

## Materials and engineering Hot Issues. Issue 8: November 2003.

URN No: 03/415f

This is the November 2003 issue of Hot Issues

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, is due to 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.

Defra will shortly be launching a public consultation on the National Allocation Plan which will cover individual allocations. We will circulate further details to those on the Hot Issues distribution list as soon as the consultation is published.

Defra's consultation on the UK's draft implementing regulations for the EU ETS covering issues such as the mechanics for exclusion, treatment of new entrants and issues regarding enforcement has now closed. We are grateful for all your responses to this. Indeed the views you have expressed have been reflected in our input into the policy making process.

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](mailto:Keith.Avis@dti.gsi.gov.uk) [Emma.Briggs@dti.gsi.gov.uk](mailto:Emma.Briggs@dti.gsi.gov.uk)

Issue: Landfill Directive Waste Acceptance Criteria Consultation Paper

Main Points:

As pointed out in the September Edition, 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 (WAC) contained in Council Decision 2003/33/EC and on a partial Regulatory Impact Assessment.

In particular, the consultation seeks views on whether the 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](mailto: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](http://www.defra.gov.uk/corporate/landfill-regs/index.htm)

Contact us at: [Terry.Martin@dti.gsi.gov.uk](mailto:Terry.Martin@dti.gsi.gov.uk)

Issue: 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. This will now go to the European Parliament for its 2<sup>nd</sup> reading in the week beginning 15 December.

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/>

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

Issue: EU Chemicals Legislation - REACH

Main Points:

On 29 October, the European Commission adopted a proposal for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The aims of the proposed new Regulation are to improve the protection of human health and the environment while maintaining the competitiveness and enhancing the innovative capability of the EU chemicals industry. REACH would furthermore give greater responsibility to industry to manage the risks from chemicals and to provide safety information on the substances.

The Government continues to support the overall aims of the policy, although concerns about the workability of the European Commission's original draft proposals were raised in a number of areas. Various changes have subsequently been made by the Commission, resulting in an estimated reduction of the expected costs by some 10 billion Euros. It is well recognised that REACH does impact on many within the Materials and Engineering sector and we will wish to feed your views into the policy making debate.

The European Commission proposals can be found at the link below. There remains the opportunity for industry to lobby within Europe through MEPs and European Trade Associations, but please also be aware that there will be a UK consultation, probably in January, where industry will have the opportunity to offer views, particularly on issues such as the exemption criteria. We will ensure that those on the Hot Issues mailing list receive details of the Consultation Document as soon as it is published.

Deadline for input: 17 December 2003.

Hot links (to further information/consultation documents):

<http://europa.eu.int/comm/enterprise/chemicals/chempol/whitepaper/reach.htm>

Contact us at: [Keith.avis@dti.gov.uk](mailto:Keith.avis@dti.gov.uk)

[Chris.mee@dti.gov.uk](mailto:Chris.mee@dti.gov.uk)

Issue: European Environment & Health Strategy

Main Points:

The Government is currently seeking views on the European Commission's Communication on 'A European Environment and Health Strategy'. The strategy aims to achieve a better understanding of the environmental threats to human health, to identify the disease burden caused by environmental factors in the EU and to plan policy responses to the challenges that emerge. In particular, the strategy looks to reinforce the institutional structure needed to strengthen policy-making and integrate environment and health into other policy areas.

The strategy does not include suggestions for specific legislation, but it does include proposals to address reducing exposure in the areas of air quality, Mercury and other heavy metals and electro-magnetic field together with a proposal for a thematic strategy on the urban environment. While there are no direct proposals for legislation, it is probable that the Action Plan 2004-210 will form a framework against which legislation and amendments to legislation may be proposed in the future.

Below is a link to the relevant page of the Defra website which includes a fuller explanation of the strategy and details of how you can register your views. Please note that if you do intend to respond direct to Defra we would like to receive a copy of your views.

Deadline for input: 16 January 2004

Hot links (to further information/consultation documents):

<http://www.defra.gov.uk/corporate/consult/european-strategy/index.htm>

Contact: [Terry.Martin@dti.gov.uk](mailto:Terry.Martin@dti.gov.uk)

Issue: Halon Fire Protection Systems

Main Points:

Under EC Regulation 2037/2000 and Statutory Instrument 528/2002 Halon is to be phased out and Halon fire protection systems must be decommissioned by 31 December 2003. There are a few exceptions, but these are mainly military uses.

Halon is being phased out, as it is an ozone depleting substance and also has a very high global warming potential. For this reason it is important that Halon is disposed of and destroyed in a responsible and environmentally friendly way. There are concerns that if Halon is disposed of improperly, without an audit trail or destruction certificates, this may undermine the environmental benefits of reducing global warming and ozone depletion that the Regulation was designed to achieve. Further information can be obtained via the following weblink <http://www.dti.gov.uk/access/decom.pdf>

It is very important that you take action now as there will be an unusually heavy demand between now and 31 December 2003. The Association of British Insurers have also said that failure to decommission Halon systems would make void any fire insurance:

Insurers require policyholders to comply fully with their legal obligations.

Reliance on a halon system after 31 December 2003 would void any insurance policy in place, meaning that claims resulting from an insured event would not be met. It is vital that all halon systems are decommissioned and replaced ahead of the statutory deadline.

Deadline: 31 December 2003

Hot links (to further information/consultation documents):

Contact: Mike Dunne at [mike.dunne@dti.gsi.gov.uk](mailto:mike.dunne@dti.gsi.gov.uk) or [stephanie.godliman@defra.gsi.gov.uk](mailto:stephanie.godliman@defra.gsi.gov.uk)