

Materials and engineering newsletter Hot Issues.
Issue 10: March 2004.

URN No: 04/415b

Dear Reader,

Welcome to the March edition of our Hot Issues newsletter. Issues in this edition include extending the eligibility criteria for Climate Change Agreements, the Emissions Trading Scheme and the new tax definition of Research and Development.

Thank you to those who completed our small questionnaire on the effectiveness of our newsletter. From the responses received so far, the majority of you value our newsletter and are content with the current format. There is still an opportunity to submit your views - the questionnaire is attached at the end of the newsletter, which should take no more than 5 minutes. 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 in the coming months. Working with you on these policy issues allows us to present more robust evidence of potential impact on your company/sector, which in turn makes us more effective in influencing the policy debate.

DTI Business Plan for 2004-2007

The Department has just published its 2004 Business Plan, which provides a detailed route-map for how we will meet our vision of Prosperity for All. It sets out our priorities and objectives for the next three years and explains how we will deliver our Strategy and how we will improve our effectiveness as a Department. The Business Plan is available on the DTI website at www.dti.gov.uk/about/businessplan.html.

We are always grateful for any suggestions for new subjects to be covered in future issues of the newsletter. Ambert Prosper at Ambert.Prosp@dti.gov.uk will be happy to take these on board. Alternatively my team would be happy to meet you to discuss issues affecting your sector if you would find this useful. Your first port of call to arrange a meeting should be your relationship manager. Contact details are included in the newsletter should you need them.

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, is due to begin on 1 January 2005. As part of the implementation of the EU ETS, Member States are required to submit a National Allocation Plan (NAP) for the first phase of the scheme (2005-2007) to the European Commission by 31 March 2004.

On 29 March the Government announced that publication of the March NAP has been postponed. This will allow Government to be fully able to incorporate revisions, changes and clarifications made as a result of the recent consultation on the draft NAP. It is intended to submit the NAP to the European Commission by the end of April.

During the consultation on the draft NAP a number of issues were raised which Government wanted to take into account and consider in full. Some of these issues are complex and have taken considerable time to work through. It was therefore agreed to delay the submission of the NAP to the Commission by a few weeks to take account of the extra work.

The following sectors are specifically covered by the first phase of the scheme:

Electricity Generators
Oil Refineries
Steel Production
Processing Cement
Glass Manufacturing
Brick Manufacturing
Pulp and Paper

In addition installations in any sectors that have combustion plants of a thermal input of over 20MW, including aggregated plants on a single site, are also covered.

Deadline for input: Ongoing

Hot links (to further information/consultation documents):

<http://www.defra.gov.uk/corporate/consult/eu-etsnap>



<http://www.dti.gov.uk/energy/sepn/euets.shtml>

Contact us at Keith.Avis@dti.gsi.gov.uk
Emma.Briggs@dti.gsi.gov.uk

Issues: Climate Change Agreements – Extending Eligibility

Main Points:

Subject to European Commission State aid approval, which will be sought shortly, the Chancellor announced in the Budget that the eligibility criteria for Climate Change Agreements (CCAs) are to be extended to cover other energy-intensive sectors of industry not included within PPC (those already eligible for CCAs under the current arrangements will continue to benefit and will be unaffected by these changes).

To qualify under the new eligibility criteria, businesses will have to be in sectors above a threshold of energy intensity (using the definition of energy intensity set out in the Energy Products Directive relating to purchases of energy products and electricity against production value). This definition states that: “An energy-intensive business is defined as a business entity where either the purchases of energy products and electricity amount to at least 3.0% of the production value....”

There will be a one-off test of energy intensity, based on measuring a 4-year period of data (the lowest year’s data will be discounted). All businesses in sectors that meet or exceed a 12% threshold of energy-intensity will be eligible to enter a CCA. Businesses in sectors that meet or exceed a 3% threshold but are below the 12% threshold will be eligible to enter an agreement only if they meet or exceed one of the following two international competitiveness tests:

an import penetration ratio of 50%. This is the percentage ratio of imports to home demand (where home demand is defined as total manufacturers’ sales plus imports minus exports); or

an export to production ratio of 30%. This is the percentage ratio of exports to total manufacturers’ sales.

Precise definitions of these terms will be set out in a Customs and Excise business brief that will be issued once State aid approval has been given.

The new eligibility criteria will not apply until the proposed measure has received state aid clearance from the European Commission. The C&E business brief will confirm the commencement date for the new eligibility criteria and will set out more details about what businesses need to do to make a climate change agreement.

Deadline for input: Ongoing

Hot links (to further information/consultation documents):



<http://www.hmce.gov.uk/forms/graphics/bn19-04.pdf>
(Customs' Budget Notice)

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

Issue: EU Chemicals Legislation – REACH

Main Points:

These are proposals, adopted by the European Commission, for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). The aims of the 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 responsibility to industry to manage the risks from chemicals and to provide safety information on the substances.

On 30 March the Government issued a consultation paper to help inform the development of its REACH negotiating position. While the focus of the proposals is the management of generic industrial chemicals, it is well recognised that REACH does impact on many within the Materials and Engineering sector and particular importance is placed on ensuring that your views are adequately represented in the policy making debate. You should, therefore take time to consider whether you could be affected. In this regard proposed policy on scope, exemption criteria and registration will be of primary importance. The Consultation Document, with a supporting Regulatory Impact Assessment, can be found at the link below.

To co-incide with the consultation, Defra are running a stakeholder conference on 27th April in Birmingham. Further details can be obtained from the keystone group, at the Email address below, but please note that registration for the event must be completed by 8 April.

Deadline for input: 25 June 2004

Hot links (to further information/consultation documents):

<http://www.defra.gov.uk/corporate/consult/reach/index.htm>
defra@keystone-group.co.uk

Contact us at: Keith.avis@dti.gov.uk

Chris.mee@dti.gov.uk

Issue: New Tax Definition of Research and Development

Main Points:

The new guidelines on the definition of research and development (R&D) for tax purposes were published on 5 March.

The simplified guidelines, which should come into force in April, clear up grey areas in the original definition to make the criteria easier to understand for business. This takes forward the announcement made by the Chancellor in the Pre-Budget Report in December 2003 and follows extensive consultation by DTI, HM Treasury and the Inland Revenue.

The guidelines also emphasise that R&D tax credits apply to development work just as much as research, and to new or improved processes as well as just new products.

The guidelines and further information are available on the DTI website (see weblink below).

Deadline: N/A

Hot links (to further information/consultation documents):

www.dti.gov.uk/support/rd_guidelines.htm

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

Issue: EU Environmental Liability Directive

Main Points:

European Parliament Second Reading and Conciliation:

The European Parliament passed four amendments to the Common Position at the December 2003 plenary (second reading). Two amendments were acceptable to the UK, but two were concerned with key UK issues: compulsory financial security and international conventions.

Informal conciliation of the Environmental Liability Directive yielded a very favourable outcome for the UK. The Council, with the UK in the lead, resisted the Parliament's proposal for a mechanism that would introduce compulsory financial security shortly after the implementation of the Directive. A second amendment concerned with international maritime conventions was also successfully resisted.

It was not possible to retain the Common Position text regarding compulsory financial security. However, the new text is an improvement on the Common Position as it introduces a requirement for an impact assessment and a cost-benefit analysis to be carried out before any proposal to establish compulsory financial security is made. This formulation means that the Commission will have to produce convincing evidence of the need for, feasibility and cost-effectiveness of a compulsory financial security regime. It appears very doubtful that they will be able to do so within the specified timeframe.

The new text will now go forward for formal adoption, which is likely to be around June 2004. We expect the Directive to come into force around July 2007, with the first public consultation likely to begin around November 2004.

Deadline: Ongoing

Websites: Environment Council minutes:

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

DG Environment site:

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

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

Alex.Wilson@dti.gsi.gov.uk

OTHER ISSUES

The following are some of the other ongoing issues.

Trade and Investment White Paper

In January this year Patricia Hewitt, Secretary of State for Trade and Industry, announced her intention to publish a White Paper on Trade and Investment. The White Paper will examine the current reality of an increasingly integrated world economy and what this means for the future. It will explain how the UK can make the most of opportunities in the global economy, including the promotion of trade and investment. It will set out the Government's policy on international trade and it will demonstrate the urgent need to reform the world trading system to help developing countries.

The White Paper will be published in the summer.

Further details are available from:

www.dti.gov.uk/ewt/whitepaper.htm

Consultation on Indicators of Productivity

The Government is considering moving towards a focused set of national productivity indicators to benchmark the UK's productivity performance against its major competitors. The consultation seeks the views of users and producers of productivity indicators, and other interested parties, on the following areas:

- Proposal to move towards a focused set of national productivity indicators;
- The methodology used to calculate the evolution of the productivity gap over time;
- The applicability of using a similar set of regional indicators.

The consultation is being jointly conducted by the DTI and HM Treasury. Responses should be sent by 4 June 2004 to indicatorsconsultation@dti.gov.uk

Further information is available from:

www.dti.gov.uk/economics/indicatorsconsultation.html

Changes to the National Minimum Wage

The Government has announced an increase to the National Minimum Wage rates, which will take place in October 2004.

Main (adult) rate for workers aged 22 and over

- £4.85 per hour from 1 October 2004

Development rate for workers aged 18-21 inclusive

- £4.10 per hour from 1 October 2004

A new rate for 16 and 17 year olds

The Government has accepted the Low Pay Commission's recommendations for a new rate for 16 and 17 years olds (above compulsory school leaving age).

- £3.00 per hour from 1 October 2004

Note: 16 and 17 year old apprentices will be exempt from the new young workers rate.

Further information can be found at

www.dti.gov.uk/er/nmw/index.htm

Consultation on International Accounting Standards and Modernisation of Accounting Requirements for Companies and Building Societies

On 25 March, DTI and HM Treasury published a consultation paper on proposals to allow companies and building societies to use international accounting standards. The consultation also sets out the Government's proposed approach to implementation of an EU Directive that modernises the existing accounting directives.

The consultation document is available on the DTI website at

www.dti.gov.uk/consultations

EU Temporary Agency Workers Directive

The European Commission published its proposal on 20 March 2002

- discussions continue within Europe on the proposed Directive, though no progress has been made since the June 2003 Employment Council, and the Irish Presidency has no plans to carry the directive forward, unless there is a good chance of agreement being reached. The directive has the broad aim of improving the basic working conditions of Temporary Agency Workers by requiring that, following a qualifying period, they be treated no less favourably than comparable permanent workers in the user enterprise to which the temporary worker is assigned. The UK wants to make sure that both agency workers and their job opportunities are protected, and is calling for a qualifying period that is significantly longer than the current proposal of six weeks.

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

[<mailto:Ruth.Catchpole@dti.gsi.gov.uk>](mailto:Ruth.Catchpole@dti.gsi.gov.uk)

Website: [<http://www.dti.gov.uk/er/agency/directive.htm>](http://www.dti.gov.uk/er/agency/directive.htm)

EU Physical Agents (Electromagnetic Fields) Directive

Amended proposal for a Directive of the European Parliament and of the

Council on the minimum health and safety requirements regarding the

exposure of workers to the risks arising from physical agents

(electromagnetic fields and waves).

The proposed Directive has reached common position and is currently with the European Parliament for second reading; it may well be adopted by the middle of this year.

Contact: Helen.Lansdown@hse.gsi.gov.uk

Website: www.hse.gov.uk/radiation

Corporate Social Responsibility (CSR)

On 1 March the Government published a global framework setting out its approach to CSR at the international level. The draft strategic framework focuses on encouraging action and progress to maximize the business contribution to social, environmental and economic development. The framework recognises concerns about the number of CSR initiatives and risks of duplication. It looks to encourage a balance between efforts to improve coherence between and streamlining of conduct, and guidelines and other initiatives will be encouraged and ensuring creativity and innovation.

The draft framework is available from the weblink below. Comments should be sent to the contact below by 31 May.

The Government's intention is to finalise the framework before summer 2004, following consultation with stakeholders.

Contact: Helen.Griffiths@dti.gsi.gov.uk

Weblink: www.dti.gov.uk/sustainability

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

The European Commission adopted a proposal for a framework Directive on the eco-design of energy-using products, such as electrical and electronic devices or heating equipment, on 1 August. 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 proposals for a EEE (eco-design for Electrical & Electronic Equipment) Directive and those on EER (Energy Efficiency Requirements). The current text of the Commission's proposal can be accessed from the weblink below or from the DTI's sustainability website.

The EuP proposals were presented to a meeting of the EC Energy Council Working Group in September and were discussed by Ministers at the full meeting of the Energy Council on 15 December. The incoming Irish Presidency has already undertaken a full second examination of the original text and was hoping to reach a Common Position by the end of June.

At the same time, MEPs in the Environment Committee of the European Parliament have been considering their Report on the Commission's text and have come up with just under 350 amendments to the original text. A Plenary discussion of the Directive has been set for late April.

If the Irish Presidency and the Commission cannot broker a compromise text that satisfies both the Member State representatives in the Energy Council and the European Parliament, discussions are likely to continue under the incoming Dutch Presidency in the second half of the year.

Contact: Steven.Andrews@dti.gsi.gov.uk
<mailto:Steven.Andrews@dti.gsi.gov.uk>

Website:

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

EU Integrated Product Policy Directive

As reported in previous issues, the European Commission adopted a Communication on Integrated Product Policy (IPP) on 18 June this year that outlined its strategy for reducing the environmental impact caused by products. IPP represents a new approach and puts emphasis on three 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 Environment Council reached its formal conclusions on the Commission Communication in October 2003 and the European Parliament produced a Draft Report on 1 March 2004, which is now under consideration.

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>

Waste Electrical and Electronic Equipment Directive (WEEE) and the Restriction of Hazardous Substances (ROHS) Directive

The DTI's second consultation on the WEEE & ROHS Directives ended 1 March 2004. There were 160 responses and the DTI hopes to be in a position to publish the results of the consultation by end of April.

Copies of the consultation and other relevant documents are available from the DTI website:

<http://www.dti.gov.uk/sustainability/weee/index.htm> The results of the consultation will also be published on this site.

Contact: tollady.chris@dti.gsi.gov.uk

Groundwater Directive

In September 2003 the European Commission published a proposal for a new Groundwater Directive. Defra's consultants, Risk Policy Analysts Ltd, have carried out a partial Regulatory Impact Assessment (RIA) of the proposal. See weblinks below.

The main stated aims of the proposed directive are to complement the Water Framework Directive without duplicating its provisions, and to set out provisions which will ensure no diminution of groundwater protection when the existing Groundwater Directive is repealed in 2013. Your views on the extent to which these aims are likely to be achieved would be particularly welcome.

Specific issues on which detailed comments would be useful include the following:

(i) whether the common European groundwater standards would deliver workable and appropriate groundwater protection, and consistent groundwater quality, as intended;

- (ii) the costs which would be associated with common European standards;
- (iii) whether the range of substances identified for common standards is appropriate to the main issues relating to groundwater protection;
- (iv) the costs which may be associated with standards for particular substances;
- (v) whether the measures for pollution trend identification and reversal focus sufficiently on their environmental significance;
- (vi) the costs which would be associated with the trend reversal proposal;
- (vii) whether the requirements to prevent pollutants entering groundwater are sufficiently robust and workable.

Responses to the consultation should be sent by 11 June 2004 to:
esther.kurash@defra.gsi.gov.uk

Partial Regulatory Impact Assessment:

<http://www.defra.gov.uk/corporate/consult/groundwater-dir/ria.pdf>

<http://www.defra.gov.uk/corporate/consult/groundwater-dir/index.htm>

Consultation on EU Services Directive

On 29 March, DTI launched a consultation on the EU Services Directive, which introduces plans by the European Commission to make it easier for businesses to provide services across the EU. The proposals are designed to increase service provision across the EU. Companies will find it easier to set up in other Member States and trade across borders, giving consumers more choice at more competitive prices.

The EU Directive on Services in the Internal Market will affect most services and aims to:

get rid of unjustifiable or onerous national restrictions;

simplify authorisation and licensing procedures

create single points of contact to help with all the necessary formalities; and

allow service providers established in one Member State to trade across borders in another Member State, under their home country's regulations.



The deadline for comments is 30 June 2004. The consultation document is available from the DTI website www.dti.gov.uk/ewt/servgen.htm.

INDUSTRY SUPPORT

Business Support

DTI aims to promote enterprise, innovation and increased productivity – in particular by encouraging successful business start-ups, and by increasing the capacity of business, including SMEs, to grow, to invest, to develop skills, to adopt best practice, and to exploit opportunities abroad, recognising the development of the knowledge economy and taking account of regional differences.

The following are the list of the initiatives that the DTI and other parts of Government currently operate – often with help from our partner organisations.

- Help for Small businesses and new businesses
- Training and development
- Improve your business performance
- Expand your business
- Innovation and technology
- Help with environmental matters
- Help with regulations
- Help with European matters
- Help for Trade Associations
- UK Trade & Investment

Further details on the above and other related information can be found on the following website:

http://www.dti.gov.uk/for_business.html

Opportunities – National Metals Technology Centre (NAMTEC)

National Metals Technology Centre

It's just over a year now since the National Metals Technology Centre (NAMTEC) was launched following DTI sponsored research which found overwhelming support for a metals centre of excellence.

Funded by the DTI, Yorkshire Forward and Objective 1, NAMTEC aims to increase the global competitiveness of the UK's metals sector by stimulating high technology innovation and research and development.

With a remit that encompasses every metal, every sector and every application, NAMTEC aims to be a flagship organisation, bringing value to the metals industry by a combination of knowledge sharing, technology transfer and focussing of research and technology activity.

NAMTEC's activities focus on three main areas:

Technical help

A technical helpline is staffed by a team of experienced metallurgists who will advise on metals related problems and identify solutions. Over 600 enquiries have been dealt with by NAMTEC over the past year.

Information

The DTI survey which led to the establishment of NAMTEC showed that information was the most important issue to both industry and the science base. The NAMTEC website (www.namtec.co.uk) allows registered users to search information about metals and their properties, processing technologies and applications.

Project management

A team of project management specialists can identify funding opportunities and partners, co-ordinate funding bids and manage secured projects. They are currently working on 20 metals related projects.

A key development over the past year has been the establishment of an advisory council made up of key figures from industry, trade organisations and universities. The council meets twice a year and provides a forum in which different sectors in the industry can share experiences, discuss the different issues they face and make recommendations for a way forward.

NAMTEC's technical expertise has been recognised with the award of Centre of Expertise in Manufacturing status by MAS.

For further information contact:

NAMTEC
Q Block
Swinden Technology Centre
Moorgate Road
Rotherham
S60 3AR

Telephone: (01709) 724990
Email: info@namtec.co.uk
www.namtec.co.uk

FORTHCOMING CONSULTATIONS

Physical Agents (Noise) Directive

The Noise Directive came into force on 15 February 2003 upon publication of the text in the Official Journal of the European Communities. We now have until 15 February 2006 to transpose the Directive into UK Regulations, which will replace the Noise at Work Regulations 1989. Essentially the Directive reduces the noise exposure levels at which employers must take action, and introduces a limit value above which employees must not be exposed.

Work continues on preparing the consultation document and proposals for regulations together with guidance. HSE has been holding informal consultations with other Government Departments, industry, trade unions and other bodies. A formal consultation document covering both draft Regulations and Guidance will be published in early April 2004.

Contacts: Sharon.Thompson@hse.gsi.gov.uk
Ambert.Prosper@dti.gsi.gov.uk

Further information about the Directive can be found on the HSE website at

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

EU Batteries Directive

On 24 November the European Commission adopted a proposal for a new Battery Directive, which will require the collection and recycling of all batteries placed on the EU market. It aims to prevent spent batteries ending up in incinerators or landfills and to recover the various metals used in batteries.

The Government intends to issue a discussion paper on the draft Directive in the spring.

The proposal and related information is available on the Commission's website at the web address below.

Contact: Paul.Creary@dti.gsi.gov.uk

Website:

<http://europa.eu.int/comm/environment/waste/batteries/index.htm>

March 2004 Edition

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.Prospere@dti.gsi.gov.uk OR
ALTERNATIVELY FAX FORM TO MESU ON 020 7215 3773

MATERIALS & ENGINEERING SECTOR CONTACT LIST

<p>Simon Edmonds Director 0207 215 1535 mobile 07788 874241 simon.edmonds@dti.gsi.gov.uk</p>	<p>Noreen Moriarty PA 0207 215 1178 Noreen.Moriarty@dti.gsi.gov.uk</p>
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<p>Simon Greaves Relationship Manager – Metals and Metals Products simon.greaves@dti.gsi.gov.uk Tel: 01132 338241</p>	

Questionnaire

March 2004 Edition

We would be grateful if you could answer the following questions, which should take you no longer than 5 minutes to complete.

1. What is the name of your company/organisation?

2. How did you hear about the Hot Issues Newsletter?

Recommended

Previous visit to site

Other – please state

3. Based on your experience would you recommend the Hot Issues Newsletter to others?

definitely

probably

not sure

probably not

definitely not

4. How would you rate your satisfaction with the format of the newsletter

very satisfied

satisfied

neutral

dissatisfied

5. Do you find the length of the newsletter

good too long too short

6. How relevant do you find topics covered to your company/organisation and members?

Very Useful Useful Less Useful

If less useful, which policy areas/issues would you like us to include?

7. How often do you feed in comments to us in response to the policy issues covered?

every issue as necessary not at all

8. Other comments/suggestions that you feel might help us to provide you with a better newsletter.

Please email, fax or Post the questionnaire to the following contact details:

Sagitta Fernando

Influence and Impact Team (IIT)

DTI

Bay 445

151 Buckingham Palace Road

London SW1W 9SS

Fax: 020 7215 3773

Email: Sagitta.Fernando@dti.gsi.gov.uk

Thank you for taking time to complete this questionnaire.