uk

Website: http://europa.eu.int/eur-lex/en/com/pdf/2003/com2003_0550en01.pdf

Employers Liability Compulsory Insurance

Following its review of employers liability compulsory insurance, the Department for Work and Pensions published its report on 3 June. The report and supporting documents can be accessed via the links below.

The Association of British Insurers (ABI) recently launched an initiative, Making the Market Work, to improve the operation of the Employers Liability market. Under the initiative, trade associations and other similar bodies can submit details of their health and safety schemes to an ABI Joint Standing Committee. The Committee will report back to the trade association with a specific assessment of their scheme, together with any suggested improvements. Once completed, details of the assessment will be sent by the ABI to all ABI members writing Employers Liability insurance. Insurers will take this information into account when assessing the risk from firms who belong to that particular trade association health and safety scheme.

Contact: Terry.Martin@dti.gsi.gov.uk

DWP Review:

http://www.dwp.gov.uk/publications/dwp/2003/elci/dw2583_employers_review.pdf

ABI Making the Market Work initiative –
www.abi.org.uk/newsreleases/viewNewsRelease.asp?nrid=720

EU Temporary Agency Workers Directive

The Commission published its proposal on 20 March 2002 – discussions continue within Europe on the final form of the Directive. It has the broad aim of improving the quality of Temporary Agency Workers by requiring that they be treated no less favourably than comparable permanent workers in the user enterprise to which the temporary worker is assigned.

Contact: Ruth.Catchpole@dti.gsi.gov.uk

Website: <http://www.dti.gov.uk/er/agency/directive.htm>

EU Integrated Pollution Prevention & Control Directive

As reported in the July edition, the European Commission issued a Communication on this Directive on 19 June 2003, which could lead to a proposal to amend the Directive in 2004. The UK Government has now responded to the Communication. The UK response can be viewed via the weblink below.

Contact: Terry.Martin@dti.gsi.gov.uk

Website:
<http://www.defra.gov.uk/environment/ppc/cipp.htm>

Information & Consultation (I&C) Directive

This EC directive will give employees in larger organisations (with 50+ employees) new rights to be informed and consulted on workplace issues which are likely to affect them and must be implemented by March 2005. On 7 July the Government launched a major consultation, which will run until 7 November 2003 and hope to be able to finalise the legislation by mid-2004, well before it comes into force.

Contact: iain.adlington@dti.gsi.gov.uk

Website:
<http://www.dti.gov.uk/er/consultation/proposal.htm>

Dispute Resolution Regulations

The Employment Act 2002 established a framework for resolving employment disputes in the workplace – the Government proposes to fully implement these procedures in 2004.

The consultation document covers the Government's proposals for the Employment Act 2002 (Dispute Resolution) Regulations ('the Dispute Resolution Regulations').

The Government firmly believes in commitment and partnership in the workplace. Resolving disputes between employers and employees is an important part of this objective. The consultation document with draft Regulations and Regulatory Impact Assessment is available from the weblink below. The closing date for response is 29 October 2003.

Contact: Alicia.Law@dti.gsi.gov.uk

Website: www.dti.gov.uk/er/hot_topics.htm

EU Chemicals Legislation: UK Government Response

The Government has issued its response to the European Commission's Internet consultation on draft legislative proposals for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The Government continues to support the overall aims of this policy, but considers a number of significant changes are required to ensure the proposals are workable. The Government response can be accessed from the website below.

Contact: giulia.musto@defra.gsi.gov.uk

Chris.mee@dti.gov.uk

Website:

http://www.defra.gov.uk/environment/chemicals/reach/eu_resp.htm

LATEST NEWS: The Commission is working towards the legislation being adopted by the end of October 2003. This should include a number of amendments based on the results of the Internet consultation.

EU Water Framework Directive (WFD)

The Water Framework Directive is the most substantial piece of EU water legislation to date and will affect those businesses who utilise water in their day-to-day business, such as holders of an abstraction licence or discharge consent permit. It requires that we aim to achieve "good water status" by 2015. The third and final consultation paper on transposing the Directive into national legislation in England and Wales was published by Defra and the Welsh Assembly on 4 August. The consultation can be accessed via the weblink below. The deadline for comments to is 27 October 2003.

Contact: terry.martin@dti.gsi.gov.uk

<http://www.defra.gov.uk/corporate/consult/waterframe3/index.htm>

EU Integrated Product Policy Directive

As reported in the July Hot Issues, on 18 June the European Commission adopted a Communication on Integrated Product Policy (IPP), outlining its strategy for reducing the environmental impact caused by products. IPP represents a new approach and puts emphasis on 3 dimensions:

- Life-cycle thinking - when pollution reduction measures are identified, consideration is given to the whole of a product's life-cycle from cradle to grave;
- Flexible - as to the type of policy measure to be used, working with the market where possible;
- Full stakeholder involvement

The Commission Communication is available from the website below. The Commission has also invited proposals for the Pilot Products Exercise within the framework of the IPP Communication. It is likely that there will only be a maximum of two projects running initially. The deadline for submissions is 31 October 2003. Further details can be obtained from the 2nd weblink below.

Contact: Steven.Andrews@dti.gsi.gov.uk

Website:

<http://europa.eu.int/comm/environment/ipp/ippcommunication.htm>

<http://europa.eu.int/comm/environment/ipp/qa.pdf>

European Commission proposals for an eco-design for Energy-using Products (EuP) framework Directive

The European Commission has adopted a proposal for a framework Directive on the eco-design of energy-using products, such as electrical and electronic devices or heating equipment. The proposal does not introduce directly binding requirements for specific products, but does define conditions and criteria for setting requirements regarding environmentally relevant product characteristics (such as energy consumption).

The new proposals combine and replace two previous EC initiatives – the EEE (eco-design for Electrical & Electronic Equipment) Directive and the EER (Energy Efficiency Requirements) proposals.

The Commission's proposal can be accessed from the weblink below or from the DTI's sustainability website.

Contact: Steven.Andrews@dti.gsi.gov.uk

Website:

http://europa.eu.int/comm/enterprise/eco_design/index.htm

UK consultation on Solvents Emissions Directive (SED)

On 1st August Defra published the consultation document on the implementation of the final elements of the EU 'Solvent Emissions Directive' 1999/13/EC. The Directive was transposed in the UK through existing environmental legislation in 2000, but those facilities not covered by the Environmental Protection Act (1990) Part 1 and the Pollution Prevention Control (PPC) Regulations (2000) will now be regulated under the proposed legislation. Sectors that will be newly regulated include paint workshops and drycleaners.

The consultation document is seeking views on the Government's approach to implementing Directive 1999/13/EC on "the limitations of volatile organic compounds due to the use of organic solvents in certain activities and installations" – also known as the "Solvents Emissions Directive".

Also included with the consultation paper is a Regulatory Impact Assessment and draft implementing Regulations. The deadline for the consultation responses is 10.00am on Monday 13 October.

Further information on the consultation paper should be referred to Miss Rhonda Scobie, Defra, email: rhonda.scobie@defra.gsi.gov.uk

Contact: Imogen.Reid@dti.gsi.gov.uk

Website:

<http://www.defra.gov.uk/corporate/consult/solvemissions/consultdoc.pdf>

FORTHCOMING CONSULTATIONS

The following are some of the forthcoming consultations that may appear within the next few months. Should you wish to be added to the consultation list please email the contacts below:

Road Transport Directive

The Road Transport Directive (RTD) was formally adopted on 23 March 2002. Mobile workers subject to the RTD, will be entitled to the paid annual leave and health assessment provisions of the Horizontal Amending Directive, as these have been omitted from the Directive. The RTD which details breaks, rest periods and working time of HGV drivers is due to be implemented in March 2005. The self-employed have been excluded from the Directive for the time being. The consultation document should be launched at the end of October 2003.

Contact: Ian.Timpson@dft.gsi.gov.uk

EU Physical Agents (Vibration) Directive

The Directive, which came into force on 6 July 2002, lays down minimum standards for the health and safety of workers exposed to hand-arm and whole body vibration. The UK & other Member States have three years from the aforementioned date to implement the Directive. The consultation documents will be published in November 2003. Further information on the consultation and the timetable for implementation can be found on the Health & Safety Executive (HSE) website.

Contact: graeme.royal@hse.gsi.gov.uk

Website: <http://www.hse.gov.uk/vibration/issues.htm>

Draft EU Batteries Directive

A new batteries directive proposal is expected to issue by December 2003. The Commission is currently undertaking an impact assessment having consulted industry widely earlier this year. Over 120 responses were received and are listed on the Europa website.

Contact: John.Lowndes@dti.gsi.gov.uk

Website:

www.europa.eu.int/comm/environment/waste/batteries/stakeholder_consultation_notice.htm

INDUSTRY SUPPORT

Issue: DTI Business Support

Main Points:

Earlier this year, DTI launched the first four new business support products. These are primarily aimed at SMEs and mostly encompass elements of current successful schemes:

Grant for Research and Development;

Grant for Investigating an Innovative idea;

Small Firms Loan Guarantee;

Knowledge Transfer Partnerships,

Businesses can access these products via their local Business Link Organisation.

As well as launching four new products DTI also recently launched 3 more sector-specific "projects". In future, such projects are likely to be developed within the new product framework.

Initiative to promote development in metals technology industries;

Supply Chain Groups;

Nanotechnology;

Six more new products will become available from next April. Together with those already released, these will form the complete package of DTI business support. They include:

Support for knowledge transfer networks to enable businesses to manage technological opportunities better;

Support for business research and development through collaboration:

Support to disseminate new and existing best practice;

Support to implement best practice activities;

Small Business Investment Companies (SBIC);

Support for capital investment in the regions;

Through the coming months DTI will be working up the design of each product, together with its method of delivery, administration, launch, marketing and communications. We are keen to ensure that stakeholder views are taken fully into account. Our Sector Teams will be working closely with Business Support colleagues to ensure that they understand industry needs, have clear guidance on the most suitable support and build in appropriate mechanisms to

ensure that businesses can access that support with ease.

The timetable for developing these new products is tight. We have set up an externally appointed Investment Committee, chaired by Fields Wicker-Miurin who has significant experience of business management and strategy, international finance, innovation and early stage technology businesses in the USA, UK and Europe. This Committee will help drive the process forward while ensuring that the creation of new business support products is only considered where a strong business case is made, with clear objectives and measures of success, and a clear rationale for Government intervention.

A key part of our work to restructure the Department's business support activities is about making the delivery of our business support clearer and simpler. We have made an important start with the Business Support Directory, improving the way that customers can access information. If you have not already seen the directory, you can find it at <http://www.businesslink.org> But we also want to make sure that we make full use of our existing communications channels so that all businesses find it easy to get information about business support. To make sure they can, we have been working closely with the Business Link network, with RDAs – both on the design of our new products and the alignment of national and regional support – and with DTI Sector Units.

Deadline for input: Ongoing

Hot links (to further information):
<http://www.businesslink.org/support>

Contact us at: Ambert.Prospier@dti.gsi.gov.uk

QUEENS AWARD FOR ENTERPRISE

Top performing companies across the UK are being urged to apply now for the 2004 Queen's Award for Enterprise.

Any type of business unit can apply for a Queen's Award in one or more of three categories: International Trade, Innovation and Sustainable Development. Minimum requirements are that entrants employ at least two people, are UK-based and are high achievers in their field.

Closing dates for applications to be received for The Queen's Awards 2004 is midnight on 31 October 2003. Winners will be announced on 21 April 2004. Full details of the criteria under each category, as well as information on how to apply, can be found on The Queen's Awards website <http://www.queensawards.org.uk>

HOT ISSUES COMMENT FORM

HOT ISSUE TITLE(S):

COMMENT(S):
(Including likely impact of proposals on your company/sector)

Name:
Title:
Company Name:
Address:

Tel:
Fax:

Date:

PLEASE EMAIL FORM TO Ambert.Prospers@dti.gsi.gov.uk OR
ALTERNATIVELY FAX FORM TO MESU ON 020 7215 3773

