

**EC ACQUIS RELATED TO
ENVIRONMENT**

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PREFACE

European Union's environmental policy is based on the general objective of achieving a "high level of protection and improvement of the quality of the environment". Since the early 1970s, Europe has been strongly committed to the environmental issues, especially waste management, conservation of resources, protection of air and water quality.

According to Article 3 (Ex-Article 2 TEC) of the Treaty of the EU, the Union shall establish "*an internal market and it shall work for a high level of protection and improvement of the quality of the environment*". Based on Article 191 (Ex-Article 174 TEC) of the Lisbon Treaty, the European environment policy aims to meet a wide range of environmental needs.

The challenge of European Union is to combine the environmental protection with continuing economic growth, which paves the way to the long term sustainable development. In this line, EU Environment Policy is based on the belief that high environmental standards promote business opportunities and innovative initiatives. In other terms, economic, social and environmental policies are strongly integrated at the EU level.

The European Union aims to gather separate national environmental approaches towards a more balanced European approach, through an expanding body of laws, action programmes and strategies dealing with issues as varied as waste management, water and air quality, climate change, the control of chemicals, etc. Currently, there is a broad consensus that the efforts made at the European level to promote relevant policies on the environment have contributed to make the EU a cleaner and healthier place to live.

Despite the big problems (such as the cost, lobbying by industry etc.), the EU environment policy has become very important over the last decade. Covering a wide range of issues from horizontal issues to sectoral policies, the environmental legislation is one of the most rapidly expanding areas of European Union policy activities.

Additionally, there is clear evidence that the requirements of membership of the EU oblige new Member States to expand and strengthen their national environmental policies through specific programmes such as LIFE. On the other hand, it is necessary to bear in mind the fact that environmental problems do not respect national borders and must often be addressed at the European level.

The emphasis of the EU environmental policy for the remaining years is expected to be on combating the increase in global emissions of greenhouse gases, deforestation, desertification, the increasing amount of waste, the continuing loss of biodiversity and the impacts of new chemicals policy (namely REACH Regulation). These issues will have considerable impact on sectoral policies and the orientation of the sectoral priorities. Especially REACH, being a major reform of chemicals management legislation in Europe,

will influence all actors involved in the production, import and use of chemicals throughout Europe. Besides, European Climate Change Programme is foreseen to readjust policies and measures for many sectors which contribute to the emissions of greenhouse gases, especially energy, transport and industry sectors. Within this context, these sectors are obliged to reduce their emissions cost-effectively and to develop necessary initiatives.

On the other hand, researches into environmental issues and schemes are also becoming an important area which receives extensive funding under several programmes. At the same time, the EU is committed to strengthen its global leadership role on issues such as climate change by driving an ambitious climate agenda both at the international and at EU level.

In this framework, it is worth underlying that; the UN Climate Change Conference from 3 to 14 December 2007 in Bali (Indonesia) culminated in the adoption of the **Bali Road Map**, which consists of considerable decisions for reaching climate targets via an exhaustive Action Plan. Followingly, the UN Climate Change Conference in 2008 was held in **Poznań**, Poland (1-12 December 2008). This Conference was considered as an important half-way mark in the negotiating process to reach a post-2012 (when the Kyoto Protocol's first commitment period expires) climate change deal in Copenhagen in 2009. But, the UN Conference in **Copenhagen**, which took place from 7th to 18th December 2009, could not achieve to establish a comprehensive and ambitious global climate agreement for the period starting from 2012. However, the EU continued to negotiate its proposition for CO₂ cuts with developed countries such as the US, Canada, China and India further in 2010. In addition to this the EU prepared and published a "Communication on the Analysis of options to move beyond 20% greenhouse gas emission reductions and assessing the risk of carbon leakage" in May 2010. However, as a result of concerned negotiations, in the face of the lack of further commitment from developed and developing countries, the EU did not increase its target for GHG emissions' reduction from 20% to 30% for the moment. Further to the Copenhagen Accord, world countries signed the Cancún Agreement on 11 December 2010 during the UN climate change conference. The agreement which aims to set comprehensive and legally binding framework for climate action for the period after 2012 acknowledged that the global warming must be kept below 2°C and a process shall be established to define a date for global emissions to peak and a global emissions reduction goal for 2050. Parties to the Kyoto Protocol hold the latest negotiations in Durban, South Africa from 28 November to 9 December 2011.

Besides, the appointment of a European Commissioner specifically responsible for Climate Action during the term of office of the current European Commission (2010-2014) signified the importance given to climate change policies by the EU.

Finally, the new EU Treaty (Lisbon Treaty), which has been in force since 1 December 2009, also enhances the role of the Union for further actions in the field of environment. The Treaty legitimizes the co-decision procedure for almost all environmental proposals, and adds value to the legitimacy of the EU environment acquis. Having sustainable development and climate action at its centre of policy action, the EU committed to focus on climate, transport, biodiversity, resource efficiency as well as water, air pollution, waste legislation and sustainable consumption and production in the next decade, in accordance with its Europe 2020 Strategy for smart, sustainable and inclusive growth.

LIST OF ABBREVIATIONS

BAT	: Best Available Techniques
BREF	: Best Available Techniques Reference Document
CAFE	: Clean Air for Europe
CITL	: Community Independent Transaction Log
EAP	: Environment Action Programme
ECHA	: European Chemicals Agency
EEA	: European Environment Agency
EEA Agreement	: European Economic Area Agreement
EESC	: European Economic and Social Committee
EFTA	: European Free Trade Association
EINECS	: European Inventory of Existing Commercial Chemical Substances
EIONET	: European Environment Information and Observation network
EMAS	: Community Eco-Management and Audit Scheme
END	: Environmental Noise Directive
EPBD	: Energy Performance of Buildings Directive
EPER	: European Pollutant Emission Register
EPR	: Environment Policy Review
ETS	: European Trading Scheme
EUEB	: European Union Eco-labelling Board
GHG	: Green House Gas emissions
HCFC	: Hidro cloroflorocarbon

HEDSET	: Harmonised Electronic Data Set
IMPEL	: European Union Network for the Implementation and Enforcement of Environmental Law
IPA	: Pre-Accession Assistance
IPPC	: Integrated Pollution Prevention and Control
IUCLID	: International Unified Chemicals Information Database
LCP	: Large Combustion Plant
NPAA	: National Programme for the Adoption of the Acquis
OECD	: Organisation for Economic Cooperation and Development
ODS	: Ozone Depleting Substances
PHS	: Priority hazardous substances
PRTR	: Pollutant Release and Transfer Register
REACH	: Registration, Evaluation, and Authorisation of Chemicals
SCP/SIP	: Sustainable Consumption and Production and Sustainable Industrial Policy
SDS	: Sustainable Development Strategy
SET Plan	: Strategic Energy Technology Plan
SME	: Small and Medium-sized Enterprises
UNFCCC	: United Nations Framework Convention on Climate Change
WFD	: Water Framework Directive
VOC	: Volatile organic compounds

PART I: INTRODUCTION

Article 11 of the Treaty of the Functioning of the European Union (ex-Article 6 TEC) states that “*environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities, in particular with a view to promoting sustainable development*”. Accordingly, the European Commission takes legal actions aimed at bringing about substantial developments in the environmental issues across the Union. Environment, considered among the most complicated and costly chapters of the accession negotiations, stands at the chief significance for accession countries such as Turkey.

The present Guide on European Community (EC) Acquis Communautaire related to Environment is structured in a two-fold methodology. Since the environmental legislation is one of the most rapidly expanding areas of European Union policy activities, the **first part** principally covers the overview of the legislative acts in environment field, which includes the **sub-headings** of ‘horizontal legislation’, ‘air pollution and air quality’, ‘waste management’, ‘water’, ‘industrial pollution and risk management’, ‘sustainable consumption and production’, ‘chemicals’, ‘noise from vehicles and machinery’, ‘climate action’, ‘environment liability’ and ‘international cooperation’. This part covers both existing legislation and pending proposals in order to take into consideration the eventual orientation of these policy areas. The analyzed EU acquis in this section aims to include all environmental issues that will or might have an influence on several sectors resulting from Turkey’s harmonization process to the EU.

The subsequent chapters analyze the harmonization level of Turkey with the EU acquis communautaire on environmental issues. The evaluation made by the EU and the so far progresses of Turkey are scrutinized in a detailed way.

Accordingly, the Acquis Guide aims at providing the basic information with regard to the EU legislation on environment as one of the utmost important policy areas of the Community. It also embraces the experience drawn about aligning the EU environment acquis in the recent enlargement. In this line, the Acquis Guide in concern is designed to provide a detailed overview and assessment of the environmental policy of the European Union, as well as to help to clarify its main parameters, its underlying principles and its implications on other areas.

Therefore, the Acquis Guide is intended to be practical and resourceful in offering a road map in relation to the negotiations in the environment chapter which opened on 21st of December 2009 between Turkey and the EU. The cost of harmonization for Turkey with the EU acquis on environment policy is estimated to amount nearly 100 billion Euros in total.

PART II: EU ENVIRONMENTAL POLICY

1. The Legal Base in the EC Treaty

The Environmental Policy of the EU rests on several Articles of consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union. Among them, Article 3 (Ex-Article 2 TEC) of the EU Treaty and Article 191 (Ex-Article 174 TEC) to Article 193 (Ex-Article 176 TEC) of the Treaty of the Functioning of the European Union are particularly important. However, the Lisbon Treaty only lays down the basic provisions. The legislative framework has been developed through regulations and directives. Environmental action has been developed by means of several Action Programmes on environment.

According to **Article 3 (Ex-Article 2 TEC)** of the **Treaty of the EU**, the Union shall establish an internal market and it shall work for a *high level of protection and improvement of the quality of the environment*.

In the **Treaty of the Functioning of the European Union**, the area of environment falls in the shared competence between the Union and the Member States according to **Article 4**.

Article 11 (ex-Article 6 TEC) states that “environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities, in particular with a view to promoting sustainable development

Article 191 (ex-Article 174 TEC) sets out the objectives of the Union’s environment policy and requests high level protection of environment taking into account diversity of situations in the Union. It also demands the environmental damage to be rectified at source and that the polluter should pay. It further lays down the rules for the cooperation of the EU as well as Member States with third countries and international organizations in the area of environment.

Article 192 (ex-Article 175 TEC) empowers the European Parliament and the Council and defines the area of competences concerning EU actions in the area of environment.

Article 193 (ex-Article 176 TEC) allows Member States to maintain or introduce more stringent protective measures, provided that they are compatible with the Treaty.

Article 114 (3) (ex -Article 95 (3) TEC) expressly states that “health, safety, environmental protection” must take as a base a high level of protection, taking into account in particular of any new development based on scientific facts”.

2. The Historical Development of an Environmental Policy at European Level

2.1. The Legislation

In 1967, the first piece of legislation in favour to the environment was adopted by the Community, namely Directive 67/548/EEC, on classification, packaging and labelling of dangerous substances.

European environmental protection law itself dates back to a conference of Heads of State or Government in October 1972 that decided a common environmental policy was essential. **The first principles** that would underlie the environmental policy were defined:

- Pollution should be prevented at source;
- Environmental policy must be compatible with economic and social development;
- All planning processes must take environmental considerations into account;
- The polluter must pay.

However, it was not until 1986 with *the Single European Act* that an **environmental dimension** was introduced formally into EC policy. Within the Single European Act, environmental protection was formally recognized as part of the legal competence of the European Community.

Later *the Treaty on the European Union* of 1992 specifically required that environment considerations be taken into account in any new policies or provisions. It emphasized the need for a precautionary approach, to avoid rather than rectify problems.

The Amsterdam Treaty that entered into force in 1999 emphasized the principle of **sustainable development**, a concept according to which economic activities should be accompanied by measures to protect the environment from degradation, or even to enhance it. Since then, the legislative and policy activities have increased.

The *Lisbon Treaty*, which has been in force in the EU since 1st of December 2009, has further **enhanced the competence of the Union** in the area of environment. In the Lisbon Treaty, the objective of **sustainable development** is reinforced and better defined and is affirmed as one of the fundamental objectives of the Union in its **relations with the wider world**. In addition, **combating climate change** on an international level becomes a specific objective of EU environmental policy.

2.2. The Community Action Programmes

Legislation is adopted on the basis of guidelines and principles defined in Community Action Programmes. The first Community Action Programme was adopted in 1973.

The *Fifth Community Action Programme* on the Environment “Towards Sustainability” has established the principles of a European strategy of voluntary action for the period 1992-2000

and marked the beginning of a “horizontal” Community approach which would take account of all the causes of pollution (industry, energy, tourism, transport, agriculture, etc.)

This across-the-board approach to environmental policy was confirmed by the Commission in its Communication on integrating the environment into European Union policies, dated 1998, and by the European Council of Vienna (11 and 12 December 1998). The Community institutions became obliged to take account of environmental considerations in all policy areas.

“**Environment 2010: Our Future, Our Choice**” defines the overall direction of the latest action programme of the EU in the area of environment; *the Sixth Environmental Action Programme* (EAP) for 2001-2010¹. By the mid-term review of the 6th EAP on 30 April 2007, the action programme is later extended up until 2012. In this framework, four areas are especially highlighted: **climate change, nature and biodiversity, environment and health and the management of natural resources and waste**. Additionally, measures to achieve these priorities are also outlined: improving the application of environmental legislation, working together with the market and citizens and ensuring that other Community policies take greater account of environmental considerations. The 6th EAP, for the first time, introduced the concept of *Thematic Strategies*, as a part of Better Regulation strategy of the EU, to take an integrated approach towards concerned policy areas and focus on implementation. The Programme required the European Commission to prepare Thematic Strategies (TS) covering seven areas which are Air Pollution; Prevention and Recycling of Waste; Protection and Conservation of the Marine Environment; Soil Protection; Sustainable Use of Pesticides; and Urban Environment². Those TSs simplify and facilitate existing policy implementation and bring about new policy goals.

As EU’s 6EAP comes to an end in 2012, The European Commission published its **Final Assessment of the 6th Environmental Action Plan** on August 31, 2011. The Commission’s final assessment is based on an independent final report³ for the assessment of the 6EAP as well as the European Environment: State and Outlook 2010 Report (SOER 2010) adopted by the European Environment Agency.

The Final Assessment concludes that 6th EAP has been successful in providing an environmental policy framework except shortfalls in the area of soil. Lisbon Treaty, which legitimizes the co-decision procedure for almost all environmental proposals, is believed to add value to the legitimacy of the EU environment acquis. According to the assessment, the European Union will continue to pursue an ambitious environment policy in the coming decade within its Europe 2020 Strategy for smart, sustainable and inclusive growth especially with a focus on climate, transport and biodiversity as well as resource efficiency. Besides, the EU also seeks to take initiatives in the areas of water, air pollution, waste legislation and sustainable consumption and production.

¹ Please visit <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:242:0001:0015:EN:PDF> for Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme.

² Please visit http://ec.europa.eu/environment/newprg/strategies_en.htm for further information on Seven Thematic Strategies of 6th EU EAP.

³ Final Report for the Assessment of 6EAP is prepared by Ecological Institute in cooperation with Institute for European Environmental Policy and Central European University by the mandate of the European Commission DG Environment: http://ec.europa.eu/environment/newprg/pdf/Ecologic_6EAP_Report.pdf

The European Commission is expected to publish the 7th **Environment Action Programme** at the beginning of 2012.

In addition, the European Commission also publishes each year an **Annual Environment Policy Review**, which monitors the recent environmental trends and policy developments in the EU and at national level, and indicates key issues for the present and coming years.

On 10 August 2010, the European Commission has published **2009 Environment Policy Review**, which is the 7th edition of this annual reporting on EAP. In the 2009 Environment Policy Review; the United Nations conference on **climate change** in Copenhagen in December 2009 is evaluated as falling short of the EU's goals; however the result of the conference is interpreted as a step in the right direction. In relation to **nature and biodiversity**, the review comments that the biodiversity picture, both in the EU and globally, shows worrying trends and that effective protection of nature and biodiversity requires measures to be taken at an international level. Implementation of the REACH Regulation, the Water Framework Directive and the latest agreement reached on the Industrial Emissions Directive are listed as achievements in the field of health and environment. Concerning **waste and natural resources**, the review further refers to the Retail Forum which was launched by the European Commission in 2009 to improve the understanding of the practical measures needed for sustainable consumption and production and better waste management.

2.3. Sustainable Development Strategy

In terms of EU environment policy in relation to industry, it is also worth mentioning that the EU has been heavily encouraging an **integrated product policy (IPP)** approach which aims to develop a more ecological product market by making products more environmentally sustainable throughout their life cycle as well as to shift production and consumption behaviours accordingly.

As part of EU's renewed Sustainable Development Strategy (EU SDS), on 4 December 2008, the European Council has adopted **Sustainable Consumption and Production and Sustainable Industrial Policy (SCP/SIP) Action Plan**, which aims for a dynamic policy framework in the Union for smarter consumption and better products. The Action Plan aims to improve the energy and environmental performance of products and foster their uptake by consumers. The revisions of the EU legislation on eco-design, labeling, environmental management and auditing (EMAS) and green public procurement are concrete actions taken into consideration by the action plan.

2.4. European Environment and Health Strategy

Another action plan has been released by the Commission on June 2004 which is called "**The European Environment & Health Action Plan 2004-2010**". The Action Plan is based on the Environment and Health Strategy of the Commission (June 2003) and is intended to provide the European Union the scientifically grounded information needed to help all EU Member

States to reduce the adverse health impacts of certain environmental factors and to give support to better cooperation between actors (Member States, stakeholder groups, the European Commission and the international organisations) in the environment, health and research fields. The Action Plan on Environment and Health has ceased in 2010 and the Environment Council invited the Commission to adopt and put into effect a second Action Plan as soon as possible.

2.5. The LIFE Programme

Regulation 1973/92 established a financial instrument for the environment (LIFE) to contribute to the implementation and development of Community environment policy and on environmental legislation.

Since 1992, EU LIFE programme has co-financed over 3115 projects and contributed around €2 billion concerning the European projects on environment protection. LIFE was implemented in several phases. Following LIFE I (1992-1995), the second phase of LIFE ended on 31 December 1999, and the third phase has continued until 31 December 2004. LIFE III was further extended (2005-2006) and updated by Regulation (EC) No 1682/2004 in particular as regards to the integration of environment into other policies, and to the sustainable development. LIFE III, with an additional budget of 317 million Euros for 2005 and 2006, also included the new 10 Member States, which entered the EU on 1 May 2004.

The “**Application Guide 2006**” for financial support from the EC Financial Instrument for the Environment “LIFE – Third Countries 1992-2006” outlines 15 years of this programme and aims to support Europe’s neighbours in building capacity for environmental policy and action by presenting the sum of achievements and work undertaken by beneficiaries since 1992.

The EU has lately adopted a new programme, LIFE+, to cover the years 2007-2013, by Regulation No (EC) 614/2007, which provides opportunities for funding in the area of environment; with a total budget of €2.143 billion during the same period.

LIFE co-finances projects in **three areas**:

1. *conservation of fauna/flora;*
2. *implementing Community policy and legislation in the EU and candidate countries;*
3. *providing technical assistance for the promotion of sustainable development in third countries (Turkey included).*

LIFE is open to all EU countries, as well as to some candidate countries (to date Estonia, Hungary, Latvia, Romania, the Slovak Republic and Slovenia) and to some third countries bordering the south of the Mediterranean and the Baltic Sea.

LIFE-Third Countries programme is an essential tool supporting European neighbours in their efforts to recover environmental capacities and quality for environmental management. By including third countries, EU aims to tackle common wide-reaching environmental problems. Since its beginning, this programme co-financed various projects supporting the development of environmental policy and management capabilities in third countries; which provided the third countries with a thematic pioneer programme.

Any public institution, non-governmental organization or private sector could apply for funding by means of appropriate projects. Selection of projects was based on the merit criteria, as well as on their adequacy with EC environmental policy, on their cost-effectiveness and their possible added value of establishing an international partnership. The Commission has usually favoured projects whose total cost has been under €800,000 and above € 300,000.

Turkey received funding under **LIFE-Third Countries** and has been considered among countries which submitted and **implemented the most projects** over the years (projects generally linked to the country's **preparation for EU membership**, such as approximation of Seveso-II Directive, promotion of Climate Change policies or implementation of Eco-Management and Audit Scheme - EMAS). **Main themes of these projects** included the establishment of an environmental legislation information system for SMEs, the development and implementation of a monitoring system for the preservation of the marine environment (e.g. Ölüdeniz Lagoon and its surroundings), and the establishment of a sustainable network of related organizations for the effective management and protection of lakes in Turkey. These projects in question aimed to protect the environmental system through environmental-awareness measures, legislation amendments or preparation of new legislation in related areas, institutional capacity building, educational activities and establishment of an electronic information system on EU and national environmental legislation.

During 2006, Turkey benefited funding for sustainable management of Istanbul local e-waste; development of a GIS (geographic information system) based decision support system for urban air quality management in Istanbul; preservation of Thermal Water Resources and Sustainable Exploitation for Therapeutic Tourism and improvement of industrial hazardous waste management in Turkey.

Following a political agreement on LIFE+ (2007-2013) on 27 March 2007, LIFE+ entered into force in May 2007, via the Regulation (EC) No 614/2007 of the European Parliament and of the Council of 23 May 2007 concerning the Financial Instrument for the Environment (LIFE+). LIFE+ replaces existing financial programmes such as LIFE, the Urban Programme, the NGO Programme and Forest Focus, grouping them under a single set of rules and decision-making procedures and allowing for more consistent targeting, thereby making the Community's work more effective.

The LIFE+ Programme comprises **three components**:

- (1) Nature&Biodiversity;
- (2) Environment Policy & Governance;
- (3) Information & Communication.

However, it is possible for projects financed by LIFE+ to contribute to the achievement of the specific objectives of more than one of these components. These projects can also involve the

participation of more than one Member State. LIFE+ provides specific support for the development and implementation of EU environment policy and legislation⁴.

LIFE + does not cover the third country actions which is now handled by EU's external assistance programmes.

The thematic priorities of the programme are designed to support the priorities determined for the Sixth Environmental Action Programme:

- Climate Change;
- Nature and biodiversity (covering the Natura 2000 Network);
- Environment and health;
- Sustainable resource use;
- Strategic approaches to policy development;
- Ex-post evaluation.

The first annual call for proposals for projects funded by LIFE+ programme was issued by Commission on **15 September 2007**. The Commission is responsible for selecting, revising and monitoring the projects; making payments with the help of external experts and organizing external monitoring teams in order to supervise ongoing projects.

The European Commission launches one call for LIFE+ project proposals per year. The last call for proposals was published by the European Commission on 26 February 2011. With a budget of €267 million, LIFE+ 2011 will fund environmental projects which will be admitted and put into implementation as of June 2012. In addition, the European Commission approved funding for 183 new environment projects under the previous call. The EU will provide €244 million to co-finance projects in the fields of nature and biodiversity; environment policy and governance; and information and communication, which in total cost €530 million.

Member States forward all project proposals to the Commission; they set national priorities and objectives, and prepare their comments on proposals especially concerning national annual priorities. The **eligibility criteria** of projects financed by LIFE + shall satisfy the criteria laid down in Article 3 of the Regulation No 614/2007. Public and/or private bodies, institutions and actors may receive financing through this programme.

At present, **only EU27 countries** are considered as **eligible** for LIFE + Programme. But, the participation of third countries is possible, provided that additional Community funding is made available.

The European Commission published the mid-term review of the LIFE+ regulation⁵ in September 2010 and carried out a consultation process between 30 November 2010 and 15 February 2011 with the aim of gathering views on the next financial instrument for the

⁴ For more information about LIFE+, please visit:
<http://ec.europa.eu/environment/life/funding/lifeplus.htm#second>

⁵ Communication from the Commission to the European Parliament and the Council Mid-Term Review of the LIFE+ Regulation (COM/2010/0516 final): <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0516:FIN:EN:PDF>

environment (continuation of LIFE+) for the period 2014-2020 with a focus on its objectives, activities and support modalities. The stakeholders stressed the need for a future instrument for the environment and indicated that the focus of LIFE should be the implementation of the EU acquis. In terms of territorial focus, stakeholders supported the potential for a specific instrument for the environment to fund activities outside the EU, as long as it provided EU benefits. The European Commission has summed up the stakeholders views in its stakeholders consultation report and annexes and will publish its legislative proposal for a new instrument according to the impact assessments made.

2.6. The European Environment Agency

In 1990, an independent **European Environment Agency** (EEA) was established (See Part I of this document). It is based in Copenhagen. The Agency currently has 32 member countries and is the first EU body to open its doors to the 13 countries in central and eastern Europe and the Mediterranean basin that have applied for membership of the EU. Current member countries are:

- The 27 European Union Member States;
- Iceland, Norway and Liechtenstein and Switzerland which are members of the European Economic Area;
- Turkey.

EEA provides environmental advice and information to the EU on environmental matters, to help policy-makers in their duties. It carries out work in three main areas, namely networking, monitoring and reporting. In order to achieve its objectives, the Agency uses the capacities of the European Environment Information and Observation network (EIONET) which includes 600 environmental bodies and institutions active in the member countries. The Agency provides timely and reliable information to policy making process in order to contribute to the improvement in Europe's environmental issues. The European Commission Directorate General for Environment is a key partner of the EEA.

On 21 November 2008, EEA won EMAS award under the public administration category, for its efforts in reducing energy consumption and increasing energy efficiency.

3. The EU Principles of Environmental Policy

Despite big obstacles (cost, intensive lobbying by industry, varying problems in Member States), the EU environment policy has become very important over the last 10 years. It covers a wide range of topics from "horizontal issues" such as environmental standards, labeling and packaging, or liability, to sectoral issues (waste, air pollution, noise pollution).

3.1. Guiding principles

The EU environmental policy is guided by the following principles:

- **“Polluter Pays” Principle:**

This is one of the most important and oldest principles of the European environmental policy. It was defined in the Action Programmes. It implies that **the costs incurred in combating pollution and nuisance in the first instance fall to the polluter** (the pollution industry). The logic is based on the argument that charging polluters the costs of taking action will be an incentive for them to invest in environmental-friendly methods and technology.

The polluting industry should therefore bear the expenditure corresponding to the measures necessary to combat pollution (investments in apparatus and equipment, etc.). It should also bear the charges whose purpose is to encourage the polluter himself to take, as cheaply as possible, the measures necessary to reduce the pollution he causes (incentive function), or to make him share the costs of collective purification measures (redistribution measures). The cost of these measures should be reflected in the cost of goods and services which cause pollution in production and/or in consumption.

Bearing in mind that most environmental problems have multiple causes and sources (which makes it difficult to determine responsibility), the principle in question **only works if the precise source of damage can be definitely established.**

- **Preventive Action Principle:**

This principle means that “prevention is better than cure”, because, in economic sense, cure is usually more expensive than prevention; which encourages to initiate action in such a way as to protect the environment by preventing problems emerging.

- **Precautionary Principle:**

When an activity poses threats of harm to human health or the environment, precautionary measures should be taken even if some direct cause and effect relationships are not fully proven scientifically. Since the issue of when and how to use the precautionary principle is giving rise to much debate and sometimes contradictory views, on 2 February 2000, the Commission adopted **a specific Communication on the use of this principle**. In this Communication, the Commission considers that every decision must be preceded by an examination of all available scientific data and, if possible, an objective risk evaluation. In this way, the Commission indicates that the precautionary principle does not mean that measures will be adopted on an arbitrary or discriminatory basis. Meanwhile, the principles set out in this Communication is not meant to be last word; rather, it should open the way for further studies on risk assessment and risk communication related to this principle.

- **“High Level of Protection” Principle:**

EU environment policy should aim at a “high level of protection”. Pursuant to Article 174 of EC Treaty, “Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community”.

- **Integration Principle:**

Environmental requirements must be integrated into the definition and implementation of all other EU policies.

- **Proximity Principle:**

This principle is originally established in the EC Framework Directive on waste. This principle is an essential factor in the assessment of waste disposal. It advocates that waste should be managed/treated/disposed as near as possible to its place of production; because transporting this waste will have a considerable impact on the environment. In a general sense, it aims to encourage communities to take more responsibility for the waste they produce and to raise awareness in local communities as regards the waste they produce. In other words, environmental damage should -as a priority- be rectified at source (e.g. by setting emission standards rather than air quality standards).

Additionally, the Commission tries to develop another concept: **Civil liability for environmental damages**. It represents the need for Community action on liability for damage caused to the environment and on repairing such damage has been gaining ground since the adoption of the White Paper on environmental liability in February 2000. There are **three main principles** for the issue in question to be effective:

- Polluter(s) must be identifiable;
- The damage must be quantifiable and concrete;
- There must be a causal link between the damage and the identified polluter(s).

However, this principle cannot be applied for dealing with pollution of **widespread character**, such as climate change. The application of this method is expected to encourage the various parties concerned to be prudent concerning their polluting activities and to reduce pollution. It is worth to underline that this regime only works prospectively, which means that it is not applied in a retroactive manner.

The White Paper on environmental liability paved the way for the adoption of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage. The solution put forward in the White Paper in question was accepted and the “polluter pays principle” is one of the main objectives of this Directive. Amended two times, firstly by Directive 2006/21/EC in 2006 and later by Directive 2009/31/EC in 2009, the objective of Directive 2004/35/EC is to establish a **common framework for the prevention and remedying of**

environmental damage at a reasonable cost to society. The Directive explains in detail the preventive action (article 5), the remedial action (article 6), the determination of remedial measures (article 7), prevention and remediation costs (article 8), the cost allocation in cases of multiple party causation (article 9), the limitation period for recovery of costs (article 10) and the related issues. EU Member States have three years to implement this Directive in their national law.

3.2. Instruments and application

The range of instruments available to carry out an environmental policy at European level has expanded as environmental policy developed. Not only has the Community adopted framework legislation for a high level of environmental protection while guaranteeing the operation of the internal market, but it has introduced a financial instrument (the LIFE programme) and technical instruments, as cited below:

- **Eco-labelling:**

The European Ecolabel is a voluntary scheme of environmental performance labelling, established in 1992 to encourage businesses to market environment-friendly products and services. The product/service categories and products/services that can be awarded the Ecolabel – the specific flower logo – grew in time in the EU. Today, the EU Ecolabel covers a wide range of products and services including cleaning products, appliances, paper products, textile and home and garden products, lubricants and services such as tourist accommodation.

The **primary functions** of the EU Eco-label can be summarized as follows:

- to stimulate the supply and demand of products having reduced environmental impact;
- to encourage businesses to market greener and officially licensed products;
- to help the European consumer to make informed environmental choices when purchasing;
- to provide the guarantee that the compliance of these products with established ecological criteria has been tested by independent third parties, the national and regional competent bodies;
- to support sustainable consumption patterns by diffusing information about the environmental effects of the product during its whole life-cycle.

The **main elements** of the scheme in question are listed below:

- The scheme has a **European dimension**; which means that the product bearing an Eco-label can be marketed throughout the 27 Member States of the European Union, as well as in the countries which are part of the EAA Agreement (Norway, Iceland and Liechtenstein). The institutions to test and verify the EU ecolabel were also signed in Croatia and in Turkey⁶ as EU candidate countries as well as in Switzerland. The same logo is used throughout the EU, without having to make an application in every country.

⁶ In Turkey, full harmonization with EU Ecolabel Regulation is expected by 2015.

- The scheme is **selective**; which means that the label is awarded only to the products having the lowest environmental impact in a product range. The ecological criteria are developed by the European Union Eco-labelling Board within close collaboration with the European Commission.
- The scheme is **transparent** and opened to **widespread participation**.
- The scheme operates through a **multi-criteria approach**, which means that various parameters affect the impact of the product or service on the environment.
- The scheme is **voluntary**; it is up to the producer, retailer or service provider to decide whether or not to apply the ecological standards of the scheme. In other words, it does not create barriers to trade.
- The **competent body** designated by each Member State is responsible for receiving applications from manufacturers, retailers, importers and service providers for the award of the Eco-label to their products and services. It also decides on standard application and on the award of the Eco-label. Successful applicants who signed a contract with the Competent Body for the use of the Flower are permitted to use the official Flower logo on their products in a market of more than potential **500 million** consumers in the European market⁷.

Within the framework of Sustainable Consumption and Production and Sustainable Industrial Policy (SCP/SIP) Action Plan of the EU, adopted on 16 July 2008, the eco-labelling scheme was further developed in the EU and the new Regulation on ecolabel was adopted in November 2009. Regulation (EC) No 66/2010 repealed Council Directive 1980/2000 of 17 July 2000 concerning revised Community eco-label award scheme, as of 19 February 2010.

The main purpose of Regulation No 66/2010 is to lay down rules for the establishment and application of the Community Ecolabel scheme by covering more items to increase its visibility. The overall objective of this Regulation is to set benchmarks for the good environmental performance of products and services, based on the top performers in the market. By guiding consumers towards them, the Ecolabel logo is intended to promote those products and services that meet these benchmarks compared to others in the same category. These benchmarks are also used for developing and implementing other environmental policy tools; such as green public procurement and recommendation on future minimum standards for products.

The European Ecolabelling Board (EUEB) selects priority product groups for which the criteria will be developed. The following is the current established product groups for EU ecolabel:

⁷ According to the European Commission's Marketing Guide for EU Ecolabel Companies; a new "Lifestyle of Health and Sustainability" (LOHAS) is emerging, and already accounts for a third of society in the industrialised countries.

Cleaning	Clothing	Do-it yourself	Electronic equipment
- All purpose cleaners and cleaners for sanitary facilities - Detergents for dishwashing machines - Hand dishwashing detergents - Laundry detergents - Soaps, shampoos, and hair conditioners	- Textile products - Footwear	- Paints and varnishes	- Personal computers - Portable computers - Televisions
Floor coverings	Furniture	Gardening	Household appliances
- Wooden coverings - Textile coverings - Hard floor coverings	- Wooden furniture	- Growing media and soil improvers	- Light bulbs - Heat pumps
Lubricants	Other households items	Paper	Services
- Lubricants	- Mattresses	- Copying and graphic paper - Tissue paper	- Campsite services - Tourist accommodation service

Where a product originates outside the Community, the application shall be presented to a competent body in any of the Member States in which the product is to be or has been placed on the market⁸.

- **The Community system of environmental management and auditing (EMAS):**

The Community system of environmental management and auditing (EMAS) is a system for assessment of the effects of public and private projects on the environment. It aims to promote the use of environmental management systems and auditing as a tool for systematic and periodic evaluation of the environmental performance of industrial companies operating in the EU. Under the system set up in 1993, a company must demonstrate conformity to the equipments with an accredited environmental verifier, so that it can register to the environmental management system. EMAS standard is more demanding than its international counterpart ISO certification 14001 1996.

Originally restricted to companies in industrial sectors, EMAS has been opened to all economic sectors (including public and private services) since 2001. Participation is **voluntary** and extends to public or private organizations which operate in the EU and the European Economic Area (EEA). Candidate countries are also implementing the EMAS in preparation process for their accession to the EU. The EMAS Regulation calls for Member States to promote it throughout Europe, as well as on a national, regional and local level.

⁸ For further details on application procedure, please visit http://ec.europa.eu/environment/ecolabel/ecolabelled_products/application_procedure_en.htm

An organization must comply with the **following steps** in order to receive EMAS registration:

- (1) to conduct an **environmental review** considering all environmental aspects of its activities, products and services, methods of assessment, as well as its legal and regulatory framework and existing environmental management practices and procedures;
- (2) according to the results of the review, to **establish an effective environmental management system** aimed at realizing the organization's environmental policy determined by the top management. The environmental management system can take into consideration of "the best environmental management practice", the sectoral reference document developed by the European Commission. The management system includes the organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental policy and managing the environmental aspects;
- (3) to perform an **environmental internal audit** assessing the management system in place and conformity with the organization's policy and programme as well as its compliance with related environmental regulatory requirements;
- (4) to provide a **statement of its environmental performance** concerning the results achieved against the environmental objectives and the future initiatives to be undertaken so as to develop the organization's environmental performance.

It is worth to underline that the **environmental review**, the **audit procedure** and the **environmental statement** must be approved by an accredited EMAS verifier. The validated statement shall be sent to the EMAS Competent Body for registration and be made publicly available before an organization can use the EMAS logo.

The European Commission committed, by Decision (2001/681/EC), to engage in a process of applying the EMAS Regulation into its activities.

In July 2008, the European Commission proposed to revise the Community system of environmental management and auditing in order to increase the participation of the companies, as well as to reduce the administrative burden and costs (especially for small and medium-sized enterprises). The **Proposal** also intends to transform EMAS to the best indicator to measure progress in environmental performance and compliance with environmental legislation.

Within the framework of European Commission's Sustainable Consumption and Production Action Plan, the EMAS Regulation was revised in December 2009. In addition to and in comparison with the provisions of the former EMAS Regulation, the new Regulation No (EC) 1221/2009 introduced:

- a rather reinforced compliance mechanism for an EMAS organization to show its compliance with the applicable environment legislation before registration;

- a reinforced environmental reporting mechanism; thus, the organization shall include the core performance indicators on energy efficiency, material and resource efficiency, waste, emissions and biodiversity/land use;
- a better guidance to enterprises on the best environmental management practice, i.e. the European Commission committed to prepare reference documents to cover specific sectors and focus on direct and indirect environmental aspects of production operations;
- a more harmonized rules and procedures for accreditation and verification;
- an extended geographical scope for registration, and
- new measures to reduce the administrative burden on and to create incentives for EMAS organizations, especially SMEs.

- **Voluntary Agreements:**

They contain agreements concluded between industry and public authorities. They can be declarations of intent, or agreements formally concluded with government agencies, or unilateral commitments on the part of the industry recognized by public authorities. Voluntary agreements can be legally binding on all parties to the agreement, but so far they have been mainly non-binding. The Commission has published a Communication on Environmental Agreements in 1996 (COM (96 561) of 27.11.1996) in which it lays down general guidelines for their effective use, and sets the conditions under which they can be used for the purpose of implementing certain principles of EU environmental law. However, as long as industry does not accept to have activities under voluntary agreements controlled and audited by a third and neutral party, voluntary agreement do not make much sense. The European Commission also adopted a Communication on environmental agreements at Community level within the framework of the Action Plan on the Simplification and Improvement of the Regulatory Environment. In this Communication, the Commission affirms its intention to recognise and to make use of environmental agreements at Community level on a selective case-by-case basis. It also identifies policy areas for the effective application of this instrument, especially in the fields of waste management and climate change. In this line, the Commission proposes that the existing agreements on CO₂ reductions from passenger cars might be complemented by similar environmental agreements for light commercial vehicles.

- **Environmental Inspections:**

They are set up by the Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States. They cover inspections in all industrial installations, enterprises and facilities subject to authorization. The aim of such inspections is to ensure further compliance of the Community legislation on the environment, as well as a more uniform application and implementation. The Recommendation lays down a general obligation on Member States to target at a high level of environmental protection when organizing and carrying out environmental inspections. It also contains an obligation of cooperation with other Member States on an administrative level in order to carry out the provisions of the recommendations.

The environmental inspection requires the following initiatives:

- checking that installations comply with EU environmental requirements;
- monitoring the impact of installations on the environment.

Member States will have to plan their environmental inspection tasks and have one environmental inspection plan which covers the controlled installations on their territory.

In the context of environmental inspections, **the following actions** are planned:

- inspecting environmental audit reports and statements;
- checking premises and equipment;
- monitoring compliance with environmental quality standards;
- site visits;
- checking the adequacy of environmental management.

The Recommendation contains non-binding criteria for Member States for the planning, carrying out, following up and reporting on environmental inspections. In November 2007, the European Commission has published a communication on the review of the Recommendation providing for minimum criteria for environmental inspection. The revision of the recommendation is intended to establish legally binding requirements, to clarify the general criteria, to provide further guidance, and to exchange information on implementation concerning environmental inspections. The Commission has carried out a public consultation between 18 June and 18 September 2008. The European Commission has not yet made a proposal on the issue; the consultation with the stakeholders continues.

4. Developments in the Sectoral Areas

4.1. Air Quality

Air quality has been one of Europe's main concerns since the late 1970s. European Union policy on air quality intends to develop and implement appropriate instruments to improve air quality; which takes form of various measures such as the control of emission from mobile sources, the promotion of environmental protection standards into the transport and energy sector, etc.

The EU has taken important steps over the past decade; but there is no substantial improvement in the environment yet, in spite of a decrease in the emissions to air and water of a number of pollutants⁹.

According to the latest EU air pollutant emission inventory report compiled by the European Environment Agency (EEA), emissions of sulphur dioxide (SO₂) have decreased by 78% since 1990; particularly through the introduction of low sulphur fuels and fitting pollution control

⁹ According to the European Parliament Fact Sheets' on Air Pollution, dated 10 March 2000, sulphur dioxide emissions has been reduced by 50% whereas lead emissions reduced by 60% since 1980.

equipment in European industrial facilities. In addition, the emissions of three ozone precursors — CO, NMVOCs and NO_x — have also continued the downward trend.

Community activities to protect the air concern **a wide range of problems**: limiting depletion of stratospheric ozone, controlling acidification and other pollutants and climate change. In the 70s, the policy concentrated entirely on emission sources (motor vehicles, stationary installations). Later, legislation addressed the qualities of fuel used. Finally, at the beginning of the 80's, emerged the first legislation addressing air quality objectives per se, in particular with the **Air Quality Framework Directive of 1996**. This Directive which established a Community framework for the assessment and management of ambient air quality in the EU provided also a list of priority pollutants. The purpose of this legislation has been mainly to set up air quality objectives and standards.

EU launched the **Clean Air for Europe (CAFE) Programme** in March 2001 through a Communication aiming to develop a long-term, strategic and integrated policy advice so as to protect against significant negative effects of air pollution on human health and the environment. The output of CAFE Programme (adopted on 21 September 2005) underpinned the development of the Thematic Strategy on Air Pollution (adopted on 21 September 2005) under the Sixth Environmental Action Programme. This Strategy establishes provisional objectives for air pollution in the EU and proposes appropriate measures for achieving them. It recommends the modernization of the current legislation in order to focus better on the most serious pollutants and to integrate environmental concerns into other policies and programmes. One of its conclusions is that further reductions in emissions from some sectors (transport, agricultural, industrial, energy, etc.) are needed to achieve EU air quality objectives.

A new phase of CAFE, concerning the implementation of the Thematic Strategy on Air Pollution, started in September 2005. The Council has adopted unanimously Council Conclusions on the Thematic Strategy during its meeting of 9 March 2006. These conclusions recalled the review and updating of air quality standards and national emission ceilings in order to achieve the long-term objective to not to exceed the critical levels. Besides, they drew attention to current problems faced by Member States in implementing legislation concerning air pollution and recognize the need to find new possibilities and conditions for flexibility in that context. The strategy established cost-effective and ambitious targets for achieving its objectives **over the period up to 2020**.

In addition, the European Commission presented an action plan in 2005 to reduce air pollution. In that respect, the Commission collected input from the public on the measures to be included in a new comprehensive European action plan to reduce air pollution and therefore is launching an Internet consultation in order to reach the largest possible number of people. Starting on December 2004, the consultation has been conducted until 31 January 2005 with results published by April 2005. The majority of the respondents wished most approaches to be carried out and most measures to be taken at international and EU level (considered as the most appropriate competence level for that). They indicated also their intention to take individual action to improve air quality. The majority of respondents were concerned about air quality, particularly about the impacts on environment and health. Besides, industrial production and traffic were indicated mostly as targets for measures.

Air pollution is included under “**Environment and Health**” target of Sixth Environment Action Programme (EAP). The objective fixed by the Sixth EAP is to achieve levels of air quality that do not increase the unacceptable impacts on and risks to human health and the environment.

The focus for the next decade of the Community will be the implementation of air quality standards and coherency of all air legislation and related policy initiatives.

On 14 April 2008, the European Parliament and the Council adopted (**Directive 2008/50/EC on ambient air quality and cleaner air for Europe**) This Directive aims to revise and combine separate four directives and one Council decision into a single directive. The Directive also demonstrates the EU’s strong commitment for setting binding standards and target dates for concentrations of fine particle PM_{2.5} in order to improve air quality.

The Directive on Ambient Air Quality and Cleaner Air for Europe aims to **restructure existing EU air quality legislation and establish a limit on airborne annual concentrations of fine dust particles** (recognized as the most dangerous air pollutant for human health). Under the Directive, Member States are obliged to reduce exposure to PM_{2.5} in urban areas by 20% by 2020 compared to 2010 levels. The limit introduced would be **25 micrograms** per cubic meter, averaged over a year and **with effect from 1 January 2015**. The Directive also gives Member States more flexibility in achieving compliance with some existing air quality standards (e.g. for coarser particles –known as PM₁₀ and nitrogen dioxide) in zone where they faced difficulties. The Directive aims at increasing cooperation between the Member States during their efforts for reducing air pollution.

The European Commission sets to improve the air quality measures applied in the EU especially by making amendments in the Directive 2001/81/EC concerning the National Emission Ceilings (NECs).

The EU has already made some progress in this field by taking the following measures in 2011; however, is also in the process of review for the period after 2013.

- *Revision of the sulphur content of bunker fuels;*
- *Review and further reducing emissions from vehicles and machinery;*
- *Actively participating in the international negotiations on air quality, in particular the review of the UNECE Gothenburg Protocol.*

The Gothenburg Protocol (the “multi-pollutant” protocol under the Convention on Long-Range Transboundary Air Pollution) signed in 1999 between the EU, Central and Eastern European countries, the United States and Canada has less ambitious targets than foreseen in the EU’s NECs Directive. With the intention to align the Trans-Atlantic agreement with the NEC Directive, negotiations continue to agree on a new protocol. The revision of the Gothenburg Protocol will also cover new components such as the emissions like particulate matter, Black Carbon and intercontinental transport of air pollution¹⁰.

¹⁰ Please visit the website of the Task Force on Hemispheric Transport of Air Pollution at www.htap.org for further information on intercontinental transport of air pollution.

In parallel, following a debate on the EU progress in air policy in January 2011 as well as the first Stakeholder Expert Group's meeting on 6-7 June 2011¹¹, the Commission launched a broad public consultation on air policy, which is carried out during the period between 30 June and 30 September 2011¹².

4.2. Waste Management

In the EU's most densely populated areas, **disposal by dumping** is reaching its limits. Even though it remains a possible solution in other areas where sufficient sites are still available, opportunities are limited on the long term by the threat of water and soil pollution and the protests of local inhabitants. Recourse to dumping will depend on the availability of conveniently situated and well-planned sites and the pre-treatment of certain waste before final dumping takes place.

Waste incineration is an option in many cases, having the advantage of energy recovery. The best way to cut down the volume of waste is to reduce the use of packaging and to recycle. Recycling has great potential for reducing pollution.

On this basis, Community policy concerning waste management has **five main objectives**:

- avoiding waste by promoting environmentally-friendly and less waste-intensive technologies and processes and by producing of environmentally sound and recyclable products;
- promoting reprocessing, in particular the recovery and the re-use of waste as raw materials;
- improving waste disposal by introducing stringent European environmental standards, particularly in the form of legislation;
- tightening up the provisions governing the transport of dangerous substances;
- reclaiming contaminated land.

The legislation regulating waste management is based on **Directives** that tackle the following issues: waste collection, disposal, recycling and processing; particularly hazardous waste; packaging and packaging waste; trans-frontier shipment of hazardous waste; incineration of dangerous waste and dumping.

Since waste policies are becoming a cornerstone of EU environmental protection initiatives, the related policy framework, which has been criticised as being too fragmented and ineffective, has been revised in 2008 via Directive 2008/98/EC, with the aim of moving forward in this process to build up an exhaustive waste policy at EU level. This newly-adopted Directive, lays down specific measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste

¹¹ Concerning the review of the EU air policy, the Commission held a first Stakeholder Expert Group on 6-7 June 2011. The meeting's documents are available at:

http://circa.europa.eu/Public/irc/env/cafe_baseline/library?l=/&vm=detailed&sb=Title

¹²Please visit http://ec.europa.eu/environment/consultations/air_en.htm for the public consultation on the EU air quality legislation

and by reducing overall impacts of resource use and improving the efficiency of such use. The directive also sets new recycling targets: By 2020, Member States must recycle 50% of their household and similar waste and 70% of their construction and demolition waste.

4.3. Water Quality

Over the last two decades, the Community has tried to protect its water from pollution. So the legislation encourages the development of sustainable water resources, and it provides for the protection of the aquatic environment and the alleviation of the impact of floods and droughts. To achieve this, the water legislation has focused on setting **quality standards** and **specific emission control elements**. Regarding dangerous substances discharged into the aquatic environment by industrial plants, Community legislation has introduced a system of stricter limit values, while at the same time leaving Member States free to choose the system of quality objectives, with the corresponding obligation to show that these objectives are being complied with.

The “**basic directive**”, **Directive 76/464/EEC** adopted in 1976, contains a **blacklist of 129 substances declared dangerous** by virtue of their toxicity and bio-accumulation; it was supplemented in December 1979 by Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances -- which is later amended and repealed by Directive 2006/118/EC. Pursuant to these directives, specific directives were introduced to prescribe limit values and quality objectives for the discharge of cadmium, hexachlorocyclohexane (HCH) and mercury. A directive on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry (Directive 89/428) was adopted in June 1989. In this line, the **Nitrates Directive** (91/676/EEC) aims to reduce and prevent water pollution caused by nitrates from agricultural sources and obliges Member States to monitor the nitrate concentration. Pursuant to this Directive, Member States must designate vulnerable zones which include polluted waters and carry out measures to reduce nitrate pollution in these areas. In addition, **EU Directive on Urban Waste-Water Treatment** (91/271/EEC) lays down the rules to protect the environment from the adverse effects of urban waste water discharges and discharges from certain industrial sectors.

The Directive 76/464/EEC on pollution caused by certain dangerous substances into the aquatic environment is later repealed by Waste Framework Directive (2000/60/EC) and by Directive 2006/11/EC. **Directive 2006/11/EC** on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community lays down rules for the protection against and prevention of pollution resulting from the discharge of hazardous substances into (i) inland surface waters; (ii) territorial waters and (iii) internal coastal waters of the Community. It contains two lists of dangerous substances. “List I substances” contains certain individual substances selected mainly on the basis of their toxicity, persistence and bioaccumulation and “List II substances” incorporates substances which have hazardous effect on aquatic environment. The discharge of substances in List I must be **eliminated** and the discharge of substances in List II must be **reduced**.

On the other hand, the **Water Framework Directive** (WFD) (2000/60/EC) incorporates several aspects of the Nitrates Directive in its provisions (e.g. vulnerable zones becoming

“protected areas” under WFD). Water Framework Directive aims to achieve a good level of water quality for all waters across the European Union by 2015¹³.

In the framework of the European water policy, the EU also regulates the areas of drinking water and the bathing water alongside with an integrated approach to the preservation of the marine environment and coasts. In addition, in relation to the adaptation to the climate change in the water sector, the EU Member States also acts in the fields of floods; water scarcity and droughts as well as the management of the river basins.

4.4. Chemicals

European Union is considered to be the biggest chemicals market on the planet; with **30%** of global sales.

Since dangerous chemicals were the top priority items within the first Community environment legislation, related common standards have been highly developed over this period of time.

The EU legislation related to chemicals has led to a high degree of harmonization which has allowed industry to operate within a common European market. **3 major legislative instruments** mainly regulate the area:

- **Directive 67/548/EEC** on packaging and labeling of dangerous substances;
- **Directive 1999/45/EC** relating to the classification, packaging and labeling of dangerous preparations (which repealed Directive on dangerous preparations);
- **REACH** (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation (**1907/2006/EC**)¹⁴.

(1) **Directive 67/548/EEC** creates a single “gateway” through which all new chemical substances must pass before entering the Community market. It obliges manufacturers and importers to label chemical substances with information indicating the quantities manufactured, uses, safety precautions, the results of toxicological and environmental pollution tests and the possibilities of “neutralizing” the substance. Accordingly, it introduces common provisions on the classification, packaging and labeling of dangerous substances (which will eventually be substituted by the implementation of the Globally Harmonized System – GHS, introduced by United Nations Economic Commission for Europe).

Since its adoption in 1967, this Directive has regularly been updated so as to take into account scientific and technical progress to ensure a high level of protection of human health and the environment. By one of the most important amendments, it has been required to establish the list of “existing” substances, called **EINECS** (*European Inventory of Existing Commercial*

¹³ For more information, please visit the following link: http://ec.europa.eu/environment/water/water-framework/index_en.html

¹⁴ **Directive 76/769/EEC** on the marketing and use of certain dangerous substances is **replaced by REACH Regulation as of 1 June 2009.**

Chemical Substances) which lists all substances reported to be on the market according to a target date: on or before 18 September 1981. The notification system of “**new substances**” of Directive 67/548/EEC is substituted by the REACH Regulation.

On the other hand, within the **7th amendment** in 1992, the principles of risk assessment for new substances has been required. It further added the **Safety Data Sheet** as a hazard communication facility for the professional user.

However, the **Regulation 1272/2008/EC** of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging (CLP) of substances and mixtures amends Directive 67/548/EEC and replaces it **as of 1 June 2015**. Known as **CLP Regulation**, this new Regulation is the result of the alignment of the related EU acquis with the United Nations Globally Harmonised System. By using globally agreed classification criteria and labelling requirements, it is foreseen to facilitate trade and protect humans and the environment from dangerous effects of chemicals. It will also complement REACH Regulation.

The CLP Regulation entered into force on **20 January 2009** and following a transitional period, it will replace the current rules on classification, labelling and packaging of substances and mixtures. The transitional period for substances is until **1 December 2010** and for mixtures, it will be until **1 June 2015**¹⁵.

(2) Directive 1999/45/EC harmonizes at European level the criteria which define the dangerous substances:

- to contain at least one dangerous substance;
- to have physico-chemical properties considered to be dangerous, after evaluation;
- to have the possibility to present a specific danger.

For the sake of consistency, REACH Regulation amended this Directive, by abolishing its Article 14 which relates to safety data sheet system.

Directive 1999/45/EC relating to the classification, packaging and labelling of dangerous preparations will be repealed and the new **Regulation No (EC) 1272/2008** on Classification, Labelling and Packaging of Substances and Mixtures will be in effect as from **1 June 2015**. The new Regulation is based on the principle that the same hazards should be described and labelled in the same way all around the world.

(3) The Community has restricted the use of other dangerous substances and preparations by **Directive 76/769/EEC**. As indicated hereinabove, this Directive was replaced by REACH Regulation **as of 1 June 2009**.

(4) The new European law on chemicals, **REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) Regulation**, addresses the weaknesses of the current system¹⁶. Entered in the force on 1st June 2007, REACH system aims to improve the protection of human

¹⁵ For more information, please visit http://ec.europa.eu/enterprise/reach/ghs/legislation/index_en.htm

¹⁶ http://ec.europa.eu/environment/chemicals/reach/reach_intro.htm

health and the environment through the earlier and better identification of the properties of chemical substances. REACH Regulation is expected also to enhance gradually the innovative capability and competitiveness of the EU chemicals industry, as more and more substances are phased into this system.

In this context, the chemicals which meet the definition of phase-in substances were pre-registered between **1 June and 1 December 2008**.

Pursuant to this Regulation, the industry shall take greater responsibility to manage the risks from chemicals and to provide safety information on the substances. Manufacturers and importers will be required to collect information on the properties of their substances. It should be also stressed that the information will be registered in a central database.

The Regulation also puts the emphasis on progressive substitution of the most dangerous chemicals when appropriate alternatives have been identified.

The new European Chemicals Agency (ECHA) is currently acting as the central point in the REACH system by:

- running the databases necessary to operate the system;
- activating a public database for consumers and professionals in order to find information about dangerous substances;
- coordinating the evaluation of suspicious chemicals.

ECHA (located in Helsinki) started its operations on 1 June 2007, in line with provisions laid down in Directive 2006/121/EC of the European Parliament and of the Council and it became fully operational on **1 June 2008**, in time for the industry's obligation to **submit their pre-registration dossiers** for existing substances and **registration dossiers** for new substances.

In this context, The European Commission has announced, on **16 April 2008**, the **fees and charges for registering of chemicals**, which came into force from 1st of June, 2008¹⁷. In this framework, registration fees begin at **€1,600** for substances produced in volumes of less than ten tonnes and increase to **€31,000** for substances produced in volumes greater than 1,000 tonnes. However, **medium-sized enterprises** have reductions of %30, **small enterprises** a %60 and **micro enterprises** have a %90 reduction. Additionally, there will be **discounts of 25 per cent** for companies that co-operate on registrations stages. Some companies also benefited from **staggered registration fees until 2018**, by completing the pre-registration process before 1st December, 2008.

It is worth underlying that; **registration is arranged through the European Chemical Agency** and the relevant fees are also payable to the Agency. Meanwhile, all the fees and the accompanying charges are due **to be reviewed by 2013**, at the latest.

REACH is complemented by the new **Regulation for Classification, Labelling and Packaging of Substances and Mixtures** (CLP Regulation No 1272/2008). This Regulation

¹⁷ İlgili Yönetmelik için, **bknz.** <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:107:0006:0025:EN:PDF>

takes over certain provisions of the REACH Directive regarding the notification of classifications, the establishment of a list of harmonised classifications and the creation of a classification and labelling inventory. Regulation No 1272/2008 further incorporates the classification criteria and labelling rules agreed at UN level, the so-called Globally Harmonised System of Classification and Labelling of Chemicals (GHS). It is based on the principle that the same hazards should be described and labelled in the same way all around the world. Using internationally agreed classification criteria and labelling elements is expected to facilitate trade and to contribute towards global efforts to protect humans and the environment from hazardous effects of chemicals.

4.5. Climate Change

As early as 1990, the European Community agreed on a framework strategy to combat climate change, with a Commitment from the Member States to stabilize Community CO₂ emission by the year 2000 to the 1990 levels. This initiative was followed by the EU's adoption of the United Nations Framework Convention on Climate Change (UNFCCC). This Convention, approved by Council Decision 94/69/EC, aims to achieve the stabilization of greenhouse gas concentrations in the atmosphere at a level which avoids dangerous anthropogenic emissions interfering with the climate system.

The EU took **some measures** to sustain its climate change policy: The main one is the 1993 Council Decision setting up a monitoring mechanism for CO₂ emissions which requires Member States to publish and implement national programs to limit anthropogenic GHGs (human-driven Green-House-Gases).

The UNFCCC commits all Parties to formulate, implement, publish and regularly update their programmes in national, and where appropriate, regional level in order to take measures to mitigate climate change.

It was complemented by a strategy to reduce CO₂ emissions from cars and three programmes emphasizing the sustainable perspective:

1. **SAVE**: conservation of energy and improvement of energy efficiency;
2. **ENERGY**: promotion of cleaner energy systems;
3. **ALTENER**: development of renewable energy.

The Kyoto Protocol requires the EC to reduce greenhouse gas emissions by 8% below 1990 levels by 2008-2012. For the new Member States, the same target is mostly the same.

The European Environment Agency and the Commission take the responsibility for monitoring activities and reporting greenhouse gas emissions under the UNFCCC and the Kyoto Protocol.

Since Europe must not only make deep cuts in its greenhouse gas emissions but also take efficient measures to adapt to climate change, European Commission published a **Green Paper** on 29 June 2007 ("Green Paper on "Adapting to climate change in Europe – options for EU action"") in order to set out options for EU actions to help the process in concern. This Green Paper puts high emphasis on **adaptation initiatives**, which means taking actions to cope with changing climatic conditions.

The Green Paper sets out **four priority actions** to be considered, as cited hereinafter:

- **Early action** to develop adaptation strategies in areas where existing knowledge base is considered as sufficient;
- Integrating global adaptation needs into the EU's **external relations** and creating a new alliance with global partners;
- **Filling knowledge gaps** on adaptation through EU-level research activities and exchange of information in the related areas;
- Setting up a **European advisory group** on adaptation to climate change to analyse coordinated strategies and actions.

On 23 January 2008, the European Commission put forward a package of measures to reach the EU's targets for reducing greenhouse gas emissions up to 2020 and beyond. The package sets out the contribution expected from EU Member States to meet these targets and proposes a number of measures to help achieve them.

The responses supported the development of a **Communication “Towards a comprehensive climate change agreement in Copenhagen”** issued by the European Commission in January 2009. The Communication sets out the proposals for a comprehensive and ambitious new global agreement to tackle climate change and how it could be financed. The new pact should set the global goals of reducing emissions and providing basis for strengthening countries' ability to adapt to climate change.

The Communication addresses **three key challenges**:

- Targets by developed countries and appropriate actions by developing countries;
- The need to address the financing of actions by developing countries (both to mitigate greenhouse gas emissions and adapt to climate change);
- The need to build an effective global carbon market

The Commission's proposals include the creation of an OECD-wide carbon market by 2015 and of innovative international funding sources based on countries' emissions and ability to pay.

In addition, in April 2009, the European Commission presented the **White Paper-Adapting to climate change: towards a European framework for action**. White Paper outlines actions needed to strengthen the Union's resilience in coping with climate change. The framework presented by the Commission sets out a two-phase strategic approach to adapting to the impacts of climate change in the EU which complements actions taken by Member States through an integrated and coordinated approach.

A first phase of the strategy will run until 2012 and will lay the groundwork for preparing a comprehensive EU adaptation strategy for the second phase commencing in 2013. The first phase, which is covered by the White Paper, will focus on four pillars of action:

- Building a solid knowledge base on the impact and consequences of climate change for the EU;
- Integrating adaptation into EU key policy areas;
- Employing a combination of policy instruments (market-based instruments, guidelines, public-private partnerships) to ensure effective delivery of adaptation
- Stepping up international cooperation on adaptation.

For first phase to be a success, the EU, national, regional and local authorities must cooperate closely.

On the other hand, during the European Council of **March 2007**, European heads of state agreed to adopt ambitious objectives to cut greenhouse-gas emissions and to increase the use of renewable energies by 2020 in order to launch a new industrial approach. By this way, the Council stressed the need for decisive and immediate action on climate change, with the aim of achieving the strategic objective of limiting the global average temperature increase. During the European Council of March 2007, a principle agreement was obtained on this “**energy-climate change**” package.

In April 2009, The European Parliament and the European Council adopted Decision No 406/2009/EC concerning the reduction of GHS emissions to meet the Community’s commitments from 2013 to to 2020. With this decision, the Union decided no country should be required to decrease its greenhouse gas emissions in 2020 to over 20% below 2005 levels; whilst no country should be allowed to increase its greenhouse gas emissions in 2020 to more than 20% above 2005 levels.

The European Council adopted a legislative **package on climate and energy** on **23 April 2009** containing measures to fight climate change and promote renewable energy. This package foresaw to **reduce greenhouse emissions by 20%** and **increase share of renewable energy in the EU’s energy consumption by 20%** until 2020.

At international level, on the other hand, it should be noted that an **international conference on climate change**, initiated by United Nations was held on 3-14 December 2007 in **Bali** (Indonesia). This Conference, which brought together representatives of over 180 countries and civil society, had an objective to improve the implementation of Kyoto Protocol, and to promote awareness and action against global warming. At opening the Conference, Australia announced ratification of Kyoto Protocol. Additionally, this Conference culminated in the adoption of the **Bali Road Map**, which consists of considerable decisions for reaching climate targets in the future via an exhaustive Action Plan. Followingly, the UN Climate Change Conference in 2008 was held in **Poznań**, Poland (1-12 December 2008). This Conference was considered as an important half-way mark in the negotiating process to reach a post-2012 (when the Kyoto Protocol’s first commitment period expires) climate change deal in

Copenhagen in 2009. The conference was finalized with a clear commitment from governments to shift into full negotiating mode in 2009 in order to shape an ambitious and effective international response to climate change.

At Poznań, the finishing touches were put to the Kyoto Protocol's Adaptation Fund, with Parties agreeing that the Adaptation Fund Board should have legal capacity to grant direct access to developing countries. Progress was also made on a number of important ongoing issues that are particularly important for developing countries, including: adaptation; finance; technology; reducing emissions from deforestation and forest degradation; and disaster management.

Parallel to international negotiations, at the European Union's Heads of State and Government Summit, held in Brussels on 10-11 December 2009, the EU decided to increase its reduction target for greenhouse gas emissions from 20% to 30% (compared to 1990 level) by 2020. The EU further decided to reserve 2.4 billion Euros each year to help developing countries.

However, Copenhagen Accord – aiming a global climate regime after 2012 – which was agreed by 192 countries during the Climate Change Summit held on 7-18 December 2009 could not bring a broad agreement between developed and developing countries in terms of the degree of greenhouse emission cuts. On the other hand, the Accord acknowledged commitment of countries to **keep annual temperature increase below 2 Degree Celsius**.

The following are remarkable particulars of the Copenhagen Accord:

- The Copenhagen Accord is not binding for the contracting states;
- The Accord does not make any restriction to reduce greenhouse gas emissions for countries;
- In the context of the Accord, countries declare in consensus to maintain the global temperature increase below 2 degrees;
- 30 billion Dollars between 2010 and 2012 and 100 billion Dollars until 2020 is reserved for developing countries, to adapt themselves to climate change regime, to decrease emissions of CO₂, to pursue developments for low-carbon emissions and to prevent the forest destruction.

The Accord generated great disappointment among the stakeholders since it does not mention any global objective to reduce greenhouse gas emissions by 2050.

Although the outcome of climate talks was below expectations, the EU debated its proposition for CO₂ cuts with developed countries such as the US, Canada, China and India further in 2010. The EU further developed and published a “Communication the Analysis of options to move beyond 20% greenhouse gas emission reductions and assessing the risk of carbon leakage” in May 2010. However, as a result of concerned negotiations, in the face of the lack of further commitment from developed and developing countries, the EU did not increase its target for GHG emissions' reduction from 20% to 30%, for the moment.

During the term of office of the current European Commission (2010-2014), the EU has appointed a European Commissioner specifically responsible for Climate Action. Further, the

new EU Treaty (Lisbon Treaty) also enhances the role of the Union for further actions concerning climate change. Those signify the importance of this policy area for the Union.

Further to the Copenhagen Accord, world countries signed the Cancún Agreement on 11 December 2010 during the UN climate change conference. The agreement which aims to set comprehensive and legally binding framework for climate action for the period after 2012 include the following provisions:

- Acknowledgement for the first time in a UN document that global warming must be kept below 2°C compared to the pre-industrial temperature, and establishment of a process to define a date for global emissions to peak and a global emissions reduction goal for 2050;
- The emission pledges of developed and developing countries have been anchored in the UN process and a process set out to help clarify them. The text also recognizes that overall mitigation efforts need to be scaled up in order to stay within the 2°C ceiling;
- Agreement to launch a process to strengthen the transparency of actions to reduce or limit emissions so that overall progress can be tracked more effectively;
- Confirmation of the goal that developed countries will mobilize US\$ 100 billion in climate funding for developing countries annually by 2020, and establishment of a Green Climate Fund through which much of the funding will be channeled;
- Agreement on the Cancún Adaptation Framework to enhance action on adaptation to climate change;
- Launch of a "REDD+" mechanism enabling action to reduce emissions from deforestation and forest degradation in developing countries;
- Agreement to consider setting up new carbon market mechanisms going beyond a project-based approach;
- Establishment of a Technology Mechanism, including a Technology Executive Committee and a Climate Technology Center and Network, to enhance technology development and transfer;
- Establishment of a clear process for reviewing the adequacy of the goal of keeping global warming below 2°C, including consideration of strengthening the goal to 1.5°C, to be concluded in 2015;
- Extension of the work of the ad hoc working groups under the UN climate change convention and the Kyoto Protocol for a further year while leaving open the legal form of the eventual outcome of the negotiations.

Finally, during the **Durban Climate Change Conference** held in South Africa from 28 November to 10 December 2011, parties to the Kyoto Protocol adopted a roadmap to conclude a new global framework by 2015 and put it into effect in 2020.

5. Horizontal Legislation

“**Horizontal legislation**” relates to general environmental management issues rather than to specific sectors or products. Horizontal legislation focuses on setting generic environmental standards for products, management and planning process, which are applicable for a wide range of sectors and/or products.

1. Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (Codified version)

(OJ L 126, 21.05.2009, p.13-22)

This regulation replaced the Council Regulation No. 1210/90 for the interests of clarity and rationality as it was amended several times.

The Regulation establishes a European Environment Agency (EEA, based in Copenhagen / Denmark), and a European Environment Information and observation network.

The Agency aims to provide technical, scientific, and economic information to policy-makers and the public in the European Union and other EEA countries.

It will develop forecasting techniques to enable appropriate preventive measures to be taken in good time; it will ensure that European environmental data are incorporated into international environmental programmes, such as those of the United Nations and its agencies.

They are foreseen to be active in the following areas:

- *Quality of the environment;*
- *Pressures on the environment;*
- *Sensitivity of the environment.*

Priority is given to the following areas of work:

- *Air quality and atmospheric emissions;*
- *Water quality, pollutants and water resources;*
- *State of the soil, of fauna, flora, biotopes;*
- *Land use and natural resources;*
- *Waste management;*
- *Noise emissions;*
- *Chemical substances hazardous for the environment,*
- *Coastal and marine pollution.*

Click here to go to the website of the EEA.

2. Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment

(OJ L 377, 31.12.1991, p. 48-54)

Amended by:

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 1-53)

Summary

Some Community Directives relating to certain sectors of the environment (e.g. pollution caused by dangerous substances, quality of fresh water) require Member States to establish a report on the measures taken to implement them. The purpose of Directive 91/692 is to rationalize and harmonize the transmission of information and the publication of such reports, as well as the alignment of committee procedures which assist the Commission in the exercise of its implementing powers when drawing up these questionnaires. The names of the committees connected with such procedures have been also amended.

Such questionnaires ask information to the Member States on the implementation of the provisions of the Directives, the state of compliances to the provisions/limits laid down, the measures taken at national level to implement these provisions.

Such questionnaires have been adopted as follow:

For the water sector:

- **Commission Decision 92/446/EEC of 27 July 1992 concerning questionnaires relating to directives in the water sector**

(OJ L 247, 27.8.1992, p. 10)

(Consolidated Version)

Amended by:

- **Commission Decision 95/337/EC of 25 July 1995 amending Decision 92/446/EEC of 27 July 1992 concerning questionnaires relating to directives in the water sector**

(OJ L 200, 24.8.1995, p. 1-34)

The Annex of the Commission Decision 92/446 is replaced with the amending Decision.

For the waste sector:

- **Commission Decision 94/741/EC of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)**

(OJ L 296, 17.11.1994, p. 42)

- **Commission Decision 97/622/EC of 27 May 1997 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)**

(OJ L 256, 19.09.1997, p. 13)

In the sector of air (quality and pollution):

- **Commission Decision 96/511/EC of 29 July 1996 concerning the questionnaires provided for in Council Directives 80/779/EEC, 82/884/EEC and 85/203/EEC**

(OJ L 213, 22.08.1996, p. 16)

According to the amending Regulation 1882/2003/EC, Article 6 is replaced by the following:

“1. The Commission shall be assisted by a committee.

2. Where reference is made to this Article, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.”

3. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

(OJ L 197, 21.07.2001, p. 30-37)

Summary

This Directive, which is of a procedural nature, provides that an environmental assessment shall be carried out for plans and programmes which are likely to have significant

environmental effects. It relates in particular to agriculture, forestry, fisheries, energy, industry, transport, town and country planning or land use which set out the framework for the future development consent of projects listed in Annex I and II to Directive 85/337/EEC.

The environmental report and the opinions expressed by the relevant authorities and the public, as well as **the results of any transboundary consultation**, shall be taken into consideration during the preparation process of the plan or programme before its adoption or submission to the legislative procedure.

The environmental report prepared shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and the level of details in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

In addition, the Member States shall identify the public including the public affected or likely to be affected, or having an interest in, the decision-making subject to this Directive, including relevant any non-governmental organizations concerned.

Member States shall also make sure that, when a plan or programme is adopted, the authorities, the public and any Member State consulted are well informed and necessary information is made accessible to them.

The Directive obliges Member States to put the compulsions into practice **from 21.07.2004 onwards**.

Pursuant to **Article 10**, Member States shall monitor the considerable environmental effects of the implementation of plans and programmes so as to identify at an early stage unanticipated adverse effects, and to be able to carry out appropriate remedial action.

4. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC

(OJ L 41, 14.2.2003, p. 26-32)

Summary

This Directive guarantees the right of access to environmental information held by or for public authorities. It also sets out the basic terms and conditions of, and practical arrangements for, its exercise.

The Directive ensures that, environmental information is progressively and systematically made available and dissemination is made to the public of environmental information where available.

A new definition of environmental information is provided so as to cover information in any form on the state of the environment, on factors, measures or activities affecting or likely to affect the environment or designated to protect it, on cost-benefit and economic analyses used within the framework of such measures or activities.

This definition also includes information on the state of human health and safety, together with the contamination of the food chain, conditions of human life, cultural sites, and built structures in as much as they are, or may be, affected by any of those matters.

The Directive stipulates that information must be made available to the applicant not later than one month after receipt of the request.

Member States shall report on the experience gained in the application of this Directive, not later than **14 February 2009**, and communicate the report to the European Commission not later than **14 August 2009**.

This Directive is the extension of the implementation of Aarhus Convention provisions in EU context. It seeks the compatibility of these provisions with Community legislation. As a reminder for its background, the European Community signed, on 25 June 1998, the United Nations Economic Commission for Europe (UN/ECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (“**the Aarhus Convention**”). In this line, access to environmental information held by the public authorities becomes a prerequisite for improving the application and monitoring of Community environment law.

5. Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC – Statement by the Commission

(OJ L 156, 25.6.2003, p. 17-25)

Summary

This Directive aims to contribute to the implementation of the obligations of Aarhus Convention, particularly by:

- providing for public participation regarding the drawing up of certain plans and programmes which relate to the environmental issues (in line with Article 7 of the Aarhus Convention);
- improving the public participation and providing for provisions on access to justice.

6. Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)

(Text with EEA relevance)

(OJ L 276, 20.10.2010, p. 1–10)

Summary

This Regulation establishes the European Earth monitoring programme called GMES and the rules for the implementation of its initial operations during the period 2011-2013. The Objectives of GMES Initial Operations (2011–2013) are detailed in the Annex. European Free Trade Association (EFTA) countries and the candidate countries may participate in the operational actions.

The GMES programme comprises service, space and in-situ components ensuring access to information in support of the following areas:

- atmosphere monitoring,
- climate change monitoring in support of adaptation and mitigation policies,
- emergency management,
- land monitoring,
- marine environment monitoring,
- security.

5.2. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment

(COM/2011/0189 final)

Summary

The purpose of this proposal is to undertake a codification of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment. The proposal fully preserves the content of the acts being codified¹⁸ and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.

¹⁸ The proposal in particular codifies **Council Directive 85/337/EEC** of 27 June 1985 on the assessment of the effects of certain public and private projects and **Council Directive 97/11/EC** of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

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This Directive shall apply to the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment.

Member States are required to ensure that projects likely to have significant effects on the environment are made subject to a requirement for development consent and an assessment with regard to their effects.

Projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.

Projects listed in Annex II, the Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10.

6. Air Pollution and Air Quality

6.1. Biosphere

1. Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe

(OJ L 152, 11.6.2008, p. 1–44)

Summary

This Directive sets out **a number of measures** aiming at the following issues:

1. defining and establishing objectives for ambient air quality in order to avoid, prevent or decrease harmful effects on human health and the environment;
2. assessing the ambient air quality in EU Member States via common methods and criteria;
3. gathering information on ambient air quality with the purpose of helping to combat air pollution and nuisance, as well as supervising long-term trends and improvements;
4. ensuring the availability of such information on ambient air quality to the public;
5. maintaining the good-quality of the air and improving it in other cases; and
6. promoting cooperation between EU Member States for reducing air pollution.

In this context, Member States are required to designate **the competent authorities and bodies responsible for the following fields**:

- (a) assessment of ambient air quality;
- (b) approval of measurement systems (methods, equipment, networks and laboratories);
- (c) ensuring the correctness of measurements;
- (d) analysis of assessment methods;
- (e) coordination on their territory concerning the Community-wide quality assurance programmes;
- (f) cooperation with the other EU Member States and European Commission.

This Directive revised and combined separate four directives and one Council decision into a single directive.

Under the Directive, Member States are obliged to **reduce exposure to PM_{2.5} in urban areas by 20% by 2020 compared to 2010 levels**. It also requires from Member States to bring **exposure levels below 20 micrograms/m³ by 2015 in these areas**. In this context, the new directive introduces **new objectives for fine particles PM_{2.5}**; but does not modify existing air quality standards. However, it ensures greater flexibility for Member States in meeting some of these standards in areas where there is difficulty for complying.

Member States are also required to establish **air quality plans and appropriate measures** for zones or agglomerations where the level of pollutants in ambient air exceed relevant limit values or target values specified in the related Annexes of the Directive.

This Directive **repeals** Directives 96/62/EC, 1999/30/EC, 2000/69/EC and 2002/3/EC **on 11 June 2010**.

The Directive underlines that; in 2013, the European Commission is required to review the provisions related to PM_{2,5} and other pollutants, and shall present a proposal to the European Parliament and the Council.

2. Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants

(OJ L 309, 27.11.2001, p. 0022-0030)

(Consolidated Version)

Amended by:

- **Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded - Annex II: List referred to in Article 20 of the Act of Accession - 16. Environment - D. Industrial pollution control and risk management**

(OJ L 236, 23.09.2003, p. 703-707)

- **Council Directive 2006/105/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania**

(OJ L 363, 20.12.2006, p. 0368 – 0408)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with**

regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two

(OJ L 87, 31.3.2009, p. 109–154)

Summary

The purpose of this Directive is the introduction, by the end of 2010 at the latest, of national emission ceilings for sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC) and ammonia (NH₃). These ceilings are laid down in Annex I to the Directive.

The finality of the emission ceilings is largely to meet the following interim environmental objectives:

- The areas with critical loads of acid depositions will be reduced by at least 50% compared with 1990;
- Two-thirds compared with the 1990 situation will reduce ground-level ozone loads above the critical level for human health. An absolute limit is also set. The guide value set by the World Health Organisation may not be exceeded on more than 20 days a year.
- One-third compared with 1990 will reduce ground-level ozone loads above the critical level for crops and semi-natural vegetation. An absolute limit is also set.

Moreover, **Member States must prepare and annually update national emission inventories and emission projections for SO₂, NO_x, VOC and NH₃ by using the methodologies specified in Annex III.** Regulation (EC) No 219/2009 empowers the Commission to update concerned methodologies. **These inventories and projections must be reported to the Commission and the European Environment Agency each year by 31 December at the latest.**

The Commission must report (in 2004, 2008 and 2012) to the European Parliament and the Council on progress on the implementation of the ceilings and towards attaining the interim environmental objectives and the long-term objectives set by the Directive.

The Member States and the Commission may cooperate with third countries and relevant international organizations with a view to exchanging information and proceeding with research aiming at reducing emissions of SO₂, NO_x, VOC and NH₃.

After the new wave of enlargement, the ANNEX I (National emission ceilings for SO₂, NO_x, VOC and NH₃, to be obtained by 2010) and ANNEX II (Emission ceilings for SO₂, NO_x and VOC) has been changed.

The emission ceilings are designed with the aim of attaining the interim environmental objectives for the Community as a whole by 2010.

In the Thematic Strategy on Air Pollution adopted in 2005, the EU identified the revision of the Directive on National Emission Ceilings (NEC) as one of the measures to be taken to meet the 2020 interim objectives for human health and environment. In this regard, the EU is expected to publish a proposal for a new NEC Directive on the basis of the results of the ongoing public consultation on air policy, was carried out in the EU until October 15, 2011¹⁹.

3. Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer

(OJ L 286, 31.10.2009, p. 1–30)

(Consolidated Version)

Amended by:

- **Commission Regulation (EU) No 744/2010 of 18 August 2010 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, with regard to the critical uses of halons Text with EEA relevance**

(OJ L 218, 19.8.2010, p. 2–8)

Summary

Regulation 1005/2009 on substances that deplete the ozone layer repealed Regulation 2037/2000 of the European Parliament and the Council of 29 June 2000. The revision aims to simplify the Regulation 2037/2000 and reflect the progress made in phasing out ozone-depleting substances in the European Union.

Emissions of ozone-depleting substances at current levels continue to cause important damage to ozone layer. Increased UV-B radiation resulting from ozone depletion therefore persists as a significant threat to health and environment. At the same time most of these substances have high global warming potential and are contributory factors towards increasing the temperature of the planet.

The Regulation 1005/2009 clarifies the provisions of the Regulation 2037/2009 such as those on exemptions and derogations to the use of ozone-depleting substances, and the conditions of their export and import.

Regulation 1005/2009/EC regulates on the substances that deplete the ozone layer and repealed Regulation 2037/2000/EC as of 1 January 2010. The purpose of the legislation remains the same which is to phase out and control remaining uses of ozone depleting substances (ODS) for the ozone recovery. ODS are chemicals that include

¹⁹Please visit http://ec.europa.eu/environment/consultations/air_en.htm for the public consultation on the EU air quality legislation

chlorofluorocarbons (CFCs), halons and hydrochlorofluorocarbons (HCFCs) that are harmful to Earth's ozone layer when they escape into the upper atmosphere. Accordingly, ODSs which fall under Regulation 1005/2009/EC are identified as controlled substances and are also in accordance with the definitions of the Montreal Protocol. The Regulation includes controls on production, transboundary trade, placing on the market, use, emission controls and disposal of controlled substances. This new Regulation lays out measures that control or terminate the use of ODSs in existing products and equipments. The Regulation further establishes a licensing and reporting procedures for all ODS for some essential use.

Regulation 1005/2009/EC enforces the Member States to report the quantities of methyl bromide authorised, the quantities of halons installed, used and stored for critical uses, cases of illegal trade to the Commission. This new Regulation enforces each undertaking to prepare reports on the production, import, placing on the market, use and export of a number of specific substances (including n-propyl bromide) while compelling the users of controlled substances and process agents to report on use, stocks, processes and emissions. In addition to this, 80% of methyl bromide used for quarantine and pre-shipment applications shall be recaptured. Furthermore, existing export bans for equipment which contain and rely on controlled substances shall be systematized. Finally, export of CFCs that are used in Meter Dose Inhalers and production, import, placing on the market, use and export of Dibromodifluoromethane shall be banned. The use of methyl bromide for quarantine and pre-shipment applications has been banned from 19 March 2010.

Commission Regulation No 744/2010 replaced Annex VI -- concerning critical use of halons - - as of 8 September 2010.

4. Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

(OJ L 147, 2.6.2011, p. 4-5)

Summary

The Regulation lays down the details of the mechanism, in its Annex, according to which the quotas for controlled substances for laboratory and analytical uses shall be allocated to the producers and importers (to which no production or import licence was issued during the years from 2007 to 2009.)

5. Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases

(Text with EEA relevance)

(OJ L 161, 14.6.2006, p. 1-11)

(Consolidated Version)

Amended by:

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1–54)

Summary

Fluorinated gases (that is, hydrofluorocarbons – HFCs and sulphur hexafluoride – SF₆) are extremely powerful and long-lived greenhouse gases used in refrigeration, air conditioning, fire-fighting and various industry processes. The reduction of their emissions is a requirement under the 1997 Kyoto Protocol and will help the EU and its Member States meet their Kyoto emission targets and reduce emissions further after 2012.

In this regard, according to the 3rd Preamble, the Regulation aims to make a contribution towards the European Community's Kyoto Protocol target by introducing cost-effective mitigation measures and to prevent distortion of the internal market that could result from differing national measures in place or being planned. The focus of the Regulation in general is on the protection of the internal market through the harmonisation and improvement of requirements on the containment and reporting of fluorinated gases.

The Regulation also contains provisions such as duty to prevent and minimize leakage, mandatory inspections for leakage, leakage detection systems, and maintenance of records designed to improve the containment of fluorinated gases. Moreover, another aim is to establish arrangements for recycling, reclaiming or destruction of such devices containing fluorinated greenhouse gases.

The Regulation (EC) No 1137/2008 amends the non-essential elements of the Regulation. In this regard, it empowers the Commission to establish the 'standard leakage checking requirements' for each of the applications to be checked subject to the Regulation (EC) No 842/2006 by operators. It further delegates the Commission to establish training programmes and certification for both the companies and the relevant personnel involved. The Regulation (EC) No 1137/2008 further amends the procedure to determine the form of the label to be used on the products.

The Regulation is expected to reduce projected emissions of fluorinated gases by around 23 million tones of carbon dioxide equivalent by 2010, and even greater reductions in the period after, as some provisions will not have a significant impact until then. The European Commission is currently carrying out a wide-ranging evaluation of the Regulation. In September 2011 the Commission published a “preparatory report for a review of Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases”²⁰.

²⁰ For preparatory report for a review of Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases: http://ec.europa.eu/clima/policies/f-gas/docs/2011_study_en.pdf

6. 2010/372/: Commission Decision of 18 June 2010 on the use of controlled substances as process agents under Article 8(4) of Regulation (EC) No 1005/2009 of the European Parliament and of the Council

(OJ L 169, 3.7.2010, p. 17–18)

Summary

The use of ozone depleting substances as process agents is one of the few remaining emissive uses still allowed under Regulation 1005/2009.

Commission Decision 2010/372 provides a list of authorised undertakings for which the use of controlled substances as process agents in its Annex is permitted as of 1st of January 2010. Pursuant to Article 3 of the Decision an undertaking may fully or partially transfer its make-up quota allocated for an existing installation outlined in the Annex to another undertaking listed in the Annex.

In case of decommissioning of installation concerned undertakings listed in the Annex shall within three months notify the Commission and the competent authority of Member State in which the installation was located thereof.

7. 2010/375/: Commission Decision of 18 June 2010 on the allocation of quantities of controlled substances other than hydrochlorofluorocarbons allowed for essential or critical laboratory and analytical uses in the Union in 2010 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

(OJ L 170, 6.7.2010, p. 35–38)

Summary

The Decision regulates the permissions to the production and import of controlled substances other than hydrochlorofluorocarbons (HCFCs) for any essential laboratory and analytical use specified in Annex I.

In this regard, the Decision lists the undertakings entitled to produce or import concerned controlled substances for essential laboratory and analytical uses between 1st of January and 31st of December 2010, and sets the maximum quantities.

According to the Decision, the quantity of controlled substances other than HFCs subject to Regulation 1005/2009 which may be produced or imported for essential laboratory and analytical uses in the Union in 2010 shall be 63843,371 ODP kilograms.

8. 2010/209/: Commission Decision of 26 March 2010 on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2010 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council

(OJ L 89, 9.4.2010, p. 13–19)

Summary

The aim of the Decision 2010/209 is to ensure operators and undertakings benefit from allocated imported quotas in due time and the necessary continuity of their operations.

In this regard, the Decision sets the quantity of different groups of controlled substances, subject to Regulation No 1005/2009, which may be released for free circulation in the Union in 2010 from sources outside the Union. It details the allocation of import quotas for concerned controlled substances.

9. 2011/184/EU: Commission Decision of 24 March 2011 on the allocation of quantities of controlled substances allowed to be imported or produced for laboratory and analytical uses in the Union in 2011 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

(OJ L 79, 25.3.2011, p. 14–17)

Summary

The Decision regulates the permissions to the production and import of controlled substances other than hydrochlorofluorocarbons (HCFCs) for any essential laboratory and analytical uses by the companies specified under Annex I.

The Decision applies between 1st of January and 31st of December 2011, and sets the maximum quantities that concerned companies may produce or import into the EU. (Annex II)

10. 2011/185/EU: Commission Decision of 24 March 2011 on the allocation of import quotas for controlled substances, and the quantities that may be released for free circulation in the Union, under Regulation (EC) No 1005/2009 of the European Parliament and of the Council, for the period 1 January to 31 December 2011

(OJ L 79, 25.3.2011, p. 18–25)

Summary

The aim of the Decision 2011/185 is to ensure operators and undertakings benefit from allocated imported quotas in due time and to ensure the necessary continuity of their operations.

In this regard, the Decision sets the quantity of different groups of controlled substances, subject to Regulation No 1005/2009, which may be released for free circulation in the Union in 2011 between 1st of January and 31st of December 2011 from sources outside the Union. It details the allocation of import quotas for concerned controlled substances with the indication of the purpose of use as well as the authorized accompanies. (Annex I)

11. Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer

(OJ L 79, 25.3.2011, p. 4–6)

Summary

The production, import and use of controlled substances other than hydrochlorofluorocarbons may be permitted for any essential laboratory and analytical use specified in the Annex to this Regulation.

12. Notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2012 and undertakings intending to request for 2012 a quota for these substances intended for laboratory and analytical uses

(OJ C 75, 9.3.2011, p. 4–5)

Summary

The Notice is addressed to the undertakings that intend:

- (a) to import or export to or from the European Union substances listed in Annex I of the Regulation (EC) No 1005/2009 on substances that deplete the ozone layer in 2012; or
- (b) to request a quota for laboratory and analytical uses of these substances for 2012.

The concerned companies that has not requested an import or export licence (before 2010 referred to as export authorisation) in the previous years, need to notify the Commission by submitting no later than 16 May 2011 the registration form available online at http://circa.europa.eu/Public/irc/env/review_2037/library.

The submission of a declaration by itself does not give any right to perform imports, exports or, in the case of controlled substance for laboratory and analytical uses, production.

6.2. Industry

1. European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations

(OJ L 365, 31.12.1994, p. 0024-0033)

(Consolidated version)

Amended by:

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC of the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 1-53)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1-54)

Summary

This Directive was derived from the necessity that Member States need to establish laws, monitoring and enforcement systems for meeting the **emission limits for petrol vapour** from storage tanks and mobile containers: trucks, trains and inland waterway vessels. Therefore, it deals with VOC emissions resulting from the **storage of petrol and its distribution** from terminals to service stations. It applies to operations, installations, vehicles and vessels used for storage, loading and transport of petrol from one terminal to another or from a terminal to a service station. The Directive sets out minimum requirements for Member States to apply. Accordingly, nationally harmonized testing procedures must be applied by competent authorities monitoring terminals and service stations, as well as vehicles and vessels for the transport of petrol²¹.

Storage installations must be designed according to the technical provisions drawn in Annex I, so that total annual loss of petrol at terminals is kept below a reference value of 0,01 weight (w/w) % of the throughput.

²¹ For further informations and news related to stationary source emissions, please visit <http://ec.europa.eu/environment/air/pollutants/stationary/solvents.htm>

Loading and unloading equipment of mobile containers at terminals are designed and operated according to technical provisions of Annex II, so that the reference value for loss of petrol reaches 0,05 w/w% of the throughput. All terminals with loading facilities for road tankers must be equipped with at least one gantry meeting specifications of Annex IV.

The Directive fixes requirements for the design and operation of mobile containers to contain residual vapours. Vapour tightness in road tankers and vacuum/pressure valves on all mobile containers must be regularly tested.

Loading and storage equipment must be designed and operated according to the technical requirements of Annex III so that the loss of petrol stays below 0,01 w/w% of the throughput.

Aligned with the Directive, Member States must implement a range of technical and management requirements to minimise vapour losses from the handling of petrol at terminal and service stations and during transport. Thus, Member States may adopt technical measures for the reduction of losses of petrol other than those set in Annex I, II and III if they have the same efficiency²².

In short, Directive 94/63/EC aims at controlling emissions of volatile organic compounds (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations²³.

According to the Regulation, all terminals with loading facilities for road tankers shall be equipped with at least one gantry which meets the specifications for bottom loading equipment laid down in Annex IV. Regulation (EC) No 1137/2008 empowers the Commission to re-examine those specifications at regular intervals and, if appropriate, revise them.

2. Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations

(OJ L 085, 29.03.1999, p. 0001-0022)

(Consolidated version)

Amended by:

²² For further informations about the identification and the assessment of obstacles and difficulties for the implementation of Directive 94/63/EC (Stage 1) in new Member States and Candidate Countries, **please visit** the Final Report drafted by the European Commission in this field (April 2009): http://ec.europa.eu/environment/air/transport/pdf/report_i1.pdf

²³ Directive on Emissions from Motor Vehicles – Implementation Considerations.

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 1-53)

- **Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC**

(OJ L 143, 30.04.2004, p. 87-96)

- **Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (Text with EEA relevance)**

(OJ L 345, 23.12.2008, p. 68–74)

To be repealed by: (with effect from 6 January 2014)

- **Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) Text with EEA relevance**

(OJ L 334, 17.12.2010, p. 17–119)

Summary

The organic solvent content of paints, varnishes and vehicle refinishing products gives rise to significant emissions of VOCs into the air.

Thus, this Directive complements the Auto-Oil Programme, as explained above, by combating emissions of organic solvents from stationary commercial and industrial sources, **and the 1994 Directive on volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.** It covers industries using volatile organic solvents and that are listed in the Annex (coating, vehicle refinishing, etc.). For most of the activities concerned, the Directive specifies a consumption threshold above which its provisions apply.

All new installations not already covered by Directive 96/61/EC must be registered or authorised before being put into service. Existing installations must be registered or their

activities authorised if they have not yet been authorised under Council Directive 96/61/EC. They must comply with the same requirements as for new installations **no later than 30 October 2007**. Where part of an existing installation undergoes a substantial change, it must fulfil the requirements applicable to new installations.

The industrial operators concerned can confirm the specified emission limits in either of the **following ways**:

- By installing equipment to reduce emissions to comply with the emission limit values and the fugitive emission values, or total emission limit values;
- By introducing a reduction scheme to arrive at an equivalent emission level, in particular by replacing conventional products which are high in solvents with low-solvent or solvent-free products.

Member State must take the necessary measures to ensure that all new installations comply with the provisions of the Directive. Moreover, all new installations not already covered by Directive 96/61/EC concerning integrated prevention and control must be registered or authorized before being put into service.

Member States may define and implement national plans for reducing emissions from the activities and industrial installations. The Member States must take the necessary measures to ensure that the public has access to information concerning authorizations granted under this Directive.

Solvents containing substances likely to have a serious effect on human health (carcinogens, mutagens, or toxic to reproduction), must be replaced, as far as possible, by less harmful substances within the shortest possible time. **Stricter emission values** are specified for harmful substances.

The aim of Directive 2004/42/CE amending Directive 1999/13/EC is to limit the total content of organic solvents in certain paints, varnishes and vehicle refinishing products in order to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone. To achieve this objective, the Directive approximates the technical specifications for certain paints and varnishes and vehicle refinishing products. These products are set out in Annex I.

The Directive provides that Member States must ensure that the products set out in Annex I are placed on the market within their territory after the dates laid down in Annex II, only if they have a VOC content not exceeding the limit values set out in Annex II and comply with the labelling requirements set out in the Directive.

The questionnaire to be used by Member States for reporting on the implementation of Directive 1999/13/EC, covering the period 1 January 2011 to 31 December 2013 is laid down in the Annex to **Decision 2010/681/EU**.

3. Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants

(OJ L 309, 27.11.2001, p. 1-21)

(Consolidated Version)

(Slovakia, Poland, Malta, Hungary, Lithuania, Greek Administration of Southern Cyprus, Estonia, Czech Republic, Bulgaria and Romania all have several derogations regarding the Directive)

Amended by:

- **Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded - Annex II: List referred to in Article 20 of the Act of Accession - 16. Environment - D. Industrial pollution control and risk management**

(OJ L 236, 23.9.2003, p. 703–707)

- **Council Directive 2006/105/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania**

(OJ L 363, 20.12.2006, p. 368–408)

- **Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006**

(Text with EEA relevance)

(OJ L 140, 5.6.2009, p. 114–135)

Summary

The Directive is applicable to combustion plants with a rated thermal input equal to or greater than **50 MW**, irrespective of the type of fuel used. However, it allows exemptions from the emission limit values to be granted to plants using certain types of fuel.

The aim is to reduce gradually the annual emissions of sulphur dioxide and oxides of nitrogen from existing plants and to lay down emission limit values for sulphur dioxide, nitrogen oxides and dust in the case of new plants.

It also lays down provisions concerning **permits for** the construction of combustion plants or licenses for the operation of new plants:

- All licenses requested **before 27 November 2002** for plants to be put into operation no later than 27 November 2003 will be issued by the Member States and shall comply with the emission limit values laid down in part A of Annexes III to VII for sulphur dioxide, oxides of nitrogen and dust;
- **All other plants** must comply with the emission limit values laid down in part B of Annexes III to VII for sulphur dioxide, oxides of nitrogen and dust.

The Member States may adopt emission limit values and compliance deadlines which are stricter than those provided for in the Directive; include other pollutants and lay down additional requirements. But they must ensure that waste gasses from combustion plants are discharged by means of stacks high enough to safeguard human health and the environment.

The methods of measurement of emissions are defined in Annex VIII to Directive 2001/80/EC. The Annex I of the same Directive has been amended after the new wave of enlargement regarding national emission ceilings for certain atmospheric pollutants.

The Directive 2009/31/EC amends *Article 9a* of 2001/80/EC so as to lay down the conditions for the competent authorities of the Member States, to ensure whether the operators of concerned combustion plants, which are granted the construction or operating licences after the entry into force of Directive 2009/31/EC in May 2009, meet detailed requirements concerning the geological storage of carbon dioxide.

4. Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control

(Consolidated version)

(Text with EEA relevance)

(OJ L 24, 29.1.2008, p. 8–29)

Amended by:

- **Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006**

(Text with EEA relevance)

(OJ L 140, 5.6.2009, p. 114–135)

To be repealed by: (As effect from 07.01.2014)

- **Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)**

(OJ L 334, 17.12.2010, p. 17–119)

Summary

The objective of this Directive is to achieve integrated prevention and control of pollution which arises from the activities listed in Annex I (energy industries, production and processing of metals, mineral industry, chemical industry, waste management, and other activities). In this context, it specifies basic requirements to be met by all the industrial installations concerned in order to prevent or reduce emissions in the air, water and land, including measures concerning waste.

According to the Directive, operators of industrial installations covered by **Annex I** are required to obtain an authorisation (environmental permit) from the relevant authorities in the EU countries.

Particularly, the Directive defines the legal framework for issuing permits to carry out the activities above-mentioned. Member States are required to take necessary measures so as to ensure that new installations are operating with a permit issued in accordance with this Directive.

The Directive also mentions **best available techniques (BAT) and environmental quality standards**. In this context, the environmental permits (including emission limit values) must be based on BATs. Simultaneously, pursuant to Article 10, it stipulates that; “*where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall in particular be required in the permit, without prejudice to other measures which might be taken to comply with environmental quality standards.*”

This Directive **repealed** IPPC Directive 96/61/EC concerning integrated pollution prevention and control.

Directive 2009/31/EC aims to establish a legal framework for the geological storage of carbon dioxide (CO₂). This legal framework is designed to ensure that CO₂ capture and storage is an available mitigation option, and that it is done safely and responsibly. Accordingly, it amends Directive 2008/1/EC to cover capture of CO₂ streams for the purposes of geological storage from installations covered by that Directive.

The European Commission adopted a proposal for a Directive on industrial emissions on **21 December 2007** in order to provide further protection for environment and health through the use of BATs. Concerned proposal on industrial emissions aimed to recast seven existing directives, including the IPPC Directive, into a single legislative instrument. On 25 June 2009, The European Council and European Parliament reached political agreement on the Commission's proposal on industrial emissions and the inter-institutional procedure for this proposal was finalized. The new Directive 2010/75/EU on industrial emissions entered into force after its publication in the EU Official Journal in December 2010. Please find further details on the concerned Directive below.

Directive 2010/75/EC **repeals Directive 2008/1/EC** with effect from **January 7, 2014**.

The questionnaire to be used by Member States for reporting on the implementation of Directive 2008/1/EC, covering the period 1 January 2009 to 31 December 2011 is laid down in the Annex to **Decision 2010/728/EU**.

5. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)

(OJ L 334, 17.12.2010, p. 17–119)

Summary

Directive 2010/75/EU recasts seven existing EU Directives – IPPC Directive, Large Combustion Plants Directive, Waste Incineration Directive, Solvents Emissions Directive, and three Directives on Titanium Dioxide – related to industrial emissions, into one single legislative document. It lays down rules to prevent or to reduce emissions into air, water and land and to prevent the generation of waste by industrial activities.

As detailed under its Annex IX, the **Directive 2010/75/EU repeals** Directives **78/176/EEC, 82/883/EEC, 92/112/EEC, 1999/13/EC, 2000/76/EC** and **2008/1/EC** with effect from **7 January 2014**. On the other hand, **Directive 2001/80/EC** is repealed with effect from **1 January 2016**.

Directive 2010/75/EU shall apply to the industrial activities, under Annex I, that give rise to pollution through the emission of polluting substances listed in Annex II. Member States shall ensure the concerned installations and combustion plants, the waste incineration plants or waste co-incineration plant operate after a permit is given. Those permits include emission limit values for polluting substances as well as other measures.

An application for a permit includes a description of the following:

- (a) the installation and its activities;
- (b) the raw and auxiliary materials, other substances and the energy used in or generated by the installation;
- (c) the sources of emissions from the installation;
- (d) the conditions of the site of the installation;
- (e) where applicable, a baseline report;
- (f) the nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment;
- (g) the proposed technology and other techniques for preventing or reducing emissions from the installation;
- (h) measures for the prevention, preparation for re-use, recycling and recovery of waste generated by the installation;
- (i) further measures planned to comply with the general principles of the basic obligations of the operator;
- (j) measures planned to monitor emissions into the environment;
- (k) the main alternatives to the proposed technology, techniques and measures studied by the applicant in outline.

The Directive designates the ‘Best Available Techniques’ (BAT) as the main source of reference for setting permit conditions for the installations. In order to determine BATs and to limit imbalances as regards the level of emissions from industrial activities, the Commission is obliged to draw up and update **BAT reference documents** in exchange of opinion with the stakeholders. The competent authority in Member States shall set emission limit values and ensure monitoring requirements in compliance with the BAT conclusions. Annex III writes down the criteria for determining BATs. In cases where an environmental quality standard requires stricter conditions than those determined by BATs, additional measures shall be included in the permit.

Operators of industrial installations shall inform the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment. At the request of the competent authority, the operator shall submit all the information necessary for the purpose of reconsidering the permit conditions.

Member States shall ensure that all installations are covered by an environmental inspection plan at national, regional or local level and industrial activities are periodically monitored. Following the site visits, the competent authorities shall notify the operator with a report within 2 months and made the report publicly available. Member States shall determine effective, proportionate and dissuasive penalties applicable to infringements of the concerned national provision and notify those provisions to the Commission by 7 January 2013.

Chapter III lays down special provisions for the combustion plants -- i.e. power plants, oil refineries and metal industry -- the total rated thermal input of which is equal to or greater than 50 MW. In addition, Annex V defines the technical provisions. Accordingly, combustion plants which have been granted a permit or which submitted a permit application

before 7 January 2013 shall comply with the emission limit values set out in Part 1 of Annex V by January 7, 2014. On the other hand, combustion plants which have been granted exemption and which are in operation after 1 January 2016 shall comply with emission limits set out in Part 2 of Annex V. **From 2016 to mid-2020**, Member States are required to draw up and implement **transitional national plans** covering combustion plants which are granted permit before 27 November 2002 and put into operation in one year. The transitional plans aim capping emissions for certain pollutants such as NO_x and/or SO₂ and/or dust **until 2020** and gradually decrease limit values. Combustion plants firing indigenous coal or lignite, which cannot comply with the emission limits for SO₂ can alternatively apply the minimum rate of desulphurization. This rate remains at 96% for LCPs with a rated thermal input of over 300 MW.

Furthermore, in the Directive, Chapter IV and Annex VI sets down special and technical provisions for waste incineration plants and waste co-incineration plants which incinerate or co-incinerate solid or liquid waste. Chapter V and Annex VII details the special and technical provisions for installations and activities using organic solvents. Chapter V and Annex VIII details the special and technical provisions for installations producing titanium dioxide.

Access to information and public participation in the permit procedure are also important components of the new legislation. Member States are asked to ensure early and effective opportunities for public participation in granting of a permit for new installations and for any substantial change. The details of the procedure for public participation in the decision-making are given under Annex IV.

The Commission will submit a review report on the implementation of this Directive by January 7, 2016 and every 3 years thereafter.

6. Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions

(Official Journal C 146, 17.5.2011, p. 3–4)

As required under Directive 2010/75/EU on industrial emissions, this Commission Decision establishes a forum to provide opinion on the practical arrangements for the exchange of information and on the proposed content of BAT reference documents.

Members of the Forum are EU Member States, international organisations representing industries concerned by the activities covered by Annex I of the Directive 2010/75/EU and non-governmental organisations promoting environmental protection. Representatives of acceding countries shall be invited to attend the meetings of the forum as from the date of signature of the Treaty of Accession.

7. Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air

(OJ L 023, 26.01.2005, p. 0003-0016)

(Consolidated Version)

Amended by:

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

Summary

The objectives of the Directive in general are relating to conservation, protection, and improvement of the quality of the environment, and the protection of human health. A key objective is to **reduce exposure to priority environmental pollutants**, such as heavy metals, having a significant health impact.

The Directive therefore establishes provisions for regulating **PAH** (polycyclic aromatic hydrocarbons) in ambient air and introduces a target value for benzo(a)pyrene (**BaP**) to enforce the necessary regulations in Member States, in particular relating to non-industrial sources.

Requirements for the **monitoring of air quality and deposition** are given in the Directive. It also lays down the **corresponding assessment thresholds**. Provisions for the minimum number and the location of monitoring sites are also established. Annexes set out full details.

The Directive requires the Member States to forward to the Commission information on zones and agglomerations where a target value is not met or where an assessment threshold is exceeded. The Commission must make this information available to the public.

It also requires Member States to supply regular information to the public and appropriate organisations about arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons, and in particular on the respective target value for BaP.

8. Regulation (EC) No 1366/2006 of the European Parliament and of the Council of 6 September 2006 amending Regulation (EC) No 2037/2000 as regards the base year for the allocation of quotas of hydrochlorofluorocarbons with respect to the Member States that acceded to the European Union on 1 May 2004

(OJ L 264, 25.9.2006, p. 12-12)

Summary

Since quotas shall be based, as a general rule, on the most recent and representative figures available so as to ensure that several importing companies in the new Member States are not excluded, the given Regulation underlines the importance of choosing the years for which the most recent data are available. Accordingly, the following point shall be added to **Article 4 (3)(i) of Regulation (EC) No 2037/2000**:

(i) by way of derogation from point (h), each producer and importer in the Czech Republic, Estonia, Greek Administration of Southern Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall ensure that the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account shall not exceed, as a percentage of the calculated levels set out in points (b), (d), (e) and (f), the average of its percentage market share in 2002 and 2003.

9. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC

(Text with EEA relevance)

(OJ L 33, 4.2.2006, p. 1-17)

(Consolidated version)

Amended by:

- **Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four**

(OJ L 188, 18.7.2009, p. 14–92)

Summary

The purpose of the Regulation is to establish a European Pollutant Release Transfer Register (PRTR) as an instrument to provide information access concerning release of pollutants and off-site transfers of pollutants and waste and to use that information to trace the trends,

showing the progress in pollution reduction, overseeing the compliance with the international agreements. PRTRs can provide all the interested stakeholders ranging from NGOs to industry a valuable database for comparison and analysis. The aim is to establish this register at the Community level and open to access electronically.

The Regulation specifies the design and structure of European PRTR. The operators involved in activities listed in Annex I above the applicable capacity thresholds has an obligation to report annually to its competent authority. Member States are under the obligation to specify a date by which the operators will provide the requested data to their competent authorities.

Regulation (EC) No 596/2009 lays down rules concerning the amendment of the non-essential elements of the Directive in order to adapt it to technical progress and empowers the Commission for this purpose.

6.3. Motor Vehicles

Since the automotive sector is one of the main industries that have been regulated in connection with the EU Environmental Legislation, it would be appropriate to outline briefly the essential requirements in this field. It would be also necessary to underline the fact that road transport is the second biggest source of greenhouse gas emissions in the EU; which means that motor vehicles produce an important part of the air pollutants because of their heavy fuel and oil consumption. Another reason is that, motor vehicles are very complex and technological goods in terms of structure, which may make them destructive for the environment and/or dangerous for human health when they have completed their life cycles.

- Legislation in force:

1. Directive 94/12/EC of the European Parliament and the Council of 23 March 1994 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Directive 70/220/EEC

(OJ L 100, 19.04.1994, p. 0042-0052)

To be repealed by: (With effect from 02.01.2013)

- **Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information**

(OJ L 171, 29.6.2007, p. 1–16)

Summary

Directive 94/12/EC established stricter limit values for all pollutants and a modification of the control of compliance to the production. Passenger cars designed to carry more than six passengers and having a maximum mass of more than 2500 kg, light commercial vehicles, and such off-road vehicles, which formerly benefited from less stringent standards, have been submitted by Directive 93/59/EEC and Directive 96/69/EC to standards as strict as the relevant standards for passenger cars, taking into consideration the specific circumstances of these vehicles²⁴.

This Directive shall be repealed, by Regulation (EC) No 715/2007, (to be explained hereinafter), **with effect from 2 January 2013**.

2. Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

(OJ L 59, 27.2.1998, p. 1)

(Consolidated Version)

Amended by:

- **Commission Directive 2001/63/EC of 17 August 2001 adapting to technical progress Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery**

(OJ L 227, 23.08.2001, p. 41-43)

- **Directive 2002/88/EC of the European Parliament and of the Council of 9 December 2002 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery**

(OJ L 35, 11.2.2003, P. 28-81)

- **Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and**

²⁴ Guide to the Approximation of European Union Environmental Legislation, *available online at:* <http://ec.europa.eu/environment/guide/contents.htm>

particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

(Text with EEA relevance)

(OJ L 146, 30.04.2004, p. 1-110)

- **Council Directive 2006/105/EC of 20 November 2006 adapting Directives 73/239/EEC, 74/557/EEC and 2002/83/EC in the field of environment, by reason of the accession of Bulgaria and Romania**

(OJ L 363, 20.12.2006, p. 368–408)

(OJ L 352M, 31.12.2008, p. 883–923)

- **Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four**

(OJ L 188, 18.7.2009, p. 14–92)

- **Commission Directive 2010/26/EU of 31 March 2010 amending Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (Text with EEA relevance)**

(OJ L 188, 18.7.2009, p. 14–92)

Summary

The purpose of this Directive is to approximate the laws of the Member States with regard to:

- emission standards;
- type-approval procedures for engines intended to be fitted to non-road mobile machinery.

Any application for EC type approval must be submitted by the manufacturer to the approval authority in a Member State accompanied by a manufacturer's information folder (cf. Annex II).

The Member State receiving the application must grant type approval to all engine types or engine families which conform to the particulars in the information folder and which meet the

requirements of Directive 97/68/EC. Each month, the competent authorities in each Member State must send to their counterparts in the other Member States a list of the type approval by type or family of engine which they have granted, refused or withdrawn during the month in question. In order to improve the future air quality situation, Directive 2004/26/EC extends Directive 97/68/EC, on emission limit values for compression ignition engines, to cover non-road mobile machinery such as railway and inland waterway engines.

Council Directive 2006/105/EC amends Annex VIII of Council Directive 97/68/EC by including Bulgaria and Romania in the approval certificate numbering system.

According to Commission Directive 2010/26/EU gaseous and particulate emissions shall be measured on both the NRSC and the NRTC tests for Stages IIIB and IV. On the other hand, Commission Directive 2010/26/EU has corrected details of procedures that are used for inland waterway vessel engines. This Directive has also incorporated measures to ensure the correct operation of NOx control systems.

3. Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC

(OJ L 350, 28.12.1998, p. 1–57)

(Consolidated version)

To be repealed by: (With effect from 02.01.2013)

- **Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information**

(OJ L 171, 29.6.2007, p. 1–16)

Summary

This Directive sets out some measures to be taken against air pollution engendered by emissions from motor vehicles.

It draws attention to the need for improving better evaporative emissions from vehicles with positive-engines. Besides, it also places high emphasis on measuring emissions at low temperatures.

The Directive underlines the need for establishing a **two-stage approach** with **compulsory limit values**. This approach is expected to be used for the purpose of granting tax incentives to promote the early introduction of vehicles containing the most advanced anti-pollution equipment.

On the other hand, Member States may take measures to encourage the retrofitting of older vehicles with emission control devices and components. They can also take step for promoting faster progress towards replacing existing vehicles with **low-emission vehicles**.

This Directive is repealed by Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 (to be explained hereinafter), **with effect from 2 January 2013**.

4. Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC

(OJ L 350, 28.12.1998, p. 58)

(Consolidated Version)

Amended by:

- **Directive 2003/17/EC of the European Parliament and of the Council of 3 March 2003 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels**

(Text with EEA relevance)

(OJ L 076, 22.03.2003, p. 10-19)

- **Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)**

(OJ L 140, 5.6.2009, p. 88–113)

- **Commission Directive 2011/63/EU of 1 June 2011 amending, for the purpose of its adaptation to technical progress, Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels**

(OJ L 147, 2.6.2011, p. 15–16)

Summary

This Directive lays down technical specifications for fuels to be used for vehicles equipped with positive-ignition and compression-ignition engines. It is worth to underline that these minimum specifications for petrol and diesel fuels for use in road and non-road mobile applications were established specifically for removing the existing **health and environmental concerns**.

The Directive provides that all petrol and diesel fuels marketed in the Community after January 2000 will have to comply with precise specifications regarding their content of polluting products like sulphur; whereas more demanding specifications are set to be applied after 1 January 2005.

This Directive highlights the necessity to obtain a reduction (i.e. especially in urban areas) of **polluting vehicle emissions** including primary pollutants in the short term. The Directive brings also an immediate solution that aims to change the **fuel composition** of motor vehicles. To this end, the Directive states that the use of **differentiated excise taxation** by Member States can encourage the introduction of more advanced fuels in line with national priorities, requirements and capacity.

The Directive also obliges Member States to introduce **monitoring systems** in order to ensure compliance with the fuel quality standards required under this Directive. Furthermore, information on **fuel quality** collected by Member States should be **communicated** in a common format to the Commission.

In addition, the Directive provides that marketing of leaded petrol is prohibited in the Community as from January 2000.

Though, certain derogations are possible to those new limit values in cases of:

- **Severe socioeconomic problems** (i.e. no more than three years starting from 2000);
- Where a Member State **demonstrates that** the introduction of a ban on leaded fuel would result in severe socioeconomic problems or would not lead to overall environmental or health benefits because, *inter alia*, of the climatic situation in that Member State (Article 3.3.) Spain, Greece and Italy have requested such derogation (i.e. applied until 2005).

According to the Directive, a Member State may take measures and require in specific areas within its territory that fuels may be marketed only if they comply with more tough environmental specifications than those set out in this Directive. The aim for that provision is to protect the health of the population in a specific agglomeration or the environment in a specific ecologically equilibrium in that Member State. However, the Commission must be informed about this specific situation as well as about the predicted effects on the environment of the measures proposed. The Commission must provide this information to the other Member States without delay. Following that, Member States are expected to give their comments on the request in question within two months. Consequently, the Commission shall take a final decision within three months after the date on which Member States have submitted their comments.

Annex I of this Directive provides environmental specifications for market fuels to be used for vehicles equipped with positive-ignition engines; while **Annex II** gives the same specifications, but this time, for vehicles equipped with compression ignition engines. In addition, **diesel fuel** can be marketed within the territory of Member States, only if it complies with the environmental specifications set out in Annex II.

The Directive underlines the necessity for adapting these Annexes to the **scientific and technical progress**. The need for a review and possible revision of this Directive is foreseen in its Article 9. In the view of further progress on pollutant emissions (especially CO₂) and motor vehicles strategies as well as the development of alternative fuels and the fuel specifications, the Annexes to this Directive may be reviewed.

By Amending **Directive 2003/17/EC**, environmental specifications for petrol and diesel fuels are completed. The Directive 98/70/EC is also revised in order to provide regulatory clarity to the fuel producers and vehicle manufacturers. In other words, this revision is undertaken so as to meet the requirements of Community air quality standards and related objectives; as well as to incorporate additional specifications to complement the mandatory specifications laid down in **Annex III and Annex IV** to the Directive.

With a view to achieve those objectives, this Amending Directive proposes a **reduction of the sulphur content** of petrol and diesel fuels. Accordingly, a reduction in the sulphur content of petrol and diesel fuels is foreseen to have a larger impact on exhaust emissions. Thus, this modification affected the sulphur limits for petrol and diesel set in the main Directive.

In line with this Amending Directive, Member States shall introduce zero sulphur fuels, with sulphur levels lower than 10 mg/kg (ppm), down from the current limit value of 50 ppm, as from 1 January 2005 at the same time as the entry into force of the new emission limits for EURO IV vehicles. **Full conversion to zero sulphur fuels** took place on 1 January 2009, in order to allow the fuel manufacturing industry enough time to make the necessary investments to adapt its production plans.

The introduction of limits in the sulphur content of fuels is expected to improve the fuel efficiency attainable with new, emerging vehicle technologies, and to lead to significant reductions in emissions of conventional air pollutants when used in existing vehicles.

Directive **2009/30/EC** entered into force on 25/06/09 but Member States will have to transpose the Directive into their national legislation by 31/12/10. This new Directive which amends Directive 98/70/EC aims to reduce the emission of key air pollutants released during the production and combustion of fuel and to help achieve the EU's greenhouse gas reduction target of 20% by 2020. In order to achieve these aims, Directive 2009/30/EC sets technical specifications for the content of fuels used in road vehicles and non-road mobile machinery (including inland waterway vessels), tractors and recreational craft. These technical specifications involve fuel for positive-ignition engines and compression-ignition engines. They contain minimum and/or maximum limits for elements such as distillation, hydrocarbon analysis, oxygenates, octane number, oxygen, sulphur and lead content. These specifications are described in Annex I and II of the Directive. In addition to these technical specifications, Directive 2009/30/EC also sets targets to reduce life cycle greenhouse gas emissions from fuel. Accordingly, fuel suppliers will have to gradually reduce fuel greenhouse gas emissions by 6% until 2020, and they will also have to reach an additional indicative reduction target of 2% by 2020 by either supplying electric vehicles or using greenhouse gas reducing technologies (including carbon capture and storage technology). In order to achieve these binding targets, this Directive promotes use of biofuels which fulfill the sustainability criteria. Finally, the Directive establishes a derogation for vapour pressure in summer for Member States whose average summer temperatures are below 12°C (Denmark, Estonia, Finland,

Ireland, Latvia, Lithuania, Sweden and the United Kingdom) in order to boost the use of biofuels while keeping blends under an acceptable level of vapour pressure.

Directive 2011/63/EU amends the footnotes under Annex I (fuel for positive ignition engines) and Annex II (fuel for compression ignition engines), particularly with regard to the test methods to be applied by Member States, and replaces Annex III on vapour pressure waiver permitted for petrol containing bioethanol.

5. Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 92/12/EEC

(OJ L 121, 11.05.1999, p. 0013-0018)

(By way of derogation from this Directive, the requirements for petrol and diesel fuel shall not apply to Greek Administration of Southern Cyprus during one year from the date of accession.)

(Consolidated version)

Amended by:

- **Directive 2005/33/EC of the European Parliament and of the Council of 6 July 2005 amending Directive 1999/32/EC**

(OJ L 191, 22.07.2005, p. 0059-0069)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

- **Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)**

(OJ L 140, 5.6.2009, p. 88–11)

Summary

This Directive intends to **reduce emissions of sulphur dioxide** resulting from the combustion of certain types of liquid fuels (heavy fuel oil and gas oil, defined in Article 2) by imposing limits on the sulphur content of such vehicles as a condition of their use in the EU.

The limitations laid down in Directive 1999/32/EC **do not apply to:**

- petroleum derived liquid fuels used by seagoing ships, except those fuels falling within the definition in Article 2(3); and marine gas oil used by ships crossing a frontier between a third country and a Member State;
- fuels intended for processing prior to a final combustion;
- fuels to be processed in the refining industry.

As from 1.01.2003, sulphur content in heavy fuel oil must not exceed 1,00% by mass. The Directive lays down derogations, related to certain types of combustion plants for heavy fuel oil.

From 1 January 2003, Member States have started to take any measures within their territory that heavy fuel oils are not used if their sulphur content exceeds 1,00% by mass. However, Greek Administration of Southern Cyprus, acceded to EU in 2004, had one year derogation as one could see the details from its Act of Accession, Environment chapter.

According to the air quality standards for sulphur dioxide laid down in Directive 80/779/EEC or to any Community legislation which repeals and replaces these standards, a Member State may authorize the sulphur content to be between 1,00 and 3,00% by mass for heavy fuel oil, and 0,10% to 0,20% by mass for gas oil, provided that Community legislation, in particular provisions of Directive 80/779/EEC on air quality standards for sulphur dioxide, is respected.

Regarding gas oil, including marine gas oil, by July 2000, it must not contain more than 0,20% by mass, and by 01.01.2008, the maximum limit will be brought down to 0,10% by mass. Member States are free not to apply this limit to marine gas oil in certain territories, such as the Canary Islands, French Overseas Departments, Greece and Portugal.

Amending Directive 2005/33/EC expands the application area of Directive 1999/32/EC to comprise all liquid fuels emanated from petroleum used by ships operating in the territorial waters of the Member States. The amending Directive 2005/33/EC is chiefly implied for:

- *“limiting to 1,5% by mass, from 11 August 2006, the sulphur content in marine fuels used by vessels in the Baltic Sea, and from 11 August 2007 for vessels in the North Sea and the English Channel, in order to reduce acidification and improve air quality;*
- *limiting to 1,5% by mass, from 11 August 2006, the sulphur content in marine fuels used by passenger vessels on regular services to or from any port in the Union in order to improve air quality and create sufficient demand to ensure an EU-wide supply of low sulphur fuel;*

- *limiting to 0,1% by mass, from 1 January 2010, the sulphur content in marine fuels used by ships on inland waterways and at berth in order to improve air quality around ports and inland waterways;*
- *by way of derogation to the abovementioned limits for fuel oil, allowing ships to use an approved emission abatement technology, provided that these ships continuously achieve emission reductions which are at least equivalent and that they thoroughly document that any waste streams discharged into enclosed ports and estuaries have no impact on ecosystems;*
- *limiting to 1,5% by mass the sulphur content of marine diesel oils sold in the European Union;*
- *limiting to 0,1% by mass the sulphur content of marine gas oils sold in the European Union;*
- *requiring refuelling operations to be recorded in the log book before ships can be granted access to ports in the Community,*
- *ensuring that the sulphur content of fuels sold on the territory of the Member States is documented by the supplier, accompanied by a sample²⁵.*

As regards Directive 1999/32/EC, the Commission should be empowered to establish criteria for the use of emission abatement technologies by ships of all flags in enclosed ports, harbours and estuaries in the Community and to adopt amendments necessary to make technical adaptations to some provisions in the light of scientific and technical progress. Those measures must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. The Commission shall communicate these criteria to the IMO.

The summary of Directive 2009/30/EC is presented below.

6. Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)

(OJ L 140 , 05.06.2009, p. 0088 – 0113)

Summary

This Directive aims to **review the Directive 98/80/EC** in order to reduce air pollutant and greenhouse gas emissions from road and non-road fuel use. This review will also help to the implementation of the Community strategies on air quality and on climate change, by leading to lower emissions of particulate matter.

The Directive facilitates the use of higher volumes of biofuels while taking into account the environmental and health requirements as well.

²⁵ More information on the EU rules and regulations regarding the Sulphur content of certain liquid fuels can be obtained from: <http://europa.eu/scadplus/leg/en/lvb/l21050.htm>

The **main reasons** for reviewing Directive 98/80/EC are as follows:

- to develop fuel and engine technology and the growth in biofuel use;
- to meet the Community air quality goals set in the Thematic Strategy on Air Pollution;
- to meet the continuing need to address Greenhouse Gas emissions

Since the Community pollutant emissions legislation develops along with the development in vehicle technology and improvements in fuel quality, the fuel quality legislation has to be reviewed accordingly.

This Directive, which forms a part of the Kyoto Strategy of the EU, is based on convergent action involving various sectors such as industry, energy, agriculture and housing.

The Directive also aims at helping the achievement of current and future **Community biofuel targets**.

The Directive suggests that a **mandatory monitoring of lifecycle greenhouse gases** to be introduced from 2009.

7. Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars

(OJ L 12, 18.1.2000, p. 16–23)

(Consolidated version)

Amended by:

- **Commission Directive 2003/73/EC of 24 July 2003 amending Annex III to Directive 1999/94/EC of the European Parliament and of the Council (Text with EEA relevance)**

(OJ L 186, 25.7.2003, p. 34–35)

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31/10/2003, p. 1-53)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJL 311, 21.11.2008, p. 1–54)

Summary

This Directive aims to guarantee that information, concerning the fuel economy and CO₂ emissions of new passenger cars offered for sale or lease in the Community, is made accessible to consumers to enable them to make an **informed choice**. In other words, the objective of this Directive is to **raise awareness among consumers**.

The Directive refers to the Kyoto Protocol under which the Community has accepted the target of reducing its emissions (i.e. greenhouse gases) volume by 8%, in comparison with the 1990 levels, during the period of 2008-2012.

Since the information plays a key role in the operation of market forces, the provision of accurate relevant information on the specific fuel consumption and CO₂ emissions of passenger cars may influence consumer preference in favour of those vehicles which use less fuel and thereby emit less CO₂. This situation may also encourage the manufacturers to take steps to reduce the fuel consumption of the motor vehicles they produce.

In this context, the presence of labels on used vehicles at the point of sale is foreseen as an appropriate indication to influence buyers of new passenger cars towards low consumption cars; since this characteristic will be taken into account when the car is re-sold.

Therefore, the Directive emphasises the necessity to develop a **fuel economy label** for all new passenger cars displayed at the point of sale. This label should contain information on fuel consumption and specific emissions of CO₂ that have been determined in accordance with the harmonised methods and standards. On the other hand, all **promotional literature and material** used in the marketing of new passenger cars should contain data on the relevant fuel consumption and CO₂ emissions for the passenger car models to which it is relevant.

In this framework, the Directive obliges the Member States to ensure that all **promotional literature** contains the official fuel consumption and the official specific CO₂ emission data of the passenger car models, in accordance with the requirements of **Annex IV**. They shall also provide for **promotional material** to indicate the official CO₂ emission data and the official fuel consumption data of the specific car model to which it refers.

Pursuant to Article 3 of the Directive, Member States shall ensure that a **label on fuel economy and CO₂ emissions**, in accordance with the requirements described in **Annex I**, is attached to or displayed, in a clearly visible manner, near each new passenger car model at the point of sale. The description of the label on fuel economy and CO₂ emissions is set out in **Annex I**.

Regulation (EC) No 1137/2008 integrates the rules of comitology to the Directive and empowers the European Commission to adopt measures necessary to adapt the Annexes to scientific and technical progress.

8. Directive 2001/100/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 70/220/EEC on the approximation of the laws of the Member States on measures to be taken against air pollution by emissions from motor vehicles

(Text with EEA relevance)

(OJ L 016, 18.01.2002, p. 0032-0034)

To be repealed by: (With effect from 02.01.2013)

- **Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information**

(OJ L 171, 29.6.2007, p. 1–16)

Summary

This Directive obliges the Member States to conform with the low temperature emission limit values for certain light commercial vehicles and small vans, chiefly:

- “the new types of light commercial vehicles (category N1 vehicles used for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes), of weight class II (between 1 305 kg and 1 760 kg) and weight class III (greater than 1 760 kg);
- The new types of private vehicles (category M1 vehicles used for the carriage of passengers and comprising no more than eight seats in addition to the driver’s seat) designed to carry more than six occupants, and passenger cars with a maximum weight of over 2500 kg”.

This Directive is repealed, by Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 (to be explained hereinafter), **with effect from 2 January 2013**.

9. Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles

(OJ L 275, 20.10.2005, p. 1–163)

(Consolidated Version)

Amended by:

- **Commission Directive 2005/78/EC of 14 November 2005 implementing Directive 2005/55/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Annexes I, II, III, IV and VI thereto (Text with EEA relevance)**

(OJ L 313, 29.11.2005, p. 1–91)

- **Commission Directive 2006/51/EC of 6 June 2006 amending for the purposes of adapting to technical progress Annex I to Directive 2005/55/EC of the European Parliament and of the Council and Annexes IV and V to Directive 2005/78/EC as regards requirements for the emission control monitoring system for use in vehicles and exemptions for gas engines (Text with EEA relevance)**

(OJ L 152, 7.6.2006, p. 11–21)

- **Commission Directive 2008/74/EC of 18 July 2008 amending, as regards the type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and access to vehicle repair and maintenance information, Directive 2005/55/EC of the European Parliament and of the Council and Directive 2005/78/EC (Text with EEA relevance)**

(OJ L 192, 19.7.2008, p. 51–59)

To be repealed by: (With effect from 31.12.2013)

- **Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC**

(OJ L 188, 18.7.2009, p. 1–13)

Summary

This Directive repealed Directive 1999/96/EC with effect **from 9 November 2006** without prejudice to the obligations of the Member States relating to the time limits for transposition into national law. It aims to realise the internal market through the introduction of common **technical requirements concerning gaseous and particulate emissions for all types of vehicles**.

This Directive puts special emphasis on the need to make further improvements concerning the **quality of motor fuels** to enable the efficient and durable performance of emission control systems in service. It also draws attention to the fact that new standards and test procedures must take into account the impact on air quality of future traffic growth in the Community. Therefore, further improvements concerning the emission limits and other technical requirements are expected to benefit environmental protection and public health.

This Directive introduces **distance/time requirements** related to the useful life of the heavy-duty vehicle depending on their classifications.

Annex IV of the Directive sets out technical characteristics of reference fuel prescribed for approval tests and to verify conformity of production; while **Annex VIII** lays down specific technical requirements relating to ethanol-fuelled diesel engines.

This Directive has also repealed Directive 2001/27/EC with effect **from 9 November 2006**, which is without prejudice to the obligations of the Member States relating to the time limits for transposition into national law.

In this context, the existing approval certificate numbers lost their validity, beginning from 9 November 2006. In the case of extensions, only the sequential numbers to denote the extension base approval number have been changed.

The Directive also suggests the use of **fiscal measures** in order to promote the early introduction of higher quality fuels according to national needs and priorities.

The amending **Directive 2005/78/EC** strengthens Community requirements aimed at limiting polluting emissions from new heavy-duty engines for use in vehicles. In this regard, the Directive 2005/78/EC amends the Annexes I, II, III, IV and VI of the Directive 2005/55/EC.

Commission **Directive 2008/74/EC** amends Directive 2005/55/EC. Accordingly, in its Annexes II to VII, Commission Directive 2008/74/EC lays down measures for the implementation of Articles 3 and 4 of Directive 2005/55/EC and Annexes VI and VII as set out in Annex II to this Directive are added.

This directive will be repealed by **Regulation (EC) No 595/2009** with effect from 31/12/2013. The summary of Regulation (EC) No 595/2009 is presented below.

10. Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC

(Text with EEA relevance)

(OJ L 161, 14.6.2006, p. 12-18)

Summary

This Directive is designed to complement the Regulation 842/2006//EC concerning the **control and use of fluorinated greenhouse gases in the EU** by regulating the air conditioning systems in motor vehicles.

It lays down the requirements for the EC type-approval or national type-approval of vehicles specifically concerning the air conditioning systems placed to vehicles through provisions about “retrofitting” and “refilling” of these systems. Directive 2006/40 applies to M1 and N1 type of motor vehicles as listed in Annex II of Directive 70/156/EEC.

As a result, Member States are expected to grant EC type-approval or national concerning the emissions from air conditioning systems. Member States are also expected to ensure that manufacturers provide information on type of refrigerant used in air-conditioning systems.

For the vehicles that are in compliance with the requirements stipulated under the Directive, Member States cannot refuse the grant either kind of type approval nor can they prohibit their registration.

11. Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information

(Text with EEA relevance)

(OJ L 171, 29.6.2007, p. 1-16)

(Consolidated Version)

Amended by:

- **Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (Text with EEA relevance)**

OJ L 199, 28.7.2008, p. 1–136

- **Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (Text with EEA relevance)**

OJ L 188, 18.7.2009, p. 1–13

- **Commission Regulation (EU) No 566/2011 of 8 June 2011 amending Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as regards access to vehicle repair and maintenance information**

OJ L 158, 16.6.2011, p. 1–24

Summary

This Regulation lays down essential provisions on vehicle emissions, whereas the technical provisions in this field will be set out by implementing measures. The Regulation shall apply to vehicles of categories M1, M2, N1 and N2 as defined in Annex II to Directive 70/156/EEC with a reference mass **not exceeding 2 610 kg**.

It is worth to underline that the **Euro 5 and 6 standards** are one of the measures designed to reduce emissions of particulate matter and ozone precursors such as hydrocarbons and nitrogen oxides.

Since the industry should be provided with clear and appropriate information on future emission limit values, this Regulation includes the Euro 6 stage of emission limit values in addition to Euro 5.

The Commission will keep under review emissions which are so far unregulated and which occur as a consequence of the wider use of new fuel formulations, engine technologies and emission control systems.

Euro 5 and Euro 6 emission limits are laid down in Annex I through indicative tables.

Regulation (EC) No 692/2008 presents new Tables that replace 1 and 2 of Annex I of Regulation 715/2007.

For amendments presented by Regulation (EC) No 595/2009 please see the summary below.

Commission Regulation (EU) No 566/2011 amends Regulation (EC) No 715/2007 in terms of the provisions on access to and fees for access to vehicle repair and maintenance information. It revises the list of information that manufacturers shall provide to the access of independent operators. The Regulation also deletes in Annex I (emission limits), notes 1 and 2 of Table 1 (Euro 5 emission limits) and notes 1, 2 and 5 of Table 2 (Euro 6 emission limits).

12. Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC

OJ L 188, 18.7.2009, p. 1–13

(Consolidated Version)

Amended by:

- **Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council**

OJ L 167, 25.6.2011, p. 1–168

Summary

The Regulation, which applies to motor vehicle categories of M1, M2, N1 and N2 exceeding 2 610 kg and all vehicle categories of M3 and N3, provides harmonized technical standards within the context of type approval of motor vehicles, their engines and replacement parts concerning their emission values. In addition, the proposed legislation, sets requirements with regards to *service conformity of vehicles and engines, durability of pollution control devices, on-board diagnostic (OBD) systems, measurement of fuel consumption and carbon dioxide (CO₂) emissions and accessibility of vehicle OBD and vehicle repair and maintenance information.*

In this respect manufacturers are obliged to take measures in order to effectively limit tail pipe emissions. These measures include tests of durability for pollution control devices, tests of conformity for in-service vehicles and engines. Moreover the Regulation also sets emission limits for the vehicles in question, within the context of Annex I.

Lastly the Regulation foresees that manufacturers must provide unrestricted and standardized access to technical information, equipments and software for diagnosis and repair of vehicles for independent operators.

Commission Regulation (EU) No 582/2011 lays down measures for the implementation of Articles 4, 5, 6 and 12 of Regulation (EC) No 595/2009. Annex XV to Regulation (EU) No 582/2011 amends Annex I of Regulation (EC) No 595/2009 concerning Euro 6 emission limits (for heavy duty vehicles).

13. Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO2 emissions from light-duty vehicles (Text with EEA relevance)

OJ L 140, 5.6.2009, p. 1–15

Summary

The Regulation sets certain conditions for new passenger cars, within the context of the goal of cutting down the CO2 emissions to 120 g/km by 2012. In this respect, the average CO2 emission limit for new passenger cars is set as 130 g/km; foreseen some additional complementary measures for the remaining 10 g/km reduction necessary within the target of 120g/km.

Moreover, the Regulation sets a long term target of reducing CO2 emissions from new cars to 95 g/km by 2020.

The legislation covers M1 category cars (passenger cars), as defined at the Annex II of the Regulation No 2007/46. In this context, manufacturers will ensure that, as of 2012, CO2 emission levels of the new passenger cars (which they will produce) are below the specific emission limits to be calculated in accordance with the following method, which is also laid down in Annex I to this Regulation (443/2009):

(a) From 2012 to 2015:

$$\text{Specific emissions of CO}_2 = 130 + a \times (M - M_0)$$

Where:

M = mass of the vehicle in kilograms (kg)

M₀ = 1 372,0

A = 0,0457

From 2016:

$$\text{Specific emission of CO}_2 = 130 + a \times (M - M_0)$$

M = mass of the vehicle in kilograms (kg)

M₀ = will defined annually via separate regulations as of 2014

A = 0,0457

In order to comply with the limits defined by this Regulation, the manufacturers can make pool agreements. However, those agreements must be in accordance with the EC Competition Acquis. In case of failure of compliance with the CO2 emission limits, the manufacturers shall pay fines to be calculated in accordance with Article 9.

The Regulation repeals **Decision 1753/2000/EC** with effect from 31.12.2009.

14. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Limiting Global Climate Change to 2 degrees Celsius, The Way Ahead for 2020 and Beyond

COM (2007) 2 final

Summary

This Communication, which is addressed to the Spring 2007 European Council, proposes that the EU should follow -within the context of international negotiations- the objective of 30% reduction in greenhouse gas emissions by 2020. To this end, it prescribes that the EU would take on a definite and independent commitment to achieve at least a **20% reduction of greenhouse gas emissions by 2020**.

The Communication also underlines that the EU and its Member States should **invest in research and development** in the areas of energy production and energy saving. Thus, it stress that the investments in emission reduction technologies and **low-carbon alternatives** should be encouraged.

By this Communication, the Commission advises the Council to adopt the Commission's proposal to **link taxes on passenger cars to CO₂ emission levels**.

The Communication explains that further measures to tackle CO₂ emissions from motor vehicles will be outlined in a forthcoming Communication in order to reach **the target of 120 g CO₂ /km by 2012** through a comprehensive and consistent approach.

15. Communication from the Commission to the Council and the European Parliament: Results of the review of the Community Strategy to reduce CO₂ emissions from passenger cars and light-commercial vehicles

COM (2007) 19 final

Summary

This Communication puts forward a new strategy in order to **reduce CO₂ emissions from new passenger cars and light-commercial vehicles** sold in the European Union. The new strategy indicates the Commission's will to ensure that EU meets its greenhouse gas emission targets²⁶.

Since the European Union is under the obligation of delivering the reductions in greenhouse gas emissions as it has committed under the **Kyoto Protocol**, this Communication requires that all sectors contribute to the reduction effort. In this context, it is essential to balance the efforts

²⁶ The EU strategy for reducing CO₂ emissions from motor vehicles is based on **voluntary commitments** by the automotive industry, fiscal measures and consumer information (*labeling*) in order to encourage purchases of more fuel-efficient motor vehicles. Under the voluntary commitments, European manufacturers have committed to reduce average emissions from their new motor vehicles to 140 g CO₂/km by 2008; while the Japanese and Korean industries were due to realise it by 2009.

taken up by the different sectors and to assess their ability to reduce CO₂ emissions. Otherwise, the growth in emissions from road transport will continue and jeopardise the EU's efforts to reduce its emissions.

By this Communication, the Commission invites the automotive manufacturers to **sign an EU code of good practice** on marketing and advertising, in order to encourage this sector to compete on the basis of **fuel efficiency**.

The reviewed strategy aims to enable the EU to reach its long-term objective of limiting average CO₂ emissions to 120 grams per km by 2012; which corresponds to a reduction of around 25 percent from current levels.

This Communication underlines the need for increased use of **alternative fuels** as a key element to achieve fuel efficiency improvements in vehicles.

This renewed strategy also outlines **specific actions to reduce CO₂ emissions from light-duty vehicles**. In this framework, the Commission considers that it should be pursued by implementation at all levels, so as to create a trend towards new motor vehicles that emit less on average. Therefore, it underlines the necessity for adapting the EU legislative framework to reach these targets by 2012.

In 2010, the Commission plans to review the status of implementation and the potential of further measures.

16. Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council

OJ L 194, 26.7.2011, p. 19–24

Summary

This Regulation lays down procedural details concerning the application, assessment, approval and certification of innovative technologies that reduce carbon emissions from passenger cars in accordance with Article 12 of Regulation (EC) No 443/2009.

Regulation (EC) No 443/2009 foresees cutting down the CO₂ emissions from new passenger cars to 120 g/km by 2012 as well as to 95 g/km by 2020.

According to the eligibility criteria of the above Regulation, the innovative technology shall achieve a minimum reduction of 1 g CO₂ /km.

17. Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters

OJ L 342, 22.12.2009, p. 46–58

Amended by:

- **Commission Regulation (EU) No 228/2011 of 7 March 2011 amending Regulation (EC) No 1222/2009 of the European Parliament and of the Council with regard to the wet grip testing method for C1 tyres**

OJ L 62, 9.3.2011, p. 1–16

Summary

The Regulation establishes a framework for the provision of *harmonised information on tyre parameters through labelling*; thus, allows end-users to make an informed choice when purchasing tyres.

Accordingly, tire suppliers shall ensure that C1 and C2 tyres are:

- (a) equipped with a sticker on the tyre tread displaying a label indicating the fuel efficiency class (Annex I, Part A), the external rolling noise class and measured value (Annex I, Part C) and, where applicable, the wet grip class (Annex I, Part B) or
- (b) for each batch of one or more identical tyres delivered, accompanied by a label in printed format indicating the fuel efficiency class (Annex I, Part A), the external rolling noise class and measured value (Annex I, Part C), and, where applicable, the wet grip class (Annex I, Part B).

Vehicle suppliers and distributors shall provide the end-users with information on the fuel efficiency class, the external rolling noise class and measured value, and, where applicable, the wet grip class of C1, C2 and C3 tyres (Annex I and Annex III). That information shall be included at least in the technical promotional material.

18. Commission Regulation (EU) No 406/2010 of 26 April 2010 implementing Regulation (EC) No 79/2009 of the European Parliament and of the Council on type-approval of hydrogen-powered motor vehicles

OJ L 122, 18.5.2010, p. 1–107

Summary

The Regulation lays down administrative provisions for EC type-approval of a vehicle with regard to hydrogen propulsion as well as for EC component type-approval of hydrogen components and systems.

The technical details of the application to be submitted by the manufacturer to the type-approval authority concerning EC type-approval of a vehicle with regard to hydrogen propulsion as well as EC component type-approval of hydrogen components and systems are set out in Part 1 of Annex I.

19. Directive 2011/87/EU of the European Parliament and of the Council of 16 November 2011 amending Directive 2000/25/EC as regards the application of emission stages for narrow-track tractors

OJL 301, 18.11.2011, p. 1–2

Summary

This Directive provides for an amendment to Directive 2000/25/EC on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors.

Council Directive 2000/25/EC aims to guarantee the free movement of agricultural and forestry tractors by harmonizing and reducing permissible exhaust emission levels of the engines, in accordance with Directive 1997/68/EC concerning the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non- road mobile machinery.

The Directive delays the dates given in Article 4 of Directive 2000/25/EC for type approval and initial entry into service of Stages IIIB and IV by three years for tractors of categories T2, C2 and T4.1.

6.4. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels

COM/2011/0439 final

(Current Situation: The Proposal was transmitted to the European Council and the European Parliament on 15 July 2011)

Summary

Directive 1999/32/EC regulates the sulphur content of fuels used by maritime transport. This proposal aims to revise Directive 99/32/EC in order to:

- Align the Directive with the International Maritime Organisation (IMO) rules on fuel standards, including the standards applicable outside Sulphur Emission Control Areas (SECAs).
- Align the Directive with the IMO rules on the emission abatement methods.
- Maintain the link between the stricter fuel standards in SECAs (now requiring maximum sulphur content of marine fuel of 1.5% and from 2015 - 0.1%) and those applying for passenger ships on a regular service outside SECAs (at the moment 1.5%).
- Strengthen EU monitoring and enforcement regime.

According to the proposal, Member States shall ensure that marine fuels are not used or placed on the market within their territory if their sulphur content exceeds the general standard of 3.5 % by mass. The EU intends to set the limits of SO_x in marine fuels according to place of use as follows:

The sulphur content of marine fuels may not exceed:

- (a) 3.50 % by mass as from 1 January 2012;
- (b) 0.50 % by mass as from 1 January 2020.

The sulphur content of marine fuels used within SO_x Emission Control Areas may not exceed:

- (a) 1.00 % by mass as from 31 December 2014;
- (b) 0.10 % by mass as from 1 January 2015.

The sulphur content of marine fuels used outside SO_x Emission Control Areas by passenger ships operating on regular services to or from any Union port may not exceed:

- (a) 1.5 % by mass;
- (b) 0.10 % by mass as from 1 January 2020.

The proposal further lays down provisions concerning maximum sulphur content of marine fuels used by ships at berth in Union ports as well as emission abatement methods.

2. Proposal for a Directive of the European Parliament and of the Council amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme SEC(2010)828 SEC(2010)829

COM/2010/0362 final - COD 2010/0195

(Current Situation: The Proposal was transmitted to the European Council and the European Parliament on 15 July 2011)

Summary

In the EU, Directive 97/68/EC sets out the maximum exhaust emissions carbon oxide (CO), hydrocarbons (HC), nitrogen oxides (NOx) and particulates (PM) from diesel engines installed in construction, agricultural and forestry machinery, railcars & locomotives, inland waterway vessels, constant speed engines and small petrol engines used in different types of non-road mobile machinery.

The proposal covers the measures for Original Equipment Manufacturers (OEM) to adapt to the design of their machines to accommodate to the shift in applicable stage of emission limits. More stringent Stage III B limits replace Stage III A progressively as from January 1, 2011²⁷ in the EU. On the other hand, a *flexibility scheme* is applied and OEMs are allowed to sell, during the period between two successive stages of exhaust emissions limit values, a limited number of non-road mobile machines which still comply with the requirements of Stage III A.

This proposal intends to modify the flexibility scheme through the enforcement of following measures in order to mitigate the economic costs of transition in favour of OEMs.

- An increase of the percentage of the number of engines used for application in land based machines, placed on the market under the flexibility scheme in each engine category from 20% to 50% of the OEM's annual sales of equipment and an adaptation of the maximum number of engines that may be placed on the market under the flexibility scheme as an optional alternative, in the period between emission Stage III A to emission Stage III B.
- An inclusion of engines used for the propulsion of railcars and locomotives in the flexibility scheme providing the possibility for the OEM to place on the market a limited number of engines under the flexibility scheme.
- These measures will expire on 31 December 2013.

²⁷ The type approval period for these engines has started from 1st January 2010.

7. Waste Management

7.1. Waste

1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives

(Text with EEA relevance)

(OJ L 312, 22.11.2008, p. 3–30)

Summary

EU framework directive on waste, Directive 2008/98, sets out basic concepts and definitions including waste, recycling and recovery, and explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products. The Directive clarifies the distinction between waste and non-waste and that between recovery and disposal.

This Directive sets out measures in order to protect the environment and human health by preventing or reducing the undesirable impact of waste and by improving the efficiency of resource use.

The Directive lays down a **waste hierarchy** to be applied in waste prevention and management legislation and policy:

1. Prevention;
2. Preparing for re-use;
3. Recycling;
4. Other recovery (e.g. energy recovery); and
5. Disposal.

The above-mentioned waste hierarchy should be applied together with **relevant options that deliver the best environmental outcome**. Concurrently, Member States are required to develop waste legislation and policy in a fully transparent process along with consultation and involvement of all stakeholders.

The Directive also specifies **end-of-waste status** in Article 6 and lays down specific criteria to comply with. In this context, certain categories of waste are qualified as “end-of-waste” when they have undergone a recovery, recycling or operation, in accordance with the specified criteria.

The Directive also lays down **waste management system** in the framework of main parameters; such as responsibilities, core principles, control and labelling of hazardous waste, ban of mixing of hazardous waste, bio-waste, waste management plans, etc.

In order to strengthen the re-use and the prevention, recycling and recovery of waste, the Directive encourages Member States to take measures to ensure producers also take ‘responsibility’, such as the provision of information whether the product is re-usable and recyclable.

By 2015, separate collection shall be set up for at least the following: paper, metal, plastic and glass. In order to move towards a European recycling society with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

(a) by 2020, the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50% by weight;

(b) by 2020, the preparing for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 in the list of waste shall be increased to a minimum of 70% by weight.

The Directive requires Member States to take necessary steps to comply with the Directive **by 12 December 2010.**

This Directive **repealed** following Directives **with effect from 12 December 2010:**

- Council Directive 75/439/EEC on the disposal of waste oils
- Council Directive 91/689/EEC on hazardous waste
- Directive 2006/12/EC of the European Parliament and of the Council on waste

2. Commission Decision 76/431/EEC of 21 April 1976 setting up a Committee on Waste Management

(OJ L 115, 01.05.1976, p. 0073-0074)

(Consolidated version)

Amended by:

- **Commission Regulation (EC) 1792/2006 of 23 October 2006 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement of persons, competition policy, agriculture (veterinary and phytosanitary legislation), fisheries, transport policy, taxation, statistics, social policy and employment, environment, customs union, and external relations by reasons of the accession of Bulgaria and Romania**

Summary

A Committee on waste management advises the Commission in the formulation of the waste management policy. It is composed of members appointed by the Member States for three years²⁸, and chaired by a representative of the Commission.

3. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

(OJ L 182, 16.07.1999, p. 1-19)

(Consolidated Version)

(Estonia and Poland have derogations on this Directive)

Amended by:

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 1-53)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1-54)

Summary

The finality pursued by this Directive is to prevent or reduce the adverse effects of the landfill of waste on the environment, in particular on surface water, groundwater, soil, air and human health.

For that purpose, it defines the different categories of waste (municipal waste, hazardous waste, non-hazardous waste and inert waste) and applies to all landfills, defined as “waste disposal sites” for the deposit of waste onto or into land.

Landfills are divided into three classes:

²⁸ By reasons of the accession of Bulgaria and Romania, the committee consists of 56 members.

- Landfills for hazardous waste;
- Landfills for non-hazardous waste;
- Landfills for inert waste.

On the other hand, the Directive does not apply to:

- The spreading on the soil of sludges (including sewage sludges and sludges resulting from dredging operations);
- The use in landfills of inert waste for redevelopment or restoration work;
- The deposit of unpolluted soil or of non-hazardous inert waste resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries;
- The deposit of non-hazardous dredging sludges alongside small waterways from which they have been dredged and of non-hazardous sludges in surface water, including the bed and its subsoil.

To avoid any risks, a standard waste acceptance procedure is laid down.

Under this procedure:

- Waste must be treated before being landfilled;
- Hazardous waste within the meaning of the Directive must be assigned to a hazardous waste landfill;
- Landfills for non-hazardous waste must be used for municipal waste and for non-hazardous waste;
- Landfill sites for inert waste must be used only for inert waste.

In addition, a system of operating permits for landfill sites is set up.

Regulation (EC) No 1137/2008 integrates the rules of comitology to the Directive and empowers the European Commission to adopt measures necessary to adapt the Annexes to scientific and technical progress and to establish the standardisation of control, sampling and analysis methods in relation to the landfill of waste.

4. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste²⁹

(OJ L 190, 12.7.2006, p. 1-98)

(Consolidated Version)

²⁹ Please refer to Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the provisions on the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2007R1418:20110723:EN:PDF> (OJ L 316, 4.12.2007, p. 6–52)

Amended by:

- **Commission Regulation (EC) No 1379/2007 of 26 November 2007 amending Annexes IA, IB, VII and VIII of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, for the purposes of taking account of technical progress and changes agreed under the Basel Convention (Text with EEA relevance)**

(OJ L 309, 27.11.2007, p. 7–20)

- **Commission Regulation (EC) No 669/2008 of 15 July 2008 on completing Annex IC of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste**

(OJ L 188, 16.7.2008, p.7-15)

- **Commission Regulation (EC) No 308/2009 of 15 April 2009 amending, for the purposes of adaptation to scientific and technical progress, Annexes IIIA and VI to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (Text with EEA relevance)**

(OJ L 97, 16.4.2009, p. 8–11)

- **Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006**

(Text with EEA relevance)

(OJ L 140, 5.6.2009, p. 114–135)

- **Commission Regulation (EU) No 413/2010 of 12 May 2010 amending Annexes III, IV and V to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste so as to take account of changes adopted by OECD Council Decision C(2008) 156**

(Text with EEA relevance)

(OJ L 119, 13.5.2010, p. 1–2)

- **Commission Regulation (EU) No 664/2011 of 11 July 2011 amending Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste to include certain mixtures of wastes in Annex IIIA thereto**

(Text with EEA relevance)

(OJ L 182, 12.7.2011, p. 2–4)

Summary

This Regulation replaced Regulation (EEC) No 259/93 **with effect from 12 July 2007**. It involves certain changes in the structure of the Regulation, clarifications as regards to definitions (such as “mixture of waste”, “environmentally sound management”, “consignee” and “notifier”), as regards to its scope and the procedures applicable to shipments of waste. In other words, it aims to reinforce, simplify and specify the existing procedures for controlling waste shipments, as well as to reduce the risk of waste shipments not being controlled. It also contributes to the incorporation into Community legislation the amendments to the lists of waste annexed to the Basel Convention, as well as the revision adopted by the Organisation for Economic Cooperation and Development (OECD) in 2001.

The Regulation presents certain arrangements concerning:

- shipments within the Community with or without transit through third countries;
- shipments exclusively within Member States;
- exports from the Community to third countries;
- transit through the Community from and to third countries.

According to the Regulation, the shipments of waste must follow various procedures (notification, consent, movement documents, **financial guarantees**, etc.) and control regimes, which are determined by the type of waste shipped and the type of treatment that will be applied to the waste at its destination. It also regulates that shipments of all waste destined for disposal, and shipments of hazardous and semi-hazardous waste destined for recovery, being subject to the requirement of prior written notification and consent.

However, shipments of non-hazardous waste (“green” listed waste), listed in **Annex III** of the Regulation, are destined for recovery, they are not subject to the procedure of prior written notification. Such shipments are only subject to the general information requirement that they be accompanied by certain information and documentation.

By this way, this Regulation reduces the three existing waste shipment control procedures to two main points:

- (a) **the procedure for prior written notification and consent** (applicable to all shipments of waste intended for disposal and hazardous and semi-hazardous waste intended for recovery) → **“Orange list”** (Annex IV)
- (b) **the procedure in which shipments are accompanied by certain information** (applicable to non-hazardous waste intended for recovery) → **“Green list”** (Annex III)

Exports to third countries of waste intended for disposal are prohibited, except to European Free Trade Association (EFTA) countries which are party to the Basel Convention; while

exports of hazardous waste intended for recovery are also forbidden, except those directed to countries to which the relevant OECD decision applies, and to third countries which are party to the Basel Convention or countries which have concluded a bilateral agreement with the Community.

By this new revised Regulation, the European Commission foresees that the new rules will prevent illegal dumping of hazardous EU waste in developing countries.

The amending Directive **2009/31** excludes from the scope of the Directive; the shipments of CO₂ for the purposes of geological storage in accordance with Directive 2009/31/EC on the geological storage of carbon dioxide.

The Regulation (EC) No **413/2010** amends the Annex III, IV, and V of the Regulation 1013/2006, adapts Annex III to Basel Convention and adds to the lists of wastes under concerned Annexes.

The Regulation (EU) No 664/2011 amends Annex IIIA of the Regulation 1013/2006, and certain mixtures of wastes classified under certain Basel entries as well as certain mixtures of wastes classified under certain (OECD) entry are included in the Annex.

5. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles - Commission Statements

(OJ L 269, 21.10.2000, p. 34)

(Consolidated version)

Amended by:

- **Commission Decision (EC) No 2002/525 of 27 June 2002 amending Annex II of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles** *(Text with EEA relevance)*

(OJ L 170, 29.06.2002, p. 0081-0084)

(Notified under document number C (2002) 2238)

- **Commission Decision (EC) No 2005/63 of 24 January 2005 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles** *(Text with EEA relevance)*

(OJ L 025, 28.01.2005, p. 0073-0073)

(Notified under document number C (2004) 2735)

- **2005/438/EC: Commission Decision of 10 June 2005 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles** *(Text with EEA relevance)*

(OJ L 152, 15.06.2005, p. 0019-0019)

(Notified under document number C (2005) 1707)

- **2005/673/EC: Council Decision of 20 September 2005 amending Annex II of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles** *(Text with EEA relevance)*

(OJ L 254, 30.09.2005, p. 0069-0072)

- **Directive 2008/33/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2000/53/EC on end-of-life vehicles, as regards the implementing powers conferred on the Commission**

(OJ L 81, 20.3.2008, p. 62–64)

- **Commission Decision 2008/689/EC of 1 August 2008 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (notified under document number C(2008) 4017) (Text with EEA relevance)**

(OJ L 225, 23.8.2008, p. 10–13)

- **Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures** *(Text with EEA relevance)*

OJ L 345, 23.12.2008, p. 68–74

- **2010/115/: Commission Decision of 23 February 2010 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (notified under document C(2010) 972)** *(Text with EEA relevance)*

OJ L 48, 25.2.2010, p. 12–16

- **Commission Directive 2011/37/EU of 30 March 2011 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles** *(Text with EEA relevance)*

OJ L 85, 31.3.2011, p. 3–7

Summary

This Directive aims to harmonise different national measures concerning end-of-life vehicles (ELV) in order to minimise their impacts on the environment. The Commission is required to evaluate certain hazardous substances prohibited pursuant to that Directive. Having carried out the requisite technical and scientific assessments, the Commission has reached a number of conclusions.

Certain materials and components (notably, for vehicles placed on the market after 1 July 2003) containing **lead, mercury and cadmium or hexavalent chromium** should be exempted or continue to be exempt from the prohibition, since the use of these hazardous substances in those specific materials and components is still unavoidable. By this way, this Directive intends to reduce dangerous waste from motor vehicles and to limit their final disposal by setting clear targets to promote reuse, recovery and recycling.

The Directive stipulates that Member States shall ensure that cadmium in batteries for electrical vehicles is not put on the market after 31 December 2005.

In this context, vintage vehicles (i.e. historic vehicles of value to collectors or intended for museums; kept in a proper and environmentally sound manner) do not fall within the scope of this Directive.

In the framework of the overall environmental assessment already undertaken, the Commission shall continue to analyse the progressive substitution of cadmium, taking into account the need to maintain the availability of electrical vehicles.

In this context, this Directive will ensure that end-of-life vehicles are constructed so as to be **recyclable for 85%**.

According to the provisions of the Directive, the handling of end-of-life vehicles in view of recycling must not cost anything to the last owner; it is up to the motor vehicle manufacturer to bear a significant share of the cost of treatment. This Directive introduces the **principle of producer responsibility**, by making motor vehicle manufacturers responsible for the costs of treating end-of-life vehicles and allowing the last owner to return an end of life vehicle to an authorised treatment facility free of charge (i.e. free take-back principle). The liability of the manufacturer takes effect immediately for new vehicles placed on the market from **1 July 2002**. For motor vehicle fleet existing before that date, manufacturer liability takes effect from **2007**.

As indicated above, **waste prevention** is the priority objective of the Directive. To this end, it stipulates that vehicle manufacturers and material and equipment manufacturers must:

- endeavour to reduce the use of hazardous substances when designing vehicles;
- design and produce vehicles which facilitate the dismantling, re-use, recovery and recycling of end-of-life vehicles;
- increase the use of recycled materials in vehicle manufacture;

- ensure that components of vehicles placed on the market after 1 July 2003 do not contain mercury, hexavalent chromium, cadmium or lead, except in the cases listed in Annex II. The Commission must amend the Annex in the light of scientific and technical progress.

Accordingly, Commission Decision of 1 April 2005 lays down the detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets embarked in Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles.

The Directive also states that, by the way of reporting and providing information, Member States shall send a report to the Commission, **at three-year intervals**, on the implementation progress of this Directive.

Directive 2008/112/EC adapts Directive 2000/53/EC to Regulation (EC) No 1272/2008 on classification, labelling, packaging of substances and mixtures. Directive 2008/112/EC replaces the definition of ‘hazardous substance’ in the ELV Directive with effect from 1 December 2010.

On the other hand, Commission Decision numbered 2010/115 and Directive 2011/37/EU amends Annex II to Directive 2000/53/EC concerning materials and components exempt from Article 4 (2) (a). In ELV Directive, Annex II lists the cases where materials and components of vehicles - put on the market after 1 July 2003 - can be exempted pursuant to Article 4 (2) (a); thus, contain lead, mercury, cadmium or hexavalent chromium under certain conditions. Member States are obliged to comply with this modification by 31 December 2011.

6. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics

(Text with EEA relevance)

(OJ L 332, 9.12.2002, p. 1-36)

(Consolidated version)

Amended by:

- **Commission Regulation (EC) No 574/2004 of 23 February 2004 amending Annexes I and III to Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics**

(Text with EEA relevance)

(OJ L 090, 27.03.2004, p. 15-47)

- **Commission Regulation (EC) No 783/2005 of 24 May 2005 amending Annex II to Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics**

(Text with EEA relevance)

(OJ L 131, 25.5.2005, p. 38-41)

- **Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains**

(Text with EEA relevance)

(OJ L 393, 30.12.2006, p. 1-39)

- **Regulation (EC) No 221/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 2150/2002 on waste statistics, as regards the implementing powers conferred on the Commission**

(Text with EEA relevance)

(OJ L 87, 31.3.2009, p. 157-159)

- **Commission Regulation (EU) No 849/2010 of 27 September 2010 amending Regulation (EC) No 2150/2002 of the European Parliament and of the Council on waste statistics** *(Text with EEA relevance)*

(OJ L 253, 28.9.2010, p. 2-41)

Summary

The Regulation requires that Member States and the Commission shall produce Community statistics on all aspects of the waste management, such as the generation, recovery and disposal of waste. The collection of statistics is covered by other Community legislation. In addition, the small enterprises with **less than 10 employees** will not be obliged to make surveys if and only if they do not contribute significantly to the generation of waste.

Member States may request for transitional periods in order to establish the required system for periods ranging from two to three years. The statistics shall cover areas regarding the generation (according to Annex I), recovery and disposal of waste (according to Annex II).

Statistics are to be produced by means of the statistical nomenclature set out in Annex III to the Regulation.

Commission Regulation (EU) No 849/2010 replaces Annex I, II and III in Regulation (EC) No 2150/2002, which sets down the rules how the statistics shall be compiled with regard to the generation, recovery and the disposal of waste.

7. Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC – Statement by the European Parliament, the Council and the Commission

(OJ L 102, 11.4.2006, p. 15-34)

(Consolidated Version)

Amended by:

- **Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four**

(OJ L 188, 18.7.2009, p. 14–92)

Summary

This Directive seeks to set minimum requirements in order to improve the way in which waste from the extractive industries (mining and quarrying) is managed by such environmental and human health risks. By encouraging waste recovery in particular, the Directive aims to contribute to the conservation of natural resources.

Waste from the extractive industries involves materials is discarded during the prospecting, extraction and treatment of mineral resources. With an annual volume of more than 400 million tonnes, it represents a large waste stream in the EU, estimated at nearly 30% of total waste generated each year.

In this line, the Directive requires the Member States to take appropriate measures to make sure that extractive waste is handled without causing danger to human health and without harming the environment, without causing nuisance (noise and odours) and without affecting the landscape and places of special interest. Within this requirement, the operators are given the responsibility of drawing up waste management plans for the “minimization, treatment, recovery and disposal of extractive waste”.

The Directive covers waste coming from all sectors of the extractive industry; however its provisions are expected mainly to affect those sectors most likely to be the cause of significant environmental and health hazards or major accidents.

The Directive generally focuses on the following aspects:

- operational issues connected with waste management;

- prevention of soil and water pollution; and
- ensuring stability of waste management facilities.

Regulation (EC) No 596/2009 amends Article 12 of Directive 2006/21/EC and lays down measures to amend the non-essential elements of the Directive. In this regard, it empowers the European Commission to adopt, subject to Directive, the provisions necessary for the harmonisation and regular transmission of the information; technical guidelines for the establishment of the financial guarantee and technical guidelines for inspections. The Commission further authorized to lay down provisions necessary for the completion of the technical requirements for waste characterization; the interpretation of the definition and the definition of the criteria for the classification of waste facilities and to make the necessary amendments to the Annexes for the purpose of adapting them to scientific and technical progress.

7.2. Batteries and Accumulators

Every year, several hundred thousand tonnes of batteries and accumulators are placed on the Community market; accompanied by a wide range of metals which pollutes the atmosphere in the case of incineration and contaminates water in the case of burial. By this reason, EU sets out appropriate rules so as to reduce the environmental pollution from this source of waste.

Community legislation on batteries applies to all batteries, excepting batteries used in equipment related to the protection of Member States' security interest and batteries in equipment designed to be sent to space.

The main Directive on this issue is Council Directive 91/157/EEC, which was repealed by Directive 2006/66/EC **with effect from 26 September 2008**. But, the **objective** remains the same: to minimise the negative impacts of batteries and accumulators on the environment, as well as to harmonise requirements for the smooth functioning of the internal market.

1. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC

(Text with EEA relevance)

(OJ L 266, 26.9.2006, p. 1-14)

(Consolidated Version)

Amended by:

- **Directive 2008/12/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2006/66/EC on batteries and**

accumulators and waste batteries and accumulators, as regards the implementing powers conferred on the Commission

(OJ L 76, 19.3.2008, p. 39–40)

- **Directive 2008/103/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market**

(Text with EEA relevance)

(OJ L 327, 5.12.2008, p. 7–8)

Summary

This Directive mainly aims to minimise the negative impact of batteries and accumulators and waste batteries and accumulators on the environment; thus contributing to the protection, preservation and improvement of the quality of the environment.

This Directive prohibits the placing on the market of certain batteries and accumulators containing mercury or cadmium, so as to achieve its environmental objectives. It also promotes the collection and recycling of waste batteries and accumulators, as well as improved environmental performance of all operators concerned by the life cycle of batteries and accumulators.

This Directive applies to all batteries and accumulators placed on the market within the Community, regardless of their shape, weight, volume, material composition or use. It also stresses the need for reliable and comparable data on the quantities of batteries and accumulators placed on the market so as to monitor the progress achieved in the related objectives.

Pursuant to Article 4, Member States must prohibit the placing on the market of:

- all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0,0005 % of mercury by weight³⁰; and
- portable batteries or accumulators, including those incorporated into appliances, that contain more than 0,0002% of cadmium by weight.

The Directive also underlines the need for **new recycling technologies**, as explained in detail in Article 13. In this context, Member States must encourage the development of new recycling and treatment technologies, and support researches into environmentally friendly and cost-effective recycling for all types of batteries and accumulators.

³⁰ This prohibition does not apply to button cells with a mercury content of no more than 2% by weight.

The Directive sets out minimum rules for producer responsibility and provisions which relate to labelling of batteries and their removability from equipment.

This Directive provides that certain measures are to be adopted in line with Council Decision 1999/468/EC of 28 June 1999 which lays down the procedures for the exercise of implementing powers conferred on the European Commission.

This Directive repealed Directive 91/157/EEC **with effect from 26 September 2008**.

2. 2009/851/EC: Commission Decision of 25 November 2009 establishing a questionnaire for Member States reports on the implementation of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators (notified under document C(2009) 9105)

(Text with EEA relevance)

(OJ L 312, 27.11.2009, p.56–58)

Summary

Commission Decision 2009/851/EEC establishes a questionnaire for Member States reports on the implementation of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators. Directive 2006/66/EC mainly aims to minimize the negative impact of batteries and accumulators and waste batteries and accumulators on the environment; thus contributing to the protection, preservation and improvement of the quality of the environment. According to Commission Decision 2009/851/EEC, Member States shall formulate their reports on the implementation of Directive 2006/66/EC on the basis of the questionnaire set out in the Annex to this Decision. In the questionnaire, the Member States shall indicate reference and an electronic link, to their national laws transposing the Directive, including to any amendments. On the other hand, the Member States will have to answer questions about environmental performance, collection schemes, collection targets, treatment and recycling, disposal and exports of the batteries and accumulators and waste batteries and accumulators. In addition to this, the Member States shall provide information about financing of the preceding procedures, publish national implementation reports and shall inform about the cases of non-compliance with Directive 2006/66/EC after carrying out inspections concerning batteries and accumulators and waste batteries and accumulators.

3. Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances

(OJ L 264, 23.10.1993, p. 51-52)

Summary

This Directive establishes the detailed arrangements (in particular, symbols to use) for the marking system envisaged in Article 4 of Directive 91/157/EEC on batteries and accumulators covered by that Directive and manufactured for sale in, imported into the Community after 1 January 1994.

The symbols are, for most of them, described in the Annexes of the text (which are not available yet on the current version of the Directive in concern). For instance, the symbol indicating the heavy-metal content shall consist of the chemical symbol for the metal concerned, according to the type of battery and accumulator concerned.

The decision on the choice of symbol to be used on batteries and accumulators covered by Directive 91/157/EEC shall be made, in the undertaking, by the person responsible for making as described in Article 5 of this Directive.

Member States shall take the necessary steps to ensure that the marking complies with the provisions of this Directive and is carried out by the manufacturer or his authorized representative established in the Member State concerned or else by the person responsible for placing the batteries or accumulators on the national market. The use of the two symbols shall be considered equivalent throughout the Community.

7.3. Packaging and Packaging Waste

1. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste

(OJ L 365, 31.12.1994, p. 0010-0023)

(Consolidated version)

(Czech Republic, Greek Administration of Southern Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, Slovakia, Bulgaria and Romania have derogations regarding this Directive)

Amended by:

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 1-53)

- **Directive 2004/12/EC of the European Parliament and of the Council of 11 February 2004 amending Directive 94/62/EC on packaging and packaging**

waste – Statement by the Council, the Commission and the European Parliament

(OJ L 047, 18.02.2004, p. 26-32)

- **Directive 2005/20/EC of the European Parliament and of the Council of 9 March 2005 amending Directive 94/62/EC on packaging and packaging waste**

(OJ L 070, 16.03.2005, p. 0017-0018)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

Summary

The Packaging and Packaging Waste Directive, that seeks to harmonise national measures concerning the management of packaging and packaging waste in Member States, has an aim to offer a high level of environmental protection combined with the need to avoid distortions in the internal market.

This Directive covers all packaging placed on the market in the Community and all packaging waste, whether it is used or released at industrial, commercial, service, household or any other level, regardless of the material used.

With Directive 2004/12/EC, the definition of “packaging” (what may or may not constitute “packaging”) is enhanced. Annex I lists illustrative examples of this. Thus, for example, the film around a CD box is “packaging”, whilst tool boxes or wax around cheese is not.

Packaging will be placed on the market only if it complied to essential requirements defined in the Directive, in particular with the relevant harmonized standards and national standards.

The Directive also describes requirements on concentration of heavy metals present in packaging. By 30 June 2001, the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium must not exceed 100 ppm by weight. Efforts to reduce further and, if appropriate, ultimately phase out heavy metals and other hazardous substance in packaging by 2010 is another requirement of the Directive.

The Directive establishes the basis of a marking and identification system, completed by Commission Decision 97/126/EC of 28 January 1997. Member States must organize publicly or privately funded recovery and recycling systems schemes for the collection of packaging waste from households and the industry.

Member States must establish a data-base on packaging and packaging waste. Commission Decision 2005/270/EC of 22 March 2005³¹ establishes the formats relating to the database system. Moreover, Member States must include this area of waste management in their general waste management plan. In this regard, data regarding for instance the quantity of packaging placed on the market within the Member State, the quantities of tons of packaging waste arising and managed within the Member State must be given.

In order to comply with the objectives of this Directive, Member States shall take the necessary measures to attain the following targets covering the whole of their territory.

In this line, the revised targets are set for the recovery and recycling of waste:

- No later than **30 June 2001**, between 50% as a minimum and 65% as a maximum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery;
- No later than **31 December 2008**, 60% as a minimum by weight of packaging waste will be recovered or incinerated at waste incineration plants with energy recovery;
- No later than **30 June 2001**, between 25% as a minimum and 45% as a maximum by weight of the totality of packaging materials contained in packaging waste will be recycled with a minimum of 15% by weight for each packaging material;
- No later than **31 December 2008**, between 55% as a minimum and 80% as a maximum by weight of packaging waste will be recycled;
- No later than **31 December 2008**, the following minimum recycling targets for materials contained in packaging waste will be attained:
 - 60% by weight for glass;
 - 60% by weight for paper and board;
 - 50% by weight for metals;
 - 22,5% by weight for plastics;
 - 15% by weight for woods.

Greece, Ireland and Portugal have been given temporary derogations and are free to choose the date of implementing the targets outlined above – but the date must be no later than 31 December 2011.

Member States must notify the draft of measures and technical specifications, which they intend to adopt within the context of Packaging Directive. These notifications are made in accordance with the procedure explained in Directive 98/34/EC.

Notified measures can be consulted in the TRIS (*Technical Regulations Information System*) Database, online access at http://ec.europa.eu/enterprise/tris/index_en.htm.

³¹ Commission Decision of 22 March 2007 (2005/270/EC) replaced Commission Decision of 3 February 1997 (97/138/EC) establishing the formats relating to the database system.

7.4. Incineration

1. Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste

(OJ L 332, 28.12.2000, p. 0091-0111)

(Consolidated version)

Amended by:

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1–54)

(Slovakia, Romania and Bulgaria have derogations regarding this Directive)

To be repealed with effect from 7 January 2014:

- **Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)**

(OJ L 334, 17.12.2010, p. 17–119)

Summary

This Directive repealed the Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants, Council Directive 89/429/EEC of 21 June 1989 on reduction of air pollution from existing municipal waste-incineration plants, as well as Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste from 28.12.2005.

The scope of this Directive extends, apart from the incineration of non-toxic municipal waste, to the incineration of non-toxic non-municipal waste (such as tyres, hospital waste) and toxic wastes not covered by Directive 94/67/EC (such as waste oils and solvents).

At the same time, it aims at incorporating the technical progress made on **monitoring incineration-process emissions** into the existing legislation, and to ensure that the international commitments entered into by the Community are met in terms of pollution reduction, and more particularly those laying down limit values for the emissions of dioxins, mercury and dusts arising from waste incineration.

This Directive applies not only to facilities intended for waste incineration, but also to “**co-incineration**” plants (facilities whose main purpose is to produce energy or material products and which use waste as a regular or additional fuel).

However, it does not cover experimental plants for improving the incineration process and which treat **less than 50 tonnes of waste per year**.

The questionnaire to be used by Member States for reporting on the implementation of Directive 2000/76/EC, covering the period 1 January 2009 to 31 December 2011 is laid down in the Annex to **Decision 2010/731/EU**.

7.5. Hazardous Waste

According to the European system for the classification and labeling of dangerous substances and preparations, the waste is classified as hazardous and non hazardous waste. The same principles are applied to the concerned category over their whole life cycle.

The European policy on hazardous waste has been integrated into the European Waste Framework and is being regulated under Directive 2008/98/EC with effect from **12 December 2010**. Waste Framework Directive (**Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives** (*OJ L 312, 22.11.2008, p. 3–30*)) is detailed above³².

The properties which render waste hazardous are laid down in Annex III of Directive 2008/98/EC and are further specified by the Decision 2000/532/EC establishing a List of Wastes.

1. Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(1) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste

(Notified under document number C (2000) 1147)

(OJ L 226, 06.09.2000, p. 3)

(Consolidated version)

Amended by:

- **Commission Decision (EC) No 2001/118 of 16 January 2001 amending Decision 2000/532/EC as regards the list of wastes**

³² Council Directive 91/689/EEC of 12 December 1991 on hazardous waste was repealed by **Directive 2008/98/EC** with effect from **12 December 2010**.

(Text with EEA relevance)

(Notified under document number C (2001) 108)

(OJ L 047, 16.02.2001, p. 0001-0031)

- **Commission Decision (EC) No 2001/119 of 22 January 2001 amending Decision 2000/532/EC replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste**

(Text with EEA relevance)

(Notified under document number C (2001) 106)

(OJ L 047, 16.02.2001, p. 0032-0032)

- **Council Decision (EC) No 2001/573 of 23 July 2001 amending Commission Decision 2000/532/EC as regards the list of wastes**

(OJ L 203, 28.07.2001, p. 0018-0019)

Summary

The Directive established a harmonized list of wastes pursuant to Directive 75/442/EEC on waste and Directive 91/689/EEC on hazardous waste.

Wastes are classified according to the following categories:

- wastes resulting from exploration, mining, dressing and further treatment of minerals and quarry
- wastes from agricultural, horticultural, hunting, fishing and aquacultural primary production, food preparation and processing
- wastes from wood processing and the production of paper, cardboard, pulp, panels and furniture
- wastes from the leather, fur and textile industries
- wastes from petroleum refining, natural gas purification and pyrolytic treatment of coal
- wastes from inorganic chemical processes
- wastes from organic chemical processes
- wastes from the manufacture, formulation, supply and use of coatings (paints, varnishes and vitreous enamels), adhesives, sealants and printing inks
- wastes from the photographic industry
- inorganic wastes from thermal processes

- inorganic metal-containing wastes from metal treatment and the coating of metals, and non-ferrous hydrometallurgy
- wastes from shaping and surface treatment of metals and plastics
- oil wastes
- wastes from organic substances used as solvents
- waste packaging; absorbents, wiping cloths, filter materials and protective clothing not otherwise specified
- wastes not otherwise specified in the list
- construction and demolition wastes (including road construction)
- wastes from human or animal health care and/or related research (except kitchen and restaurant wastes not arising from immediate health care)
- wastes from waste treatment facilities, off-site waste water treatment plants and the water industry
- municipal wastes and similar commercial, industrial and institutional wastes including separately collected fractions

7.6. Radioactive Waste

1. Council Regulation (EURATOM) No 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States

(OJ L 148, 19.06.1993, p. 1-7)

Summary

This Regulation applies to shipments between Member States of sealed sources and other relevant sources, whenever the quantities and concentrations exceed the levels laid down in Article 4(a) and (b) of Directive No 80/836/Euratom.

It also applied to shipments of radioactive waste between Member States covered by Directive No 92/3/Euratom until the entry into force of the Directive on 1 January 1994.

In the case of **nuclear materials**, each Member State carries out all necessary controls within its own territory in order to ensure that each consignee of materials which are the subject of a shipment from another Member State complies with the national provisions implementing Article 3 of Directive No 80/836/Euratom.

2. Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel

(OJ L 337, 5.12.2006, p. 21-32)

Summary

This Directive sets out a Community system of supervision and control of transboundary shipments of radioactive waste and spent fuel, in order to ensure an adequate and effective protection of the population. It provides for a regular and obligatory system of notification, as well as a standard control document.

Pursuant to Article 1(2), this Directive applies to transboundary shipments of radioactive waste or spent fuel³³ each time:

- the country of origin or the country of destination or any country of transit is a Member State of the Community; and
- the quantities and concentration of the consignment exceed the predetermined levels.

The Directive sets out rules concerning **intra-community shipments** between Articles 6 – 12 and **extra-community shipments** between Articles 13-16.

Member States must bring into force the laws, regulations and administrative provisions required to fulfil the provisions of this Directive before **25 December 2008**.

However, if the application for authorisation has been properly approved by or submitted to the competent authorities of the country of origin **before 25 December 2008**, **Directive 92/3/Euratom** must apply to all shipment operations covered by the same authorisation.

3. Council Regulation (Euratom) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation

(OJ L 81, 22.3.2007, p. 1-10)

Summary

This Regulation draws attention to the fact that the Community shall finance measures to support the promotion of a high level of nuclear safety, radiation protection and the application of effective and efficient safeguards of nuclear material in third countries. In other terms, it provides for financial assistance in support of the objectives of the Euratom Treaty.

The Regulation specifies, in Article 8, types of measures that Community financing may take.

It also sets out the procedure for the implementation (programming and allocation of funds) through strategy papers and indicative programmes, as well as action programmes and programming documents.

³³ “Spent fuel”: Nuclear fuel that has been irradiated in and permanently removed from a reactor core. (*Source:* <http://europa.eu/scadplus/leg/en/lvb/l11020.htm>)

This Regulation applies **as of 1 January 2007** so as to ensure the effective implementation of the Instrument for nuclear safety cooperation.

This Regulation applies from 1 January 2007 **until 31 December 2013**.

4. 2008/312/Euratom: Commission Decision of 5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom

(Notified under document number C (2008) 793)

(OJ L 107, 17.4.2008, p. 32–59)

Summary

This Decision sets out, in its Annex, the standard document which shall be used in respect of any shipments of radioactive waste or spent fuel between Member States or into, out of and through the Community within the scope of Directive 2006/117/Euratom.

Additionally, the standard document is required to be made available in electronic form, in the format presented by the European Commission.

Member States are required to take relevant measures to the harmonisation, **not later than 25 December 2008**.

This Decision repeals Commission Decision 93/552/Euratom.

7.7. Waste Electrical and Electronic Equipment

1. Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment

(OJ L 037, 13.02.2003, p. 0019-0023)

(Consolidated version)

Amended by:

- **2005/618/EC: Commission Decision of 18 August 2005 amending Directive 2002/95/EC of the European Parliament and of the Council for the purpose of establishing the maximum concentration values for certain hazardous substances in electrical and electronic equipment**

(Notified under document number C (2005) 3143)

(OJ L 214, 19.8.2005, p. 65-65)

- **2005/717/EC: Commission Decision of 13 October 2005 amending for the purposes of adapting to the technical progress the Annex to Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment**

(Notified under document number C (2005) 3754)

(OJ L 271, 15.10.2005, p. 48-50)

- **2005/747/EC: Commission Decision of 21 October 2005 amending for the purposes of adapting to technical progress the Annex to Directive 2002/95/EC of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment**

(Notified under document number C (2005) 4054)

(OJ L 280, 25.10.2005, p. 18-19)

- **2006/310/EC: Commission Decision of 21 April 2006 amending, for the purposes of adapting to the technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of lead**

(Notified under document number C (2006) 1622)

(OJ L 115, 28.4.2006, p. 38-39)

- **Directive 2008/35/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment as regards the implementing powers conferred on the Commission**

(OJ L 81, 20.3.2008, p. 67-68)

- **2008/385/EC: Commission Decision of 24 January 2008 amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of lead and cadmium (notified under document number C(2008) 268) (Text with EEA relevance)**

(OJ L 136, 24.05.2008, p.09 – 10)

- **2009/428/EC: Commission Decision of 4 June 2009 amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the**

European Parliament and of the Council as regards the exemption for an application of lead as impurity in RIG Faraday rotators used for fibre optic communication systems (notified under document number C(2009) 4165) (Text with EEA relevance)

(OJ L 139, 5.6.2009, p. 32–33)

- **2009/443/EC: Commission Decision of 10 June 2009 amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications of lead, cadmium and mercury (notified under document number C(2009) 4187) (Text with EEA relevance)**

(OJ L 148, 11.6.2009, p. 27–28)

- **2010/122/: Commission Decision of 25 February 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards an exemption for an application of cadmium**

(OJ L 49, 26.2.2010, p. 32–33)

- **2010/571/EU: Commission Decision of 24 September 2010 amending, for the purposes of adapting to scientific and technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers (notified under document C(2010) 6403) Text with EEA relevance**

(OJ L 251, 25.9.2010, p. 28–34)

- **2011/534/EU: Commission Decision of 8 September 2011 amending, for the purposes of adapting to technical progress, the Annex to Directive 2002/95/EC of the European Parliament and of the Council as regards exemptions for applications containing lead or cadmium (notified under document C(2011) 6309)**

(OJ L 234, 10.9.2011, p. 44–45)

To be repealed by: (with effect from 3 January 2013)

- **Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment**

(OJ L 174, 1.7.2011, p. 88–110)

Summary

This Directive pursues the protection of the soil, water and air against pollution through the restriction of the use of certain substances, such as lead, mercury, cadmium, hexavalent chromium and certain brominated flame retardants (e.g. polybrominated biphenyls or polybrominated diphenyl ethers) in that type of equipment.

It lays down several provisions to ensure that **from 1 July 2006**, new electrical and electronic equipment put on the market does not contain any of the substances mentioned above. The Annex to the Directive lists some applications of lead, mercury, cadmium and hexavalent chromium, which are exempted from this requirement. Pursuant to Article 5(2) of Directive, the European Commission is required to consult the relevant stakeholders before initiating to amend the annex.

This Directive grants **some exemptions for specific applications** (and not to whole products) of the substances that are referred to in Article 4(1).

Pursuant to Article 2(3), this Directive **does not apply to** spare parts for the repair, or reuse, of electrical and electronic equipment put on the market **before 1 July 2006**.

By Commission Decision 2005/618/EC, a maximum concentration value of **0,1%** by weight in homogeneous materials for lead, mercury, hexavalent chromium, polybrominated diphenyl ethers, polybrominated biphenyls and of **0,01%** weight in homogeneous materials for cadmium have been allowed.

The Directive provides for the prohibition of other hazardous substances and for their replacement by **more environmentally friendly alternatives** as soon as new scientific evidence is available³⁴.

Commission Decisions 2008/385/EC, 2009/428/EC, 2009/443/EC and 2010/122/EC amends and appends Annex of the Directive concerning; “applications of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE) which are exempted from the requirements of Article 4(1)”

Commission Decision 2010/571/EU replaces the Annex to Directive 2002/95/EC, which lists the applications exempted from the prohibition in Article 4(1) Exemption in the same Directive.

Commission Decision 2011/534/EU amends the Annex on exempted applications in order to insert two more entries with regards to lead and cadmium.

³⁴ For further technical details about this Directive, **please consult** “*Frequently Asked Questions on Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) and Directive 2002/96/EC on Waste Electrical and Electronic Equipment Directive (WEEE)*”, http://ec.europa.eu/environment/waste/weee/pdf/faq_weee.pdf

In Spring 2007, Commission has launched a **stakeholder consultation** on adaptation to scientific and technical progress under RoHS Directive 2002/95/EC. In December 2007, the DG Enterprise prepared a study on the RoHS and WEEE Directives with the aim of providing an exhaustive analysis of the impacts of the RoHS Directive on the economy and the environment. This Study also intends to compare the approach of RoHS Directive with other approaches referred outside of the European Union, by highlighting its advantages and disadvantages. The Study also formulates proposals to revise the Directive in concern and by this way aims to improve its cost-effectiveness. In addition, DG Environment prepared a **“Study on hazardous substances in electrical and electronic equipment, not regulated by the RoHS Directive”**, with the aim of providing necessary technical support to the Commission services for complying with the Article 6 requirements of the RoHS Directive³⁵.

In December 2008, the European Commission proposed for revised laws on recycling and use of hazardous substances in electrical and electronic equipment. Following the compromise provided by the Council and the Parliament in 2010, the new RoHS Directive II detailed below was adopted in the EU in July 2011.

2. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment

(Text with EEA relevance)

(OJ L 174, 1.7.2011, p. 88–110)

Summary

The Directive lays down rules on the restriction of the use of hazardous substances in electrical and electronic equipment (EEE) with a view to contributing to the protection of human health and the environment. The revised RoHS Directive II intends:

- a gradual extension of the rules to all electrical and electronic equipment (EEE), cables and spare parts, with a view to full compliance by 2019;
- a review of the list of banned substances by July 2014, and periodically thereafter;
- clearer and more transparent rules for granting exemptions from the substance ban;
- improved coherence with the REACH Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals;
- clarification of important definitions; and
- CE marking denoting compliance with European norms reserved for electronic products that also respect RoHS requirements.

The scope of the RoHS Directive II has been extended to a much wider range of product categories now also including medical devices and monitoring and control instruments

³⁵ Final report is published at:
http://ec.europa.eu/environment/waste/weee/pdf/hazardous_substances_report.pdf

(including industrial monitoring and control instruments) besides large household appliances; small household appliances; IT and telecommunications equipment; consumer equipment; lighting equipment; electrical and electronic tools; toys, leisure and sports equipment and automatic dispensers.

Member States shall ensure that EEE placed on the market, including cables and spare parts for its repair, its reuse, updating of its functionalities or upgrading of its capacity, does not contain lead, mercury, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE) more than 0,1% by weight in homogeneous materials whereas cadmium more than 0,01% by weight.

Member States shall transpose into national law and put the Directive's provisions into force by **2 January 2013**.

3. Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) – Joint declaration of the European Parliament, the Council and the Commission relating to Article 9

(OJ L 037, 13.02. 2003, p. 0024-0039)

(In the framework of Council Decision No 2004/486/EC of 26 April 2004, Greek Administration of Southern Cyprus, Malta and Poland have certain temporary derogations regarding this Directive. On the other hand, Bulgaria and Romania have some derogations as regards the requirements of this Directive)

(Consolidated Version)

Amended by:

- **Directive 2003/108/EC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)**

(OJ L 345, 31.12.2003, p. 106-107)

- **Directive 2008/34/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE), as regards the implementing powers conferred on the Commission**

(OJ L 081, 20.03.2008, p. 65 – 66)

- **Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation**

(EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures Text with EEA relevance

(OJ L 345, 23.12.2008, p. 68 – 74)

Summary

The aim of this Directive is the prevention of waste electrical and electronic equipment (WEEE), and the re-use, recycling and other forms of recovery of such wastes so as to reduce the disposal of waste.

The objectives are to be achieved by means of a wide range of measures, including measures on the separate collection of WEEE, the treatment of WEEE and the recovery of such waste.

In addition, producers should take the responsibility for certain phases of the waste management of their products. Separate collection of WEEE has to be ensured through appropriate systems, so that users can return their electrical and electronic equipment.

The Directive changes the responsibility to finance historical waste from non-household sources from producers of the waste equipment to producers supplying a new product, where such a new product exists. For historical waste that is not replaced by new products, the users other than private households shall be responsible.

The Directive 2003/108/EC is amending **Article 9** (*financing in respect of WEEE from users other than private households*) of Directive 2002/96/EC on WEEE.

Thus, the new Directive is like that:

The financial responsibility for the collection, treatment, re-use, recovery and recycling of WEEE from users other than private households put on the market before 13 August 2005 should be borne by producers when supplying new products replacing products of equivalent type or fulfilling the same functions. Where such waste is not replaced by new products, the responsibility should be borne by those users. Member States, producers and users should have the possibility to make alternative arrangements.

For products put on the market after 13 August 2005, each producer is responsible for financing the operations concerning the waste from his own products. The producer can decide to fulfil this obligation either individually or through an appropriate collective scheme.

Nevertheless, since its enactment in 2003, technical, legal and administrative problems have occurred and the WEEE Directive had imposed unintended costs and burden on market players as well as on the administration. In this context, the EU decided to revise the WEEE Directive in order to increase its cost and environmental effectiveness and to collect, treat and recover a higher level of waste equipment.

On 5 August 2007, DG Environment has prepared a specific report, namely “**2008 Review of Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)**” with the aim

of completing the information which is needed to provide an analysis of options for the review process³⁶.

On **December 2007**, the DG Enterprise prepared a “**Study on RoHS and WEEE Directive**” with the aim of assessing the impacts on innovation and competition of the WEEE requirement, as well as of identifying the factors and requirements which have an influence in a positive or negative way. It also aims to compare the approach undertaken in the WEEE Directive with other approaches inside and outside the EU for identifying the advantages and the disadvantages as regards to the innovation and competition issues. The Study also formulates a number of proposals to revise the Directive in order to improve its cost-effectiveness.

The DG Environment also prepared a Study on “**The producer responsibility principle of Directive 2002/96/EC on waste electrical and electronic equipment (WEEE)**” with the aim of evaluating the operation of the WEEE Directive as regards the producer responsibility obligations. It also intends to consider relevant options to improve the operation of those obligations in the EU. The Study also demonstrates how Member States have transposed and implemented the producer responsibility obligations and the producer definition. The Study also assesses options to improve the achievement of the objectives of the Directive, particularly its development and simplification³⁷.

Following “**Study on RoHS and WEEE Directive**”, adopted in March 2008, the European Commission drafted a **Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (Recast)** in December 2008.

The proposal intends to promote resource efficiency and ensure that WEEE are treated in a more proper way by changing the collection target to comply with the reality of each Member State. Furthermore, the new Directive aims to encourage a European-wide producer responsibility approach and to promote implementation especially through the annulment of the provisions with regard to the burden proof on exports of used equipment.

The proposal offers a WEEE collection rate of 65% which is set in function of the average amount of EEE placed on the market in the two preceding years. This changes the current 4 kg per person waste collection target to variable targets on the basis of the unique status of and production rate in each Member State.

Please find further details of the proposal for a revised WEEE Directive under the Pending Proposals section below.

³⁶ For the executive summary, please consult http://ec.europa.eu/environment/waste/weee/pdf/summary_unu.pdf

³⁷ For more information on Studies concerning WEEE Directive, please visit DG Environment website at: http://ec.europa.eu/environment/waste/weee/studies_weee_en.htm

7.8. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (Recast) {SEC(2008) 2933} {SEC(2008) 2934}

COM (2008) 810 final

(Current situation: The Commission adopted the Proposal on 03.12.2008 and transmitted to Council and to European Parliament. Lastly, Council heard a report from the presidency on progress of recast of the directive on waste electrical and electronic equipment on 11 June and 20 December 2010. The Parliament held its 1st reading on the Proposal and the Commission submitted its Position regarding the EP's first reading in February 2011. The Council agreement is provided on 14 March 2011.³⁸)

Summary

The Proposal aims to simplify the WEEE Directive, overcome its unintended costs and burden on market actors and administrations. Draft Directive intends to:

- significantly reduce the administrative burden to producers without lowering the level of environmental protection;
- enhance effectiveness of the directive through simplified and improved implementation;
- reduce the environmental impacts of collection, treatment and recovery of WEEE at levels providing the greatest benefit to society.

The proposed directive sets out higher but more flexible targets on the collection and recycling of electrical and electronic equipment and introduce greater coherence with other EU legislation such as Waste Framework Directive, REACH and the recent "Marketing of Products" package.

The proposed Directive impose more ambitious collection targets on Member States with high consumption of EEE and lower targets with lower consumption levels.

According to the proposal, producers shall collect **65% of the average weight of electrical and electronic equipment** placed on the market over the two previous years, in each Member State. This collection rate is suggested to be achieved annually, after a transitional period of four years.

The proposal **modifies the recovery and recycling targets** to include the re-use of **whole appliances** and the **medical devices**; thus, weight-base targets for whole appliances are increased by 5%. On the other hand, the recycling target for medical devices is set at the same level as for the monitoring and control instruments.

³⁸ For information on the Communication from the European Commission to the European Parliament on the position of the European Council on the adoption of WEEE Directive please see COM (2011) 478 final: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0478:FIN:EN:PDF>

In order to promote implementation and enforcement, the proposal for a new WEEE Directive harmonizes the **registration and reporting obligations** for producers by making the national registers inter operational. It further sets **minimum inspection requirements** as well as **monitoring requirements** for shipments of WEEE.

2. Proposal for a Council Directive on the supervision and control of shipments of radioactive waste and spent fuel

COM/2004/0716 final

(Current situation: The European Commission withdrew the concerned Proposal on 18 September 2010)

Summary

This proposal is a produce of an effort of making the Directive 92/3/Euratom on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community more transparent and user-friendly through **simplification**. The simplification is to be made in the incorporation of some technical requirements; rearrangement of certain provisions of the Directive in accordance with international requirements; clarification in the provision of the Directive concerning the right of third countries to be consulted on the proposed shipment of radioactive waste in case of export, etc.

Some modifications of the Directive 92/3/Euratom are proposed in order to achieve consistency with existing Euratom Directives, international conventions, to clarify the procedure, to extend the scope to spent fuel and to enhance the structure of the Directive 92/3//Euratom.

The Proposal supplements Directive 96/29/Euratom, where Member States have set out a **system of reporting and authorisation of practices** involving a risk of inoising radiation and lays down administrative requirements. Under the Directive, administrative arrangements are stipulated in order to protect human health and provide necessary safeguards for fissile material through establishing a unitary system of supervision and control of “shipments of radioactive waste and spent fuel”. It necessitates a **Community aspect** (i.e. the country of origin, the country of destination or the countries of transit within the territory of the Community).

8. Water Quality

8.1. Framework Directive

1. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

(OJ L 327, 22.12.2000, p. 01-73)

(Consolidated Version)

Amended by:

- **Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC**

(Text with EEA relevance)

(OJ L 331, 15.12.2001, p. 1-5)

- **Directive 2008/32/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, as regards the implementing powers conferred on the Commission**

(OJ L 81, 20.3.2008, p. 60–61)

- **Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council**

(OJ L 348, 24.12.2008, p.84-97)

- **Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 Text with EEA relevance**

(OJ L 140, 05.06.2009, p.114 – 135)

Summary

This Directive (known as “*EU Water Framework Directive*”, or even shorter the *WFD*) states that Member States have to identify all the river basins lying within their national territory and to assign them to individual river basin districts. The Directive points out that Member States will determine penalties applicable to breaches of the provisions adopted which are effective, proportionate and dissuasive. The aim is to achieve a good level of water quality for all rivers, lakes, estuaries, coastal waters and groundwater in the European Union **by 2015**.

In this context, management by river basin (the natural geographical and hydrological unit) is considered as “best model for a single system of water management”, instead of management by administrative or political boundaries³⁹. For each river basin district, a “**river basin management plan**” is to be established and updated every six years.

The measures provided for in the river basin management plan seek to:

- prevent deterioration, enhance and restore bodies of surface water, achieve good chemical and ecological status of such water and reduce pollution from discharges and emissions of hazardous substances;
- protect, enhance and restore all bodies of groundwater, prevent the pollution and deterioration of groundwater, and ensure a balance between abstraction and recharge of groundwater;
- preserve protected areas.

It is worth to underline that all these objectives must **be integrated for each river basin**.

The Directive also points out that the role of public participation is crucial in implementing the requirements of this Directive because of the need for balancing the interests of various groups and for transparency, as well as for enforceability purposes.

With the Decision No 2455/2001/EC, an Annex has been added to the Directive 2000/60/EC, which contains the list of 33 priority substances, including priority hazardous substances. (Some of the priority substances are Benzene, Lead, Mercury, Nickel)

⇒ **Timetable for implementation of this Directive**

<i>Year (deadline for each of the requirements)</i>	<i>Key milestones</i>
2000	Directive entered into force
2003	- Transposition into national legislation - Identification of River Basin Districts and Authorities
2004	Characterisation of river basin (e.g. economic analysis, impacts, etc.)

³⁹ Initiatives taken forward by Member States concerned (e.g. Rhine river basin) have served as positive examples of this approach.

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2006	- Establishment of monitoring network; - Launching public consultation
2008	Presentation of a draft river basin management plan
2009	Finalising river basin management plan and programme of measures
2010	Introducing the pricing policies
2012	Making operational programmes of measures
2015	Meeting environmental objectives
2021	The end of first management cycle
2027	The end of second management cycle and the final deadline for meeting objectives

For consulting related links to the **official WFD implementation web sites of the EU Member States**, please see http://ec.europa.eu/environment/water/water-framework/links/index_en.htm.

On **22-23 March 2007** (on World Water Day), the European Commission’s Environment Directorate-General organised a specific conference where participants discussed **the first implementation report on WFD Implementation** and the launch of the **Water Information System for Europe (WISE)**, a web portal developed within the collaboration of the European Environment Agency that gathers a wide range of water-related data from across the Member States.

By this occasion, the Commission published several documents, including a Communication entitled “**Towards Sustainable Water Management in the European Union**” and a Staff Working Document namely “**First report on the implementation of the Water Framework Directive 2000/60/EC**”.

2. Directive 2008/32/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, as regards the implementing powers conferred on the Commission

(OJ L 81, 20.3.2008, p. 60–61)

Summary

This Directive amends Directive 2000/60/EC as regards several parameters:

- Technical specifications and standardized methods for analysis and monitoring of water status;
- Technical adaptations to the Directive by taking into consideration the periods for review and updating of the river basin management plans;
- The committee procedure within the Commission.

8.2. Urban Water

1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.05.1991, p. 40-52)

(Consolidated version)

(Estonia, Latvia, Czech Republic, Hungary, Malta, Poland, Slovenia, Slovakia, Bulgaria and Romania have derogations regarding the Directive)

Amended by:

- **Commission Directive 98/15/EC of 27 February 1998 amending Council Directive 91/271/EEC with respect to certain requirements established in Annex I thereof**

(Text with EEA relevance)

(OJ L 067, 07.03.1998, p. 0029-0030)

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 0001-0053)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1-54)

Summary

Member States shall ensure that all agglomerations are provided with collecting systems for urban waste water:

- at the latest by 31 December 2000 for those with a population equivalent (p.e.) of more than 15000; and
- at the latest by 31 December 2005 for those with a p.e. of between 2000 and 15000.

Member States shall ensure that urban waste water entering collecting systems shall before discharge be subject to secondary treatment or an equivalent treatment as follows:

- at the latest by 31 December 2000 for all discharges from agglomerations of more than 15000 p.e.;
- at the latest by 31 December 2005 for all discharges from agglomerations of between 10000 and 15000 p.e.;
- at the latest by 31 December 2005 for discharges to fresh-water and estuaries from agglomerations of between 2000 and 10000 p.e.

Annex II requires Member States to draw up lists of sensitive and less sensitive areas which receive the treated waters. The treatment of urban water is to be varied according to the sensitivity of the receiving waters.

Industrial waste water entering collecting systems, and the disposal of waste water and sludge from urban waste water treatment plants, are both subject to regulations and/or specific authorisations on the part of the competent authorities.

Member States will be responsible for monitoring both discharges from treatment plants and the receiving waters⁴⁰.

By Amending Directive 98/15/EC, the requirements of the Directive 91/271/EEC in relation to discharges from urban waste water treatment plants to sensitive areas which are subject to eutrophication have been clarified. Accordingly, Table 2 of Annex I is amended.

Commission Decision No 93/481/EEC (adopted in accordance with Article 18 of the Directive) draws up formats that Member States will follow to present their national programmes. They must list the agglomerations and their population, the collecting systems that must comply with the rules of the Directive by end 1992, the treatment plants.

Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 amends the Directive to establish the rules for amending the non-essential elements of the Directive through the authorization of the European Commission.

⁴⁰ For relevant **Case-law** related to the this Directive, please visit http://ec.europa.eu/environment/water/water-urbanwaste/implementation/caselaw_en.htm

8.3. Discharges of Dangerous Substances

1. Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry

(OJ L 081, 27.03.1982, p. 0029-0034)

(Poland has a derogation regarding this Directive)

(Consolidated Version)

Amended by:

- **Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment**

(OJ L 377, 31.12.1991, p. 48-54)

Amended and to be repealed (with effect from 22 December 2012) by:

- **Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council**

(OJ L 348, 24.12.2008, p. 84–97)

Summary

This Directive lays down the limit values for plant in which alkali chlorides are electrolyzed by means of mercury cells, as well as the procedure for monitoring discharges.

Prior authorisation must be granted by the Member State concerned. Such authorisation must lay down emission standards which are at least as stringent as those set out in Directive 82/176/EEC.

Authorisations for new plants will be granted only if such authorisations contain a reference to the standards corresponding to the best technical means available for preventing discharges of mercury.

This Directive will be repealed by Directive 2008/105/EC with effect from **22 December 2012**.

2. Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

(Codified version)

(Text with EEA relevance)

(OJ 064, 04.03.2006, p. 0052-0059)

Summary

This Directive codified and repealed Council Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community which had been subject to various amendments as of 24 March 2006. For that purpose, the Directive at issue prevails over various legislative acts within Directive 76/464/EEC while bringing them together without changing their content.

The previous Directive 76/464/EEC applies to:

- inland surface water;
- territorial waters;
- internal coastal waters;
- ground water.

The Directive 76/464/EEC previously established **two lists of substances considered as polluting environment**. Substances laid down in **List I** are considered as toxic, persistent or bio-accumulative (e.g. mercury and its compounds, persistent mineral oils), and the pollution in water caused by their discharges must be ended. Substances listed in **Annex II** create pollution in water that must be reduced (e.g. lead, arsenic and compounds). The main purpose was to eliminate pollution from **List I substances** and to reduce pollution from **List II substances**.

All discharges require prior authorisation by the competent authority in the Member State concerned. The authorisation is granted for a limited period and lays down the emission standards. It is up to the Member States to ensure compliance with the emission standards.

As regards the substances on List II, the Member States adopt and implement **pollution reduction programmes** to preserve and improve water quality. All discharges are subject to prior authorisation by the competent authority in the Member State concerned, once again laying down the emission standards.

3. Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC

(OJ L 181, 04.07.1986, p. 16-27)

(Consolidated version)

(Slovakia, Poland, Malta, Bulgaria and Romania have derogations regarding the Directive)

Amended by:

- **Council Directive 88/347/EEC of 16 June 1988 amending Annex II to Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC**

(OJ L 158, 25.06.1998, p. 35-41)

- **Council Directive 90/415/EEC of 27 July 1990 amending Annex II to Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in list I of the Annex to Directive 76/464/EEC**

(OJ L 219, 14.08.1990, p. 49-57)

- **Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment**

(OJ L 377, 31.12.1991, p. 48-54)

Amended and to be repealed (with effect from 22 December 2012) by:

- **Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council**

(OJ L 348, 24.12.2008, p. 84-97)

Summary

This Directive lays down limit values for emission standards and quality objectives for aquatic environment for discharges from industrial plants of the dangerous substances appearing in List I in the Annex to Directive 76/464/EEC and specified in Annex II of

Directive 86/280/EEC (e.g. DDT, chloroform). The Annexes also set time limit for compliance to the standard values.

An official authorisation is needed to discharge such substances. This authorisation must contain at least provisions as stringent as those in the Annexes and must be reviewed at least every four years.

Member States must make measurements and monitor the aquatic environment affected by discharges of dangerous substances covered by the Directive.

Member States must draw up a programme to avoid or eliminate pollution arising from the dangerous substances covered by the Directive. Every three years, they must report to the Commission on the implementation of the Directive.

This Directive will be repealed by Directive 2008/105/EC with effect from **22 December 2012**.

4. Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements

(Consolidated Version)

(Text with EEA relevance)

(OJ L 255, 30.9.2005, p. 11-21)

Amended by

- **Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (Text with EEA relevance)**

(OJ L 280, 27.10.2009, p. 52–55)

Summary

The main purpose of the Directive is to introduce penalties for infringements for ship pollution. The Directive also aims to incorporate the international standards for ship-source pollution into Community law and to ensure that persons responsible for illegal discharges are subject to adequate sanctions. Under this Directive, Member States are permitted to take more stringent rules against ship-source pollution.

This Directive shall apply to illegal discharges of any ship, regardless of its flag, except any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

Any polluting discharge from ships is considered an infringement if there is an intention, carelessness or a serious negligence.

If infringing ship is on the high seas and/or straits used for international navigation and if the ship calls at the next port of a Member State, this State might conduct an immediate inspection. Member States also notify even if the next port State is a non-EU State.

Member States are required **by 1 April 2007** to implement these provisions necessary to comply with this Directive.

Directive 2009/123/EC obliges Member States to provide in their national legislation for criminal penalties in respect of discharges of polluting substances to which Directive 2009/123/EC applies. This Directive was adopted on November 16, 2009, and it must be implemented by the Member States by 16 November 2010.

5. Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 92/12/EEC

(OJ L 121, 11.05.1999, p. 0013-0018)

(By way of derogation from this Directive, the requirements for petrol and diesel fuel shall not apply to Greek Administration of Southern Cyprus during one year from the date of accession.)

(Consolidated version)

Amended by:

- **Directive 2005/33/EC of the European Parliament and of the Council of 6 July 2005 amending Directive 1999/32/EC**

(OJ L 191, 22.07.2005, p. 0059-0069)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

- **Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)**

(OJ L 140, 5.6.2009, p. 88–11)

Summary

The purpose of the Directive is to **reduce the sulphur content of marine fuel** and therefore, to decrease the **marine emissions**.

The Directive 2005/33/EC brought new limits on the maximum sulphur content of marine fuels used in the Community, to all petroleum-derived liquid fuels used in ships operating in the waters of Member States. The expected impact of the Directive is a reduction in sulphur dioxide emissions (**over 500.000 tonnes per year**).

The Directive takes out existing derogations concerning marine gas oil and applies **1,5% sulphur limit** in SO_x emission control areas accepted through the International Maritime Organization.

The Directive is also compatible with the rules stipulated under the MARPOL Convention regarding the prevention of air pollution from ships that entered into force in May 2005⁴¹.

6. Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution

(OJ L 255, 30.9.2005, p. 164-167)

Summary

The Framework Decision aims at **strengthening the criminal-law framework for law enforcement purposes against ship-source pollution**.

This Framework Decision transposes the international rules on ship-source pollution emissions into Community law and regulates the implementation of these rules.

Member States are expected to take all the necessary measures to make certain that infringements will be considered as a **criminal offence** and establish their jurisdiction with regard to offences committed in:

- a) its inland waterways, including its ports;
- b) its territorial waters;
- c) straits used for international navigation subject to the regime of transit passage;
- d) its exclusive economic area, established in accordance with international law, and the high seas.

⁴¹ Please refer to the section on motor vehicles above for detailed information concerning the provisions of the Council Directive 1999/32/EC relating to the reduction in the sulphur content of certain liquid fuels.

It provides that there must be effective, proportional and dissuasive penalties for these offences. There is an exception, however, that these punishments do not apply to crew members where the infringement takes place in international navigation straits, exclusive economic zones or on the high seas. If the offences result in case of death or serious injury of persons, harsher penalties are stipulated.

The Framework Decision details out the penalties given to different type of offences based on whether the offence is international or not.

7. Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)

(Text with EEA relevance)

(OJ L 164, 25.6.2008, p. 19–40)

Summary

The main purpose of the Directive is to **attain superior environmental status of the marine environment by 2021**. The Directive only describes common objectives and principles at EU level. It will set up **European Marine Regions** as management units for execution. For their marine waters within each Marine Region, Member States are obliged to extend Marine Strategies. In developing Marine Strategies, Member States are invited to cooperate actively amid themselves and also with pertinent third countries. Finally, with the intention of taking into account the particular contexts of certain Marine Regions, the Directive anticipates special situations and areas where it would be impracticable for a Member State to achieve the level of ambition of the environmental targets placed in the framework of the Directive.

8. Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council

(OJ L 348, 24.12.2008, p. 84–97)

Summary

The main objective of the Directive is to stipulate environmental quality standards (EQS) for priority substances and certain other pollutants. The focus is on chemical pollution of surface water which disturbs aquatic ecosystems and harms habitats and biodiversity. The particular focal point of this Directive is the following subjects:

- Environmental quality standards;

- Transboundary pollution;
- Inventory of emissions, discharges and losses;
- Identification of priority hazardous substances (PHS);
- Amendment and repeals of existing “Daughter” Directives in terms of quality standards set by these directives.

9. 2010/477/EU: Commission Decision of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters (notified under document C(2010) 5956)

OJ L 232, 2.9.2010, p. 14–24

Summary

This Decision sets out the criteria to be used by the EU Member States when assessing the extent to which good environmental status is being achieved in marine waters. Criteria and methodological standards are laid down in the Annex.

10. 2010/631/EU: Council Decision of 13 September 2010 concerning the conclusion, on behalf of the European Union, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean

OJ L 279, 23.10.2010, p. 1–2

Summary

With this Decision, the European Council approves the adoption of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (ICZM Protocol) by the European Union.

The ICZM Protocol was published in the Official Journal L 34 on 4.2.2009 at page 19.

8.4. Bathing Waters

1. Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water

(OJ L 31, 5.2.1976, p. 1)

(Consolidated Version)

Amended by:

- **Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment**

(OJ L 377, 31.12.1991, p. 48-54)

- **Council Regulation No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity)**

(OJ L 122, 16.5.2003, p. 36-62)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1–54)

To be repealed by: (with effect from 31 December 2014)

- **Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC**

(OJ L 64, 4.3.2006, p. 37–51)

Summary

This Directive, which concerns the **quality of bathing water** sets out, in its Annex, the physical, chemical and microbiological parameters applicable to bathing water.

Member States are obliged to take all necessary measures to make sure that, within 10 years following the notification of this Directive, the quality of bathing water conforms to the limit values laid down in accordance with Article 3.

Regulation (EC) No 1137/2008 lays down rules concerning the amendment of the non-essential elements of the Directive in order to adapt technical progress and empowers the Commission for this purpose.

This Directive will be repealed by Directive 2006/7/EC **with effect from 31 December 2014**.

2. Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/110/EEC

(OJ L 64, 4.3.2006, p. 37-51)

(Consolidated Version)

Amended by:

- **Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four**

(OJ L 188, 18.7.2009, p. 14–92)

Summary

The purpose of the Directive is to preserve, protect and improve public health and environment by stipulating rules so as to **manage bathing water quality through monitoring and classification**. In this regard, it complements Directive 2000/60/EC and the Directives on urban wastewater treatment (91/271/EEC) and on nitrates pollution from agricultural sources (91/676/EEC). The Directive also includes broad public information and participation and up to date water management measures.

This Directive is applicable to any element of surface water where the competent authority expects a large number of people to bathe and has not imposed a permanent bathing prohibition, or issued permanent advice against bathing.

The following **excluded** from the scope of the Directive:

- a) “swimming pools and spa pools;
- b) confined waters subject to treatment or used for therapeutic purposes;
- c) artificially created confined waters separated from surface water and groundwater”.

Under the terms of the Directive, Member States annually determine all bathing waters and delineate the bathing season. The deadline to report this information for the first time set as before the start of the first bathing season **after 24 March 2008**.

During the bathing season, the quality of water is to be monitored with regard to **two microbiological classification parameters** (i.e. intestinal enterococci and esherishia coli). The assessment of water is made based on the data on water quality gathered during the bathing season in terms of **four classifications**: poor, sufficient, good and excellent. Poor quality of water might result in a permanent bathing prohibition.

In case of detection of pollution, regular reviewing can be required and public is informed about the pollution and if necessary, a prohibition on bathing is required. If bathing water constantly at “**good**” or “**excellent**” levels, monitoring requirements on Member States might be decreased.

This Directive repeals Directive 76/160/EEC **with effect from 31 December 2014**, without prejudice to Member States’ obligations related to the time limits for transposition and application laid down in the repealed Directive. However, as soon as a Member State has taken all necessary measures to comply with this Directive, it will be applicable.

Member States must bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, **by 24 March 2008**.

Regulation (EC) No 596/2009 lays down rules concerning the amendment of the non-essential elements of the Directive in order to adapt technical progress and empowers the Commission for this purpose.

8.5. Drinking Water

1. Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption

(OJ L 330, 05.12.1998, p. 32-54)

(Estonia, Latvia , Hungary, Malta and Romania have derogations regarding the Directive)

(Consolidated version)

Amended by:

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 0001-0053)

- **Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four**

(OJ L 188, 18.7.2009, p. 14–92)

Summary

In order to adapt Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption to scientific and technological progress, the Council Directive 98/83/EC entered into force and concerns the quality of water intended for human consumption.

Therefore, Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption has been repealed and is no longer in force.

The objective of the new Directive is to protect human health from the **adverse effects of any contamination of water intended for human consumption**.

Member States shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of this Directive and in particular the parametric values set in accordance with Article 5. (Member States shall set values applicable to water intended for human consumption for the **parameters** set out in Annex I).

Member States may provide for derogations from the parametric values set out in Annex I, Part B, or set in accordance with Article 5(3), up to a maximum value to be determined by them, provided no derogation constitutes a potential danger to human health and provided that the supply of water intended for human consumption in the area concerned cannot otherwise be maintained by any other reasonable means.

Derogations shall be limited to as short a time as possible and shall not exceed three years, towards the end of which a review shall be conducted to determine whether sufficient progress has been made. A second derogation or even a third derogation can be requested from Commission each of them not exceeding 3 years.

Member States can include **additional requirements** (or higher standards) while translating this Directive into their national legislation, provided that they do not set lower standards.

The Commission assesses and produces a **synthesis report** concerning the results of water quality monitoring in the context of the standards laid down in this Directive. These reports, which are available to the public, summarises the progress achieved at European level. The report for the period 2002-2004 were available **late 2007**.

Currently, the Commission investigates the detailed options for the revision of this Directive, within collaboration of Member States and the other stakeholders. The first conclusions of the working groups are presented during a **new Stakeholder Consultation** held on 23 October 2007.

The European Commission, Member States and European Environment Agency set up **Water Information System for Europe (WISE)** in 2008, in order to establish a comprehensive data management tool in the water sector. WISE is a partnership between the European Commission (DG Environment, Joint Research Centre and Eurostat) and The European Environment Agency, known as “the Group of Four” (Go4) and established in accordance with the Guidance Document on reporting under the Drinking Water Directive adopted by the

Drinking Water Committee in May 2007. Member States report on their water policies electronically by utilizing WISE.

The Third Stakeholder Consultation on the revision of the Drinking Water Directive took place on 6 May 2008. During this meeting, the European Commission presented the progress made in the revision process, as well as global options for the proposal on his Directive. The revision of the EU's drinking water framework is in progress. The Environment Committee of the European Parliament tabled the protection of drinking water resources in the EU during their meeting on June 14, 2011.

8.6. Protection of groundwater

1. Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances

(OJ L 20, 26.1.1980, p. 43-48)

(Consolidated Version)

Amended by:

- **Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment**

(OJ L 377, 31.12.1991, p. 48-54)

To repealed by: (with effect from 22 December 2013)

- **Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy**

(OJ L 327, 22.12.2000, p. 1-73)

Summary

This Directive aims to prevent the **pollution of groundwater** by substances which belong to the families and groups of substances in lists I or II in the Annex. It also intends to check or eliminate the consequences of pollution which has already occurred.

Pursuant to Article 3, Member States shall take the essential measures to:

- prevent the introduction into groundwater of substances **in list I**; and

- limit the introduction into groundwater of substances **in list II**, with the aim to avoid pollution of this water by these substances.

This Directive is repealed by Directive 2000/60/EC, **with effect from 13 years after the date of entry into force of the latter** on 21 December 2013.

2. Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration

(OJ L 372, 27.12.2006, p. 19-31)

Summary

This Directive provides for specific measures so as to prevent and control groundwater pollution. These measures consist of:

- criteria for the assessment of good groundwater chemical status; and
- criteria for the identification and reversal of important and sustained upward trends and for the definition of starting points for trend reversals.

The Directive also lays down criteria (**art.3**) and procedure (**art.4**) for assessing groundwater chemical status. Besides, it specifies relevant measures to prevent or limit inputs of pollutants into groundwater.

Member States must bring into force the laws, regulations and administrative provisions necessary to fulfil the requirements of this Directive **prior to 16 January 2009**.

8.7. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/32/EC as regards the sulphur content of marine fuels

COM/2011/0439 final

(Current Situation: The Proposal was transmitted to the European Council and the European Parliament on 15 July 2011)

Please see detailed information about this proposal in the pending proposals section under motor vehicles.

2. Proposal for a Regulation of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

(COM/2011/0566 final)

(Current Situation: The proposal is adopted by the Commission and transmitted to the Council and the EP on 23 September 2011)

Summary

The proposal intends to establish an accelerated phasing-in scheme for the application of the double-hull or equivalent design requirements of MARPOL 73/78 (International Convention on the Prevention of Pollution from Ships), to single-hull oil tankers, and to ban the transport to or from ports of the Member States of heavy grades of oil in single-hull oil tankers.

The proposed Regulation is due to apply to oil tankers of 5 000 tonnes deadweight and above as of 2015.

It will repeal Regulation (EC) No 417/2002 which is currently in force in the EU.

9. Industrial Pollution Control and Risk Management

9.1. Legislation in force

1. Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control

(Text with EEA relevance)

(OJ L 24, 29.1.2008, p. 8–29)

(Consolidated version)

The summary of Directive 2008/1/EC is presented under Part 6.2. Industry

2. Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso II Directive)

(OJ L 010, 14.01.1997, p. 13-13)

(Consolidated version)

Amended by:

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty**

(OJ L 284, 31.10.2003, p. 0001-0053)

- **Directive 2003/105/EC of the European Parliament and of the Council of 16 December 2003 amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances**

(OJ L 345, 31.12.2003, p. 0097-0105)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1–54)

Summary

This Directive (also known as SEVESO II) replaces Directive 82/501/CEE (SEVESO I). It focuses on the protection of the environment, and is the first to introduce substances considered dangerous for the (aquatic) environment in its scope.

It applies to any establishment where dangerous substances are present or likely to be produced as a result of an accident, in quantities equal to or in excess of the quantities listed in the Annex I.

The operator takes all measures necessary to prevent major accidents and to limit their consequences for man and the environment; he is required to prove to the competent authority that all the necessary measures have been taken (he has got the **burden of proof**).

Enterprises holding large quantities of dangerous substances must notify the authorities. This notification must contain the details about the operator, the dangerous substances involved, and the environment immediate to the undertaking.

Operators must produce an internal emergency plan and information for the authorities to draw up an external emergency plan. They must also produce a safety report containing certain specific information, including an updated inventory of the dangerous substances present in the establishment.

Following a major accident, the operator must inform the competent authority and provide, among others, information on the circumstances of the accident, the dangerous substances involved, inform them of the steps envisaged to alleviate the effects of the accident and to prevent any recurrence of such an accident.

The competent authority must, among others, ensure that **emergency measures** have been taken and guarantee that the operator takes any **necessary remedial measures**.

Member States must **inform the Commission** of major accidents which have occurred within their territory.

Commission Decision 99/314/EC of 9 April 1999 established a questionnaire on the basis of which the Member States must draw a report covering the period 2000-2002 and concerning the establishments covered by Directive 96/82/EC, if they have delivered a safety report; if they have internal and external emergency plans; if they have been taken into account in the development of land-use planning policies.

With the Directive 2003/105/EC amending Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances, the SEVESO II Directive is extended to certain activities of the extractive industries, including tailings disposal facilities.

The Directive introduces changes with regard to the definition of and qualifying quantities for ammonium nitrate, land-use planning and information to the public. The legislation creates four classes of ammonium nitrate each having different thresholds and requirements, according to the danger involved in their storage.

The European Commission stated a process of revision for the Seveso II Directive due to the recent changes in EU system of classification of dangerous substances, which are referred in Annex I of the Seveso II. The enactment of Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures implementing the UN Globally harmonised System (GHS) by 1 June 2015 triggered the review of the Seveso II.

The Commission carried a study on the effectiveness of the Seveso II Directive in 2008, and later examined the effectiveness of the main provisions imposed on public authorities in a separate report prepared in 2009. The stakeholder consultation meeting took place in Brussels on 10 November 2009 and the Commission's Directorate General of Environment published an Impact Assessment Study into possible options for amending the Seveso II in September 2010.

9.2. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances

(COM/2010/0781 final)

Latest situation: The proposal was discussion at the Council on 21 June 2011

Summary

The Proposal intends to revise Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (so-called Seveso II directive) and align its Annex I to the Regulation (EC) No. 1272/2008 on classification, labelling and packaging of dangerous substances and mixtures (CLP Regulation) which will become definitive as of 1 June 2015. CLP Regulation amends and repeals Directives 67/548/EEC and 1999/45/EC to which the Seveso II Directive currently refers.

The Proposal does not make major alterations in the existing provisions of the Seveso II Directive but offers limited amendments in order to clarify and update certain provisions and to improve implementation and enforceability. Apart from relatively minor technical adaptations to the existing provisions the following are the major changes:

- Alignment of Annex I (defining the substances falling within its scope) to changes to the EU system of classification of dangerous substances. The proposal introduces a new classification system, which is compatible with CLP categorisation of health hazards: 'Acute Toxicity' 1 to 3, which are moreover divided into different exposure routes (oral, dermal and inhalation).
- Introduction of corrective mechanisms to adapt Annex I to further changes.
- Promotion of public access to safety information, participation in decision-making and access to justice, and improve the way information is collected, managed, made available and shared.
- Introduction of stricter standards for inspections of installations to ensure the effective implementation and enforcement of safety rules.

10. Sustainable Consumption and Production

1. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

(OJ L 342, 22.12.2009, p. 1–45)

Summary:

The main purpose of the eco-management and audit scheme (EMAS) is to encourage a constant progress of the environmental performance of the European organizations accompanied by the provision of information to the public and other interested parties.

With the new EMAS Regulation, the principal objectives can be enumerated as follows:

- Setting-up and implementation environmental management systems by the organizations (defined in the Annex II);
- The systematic, periodic and objective evaluation of these management systems;
- Provision of access to information on environmental performance and creation of an open dialogue with the public and other interested parties;
- Provision of active employee participation to the environmental management systems.

EMAS is open to any organization with a desire to enhance its overall environmental performance. For the participation to the EMAS by an organization the following criteria should be realized:

- Conducting an environmental review of its activities, products and services by following the procedures indicated in the Annexes;
- Conducting an environmental auditing in order to assess the environmental performance;
- Preparing an environmental statement;
- If applicable, verifying that this environmental statement is in compliance with the provisions of the Regulation from the relevant Member State authorities;
- Giving approved environmental statement to the relevant Member State authorities and making it publicly available.

In order to realize this, it is required that each Member State to set up a system for accrediting independent environmental verifiers. Also Member States are expected to assign relevant bodies.

With the Regulation Annex V, an EMAS logo has been launched to be used by organizations on validated information, on validated environmental statements, on the letterheads, on information showing the participation in EMAS as well as the advertisements of their services, products or activities. Yet, this logo is not used on the products or the packaging of organizations or while contrasting with other products.

The revision of the EMAS Regulation is part of European Commission's Sustainable Consumption and Production Action Plan published in 2008.

The new Regulation on EU Eco-Management and Audit Scheme (EMAS) intends to:

- increase the number of organizations applying the scheme
- have EMAS recognized as benchmark for environmental management system,
- allow organizations applying other environmental management systems to upgrade their system to EMAS,
- create an impact beyond the EMAS registered organizations by requiring these organizations to take into account environmental considerations when selecting their suppliers and service providers.

The fundamental changes in the Regulation focuses on the special attention for the needs of small organizations (SMEs and small public authorities), the institutional set up and the links to other policy instruments in particular Green Public Procurement.

According to the Regulation:

- The mechanism for the compliance of organizations to environmental legislation is reinforced;
- Environmental reporting is reinforced and indicators for environmental areas: energy efficiency, material and resource efficiency, waste, emissions, and biodiversity/land use are defined.
- The European Commission set to prepare reference documents for guidance on best practice in environmental management.
- The rules and procedures for accreditation and verification are harmonized and defined with aim to address the uneven implementation in individual Member States that undermines the credibility of the scheme.
- Geographical scope is expanded to allow participation of organizations from outside of the Community is allowed.
- Measures reducing the administrative burden and creating incentives:

Regulation (EC) No 1221/2009 provides:

- Simplification of the procedure for cluster registration.
- Reduction of registration fees for small organizations (SMEs and small public authorities).
- The national authorities in Member States are obliged to identify areas where they can reduce administrative burden of EMAS registered organizations related to environmental regulation, e.g. less frequent renewal of environmental permit, etc.
- The national authorities have to consider and introduce incentives from which EMAS registered organizations can benefit, such as access to funding or tax incentives in the framework of schemes supporting environmental performance of industry.

- Rules for the use of EMAS logo are simplified and existing restrictions are removed.
- Promotion activities for EMAS including the EMAS award and information campaigns at Community and national level.

2. 2007/747/EC: Commission Decision of 19 November 2007 on the recognition of certification procedures in accordance with Article 9 of Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and repealing Decision 97/264/EC

(Notified under document number C (2007) 5291)

(Text with EEA relevance)

(OJ L 303, 21.11.2007, p. 37–37)

Summary

This Decision repealed Decision 97/264/EC of 16 April 1997 on the recognition of certification procedures.

The Decision specifies the standards and the accreditation requirement for the certification bodies in some Member States.

3. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel

(Text with EEA relevance)

(OJ L 27, 30.1.2010, p. 1–19)

(Consolidated Version)

Summary

Within the framework of Sustainable Consumption and Production and Sustainable Industrial Policy (SCP/SIP) Action Plan of the EU, adopted on 16 July 2008, the eco-labelling scheme was further developed in the EU and the new Regulation on ecolabel was adopted in November 2009. Regulation (EC) No 66/2010 repealed Council Directive 1980/2000 of 17 July 2000 concerning revised Community eco-label award scheme, as of 19 February 2010.

The main purpose of Regulation No 66/2010 is to lay down rules for the establishment and application of the Community Ecolabel scheme by covering more items to increase its visibility. The overall objective of this Regulation is to set benchmarks for the good environmental performance of products and services, based on the top performers in the

market. By guiding consumers towards them, the Ecolabel logo is intended to promote those products and services that meet these benchmarks compared to others in the same category. These benchmarks are also used for developing and implementing other environmental policy tools; such as green public procurement and recommendation on future minimum standards for products.

The Regulation applies to any goods or services which are supplied for distribution, consumption or use on the Community market whether in return for payment or free of charge. It applies neither of medicinal products for human use.

Each Member State shall designate the body or bodies, within government ministries or outside, responsible for the tasks envisaged in the Regulation and ensure that they are operational. The composition of the competent bodies shall be such as to guarantee their independence and neutrality and their rules of procedure shall be such as to ensure transparency in the conduct of their activities as well as the involvement of all interested parties. Where a product originates outside the Community, the application shall be presented to a competent body in any of the Member States in which the product is to be or has been placed on the market⁴².

4. Commission Decision 2000/728/EC of 10 November 2000 establishing the application and annual fees of the Community Eco-label

(Notified under document number C (2000) 3279)

(Text with EEA relevance)

(OJ L 293, 22.11.2000, p. 18-19)

(Consolidated Version)

Amended by:

- **2003/393/EC: Commission Decision of 22 May 2003 amending Decision 2000/728/EC establishing the application and annual fees of the Community eco-label**

(Notified under document number C (2003) 1780)

(Text with EEA relevance)

(OJ L 135, 3.6.2003, p. 31-31)

Summary

⁴² Please refer to EU Ecolabel website at: <http://ec.europa.eu/environment/ecolabel/> for further information on EU ecolabel and about the product groups.

An application for the award of a label will be subject to **payment of a fee** relating to the costs of processing the application. The minimum application fee shall be **EUR 300**, whilst the maximum application fee shall be **EUR 1300**.

Each applicant who has been awarded an Eco-label will pay an annual fee for the use of the label to the competent body which has awarded the label. The period covered by the fee will begin with the date of the award of the Eco-label to the applicant.

The minimum annual fee shall be **EUR 500** per product group per applicant, whilst the maximum annual fee shall be **EUR 25000** per product group per applicant.

In the case of SMEs, and also product manufacturers as well as service providers of developing countries, the annual fee shall be reduced by 25%. Both reductions shall be **cumulative**.

Neither the application fee nor the annual fee will include any cost towards testing and verification which may be necessary for products which are the subject of applications. Applicants will meet the cost of such testing and verification themselves.

The amending Directive 2003/393/EC added to Article 2 of Decision 2000/728/EC that “*competent authorities might give a reduction up to 30% where the product has been awarded another eco-label that conform the requirements of ISO 14024*”.

5. Commission Decision 99/698/EC of 13 October 1999 establishing the ecological criteria for the award of the Community eco-label to portable computers

(Notified under document number C (1999) 3278)

(Text with EEA relevance)

(OJ L 276, 26.10.1999, p. 0007-0011)

Summary

The key criteria referred in this Decision are **energy saving**, whilst best practice criteria refer to the take-back and recycling. The manufacturer must offer, free of charge, the take-back and recycling of the computer and the components being replaced, except for items contaminated by users (e.g. in medical or nuclear applications). **90%** (by volume) of plastic and metal materials in the housing and chassis must be technically recyclable.

6. Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings

(Official Journal L 1, 4.1.2003, p. 65-71)

Amended by:

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(Official Journal L 311, 21.11.2008, p. 1-54)

To be repealed by: (With effect 1 February 2012)

- **Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings**

(Official Journal L 153, 18.6.2010, p. 13–35)

Summary

The objective of this Directive is to promote the improvement of the energy performance of buildings within the Community, taking into account outdoor climatic and local conditions, as well as indoor climate requirements and cost-effectiveness.

This Directive lays down requirements as regards:

- ***The general framework for a methodology of calculation of the integrated energy performance of buildings:*** This may be differentiated at regional level. The methodology must include, in addition to thermal insulation, other factors that play an increasingly important role such as heating and air-conditioning installations, application of renewable energy sources and design of the building. Member States must set minimum energy performance requirements for buildings. These requirements must take into account general indoor climate conditions, in order to avoid possible negative effects such as inadequate ventilation, as well as local conditions and the designated function and the age of the building. Member States may decide not to set requirements for certain specified categories of building.
- ***The application of minimum requirements on the energy performance of new buildings:*** For new buildings with a total useful floor area over 1000 m², the feasibility of alternative systems such as systems based on renewable energy, must be considered before construction starts.
- ***The application of minimum requirements on the energy performance of large existing buildings that are subject to major renovation:*** When buildings with a total useful floor area over 1000m² undergo major renovation, their energy performance must be upgraded in order to meet minimum requirements, insofar as this is feasible. The requirements may be set either for the renovated building as a whole or for the renovated systems when these are part of a renovation to be carried out within a limited time period.
- ***Energy certification of buildings:*** When buildings are constructed, sold or rented out, an energy performance certificate must be made available to the owner or prospective

buyer or tenant. The validity of the certificate may not exceed 10 years. The certificate must include reference values such as current legal standards and benchmarks in order that consumers may compare the energy performance of buildings. The objective of the certificate must be limited to the provision of information and any legal effects must be decided in accordance with national rules.

- ***Regular inspection of boilers and of air-conditioning systems in buildings and in addition an assessment of the heating installation in which the boilers are more than 15 years old:*** Boilers of an effective rated output of more than 100kW must be inspected every two years, and for gas boilers, this may be extended to four years.

7. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products

(Text with EEA relevance)

(OJ L 285, 31.10.2009, p. 10–35)

Directive 2009/125/EC establishes eco-design requirements for energy-related products in the European Union. In this Directive ecodesign is defined as the integration of environmental aspects into product design with the intention of improving the environmental performance of the product throughout its whole life cycle. Ecodesign parameters concern raw material selection and use; manufacturing; packaging, transport, and distribution; installation and maintenance; use; end-of-life of the product.

According to the Directive predicted consumption of materials and energy and other resources; anticipated emissions to air, water or soil; anticipated pollution (noise, vibration, radiation, electromagnetic fields); expected generation of waste material; possibilities for reuse, recycling and recovery of materials or of energy should be assessed for each phase of the product life cycle.

On the other hand, energy-related product is considered as any product having an impact on energy consumption during use which is placed on the market and/or put into service, and includes parts designed to be incorporated into energy-related products covered by this Directive which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently.

According to this Directive, competent authorities selected by Member States must verify product conformity, request relevant parties to give necessary information about the products and carry out compliance tests of products. The products which fulfill ecodesign requirements can bear CE marking and then are allowed to be placed on the market. Under the required implementing measures the manufacturers are responsible of informing the consumer about the characteristics, environmental performance of the product and the ways to reduce the environmental impact when using the product as well as explaining the advantages of ecodesign.

This Directive primarily applies to heating and water heating equipment, electric motors, lighting in the residential and tertiary sectors, domestic appliances, and office equipment in the residential and tertiary sectors, consumer electronics, HVAC (heating, ventilation and air conditioning). However it does not apply to means of transport for persons or goods.

This Directive repeals Directive 2005/32/EC from 19/11/2009

8. 2009/300/EC: Commission Decision of 12 March 2009 establishing the revised ecological criteria for the award of the Community Eco-label to televisions (notified under document number C(2009) 1830) (Text with EEA relevance)

(OJ L 82, 28.3.2009, p. 3–8)

Summary

The criteria for the eco-label are based on:

- **Energy saving:** The television (hereinafter also referred to as “the product”) shall have an off-switch which is placed at the front of the television and is clearly visible. The passive stand-by consumption of the television shall be less than 1,0 watt. For televisions which have an integrated digital receiver / decoder (IRD), the active stand-by consumption of the television shall be less than 9,0 watts. The television shall have an on-mode energy efficiency index (EEI_{on}) which is lower than 65% of the base-case consumption for a television of that format.
- **Life-time extension:** The manufacturer must offer a commercial guarantee to make certain that the television will function for at least two years. The availability of compatible electronic replacement parts must be guaranteed for 7 years from the time that production ends.
- **Take-back and recycling:** The manufacturer must offer, free of charge, the take-back for recycling of the product in concern, and for any component being replaced, with the exception of items contaminated by users. The Decision established criteria for the products to be recycled.

The ecological criteria for the product group televisions, as well as the related assessment and verification requirements, became valid until **31 October 2013**.

9. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings

(Official Journal L 153, 18.6.2010, p. 13–35)

Summary:

Directive 2010/31/EU on the energy performance of buildings (EPBD) intends to promote the improvement of the energy performance of buildings taking into account outdoor climatic and local conditions, indoor climate requirements and cost-effectiveness.

In this sense, the Directive lists:

- the general framework for a methodology of calculation of the integrated energy performance of buildings and parts;
- the application of minimum requirements on the energy performance of new buildings and parts;
- the application of minimum requirements on the energy performance of large existing buildings and parts that are subject to major renovation;
- national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero;
- energy certification of buildings or parts; and
- regular inspection of boilers heating and of air-conditioning systems in buildings and in addition an assessment of the heating installation in which the boilers are more than 15 years old. ;
- independent control systems for energy performance certificates and inspection reports.

The Directive preserves the objective and principles of the current EPBD, but it clarifies, strengthens and extends its scope by;

- Introducing clarification of the wording of certain provisions;
- Extending the scope of the provision requiring Member States to set up minimum energy performance requirements when a major renovation is to be carried out ;
- Reinforcing the provisions on energy performance certificates, inspections of heating and air-conditioning systems, energy performance requirements, information, and independent experts;
- Providing Member States and interested parties with a benchmarking calculation instrument, which allows the nationally/regionally determined minimum energy performance requirements ambition to cost-optimal levels to be compared;
- Stimulating Member States to develop frameworks for higher market uptake of low or zero energy and carbon buildings;
- Encouraging a more active involvement of the public sector to provide a leading example.

According to Article 3, Member States shall apply, at national and regional level; a methodology of calculation of the energy performance of buildings in accordance with the general framework set out in Annex I. Member States shall also set minimum energy performance requirements which may differentiate between new and existing buildings and between different categories. (Article 4)

A comparative methodology is expected to be established by the European Commission by mid 2011, for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements.

Member States shall draw up national plans for increasing the number of buildings of which both carbon dioxide emissions and primary energy consumption are low or equal to zero. They shall set targets for the minimum percentage which those buildings in 2020 shall constitute of the total number of buildings and represent in relation to the total useful floor area.

Member States shall lay down the necessary measures to establish a system of certification of the energy performance of buildings.

10. 2010/709/EU: Commission Decision of 22 November 2010 establishing the European Union Ecolabelling Board (notified under document C(2010) 7961)

Text with EEA relevance

(OJ L 308, 24.11.2010)

Summary

The EU Ecolabel criteria are to be established with the assistance of a European Union Ecolabelling Board.

The members **European Union Eco-labelling Board (EUEB)** is appointed by the European Commission. The EUEB shall consist of the representatives of the Competent Bodies of the Member States of the EU and of the European Economic Area as well as the representatives of Bureau Européen des Consommateurs (BEUC), EUROCOOP, European Environmental Bureau (EEB); Business Europe, European Association of Craft, Small & Medium-sized Enterprises (UEAPME) and EUROCOMMERCE.

EUEB shall adopt its rules of procedure in consultation with the Commission.

11. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A resource-efficient Europe – Flagship initiative under the Europe 2020 Strategy

(COM/2011/0021 final)

In 2011, the EU engaged in several initiatives in the area of “resource efficiency and substitution” in order to ease the Union’s dependence on primary raw materials and import dependency. The EU targeted a resource efficient Europe as one of its flagship initiative within the scope of the EU 2020 Strategy and published its objectives with a Communication on 26 January 2011.

Later, the Commission adopted a Communication on Tackling the Challenges in Commodity Markets and on Raw Materials on February 2, 2011. In the Communication sent to the

European Parliament and the Council, the Commission proposed a number of measures aimed at improving how recycling markets work; through the development of best practices in collection and treatment of waste, improvement in the availability of certain statistics on waste and materials flows, and support for research on economic incentives for recycling.

Summary

Within the framework of the Europe 2020 Strategy, this flagship initiative aims to create a framework for policies to support the shift towards a resource-efficient and low-carbon economy which will:

- boost economic performance while reducing resource use;
- identify and create new opportunities for economic growth and greater innovation and boost the EU's competitiveness;
- ensure security of supply of essential resources and
- fight against climate change and limit the environmental impacts of resource use.

The initiative on “A resource-efficient Europe” sets out a framework to help ensure that long-term strategies in areas such as energy, climate change, research and innovation, industry, transport, agriculture, fisheries and environment policy produce results on resource efficiency. In this regard, the key components of the long-term framework are as follows:

- Outline what the EU needs to do to create a low-carbon economy in 2050, cutting greenhouse gas emissions by 80-95%, as part of global efforts to fight climate change, while improving energy security and promoting sustainable growth and jobs;
- Analyse how the EU can create an energy system by 2050 which is low-carbon, resource-efficient, secure and competitive;
- Present a vision for a low-carbon, resource-efficient, secure and competitive transport system by 2050 that removes all obstacles to the internal market for transport, promotes clean technologies and modernises transport networks;
- Define medium and long-term objectives and means for achieving them with the main aim to decouple economic growth from resource use and its environmental impact.

The Communication further outlines the proposals expected from the Commission to deliver on the resource-efficient Europe flagship, as outlined in Annex I.

12. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Tackling the Challenges in Commodity Markets and on Raw Materials

(COM/2011/0025 final)

The Communication on Tackling Challenges in Commodity Markets and Raw Materials presents the recent developments in the physical markets, in particular concerning the **energy** (oil, electricity, gas), **agriculture and security of food supply** and **raw materials**.

The raw materials include metallic minerals, industrial minerals, construction materials, wood, natural rubber. The report points the major rise in demand for raw materials driven by strong global economic growth, in particular in emerging countries, and the accompanying high price levels between 2002 and 2008. The Commission foresees that the demand for raw materials will continue to be driven by the future development of emerging economies and by the rapid diffusion of key enabling technologies in the future. In this context, the EU concerns specific measures imposed by some countries to ensure privileged access to raw materials for their domestic industry such as export restrictions.

The Communication further analyses the results of the Commission's "Raw Materials Initiative" (RMI), which was launched in 2008. The European Commission has identified **14 critical raw materials** at EU level, as detailed in the Annex of this Communication. Concerning the prospects for critical raw materials, the Commission aims to:

- monitor the issue for indentifying priority actions and conducting further examination;
- update regularly the list of critical raw materials at least every 3 years.

On the basis of recent achievements, the Commission's prospective strategy on raw material is based on 3 Pillars:

- **Pillar 1:** Fair and sustainable supply of raw materials from global markets
- **Pillar 2:** Fostering sustainable supply within the EU
- **Pillar 3:** Boosting resource efficiency and promoting recycling

The EU is committed to pursue "raw materials diplomacy" with a view to securing access to raw materials, in particular the critical ones, through strategic partnerships and policy dialogues with third countries.

Within the scope of Pillar 2, the EU targets to promote technologies that increase investment in the EU's natural assets. To ease the burden of heavy regulatory framework and competition imposed on the extractive industries are part of the envisaged measures.

13. 2011/330/EU: Commission Decision of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for notebook computers

OJ L 148, 7.6.2011, p. 5–12

Summary

This Decision sets out the ecological criteria and related assessment and verification requirements, which are valid for three years, for notebook computers in order to be awarded the EU Ecolabel.

The characteristics for a device to be defined as a 'notebook computer' are listed in Article 1.

The criteria aim at promoting reduction of environmental damage or risks related to the use of energy, the use of natural resources and the use of hazardous substances.

14. 2011/337/EU: Commission Decision of 9 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for personal computers

OJL 151, 10.6.2011, p. 5–14

Summary

This Decision sets out the ecological criteria and related assessment and verification requirements, which are valid for three years, for personal computers in order to be awarded the EU Ecolabel.

The product group ‘personal computers’ comprises desktop computers, integrated desktop computers, thin clients, displays and keyboards as defined in Article 2.

The criteria aim at promoting reduction of environmental damage or risks related to the use of energy, the use of natural resources and the use of hazardous substances.

10.2. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council on energy efficiency and repealing Directives 2004/8/EC and 2006/32/EC

(COM (2011) 370 final)

(The European Commission forwards the proposal to the European Council and the European Parliament on 23 June 2011)

As one of the five flagship initiatives within the Europe 2020 Strategy for smart, sustainable and inclusive growth, the EU set itself to increase domestic energy savings by 20% until 2020, requiring a reduction of primary energy consumption of 368 Mtoe in 2020. Nevertheless, the latest figures indicate that the EU will only achieve half of the 20% target by 2023. On the basis of the findings, the EU committed to a more ambitious strategy on energy efficiency under its new Energy Efficiency Plan (EPP), published on March 8, 2011.

The proposal for a Directive on energy efficiency aims to materialize this plan into concrete and binding obligations for the Member States for 2020 and afterwards. The proposed Directive lays down rules designed to remove barriers in the energy market and overcome market failures that impede **efficiency in the supply and use of energy**, and provides for the **establishment of national energy efficiency targets for 2020**. According to the proposed Directive, Member States shall set a national energy efficiency target expressed as an absolute level of primary energy consumption in 2020. The Commission is required to assess by **30 June 2014** whether the Union can achieve its target of 20% primary energy savings by 2020.

Concerning the end-use of energy, it lays down obligations to be met by the public sector such as **renovating the public buildings** and **applying high energy efficiency standards** to the purchase of buildings, products and services. Member States shall ensure that 3% of the total

floor area owned by their public bodies is renovated each year to meet at least the minimum national energy performance requirements. By 1 January 2014, Member States shall establish an inventory of publicly owned buildings in terms of floor area and energy performance.

The Member States shall establish **national energy efficiency obligation schemes** and hold regular **mandatory energy audits** for large companies. Accordingly, all energy distributors or all retail energy sales companies are entitled to achieve annual energy savings equal to 1.5% in comparison to the previous year, excluding energy used in transport. This amount shall be achieved by the obligated parties among final customers. The proposal further sets out the requirements on energy companies regarding metering and billing.

Concerning the energy supply sector, the Member States shall adopt **national heating and cooling plans** to develop the potential for high-efficiency generation and efficient district heating and cooling by 1 January 2014. Member States must adopt authorisation criteria that ensure that installations are located in sites close to heat demand points and that all new electricity generation installations and existing installations that are substantially refurbished are equipped with high-efficiency combined heat and power (CHP) units.

By 1 January 2014, Member States shall establish an **inventory of energy efficiency data for installations undertaking the combustion of fuels or the refining of mineral oil and gas** and sets requirements on priority/guaranteed access to the grid, priority dispatch of electricity from high-efficiency cogeneration and the connection of new industrial plants producing waste heat to district or cooling networks.

Other measures proposed include efficiency requirements for national energy regulatory authorities, information and awareness-raising actions, requirements concerning the availability of certification schemes, action to promote the development of energy services, and an obligation for Member States to remove obstacles to energy efficiency, notably the split of incentives between the owner and tenant of a building or among building owners.

Adoption of the proposal will lead to the repeal of Article 9(1) and (2) of Directive 2010/30/EU; Directive 2004/8/EC and Directive 2006/32/EC. Article 4(1) to (4) and Annexes I, III and IV of Directive 2006/32/EC will only be repealed with effect from 1 January 2017.

11. Chemicals

11.1. Legislation in force

1. Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

(OJ P 196, 16.08.1967, p. 0001)

This Directive has been amended many times since its adoption. Please, find the list of amendments to the Directive by clicking [here](#).

To be repealed by: (with effect from 1 June 2015)

- **Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006**

(Text with EEA relevance)

(OJ L 353, 31.12.2008, p. 1–1355)

Summary

This was the first harmonizing Directive in the field of chemical products, limited however to the harmonization of classification, packaging and labelling.

Classification

The classification of dangerous substances is based on categories clearly defined in the Directive according to the greatest degree of hazard and the specific nature of the risks.

These categories include explosive substances, inflammable substances, toxic substances, harmful substances, etc. Annex I to the Directive lists the categories of dangerous substances.

Packaging

The packaging of substances must comply with several provisions (e.g. the packaging must prevent any loss of the contents, except where special safety devices are prescribed, the materials constituting the packaging and fastenings must not be liable to attack by the contents).

Labelling

The labelling must indicate:

- the name of the substance;
- the origin of the substance (name and address of the manufacturer, distributor or importer);
- the danger symbol and indication of danger involved in the use of the substance;
- a reference to the special risks arising from such dangers.

This information must be presented in accordance with the Annexes to the Directive (symbols, standard phrases, etc.). The same applies to any advice on safety precautions.

The Annexes

The Annexes to the Directive contain, among other things, a list of dangerous substances, their classification and the provisions for their labelling, the symbols relating to each substance, the standard phrases relating to the nature of the special risks of each substance as well as, if the case arises, any phrases giving advice on safety precautions for the substance. Member States must inform the Commission of measures taken pursuant to the Directive.

This Directive will be repealed by Regulation (EC) No 1272/2008 of the European Parliament and the Council as from **31 May 2015**.

2. Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations

(OJ L 200, 30.07.1999, p. 0001-0068)

(Consolidated version)

Amended by:

- **Commission Directive 2001/60/EC of 7 August 2001 adapting to technical progress Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations**

(Text with EEA relevance)

(OJ L 226, 22.8.2001, p. 5–6)

- **Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its**

implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty

(OJ L 284, 31.10.2003, p. 1-53)

- **Council Directive 2004/66/EC of 26 April 2004 adapting Directives 1999/45/EC 2002/83/EC, 2003/37/EC and 2003/59/EC of the European Parliament and of the Council and Council Directives 77/388/EEC, 91/414/EEC, 96/26/EC, 2003/48/EC and 2003/49/EC, in the fields of free movement of goods, freedom to provide services, agriculture, transport policy and taxation, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

(OJ L 168, 01.05.2004, p. 0035-0067)

- **Commission Directive 2006/8/EC of 23 January 2006 amending, for the purposes of their adaptation to technical progress, Annexes II, III and V to Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations**

(Text with EEA relevance)

(OJ L 019, 24.01.2006, p. 0012-0019)

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1-54)

- **Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC**

(OJ L 396, 30.12.2006, p. 1-851)

To be repealed by: (with effect from 1 June 2015)

- **Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)**

(OJ L 353, 31.12.2008, p. 1–1355)

Summary

The general principles of the classification and labelling of preparations are applied in accordance with the criteria set out in Annex VI to Directive 67/548/EEC on the classification, packaging and labelling of dangerous substances.

A preparation is classed as **dangerous** and therefore subject to the provisions of Directive 1999/45/EC if it:

- contains at least one dangerous substance within the meaning of Article 2 (definitions of dangerous substances);
- is considered to be dangerous, after evaluation, because of its physico-chemical properties, or the dangers that it poses to health or to the environment. The methods of evaluation for these criteria are set out in the Annexes;
- is not considered to be dangerous, within the strict meaning of the Directive, but may nevertheless present a specific danger. These preparations are specified in the Annex.

The Annexes are updated according to the Council Directive 2004/66/EC of 26 April 2004 and Commission Directive 2006/8/EC of 23 January 2006.

This Directive **repeals** the following Directives:

- Council Directive 78/631/EEC of 26 June 1978 on the approximation of the laws of the Member States relating to the classification, packaging and labelling of dangerous preparations (pesticides);
- Council Directive 88/379/EEC of 7 June 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations and its adaptation to technical progress and connected Directives;
- Commission Directive 91/442/EEC of 23 July 1991 on dangerous preparations the packaging of which must be fitted with child-resistant fastenings.

As mentioned above, REACH Regulation amended this Directive, by abolishing its Article 14 which relates to safety data sheet system.

The Directive **2001/60** amends the Annex II Part A and B, and the Annex II Part B Tables IV, IV A, Annex V (B) on methods for the evaluation of health hazards of preparations in accordance with Article 6 of the Directive 1999/45.

This Directive will be repealed by Regulation (EC) No 1272/2008 of the European Parliament and the Council as from **31 May 2015**.

3. Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos

(OJ L 085, 28.03.1987, p. 40)

(Consolidated text)

(Latvia has a derogation regarding this Directive.)

Amended by:

- **Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment**

(OJ L 377, 31.12.1991, p. 0048-0054)

- **Council Regulation (EC) No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity)**

(OJ L 122, 16. 05.2003, p. 0036-0062)

Summary

The Directive provides for general requirements to reduce asbestos emissions into the air, into the waste water and to minimise the risk to humans and the environment, by the demolition of asbestos containing building, during transport and in the disposal. The best available technology not entailing excessive costs shall be used. For air emission, a general limit value of 0.1 mg per cubic metre is fixed, and small installations can obtain derogations.

Regarding waste discharges from the production of asbestos cement, there must be a complete recycling of waste water. Where this is not possible for economic reasons, then an emission limit must be respected. The same system applies to the production of asbestos paper. For waste generation, no emission limit values are set.

4. Commission Decision 85/71/EEC of 21 December 1984 concerning the list of chemical substances notified pursuant to Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

Summary

The Commission must keep a list of dangerous chemical substances. The list of these chemical substances notified by the Member States before 1 July of the year of publication of the EINECS Inventory (European Inventory of Existing Commercial Chemical Substances) shall be published in the OJ of the European Communities not later than 31 December of the same year. Supplements to the list shall be published in the OJ of the European Communities not later than 31 December of each year thereafter, covering the period 1 July of the previous year to 30 June of the year of publication.

5. Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals

(OJ L 204, 31.7.2008, p. 1–35)

(Consolidated version)

Amended by:

- **Commission Regulation (EU) No 15/2010 of 7 January 2010 amending Annex I to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

(Text with EEA relevance)

(OJ L 6, 9.1.2010, p. 1–5)

- **Commission Regulation (EU) No 196/2010 of 9 March 2010 amending Annex I to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

(Text with EEA relevance)

(OJ L 060, 10.03.2010, p. 5 – 8)

- **Commission Regulation (EU) No 186/2011 of 25 February 2011 amending Annex I to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

(OJ L 53, 26.2.2011, p. 41–44)

- **Commission Regulation (EU) No 214/2011 of 3 March 2011 amending Annexes I and V to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

(OJ L 59, 4.3.2011, p. 8–14)

- **Commission Regulation (EU) No 834/2011 of 19 August 2011 amending Annex I to Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals**

(OJ L 215, 20.8.2011, p. 1–3)

Summary

The Regulation (EC) No 689/2007 repeals and replaces the Regulation (EC) No 304/2003 which intends to implement the Rotterdam Convention⁴³ and to establish import and export notification procedures for dangerous chemicals.

The objectives of this Regulation are:

- *to implement the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;*
- *to promote shared responsibility and cooperative efforts in the international movement of hazardous chemicals in order to protect human health and the environment from potential harm; and*
- *to contribute to their environmentally sound use of hazardous chemicals.*

The objectives are to be achieved by facilitating information exchange about the characteristics of such chemicals; by providing for a decision-making process within the Community on their import and export and by disseminating decisions to Parties and other countries as appropriate.

This Regulation will also ensure that the provisions of Council Directive 67/548/EEC relating to the classification, packaging and labelling of dangerous substances, and of Directive 1999/45/EC relating to dangerous preparations will also apply to all such chemicals when they are exported from the Member States to other Parties of the Convention or other countries.

This Regulation **applies to:**

⁴³ **Rotterdam Convention**, as being ratified in 1998 by European Union, regulates the export and import of chemicals. Its principal aim is to improve the international regulation of trade in certain hazardous chemicals and pesticides so as to protect human health and the environment, as well as to promote the environmentally sound use of such substance. **The Court of Justice** annulled the Regulation (EC) 304/2003 concerning the implementation of this Convention at European level.

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- certain hazardous chemicals that are subject to the prior informed consent (PIC) procedure under the Rotterdam Convention;
- certain hazardous chemicals that are banned or severely restricted within the Community or a Member State; (the scope is wider than the Rotterdam Convention)
- chemicals when exported insofar as their classification, packaging and labelling are concerned.

The chemicals covered by the provisions of the Regulation relating to export notification, PIC notification and PIC procedure respectively are listed in Annex I. Whereas Part 2 of Annex I lists the chemicals qualifying for PIC notification, Part 3 covers the list of chemicals subject to the PIC procedure under the Convention. On the other hand, Annex II lays down the details of export notification.

The Regulation establishes the deadlines and obligations which will apply to the notification procedure. Each exporter of such substances (or of preparations and articles containing these substances) shall inform the designated national body, in the first quarter of each year, of the quantity of chemicals to be shipped the preceding year. Each importer of concerned substances shall provide the same information for the quantities of imported chemicals.

Member States on the other hand convey the aggregated national information on exports and imports of chemicals to the Commission according to Annex III. The Commission publishes the non-confidential information via Internet and shall notify the Secretariat of the Convention in writing of the chemicals that qualify for PIC notification in accordance with Annex IV.

Chemicals and articles subject to export ban are given under Annex V. Export measures will apply to exports to all countries and not just to those that have signed the Convention.

The Commission Regulation (EU) No 15/2010, the Regulation (EU) No 196/2010 and the Regulation (EU) No 186/2011 amend the list of chemicals subject to export notification procedure under Annex I.

The Commission Regulation (EU) No 214/2011, on the other hand, amends Annex V on chemicals and articles subject to export ban as well as Annex I.

Furthermore, the European Commission has prepared a “**Communication on a Technical Guidance Notes for the Implementation of Regulation (EC) No 689/2008**” and the Notice is published in the EU Official Journal on 1 March 2011.

The Communication intends to assist importers and exporters as well as the Member States and the National Authorities in the implementation of Regulation on the export and import of dangerous chemicals and to develop a better understanding.

6. Commission Regulation (EC) No 1179/94 of 25 May 1994 concerning the first list of priority substances as foreseen under Council Regulation (EEC) No 793/93

(OJ L 131, 26.05.1994, p.3-4)

Summary

The Regulation established in its Annex, a first list of priority substances, such as benzene, methyl acetate, naphthalene, vinyl acetate. Member States are responsible for the evaluation of the risks of each of the listed substances.

7. Commission Regulation (EC) No 142/97 of 27 January 1997 concerning the delivery of information about certain existing substances as foreseen under Council Regulation (EEC) No 793/93

(OJ L 025, 28.01.1997, p. 11-12)

Summary

The manufacturer(s) and importer(s) of the substances listed in the Annex to this Regulation shall deliver all relevant and available information concerning exposure to man and the environment of these substances.

The information relevant to the **exposure information** concerns the emission of, or exposure to, the chemical to human populations or environmental spheres at various stages during the life cycle of the substance:

- the human populations are workers, consumers and man exposed via the environment;
- the environmental spheres are aquatic, terrestrial and atmosphere, as well as information related to fate of the chemical in waste water treatment plants and its accumulation in the food chain;
- the life cycle of a substance is seen as manufacture, transport, storage, formulation into a preparation or other processing, use and disposal or recovery.

8. Commission Regulation (EC) No 143/97 of 27 January 1997 concerning the third list of priority substances as foreseen under Council Regulation (EEC) No 793/93

(Text with EEA relevance)

(OJ L 025, 28.01.1997, p. 13-14)

Summary

The third list of priority substances as foreseen in Regulation (EEC) No 793/93 is set out in the Annex to this Regulation. This list of priority substances also indicates the Member State which is responsible for each of the substances.

9. Commission Regulation (EC) No 2161/1999 of 12 October 1999 imposing further testing requirements on the importers or manufacturers of a certain priority substance as foreseen under Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances

(OJ L 265, 13.10.1999, p. 11-12)

Summary

The Regulation imposes further testing requirements; comprehensively explained in the Annex, for amines, tallow alkyl. The Member State “rapporteur” must be notified of the results within six months of the date of entry into force.

10. Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC

(OJ L 158, 30.4.2004, p. 7-49)

(Consolidated Version)

Amended by:

- **Council Regulation (EC) No 1195/2006 of 18 July 2006 amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants**

(Text with EEA relevance)

(OJ L 217, 8.8.2006, p. 1-3)

- **Council Regulation (EC) No 172/2007 of 16 February 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants**

(Text with EEA relevance)

(OJ L 55, 23.2.2007, p. 1-6)

- **Commission Regulation (EC) No 323/2007 of 26 March 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC**

(Text with EEA relevance)

(OJ L 85, 27.3.2007, p. 3-4)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

- **Commission Regulation (EC) No 304/2009 of 14 April 2009 amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council as regards the treatment of waste containing persistent organic pollutants in thermal and metallurgical production processes**

(OJ L 96, 15.4.2009, p. 33–36)

- **Commission Regulation (EU) No 757/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes I and III Text with EEA relevance**

(OJ L 223, 25.8.2010, p. 29–36)

Summary

The main objective of the Regulation is to protect human health and the environment by forbidding or limiting the production, placing on the market and use of substances under the **Stockholm Convention on Persistent Organic Pollutants (POPs)**, or the 1998 Protocol to the **1979 Convention on Long-Range Trans-boundary Air Pollution on Persistent Organic Pollutants**. It aims at decreasing of the release of such substances and contains also provisions concerning the waste containing of any of these substances. Annex I and Annex II contain the lists of prohibited and restricted substances in subsequence.

For the purposes of this Regulation, imports into the customs territory of the Community shall also be deemed to be placed on the market.

In regard to release reduction, the Regulation stipulates that within two years of the date of entry into force of this Regulation; Member States shall draw up and maintain release inventories for the substances listed in Annex III of the Regulation.

Within the same period, Member States shall also draw up a **national action plan** designed to identify, characterise and reduce the total releases derived from anthropogenic sources of each of the substances listed in Annex III.

Annex IV contains the list of substances whose disposal and recovery is restricted subject to certain derogations. **By Amending Regulation (EC) No 1195/2006**, list of substances (set out in Annex IV) subject to waste management provisions set out in Article 7 is amended.

The Regulation includes also provisions regarding waste management, implementation plans and monitoring. **By Amending Regulation (EC) No 172/2007** and **Commission Regulation (EC) No 323/2007**, some provisions laid down in Annex V related to waste management have been amended.

The EU Regulation on persistent organic pollutants (POPs) was amended in compliance with an international agreement reached at the Stockholm Convention in 2009. According to the amendment, new dangerous chemicals (4 types of polybromodiphenyl ether (PBDEs), alpha hexachlorocyclohexane, beta hexachlorocyclohexane, perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride and pentachlorobenze) are added to the lists and some existing restrictions were expanded in accordance with the international agreement.

Accordingly, **Commission Regulation (EU) No 756/2010** replaced Annex IV (list of substances subject to waste management provisions set out in Article 7) as well as Article V (waste management) of the Regulation as from 26 August 2010.

Furthermore, **Commission Regulation (EU) No 757/2010** amended Annex I (substances subject to prohibitions) and Annex III (substances subject to release reduction provisions) with effect from 26 August 2010.

11. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

(OJ L 396, 30.12.2006, p. 1-849)

(Consolidated Version)

Amended by:

- **Council Regulation (EC) No 1354/2007 of 15 November 2007 adapting Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), by reason of the accession of Bulgaria and Romania (Text with EEA relevance)**

(OJ L 304, 22.11.2007, p. 1–2)

- **Commission Regulation (EC) No 987/2008 of 8 October 2008 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annexes IV and V (Text with EEA relevance)**

(OJ L 268, 9.10.2008, p. 14–19)

- **Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)**

(OJ L 353, 31.12.2008, p. 1–1355)

- **Commission Regulation (EC) No 134/2009 of 16 February 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XI**

(Text with EEA relevance)

(OJ L 46, 17.2.2009, p. 3–5)

- **Commission Regulation (EC) No 552/2009 of 22 June 2009 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII**

(Text with EEA relevance)

(OJ L 164, 26.6.2009, p. 7–31)

- **Commission Regulation (EU) No 453/2010 of 20 May 2010 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

(Text with EEA relevance)

(OJ L 133, 31.5.2010, p. 1–43)

- **Commission Regulation (EU) No 143/2011 of 17 February 2011 amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and**

of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals ('REACH')

(OJ L 44, 18.2.2011, p. 2–6)

- **Commission Regulation (EU) No 207/2011 of 2 March 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Diphenylether, pentabromo derivative and PFOS)**

(OJ L 58, 3.3.2011, p. 27–28)

- **Commission Regulation (EU) No 252/2011 of 15 March 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex I**

(OJ L 69, 16.3.2011, p. 3–6)

- **Commission Regulation (EU) No 253/2011 of 15 March 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XIII**

(OJ L 69, 16.3.2011, p. 7–12)

- **Commission Regulation (EU) No 366/2011 of 14 April 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Acrylamide)**

(OJ L 101, 15.4.2011, p. 12–13)

- **Commission Regulation (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium)**

(OJ L 134, 21.5.2011, p. 2–5)

Summary

REACH (*Registration, Evaluation, and Authorisation of Chemicals*) Regulation entered into force on 1st June 2007.

REACH replaces a number of EU laws related to chemicals and complements other environmental and safety legislation; but will not replace sector-specific legislation, such as detergents or cosmetics.

The main purpose of the Regulation is to set up an integrated system for registration, evaluation and authorization of chemicals, in collaboration with a **European Chemicals Agency** (ECHA).

ECHA started its operations on **1st June 2007** in Helsinki. The Agency is responsible for managing the implementation of the new requirements related to chemicals legislation. It will also launch a website intended to provide key information such as helpdesks, guidance documents and other issues relating to REACH. In other words, it will be responsible for the day-to-day management of the legislation in concern. The Agency is expected to become fully operational on **1st June 2008**, when companies will begin on-line submission process of pre-registrations and registration dossiers.

The underlying principle of the Regulation is that the manufacturers, importers, downstream users must ensure that they manufacture, place on the market and use such substances that do not adversely affect human health or the environment.

The provisions of the Regulation are **not applicable** to the following:

- The radioactive substances which are covered by 96/26/Euratom of Council Directive
- Non-isolated intermediates
- The carriage of dangerous substances by rail, road and sea
- The substances, on their own or in a preparation or in an article, which are subject to custom, to supervision, provided that they do not undergo any treatment or processing, and which are in temporary stage, or in a free zone or in a warehouse with a review to re-exportation or in transit.

This Regulation aims at protecting the environment and human health from the danger of the chemicals and **improving the competitiveness of EU chemistry industry**. According to the terms of the Regulation, manufacturer or importer of a substance in quantities of 1 tonne or more per year should submit a registration to the Agency.

In addition,

- For the substances that are imported or produced over 1 tone, a **technical file** is to be submitted to the European Chemicals Agency between 1 June and 1 December as a part of pre-registration process⁴⁴;
- For the substances that are imported or produced over 10 tonnes, a **security report** should be prepared.

⁴⁴ If pre-registered, it will be possible to benefit from different registration deadlines, depending on the substance and the tonnage (2010, 2013 or 2018).

- If a company uses chemicals, it will be obliged to apply, as a “**downstream user**”, the safety measures which were communicated via a **Safety Data Sheet** or it will carry out a chemical safety assessment.

REACH aimed one system for old and new chemicals. The scope of REACH covers the substances on their own or in a preparation which are imported, produced, used as “intermediates”, presented to the market. The **wastes, food and the chemicals which are in other legislation equal to REACH** are not covered. The substances using for the security can be excluded from the scope of REACH according to the will of the Member States.

European Chemicals Agency is established to implement REACH at EU level and to carry of its administrative, technical and scientific features. The chemicals before REACH and 30.000 substances will be registered in **11 years**.

The REACH authorisation process is expected to encourage companies to switch to safer alternatives. As a matter of fact, all applications for an authorisation will require to contain an analysis of alternatives and a substitution plan if an appropriate alternative exists.

Besides, measures set out under REACH Regulation are anticipated to guarantee that **animal testing** is kept to the strict minimum and to promote the use of alternative testing methods.

If these chemicals are dangerous for the human health and the environment, they can be restricted to use, produce or present to the market. In addition, public can reach to the information about the chemicals but certain information will be secured.

To implement REACH:

- Technical files should be improved by industries and the Member States;
- These files should be presented to the Agency;
- IT system should be established during the files are prepared by the Member States and Agency;
- Technical guide should be prepared for the Member States and Agency.

On the other hand, every 5 years the Member States and the Agency should prepare reports related to this implementation for submitting to the Commission. The Member States would send their **first report on 1st June of 2010** and the Agency would send on **1st June of 2011**.

On 30 June 2011, ECHA published its first official report on the implementation of REACH and CLP Regulations in the EU. The report entitles “**The Operation of REACH and CLP 2011**”. According to the report, “the REACH and CLP Regulations are working well and the various actors responsible for the work, are responding as envisaged by the legislators.” In the report, ECHA support better implementation rather than a change in legal text. ECHA suggest improvements in implementation as regards the responsibility of the industry to handle robust scientific tests and chemical safety assessments, information provision on substances to end-users and effective use of the resources.

The Commission will publish a report about the fund and its amount, the experiences related to REACH every 5 years. The Commission will publish its **first report on 1st June of 2012**⁴⁵.

Commission Regulation (EC) No 552/2009 and **Commission Regulation (EC) No 276/2010** amend Annex XVII to Regulation (EC) No 1907/2006, concerning the table setting out the designation of the substances, groups of substances and mixtures and the conditions of restriction.

Commission Regulation (EC) No 453/2010 replaces Annex II of Regulation 1907/2006 with its Annex I concerning requirements for the compilation of safety data sheets Part A with effect from 1 December 2010. With effect from 1 June 2015, Annex II to Regulation (EC) No 1907/2006 is replaced by Annex II on the compilation of safety data sheets Part B. In addition, Section 3.7 of Annex VI of Regulation 1907/2006, in the title, the words ‘(see Safety Data Sheet heading 16) are replaced by ‘(see Section 1 of the safety data sheet).

Commission Regulation (EU) No 143/2011 amends Annex XIV to Regulation (EC) No 1907/2006, concerning the “list of substances subject to authorisation”. The table covering the details with regard to the chemicals; namely, 5-tert-butyl-2,4,6- trinitro-m-xylene (Musk xylene), 4,4’-Diaminodiphenylmethane (MDA), Hexabromocyclododecane (HBCDD), Bis(2-ethylhexyl) phthalate (DEHP), Benzyl butyl phthalate (BBP) and Dibutyl phthalate (DBP) is inserted in Annex XIV.

Commission Regulation (EU) No 207/2011 amends Annex XVII to Regulation (EC) No 1907/2006, concerning “the restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles”. Entries 44 and 53 are deleted from the list.

Commission Regulation (EU) No 252/2011 amends Annex I to Regulation (EC) No 1907/2006, concerning “general provisions for assessing substances and preparing chemical safety reports”. In this context, some provisions regarding “the steps of a chemical safety assessment”, “human health hazard assessment”, “physicochemical hazard assessment”, “environmental hazard assessment”, “PBT and VPVB assessment” and “chemical safety report format” are amended. The chemical safety reports for registrations submitted prior to 5 May 2011 shall be updated in accordance with the amendments by 30 November 2012.

Commission Regulation (EU) No 253/2011 replaces Annex XIII to Regulation (EC) No 1907/2006, concerning the “criteria for the identification of persistent, bioaccumulative and toxic substances, and very persistent and very bioaccumulative substances.” Registrations of substances and updates submitted prior to 19 March 2011 shall comply with this amendment by 19 March 2013.

Commission Regulation (EU) No 366/2011 amends Annex XVII to Regulation (EC) No 1907/2006, concerning “the restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles” and inserts the entry for the chemical “Acrylamide”.

⁴⁵ For further details and information about developments in this field, please consult <http://ec.europa.eu/environment/chemicals/news/updates.htm>

Commission Regulation (EU) No 494/2011 amends Annex XVII to Regulation (EC) No 1907/2006, concerning “the restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles”.

12. Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

(Text with EEA relevance)

(OJ L 142, 31.5.2008, p. 1–739)

(Consolidated Version)

Amended by:

- **Commission Regulation (EC) No 761/2009 of 23 July 2009 amending, for the purpose of its adaptation to technical progress, Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

(Text with EEA relevance)

(OJ L 220, 24.8.2009, p. 1–94)

- **Commission Regulation (EU) No 1152/2010 of 8 December 2010 amending, for the purpose of its adaptation to technical progress, Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

(Text with EEA relevance)

(OJ L 324, 9.12.2010, p. 13–38)

Summary

This Regulation sets out the test methods to be applied in the context of REACH Regulation.

The Regulation indicates that the Commission shall review the test methods in order to replace, reduce or refine testing on vertebrate animals.

The Commission Regulation No 761/2009 amends different sections under Part A and Part C Annex of the Regulation (EC) 440/2008.

Commission Regulation (EU) No 1152/2010 amends Part B of the Annex to Regulation (EC) No 440/2008 on the test methods, and adds the Chapters B.47 and B.48 as set out in its Annex.

13. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006

(Text with EEA relevance)

(OJ L 353, 31.12.2008, p. 1–1355)

(Consolidated Version)

Amended by:

- **Commission Regulation (EC) No 790/2009 of 10 August 2009 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures**

(Text with EEA relevance)

(OJ L 235, 5.9.2009, p. 1–439)

- **Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures**

Text with EEA relevance

(OJ L 83, 30.3.2011, p. 1–53)

Summary

This Regulation, which complements REACH, incorporates the classification criteria and labelling rules agreed at UN level, the so-called Globally Harmonised System of Classification and Labelling of Chemicals (GHS). It is based on the principle that the same hazards should be described and labelled in the same way all around the world. Using internationally agreed classification criteria and labelling elements is expected to facilitate

trade and to contribute towards global efforts to protect humans and the environment from hazardous effects of chemicals.

The Commission Regulation (EC) No 790/2009 amends Part 3 of Annex IV to Regulation (EC) No 1272/2008. The harmonised classifications amended by this Regulation should be applied by before 1 December 2010.

Commission Regulation (EU) No 286/2011 amends the concerned Articles and all the Annexes to the Regulation (EC) No 1272/2008 in order to adapt it to the third revised edition of the GHS adopted at the UN level in December 2008. The amendments concern inter alia, the provisions for the allocation of hazard statements and for the labelling of small packaging, new sub-categories for respiratory and skin sensitisation, the revision of the classification criteria for long-term hazards (chronic toxicity) to the aquatic environment and a new hazard class for substances and mixtures hazardous to the ozone layer.

11.2. Pending Proposals

1. Proposal for a Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals (recast)

(COM/2011/0245 final)

Summary

The European Commission published a proposal on 5 May 2011 in order to recast the EU Regulation on the export and import of dangerous chemicals.

The proposed new Regulation would essentially maintain all provisions of the Regulation (EC) No 689/2008, which currently regulates the area in the EU. However, the Commission seeks certain technical amendments to improve the clarity and functioning of the Regulation. Accordingly;

- (1) Definitions under Article 3 are amended in order to align the Regulation with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures. The term ‘preparation’ has been replaced by ‘mixture’ and a definition for ‘substance’ is added.
- (2) The procedure of “explicit consent” under Article 14 (7) has been revised due to difficulties of communication with certain importing countries despite the efforts by the exporters, the Member States as well as the Commission. It is proposed to allow the export to proceed if there is documentary evidence from official sources showing that the chemical has been imported or used in the last 5 years and no regulatory action has been taken, if, despite all reasonable efforts by the exporter’s Designated National Authority, the Agency and the Commission, there is no response from the importing country within 2 months. The evidence showing that the chemical is imported in the country can be regarded as sufficient indication of consent for exports to proceed ad interim for a period of 12 months pending a response.

- (3) European Chemicals Agency is involved in the implementation of the Regulation, in particular regarding the management of the European Database on Export and Import of dangerous chemicals and some related administrative tasks.
- (4) The provisions of the Regulation are adapted to the external representation of the Union and of the comitology procedures to the Lisbon Treaty.

12. Noise from vehicles and machinery

12.1. Legislation in force

1. Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles

(Consolidated Version)

(OJ L 042, 23.02.1970, p. 16-20)

Amended by:

- **Commission Directive 73/350/EEC of 7 November 1973 adapting to technical progress the Council Directive of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles**

(OJ L 321, 22.11.1973, p. 33-36)

- **Council Directive 77/212/EEC of 8 March 1977 amending Directive 70/157/EEC relating to the permissible sound level and the exhaust system of motor vehicles**

(OJ L 066, 12.03.1977, p. 33-34)

- **Commission Directive 81/334/EEC of 13 April 1981 adapting to technical progress Council Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles**

(OJ L 131, 18.05.1981, p. 6-27)

- **Commission Directive 84/372/EEC of 3 July 1984 amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles**

(OJ L 196, 26.07.1984, p. 0047-0049)

- **Council Directive 84/424/EEC of 3 September 1984 amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles**

(OJ L 238, 06.09.1984, p. 0031-0033)

- **Council Directive 87/354/EEC of 25 June 1987 amending certain directives on the approximation of the laws of the Member States relating to industrial products with respect to the distinctive numbers and letters indicating the Member States**
(OJ L 192, 11.07.1987, p. 0043-0045)
- **Commission Directive 89/491/EEC of 17 July 1989 adapting to technical progress Council Directives 70/157/EEC, 70/220/EEC, 72/245/EEC, 72/306/EEC, 80/1268/EEC and 80/1269/EEC relating to motor vehicles**
(OJ L 238, 15.08.1989, p. 43-49)
- **Council Directive 92/97/EEC of 10 November 1992 amending Directive 70/157/EEC on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles**
(OJ L 371, 19.12.1992, p. 1-31)
- **Commission Directive 96/20/EC of 27 March 1999 adapting to technical progress Council Directive 70/157/EEC relating to the permissible sound level and the exhaust system of motor vehicles** *(Text with EEA relevance)*
(OJ L 092, 13.04.1996, p. 23-35)
- **Commission Directive 1999/101/EC of 15 December 1999 adapting to technical progress Council Directive 70/157/EEC relating to the permissible sound level and the exhaust system of motor vehicles** *(Text with EEA relevance)*
(OJ L 334, 28.12.1999, p. 41-42)
- **Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded – Annex II: List referred to in article 20 of the Act of Accession – 1. Free movement of goods – A. Motor vehicles**
(OJ L 236, 23.09.2003, p. 53-64)
- **Council Directive 2006/96/EC of 20 November 2006 adapting certain Directives in the field of free movement of goods, by reason of the accession of Bulgaria and Romania**
(OJ L 363, 20.12.2006, p. 81-106)

- **Commission Directive 2007/34/EC of 14 June 2007 amending, for the purposes of its adaptation to technical progress, Council Directive 70/157/EEC concerning the permissible sound level and the exhaust system of motor vehicles** (Text with EEA relevance)

(OJ L 155, 15.6.2007, p. 49-67)

Summary

The Directive applies to any motor vehicle intended for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km/h, with the exception of vehicles which run on rails, agricultural and forestry tractors and all mobile machinery.

This Directive sets up the limits for permissible sound level, as well as the conditions of measurement. It also contains provisions related to vehicles endowed with an exhaust system or silencer and the requirements that such devices must fulfil.

The Directive lays down limits for the noise level of the mechanical parts and exhaust systems of the vehicles concerned. The limits range from 74 dB(A) for motor vehicles, to 80 dB(A) for high-powered goods vehicles.

By Amending Directive 2007/34/EC, Annex I, II and III are amended; Annex IV is deleted. The provisions laid down in this Amending Directive must be applied as of **6 July 2008**. It adopts Directive 70/157/EEC to technical progress in the field of permissible sound level and exhaust system of motor vehicles.

2. Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

(OJ L 162, 3.7.2000, p. 1-78)

(Consolidated Version)

Amended by:

- **Directive 2005/88/EC of the European Parliament and of the Council of 14 December 2005 amending Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors**

(Text with EEA relevance)

(OJ L 344, 27.12.2005, p. 44-46)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

Summary

This Directive aims to harmonise national laws relating to noise emission standards, and in particular, technical documentation and collection of data concerning the noise emission in the environment of equipment for use outdoors.

It applies to equipment for use outdoors listed in Articles 12 and 13 and defined in Annex I. Equipment such as construction winches, dozers, compressors, loaders, power generators are subject to noise limits and shall not exceed the permissible sound power level as prescribed.

The subsequent equipments are excluded from the scope of this Directive:

- all equipment primarily intended for the transport of goods or persons by road, rail, air or on waterways;
- equipment specially designed and constructed for military and police purposes and for emergency services.

Regulation (EC) No 219/2009 integrates the comitology procedure into Directive 2000/14/EC and rules that the Commission would be assisted by a Committee in the adaption of technical progress of Annex III.

3. Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise – Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise

(OJ L 189, 18.07.2002, p. 12-26)

(Consolidated Version)

Amended by:

- **Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One**

(OJ L 311, 21.11.2008, p. 1–54)

Summary

This Directive aims to define a common approach so as to avoid, prevent or reduce, on a prioritised basis, the harmful effects, including annoyance, due to exposure to environmental noise.

For that purpose, the **following actions** have to be implemented progressively, pursuant to article 1:

- the determination of exposure to environmental noise, through noise mapping, by methods of assessment common to the Member States;
- ensuring that information on environmental noise and its effects is made available to the public;
- adoption of action plans by the Member States, based upon noise-mapping results.

This Directive also aims at providing a basis for developing Community measures in order to reduce noise emitted by the major sources, especially road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery.

Pursuant to Article 2, the Directive applies to environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, hospitals and other noise sensitive buildings and areas. However, it does not apply to noise that is caused by the exposed person himself, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.

Regulation (EC) No 1137/2008 amends Article 6 of the Directive concerning the assessment method to be used while determining the values of Lden and Lnight. The Regulation empowers the Commission to establish a common assessment method through the revision of Annex II to Directive 2002/49/EC. In addition, as a result of the amendment of Article 12, the Commission is made responsible of adapting point 3 of Annex I and Annexes II and III to technical and scientific progress.

Regarding the progress on the implementation of Environmental Noise Directive 2002/49/EC (END) in the EU, on 1 June 2011, the European Commission published its first implementation report entitled “**Report from the Commission to the European Parliament and the Council on the implementation of the Environmental Noise Directive in accordance with Article 11 of Directive 2002/49/EC (COM/2011/0321 final)**”. The report identifies the achievements in the implementation process, which enters into an active phase regarding noise mapping and action planning. On the basis of the report outcome, the Commission intends to discuss the legislative framework with the stakeholders and considers further actions in relation to implementation improvements and possible measures on noise source reduction. With this purpose, the European Commission will hold a stakeholders’ meeting in Brussels on 30 September 2011 in order to review the implementation of the END.

12.2. Pending Proposals

1. Proposal for a Regulation of the European Parliament and of the Council on the sound level of motor vehicles

(COM (2011) 856 final)

Summary

The proposal aims at reducing environmental noise by introducing a new test method for measuring noise emissions, by lowering the noise limit values, by including additional sound emission provisions in the type-approval procedure. It aims also at ensuring road and occupational safety by introducing requirements regarding the minimum noise for electric and electric-hybrid vehicles.

Concerning **noise reduction** the proposal offers to lower the limit values for light and medium size vehicles in two steps of each 2 dB(A) and for heavy vehicles in a first step of 1 and a second step of 2 dB(A). This will result in a reduction of the noise impact of about 3 dB(A) for free flowing traffic and up to 4 dB(A) for intermittent traffic.

The Commission's proposal intends to implement the the first step two years after and the second step three years after the publication of the new Regulation in the Official Journal.

The proposal includes **a new test Protocol** according to a new test method elaborated by the UNECE Working Group on Noise in 2007.

Concerning the **hybrid and electric vehicles**, it is proposed to add an Annex harmonising the performance of 'Approaching Vehicle Audible Systems' if they are fitted to a vehicle. The fitting of such systems however shall be voluntary and remain an option under the discretion of the vehicle manufacturers. It proposal defends such equipment will ensure road safety and prevent accidents.

13. Nuclear Safety and Radiation Protection

13.1. Legislation in force

1. Council Directive 90/641/Euratom of 4 December 1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas

(OJ L 349, 13.12.1990, p. 21-25)

Summary

On the basis of Directive 96/29/Euratom laying down the fundamental principles governing operational protection of exposed workers, this Directive optimizes the operational protection arrangements for outside workers performing activities in controlled areas. Controlled areas refer to any area subject to special rules for the purpose of protection against ionizing radiation and to which access is controlled.

Member States make the performance of such activities by outside undertakings subject to reporting or prior authorization as laid down in Directive 80/836/Euratom.

Member States must ensure that the radiological monitoring system affords outside workers equivalent to that of workers employed on a permanent basis by the operator.

The Directive forecasts the establishment, at Community level, of a uniform system for the radiological protection of outside workers, such as a computer network.

Outside undertakings must ensure that the radiological protection of their workers meets the requirements of both Directives.

2. Council Directive 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation

(OJ L 159, 29.06.1996, p. 1-114)

Summary

This Directive applies to all practices which involve a risk either from ionizing radiation emanating from an artificial source or else from a natural radiation source in cases where natural radionuclides are or have been processed in view of their radioactive, fissile or fertile properties. Each Member State shall require the carrying out of the practices involving such risks to be reported.

Pursuant to Article 4, each Member State must require **prior authorization**, among others, for the subsequent practices:

- (a) operation and decommissioning of any facility of the nuclear fuel cycle and exploitation and closure of uranium mining;
- (b) the deliberate addition of radioactive substances in the production and manufacture of medicinal products and of consumer goods;
- (c) the deliberate administration of radioactive substances to persons.

Pursuant to Article 5, the disposal, recycling or reuse of radioactive substances or materials which contain radioactive substances arising from any practice subject to the requirement of reporting or authorization, depend on prior authorization.

The Directive also lays down rules related to the dose limitation, the measuring and the protection of people in practices related to radioactive substances for workers, for pregnant and breastfeeding women, for students and apprentices.

3. Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources

(OJ L 346, 31.12.2003, p. 57-64)

Summary

This Directive aims is to prevent exposure to ionising radiation arising from inadequate control of high activity sealed radioactive sources and to harmonise controls in place in the Member States by setting out specific requirements ensuring that each such source is kept under control.

The Directive regulates that the Member States shall require prior authorisation for any practice involving a high activity source. In addition, Member States shall ensure that, **before issuing an authorisation:**

- arrangements have been made for the safe management of high activity sources, including when they become disused sources;

- financial provision has been made for the safe management of high activity sources, when they become disused sources.

In regard to the requirements for holders, the Directive regulates that each holder shall:

- ensure that appropriate tests are undertaken regularly to check the integrity of each high activity source;
- regularly verify that each high activity source is present at its place of use or of storage;

- make sure that each fixed and mobile high activity source is subject to satisfactory measures to prevent unauthorised access to or loss, theft, fire and illegal use of a high activity source and any event, that may have damaged the source;
- return or transfer each disused high activity source to a supplier or to a recognised installation -unless otherwise agreed by the competent authority-, without unjustified delay after termination of the use.
- determine before any transfer of a high radioactive source that the recipient holds a suitable authorisation.
- notify the competent authority of any incident or accident which results in unintended exposure of a worker or a member of the public.

4. Council Regulation (EURATOM) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation

(OJ L 81, 22.3.2007, p. 1-10)

End of validity: 31 December 2013

Summary

This Regulation aims to provide for **financial assistance** in support of the objectives of the Euratom Treaty, with a view to promote a high level of nuclear safety, radiation protection and the application of efficient and effective safeguards of nuclear material in third countries.

Pursuant to Article 3, Community assistance under this Regulation is to be implemented through strategy papers and indicative programmes.

The financial reference amount to implement this Regulation over the period 2007 to 2013 is to be EUR **524000000**.

Member States should apply these provisions as of **1 January 2007**.

This Directive is **valid until 31 December 2013**.

5. Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste

(OJ L 199, 2.8.2011, p. 48–56)

Summary

Council Directive 2011/70/Euratom aims a responsible and safe management of spent fuel and radioactive waste and sets safety standards for disposing spent fuel and radioactive waste from nuclear power plants as well as from medicine or research.

According to the Directive, Member States shall provide appropriate national arrangements for a high level of safety in spent fuel and radioactive waste management to protect workers and the general public against the dangers arising from ionising radiation. In addition, the necessary public information and participation shall be ensured⁴⁶.

Each Member State shall establish and maintain a competent regulatory authority in the field of safety of spent fuel and radioactive waste management and is required to ensure the implementation of its national programme, covering all types of spent fuel and radioactive waste under its jurisdiction and all stages of spent fuel and radioactive waste management from generation to disposal.

The prime responsibility for the safety of spent fuel and radioactive waste management facilities and/or activities rest with the licence holder.

Member States shall comply with this Directive before 23 August 2013 and shall publish a report on its implementation on 23 August 2015 and every 3 years thereafter.

13.2. Pending Proposals

1. Proposal for a Council (EURATOM) Directive setting out basic obligations and general principles on the safety of nuclear installations

(COM/2003/0032 final)

(Latest Situation: The proposal was withdrawn by the European Commission on 18 September 2010.)

Summary

In order to ensure the protection of the general public and of workers against the dangers of ionising radiation from nuclear installations, this Proposal aims to specify the basic obligations and general principles which allow the Community to ensure a high level of safety of nuclear installations that the basic standards laid down under Article 30 of the Treaty are applied.

This Proposal aims to apply to all nuclear installations, including after the end of their operation.

Member States shall establish a **safety authority** which will be independent in its organisation, legal structure and decision-making from any other body or organisation, whether private or public, concerned with the promotion or utilisation of nuclear energy.

The Proposal also covers measures concerning the role of the safety authority, safety in nuclear installations and the responsibilities of undertakings.

⁴⁶ Without prejudice to Directive 96/29/Euratom, this Directive supplements the basic standards of the Article 30 of the Euratom Treaty as regards the safety of spent fuel and radioactive waste.

2. Proposal for a Council Directive (EURATOM) on the management of spent nuclear fuel and radioactive waste

(COM/2003/0032 final)

(Current Situation: The proposal was withdrawn by the European Commission on 30 July 2011.)

Summary

This Proposal specifies the basic obligations and general principles to ensure the protection of the general public and of workers against the dangers of ionising radiation from nuclear installations. It applies to all nuclear installations, including after the end of their operation.

According to the Proposal, the Member States must establish a safety authority which will be independent in its organisation, legal structure and decision-making from any other body or organisation, whether private or public, concerned with the promotion or utilisation of nuclear energy.

In regard to the safety in nuclear installations, the Proposal includes **some measures necessary:**

- to establish and maintain effective arrangements in nuclear installations against potential radiological hazards in order to protect individuals, society and the environment from harmful effects of ionising radiation from such installations;
- to prevent accidents with radiological consequences and to mitigate such consequences should they occur;
- to implement all further measures to guarantee safety in nuclear installations; and
- to ensure the long term management of all materials, including radioactive waste and spent nuclear fuel, produced in the course of decommissioning, in accordance with the basic standards for the protection of the general public and of workers against dangers arising from ionising radiation.

The proposal covers also provisions concerning the role of the safety authority, obligations of undertaking, inspection, financial resources, as well as implementation and monitoring.

14. Climate Action

14.1. Legislation in force

1. 2002/358/EC: Council Decision of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder

(OJ L 130, 15.5.2002, p. 1-3)

Summary

The Kyoto Protocol, considered as the chief instrument for tackling climate change, aims to reduce emissions of certain greenhouse gases (being responsible for global warming, i.e. carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride) by an average of 5%.

This Protocol represents an important step forward in the initiatives to tackle climate change as it includes a number of objectives for limiting and reducing greenhouse gases.

The Protocol recommends **various ways** of attaining these objectives:

- improving or introducing national policies to reduce emissions (e.g. development of renewable energy sources);
- cooperation with the other Contracting Parties (e.g. exchanges of experience or information)

In line with the provisions of the Kyoto Protocol, the EU Member States are obliged to reduce collectively their greenhouse gas emissions by 8% between 2008 and 2012.

The European Community signed the Kyoto Protocol on **April 1998**. To that end, this Decision approved the Protocol on behalf of the Community. The text of the Protocol is set out in Annex I to the Decision.

Annex II to the Decision specifies the commitments to limit and reduce emissions agreed by the Community and its Member States for the initial commitment period, which is between 2008-2012.

2. Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC

(Text with EEA relevance)

(OJ L 275, 25.10.2003, p. 0032-0046)

(Consolidated Version)

Amended by:

- **Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004 amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms**

(Text with EEA relevance)

(OJ L 338, 13.11.2004, p. 0018-0023)

- **Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (Text with EEA relevance)**

(OJ L 8, 13.1.2009, p. 3–21)

- **Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two**

(OJ L 87, 31.3.2009, p. 109–154)

- **Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (Text with EEA relevance)**

(OJ L 140, 5.6.2009, p. 63–87)

Summary

This Directive aims at establishing an EU harmonised framework for emission trading and an EU-wide market for emissions. This scheme, which is started in January 2005, is expected to enable the Community and the Member States to meet the commitments to reduce greenhouse gas emissions in the context of the Kyoto Protocol. Installations operating in the steel production and processing, the mineral industry will automatically be subject to this scheme.

This Directive is foreseen to promote the use of more energy-efficient technologies, producing less emission per unit of output.

Pursuant to Article 2, this Directive must apply to emissions from the activities listed in **Annex I** and greenhouse gases set out in **Annex II**.

Besides, Member States are obliged to make sure that, from 1 January 2005, no installation undertakes any activity listed in Annex I resulting in emissions specified in relation to that activity, unless its operator holds a permit.

Applications for these permits are specified in Article 5, whilst conditions for and contents of the permits are set out in Article 6.

Each Member State is obliged to draw up a **national plan** in accordance with the criteria set out in Annex III to this Directive, indicating the allowances it intends to allocate for the relevant period and how it proposes to allocate them to each installation.

At least **95%** of the allowances for the initial three-year period are allocated to the installation free of charge, whilst for the five-year period beginning with 1 January 2008, Member States are obliged to allocate **90%** of the allowances free of charge.

Member States will guarantee the free circulation of allowances within the Community.

At the end of each year, the operator must submit a report (in accordance with the principles set out in Annex V to the Directive) to the competent authority so as to detail the greenhouse gas emissions produced by the installation during the related year.

By Amending Directive 2004/101/EC, the link between the Union's emission allowance trading scheme and the Kyoto Protocol is reinforced by making the latter's "project-based" mechanisms (i.e. Joint Implementation and Clean Development) compatible with the scheme. Thus, operators are enabled to use these two mechanisms in the allowance trading scheme to fulfil their obligations.

Member States may apply to the Commission for certain installations to be temporarily excluded from the scheme, until **31 December 2007** at the latest.

On the other hand, Commission Decision 2006/780/EC of 13 November 2006 sets out rules so as to avoid double counting of greenhouse gas emission reductions under the Community emissions trading scheme for project activities under the Kyoto Protocol, in line with the provisions of Directive 2003/87/EC.

This Directive, being part of the EU's general policy on climate change, does not depend on the entry into force of the Kyoto Protocol.

In January 2005, the European Union launched its **Greenhouse Gas Emission Trading Scheme** (ETS). Being the largest multi-country, multi-sector emission trading scheme in the world, this initiative is based on **Directive 2003/87/EC**, which entered into force on 25th October 2003.

The Emission Trading Scheme, being the first international trading system for CO₂ emissions, is an important tool in the fight against climate change. It covers around **11.300**

energy-intensive installations across the EU, which includes iron and steel plants, factories making ceramics, pulp and paper, cement, glass, lime and brick, combustion plants, oil refineries, coke ovens etc.

In the ETS, according to national plans prepared by the Member States, the installations are given allowances to emit certain amount of carbon to the nature, for a given year, without paying any price during ETS Phase II between 2008-2012. An allowance is a permit to emit one tonne of CO₂ or an amount of another greenhouse gas giving the same contribution to global warming as one tonne of carbon dioxide. The allowances traded in the framework of EU ETS must be held in accounts in electronic registries set up by Member States and monitored by a Central Administrator at EU level who is responsible for checking each transaction for any irregularities. In this way, this system follows regularly the ownership of allowances. **The Community Independent Transaction Log** (CITL) is a database of registries which provides accurate accounting of allowances under the Community scheme for greenhouse gas emission allowance trading. CITL records the issuance, transfer, cancellation, retirement and banking of allowances that take place in the registry.

Directive 2008/101/EC amending Directive 2003/87/EC aims to include and adapt aviation sector in the EU to the Emission Trading Scheme.

The Regulation (EC) No 2009/29 amending Directive 2003/87/EC empowers the European Commission to amend non-essential elements of the Directive in accordance with regulatory procedure with scrutiny provided in Article 5a of Decision 1999/468/EC.

The Article 12(1a) of the EU ETS Directive obliges the Commission to examine whether the market for emission allowances is sufficiently protected from insider dealing and market manipulation. On 21 December 2010, the European Commission published a Communication on “**Towards an enhanced market oversight framework for the EU Emissions Trading Scheme**”, which provides a first assessment of the current levels of protection of the carbon market from such market misconduct or similar problems. In the assessment, the Commission concluded that the “carbon market has developed well in terms of liquidity, EU-wide participation of intermediaries and transparency, which, other things equal, reduces the risks of market abuse compared for example to some commodities markets.” Should any new risks appear, the Commission will take required measures and assess further the need to present a legislative proposal concerning the oversight framework.

3. Decision No 280/2004 of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol

(OJ L 049, 19.02.2004, p. 1-8)

Summary

This Decision, regarding a monitoring mechanism of Community greenhouse gas emissions and the implementation of the Kyoto Protocol, aims to replace Council Decision 93/389/EEC for a monitoring mechanism of Community CO₂ and other greenhouse gas emissions.

This Decision establishes a **mechanism for**:

- (a) monitoring all anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol on substances that deplete the ozone layer in the Member States;
- (b) evaluating progress towards meeting commitments in respect of these emissions by sources and removals by sinks;
- (c) implementation of the UN Framework Convention on Climate Change and the Kyoto Protocol, in particular as regards greenhouse gas inventories, national systems and registries of the Community and its Member States; and
- (d) ensuring the timeliness, completeness, accuracy, consistency, comparability and transparency of reporting by the Community and its Member States to the UNFCCC.

The Decision covers also provisions regarding **national programmes** and **reporting requirements** of the Member States. The Community and its Member States shall establish and maintain registries in order to ensure the accurate accounting of some issues related to the assigned amount units, emission reduction units and certified emission reductions.

Member States must, as early as possible and in any case by 31 December 2005 at latest, establish national inventory systems under the Kyoto Protocol for the estimation of anthropogenic emissions of greenhouse gases by sources and removals of carbon dioxide by sinks.

4. Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community

(OJ L 8, 13.1.2009, p. 3–21)

Summary

The objective of the amendments made to Directive 2003/87/EC by this Directive is to reduce the climate change impact attributable to aviation by including emissions from aviation activities in the Community scheme.

Aircraft operators have the most direct control over the type of aircraft in operation and the way in which they are flown and should therefore be responsible for complying with the obligations imposed by this Directive, including the obligation to prepare a monitoring plan and to monitor and report emissions in accordance with that plan. An aircraft operator may be identified by the use of an ICAO designator or any other recognised designator used in the identification of the flight. If the identity of the aircraft operator is not known, the owner of the aircraft should be regarded as the aircraft operator unless it proves which other person was the aircraft operator.

5. Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020

(OJ L 140, 5.6.2009, p. 136–148)

Summary

This Decision (Effort Sharing Decision) lays down the minimum contribution of Member States to meet the greenhouse gas emission reduction commitment of the Community for the period from 2013 to 2020 for greenhouse gas emissions covered by this Decision.

This Decision also lays down provisions for assessing and implementing a stricter Community reduction commitment exceeding 20 %, to be applied upon the approval by the Community of an international agreement on climate change.

6. Green Paper from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Adapting to climate change in Europe – options for EU action

(COM/2007/354 final)

Please see the section “*Sectoral Developments-Climate Change*” for the explanations related to the Green Paper.

7. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Towards a comprehensive climate change agreement in Copenhagen

(COM/2009/0039 final)

Please see the section “*Sectoral Developments-Climate Change*” for the explanations related to the Communication

8. White Paper- Adapting to climate change: towards a European framework for action

(COM/2009/147 final)

Please see the section “*Sectoral Developments-Climate Change*” for the explanations related to the White Paper

9. 2010/634/EU: Commission Decision of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (notified under document C(2010) 7180)

(OJ L 279, 23.10.2010, p. 34–35)

Summary

In Article 9 of the ETS Directive (2003/87/EC), it is indicated that for 2013, the absolute Community-wide quantity of allowances shall be calculated on the basis of the national plans accepted by the Commission and introduced between 2008 and 2012. According to Commission Decision 2010/384/EU, the absolute Community-wide quantity of allowances referred to in Article 9 of Directive 2003/87/EC amounted to 1926876368 allowances for 2013.

Commission Decision 2010/384 repeals the earlier decision and set the total amount of the allowances for 2013 as 2 039 152 882.

10. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - International climate policy post-Copenhagen: Acting now to reinvigorate global action on climate change

{SEC(2010) 261}

Summary

Following the UN Copenhagen Conference on Climate Change, held on 7-18 December 2009, the European Commission published the Communication on “*International climate policy post-Copenhagen: Acting now to reinvigorate global action on climate change*” on 9 March 2010. The Communication signals the European Union’s determination to continue its efforts to take the adequate measurements to prevent the climate change.

In this regard, the Communication explains the outcome of Copenhagen Conference and announced that the Union would continue to support all efforts addressing to climate change. It also guides the European Union for the determination of the efforts to fight against the climate change in the near and medium term.

The Europe 2020 Strategy will contribute to fight against the climate change. The Strategy has defined sustainable growth by promoting resource efficient, greener and more competitive economy.

11. Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community

(Text with EEA relevance)

(OJ L 140, 5.6.2009, p. 63–87)

Summary

Directive 2009/29/EC regulates **the post-2012 EU ETS**. According to the new ETS, to be applied as of January 1st 2013, the permits will no longer be given to industry for free, but be auctioned by Member States from 2013 onwards. ETS sectors will start to purchase 20 % of their emissions permits at auctions in 2013. That rate will rise gradually to 70 % in 2020, with a view to reaching 100 % in 2027.

The directive further introduces a solidarity mechanism which allows certain EU states to receive an increased amount of emissions permits to auction, i.e. 12 % more than their actual share in overall EU GHG emissions⁴⁷. At least half of the auction revenues shall be used to fight climate change in the EU or abroad.

If an industry can demonstrate that purchasing permits significantly increases its costs (more than 5 % of its gross value added) and that it faces international competition (non-EU trade intensity above 10 %), it is allowed to qualify for the free allocation of its allowances. Full free allocation will not, however, exceed the level of an ambitious benchmark corresponding to the 10 % cleanest technologies in the EU. If an installation emits more than that, it will need to acquire allowances up to the level of its actual emissions. Substantial auctioning rates can therefore be expected even in exempt industry sectors.

Following the international negotiations on climate change the Council reviewed auctioning level for certain sectors to prevent the risk of “carbon leakage” i.e. investments and production move to third countries with lower environmental standards. The list of sectors that can be considered to be at risk of carbon leakage was determined in December 2009. The agreed list takes 164 industrial sectors on board, representing 77% of the total manufacturing emissions under the EU-ETS. It covers the most energy-intensive industries such as steel, cement and chemicals but also plastics, food processing and weapons manufacturing⁴⁸.

In 2011, the number of free allowances to sectors vulnerable to carbon leakage is decided and the reviewed ETS will apply from the start of its third trading period on 1 January 2013. The EU will revise the list of industries exempted from buying pollution credits in 2014.

The total number of emissions allowances to be given in 2013 to installations in the EU was amended and finalized as 2 039 152 882 (as explained above). This cap will be **reduced annually by 1.74%** towards and beyond 2020 and subject to revision no later than 2025. If

⁴⁷ New 12 Member States, Greece and Protugese are decided to be benefit from this solidarity mechanism.

⁴⁸ For further information about the list please visit:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:001:0010:0018:EN:PDF>

the EU decides to increase the amount of its carbon reduction target from 20% to 30%, the cap will be revised.

12. Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community⁴⁹

(Official Journal L 302, 18.11.2010, p. 1–41)

Summary

Regulation (EU) No 1031/2010 provides for rules on the timing, administration and other aspects of the auctioning of allowances under Directive 2003/87/EC, in trading periods from 1 January 2013.

According to the Regulation, allowances shall be offered for sale for the ‘auctioned product’ on an auction platform by means of standardised electronic contracts. An auction platform shall conduct auctions separately through its own regularly recurring bidding window. The bidding window shall be opened and closed on the same trading day. The bidding window shall be kept open for no less than two hours.

The volume of any allowances covered by Chapter III of Directive 2003/87/EC to be auctioned in 2011 or 2012 and the auctioned products will be set out in Annex I to this Regulation.

13. 2011/278/EU: Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2011) 2772)

(Official Journal L 130, 17.5.2011, p. 1–45)

Summary

Commission Decision 2011/278/EU lays down the rules to be used by the Member States in calculating the number of allowances to be allocated for free, annually as of 2013, in sectors that are deemed to be at risk of carbon leakage according to Decision 2010/2/EU.

⁴⁹ For further information about the implementation of Articles 35, 36, 43, 55 and 64 of the Commission Regulation (EU) No 1031/2010 (‘the Auctioning Regulation’) and their relevance for the appointment of auction platforms pursuant to Article 26 of that Regulation, please refer to: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:220:0012:01:EN:HTML> (*OJ C 220, 26.7.2011, p. 12–15*)

As detailed above, Directive 2003/87/EC adopts auctioning as the main principle for greenhouse gas emission allowance trading in the EU ETS as of 2013. However, a proportion of free allowances will still be given until 2020 to industries, which are deemed to be exposed to competition from outside the EU.

This decision sets out performance benchmarks **developed per product** for the determination of free allowances. In this regard, **10% best performing installations** within a product category, in terms of the **average value of a product's greenhouse gas performance** will qualify for free allowances as of January 1, 2013.

As a result, those installations in the sectors that are deemed at risk of carbon leakage will receive allowances for free up to the level of the concerned benchmark until 2020.

The product benchmark is expressed in tonnes of CO₂ per tonnes of product covering 52 product groups. For installations producing other products than those of 52, the allocation of free allowances will be determined on the basis of the energy consumed. The methodology applied to a single installation does not differentiate by technology or fuel used, or the size of an installation or its geographical location.

Historical production data is used to determine how many free allowances will be granted to an incumbent installation. Historical activity levels of an installation are measured on a median production from 1 January 2005 to 31 December 2008, or, where it is higher, between 1 January 2009 and 31 December 2010. EU Member States will collect the necessary activity data and submit it to the Commission by 30 September 2011, and will calculate the final allocation per installation during 2012.

14. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Roadmap for moving to a competitive low carbon economy in 2050

(COM/2011/0112 final)

Summary

In the framework of the Europe 2020 Strategy for smart, sustainable and inclusive growth, the European Commission has published, on 8 March 2011, "A Roadmap for moving to competitive low carbon economy in 2050".

The Communication sets out key elements that should shape the EU's climate action helping the EU become a competitive low carbon economy by 2050. Member States have already committed themselves to reducing greenhouse gas emissions (GHG) by 20%, increasing the share of renewables in the EU's energy mix to 20%, and achieving the 20% energy efficiency target by 2020. To reach these targets, the European Commission offers the below as a Roadmap to move towards a low-carbon economy by 2050:

- (a) In line with the EU objective to **reduce GHG emissions by 80-95% by 2050**, compared to 1990 levels, the cost effective and gradual transition foresees a **40% reduction by 2030**. Member States are required to develop national low carbon Roadmaps.
- (b) If the revised Energy Efficiency Plan would be fully and effectively implemented (meeting the target of %20 energy efficiency by 2020), then reduction target in GHG emissions could increase from %20 to %25. Full implementation of the **Strategic Energy Technology Plan (SET Plan)**⁵⁰ is indispensable and requires an additional investment in R&D in an amount of €50 billion over the next decade.
- (c) The reduction in EU GHG emissions will not only alleviate the adverse effects of the climate change but also benefit in the form of savings on fossil fuel imports and improvements in the air quality and public health.
- (d) In order to reach the envisaged targets, the implementation of the SET Plan is of paramount importance. In addition, the New Skills and Jobs Agenda⁵¹ will need to support the transition process.

The Commission set to develop sector specific policy initiatives on the basis of this Roadmap. ETS will be key EU instrument to reduce GHG emissions. Possible support instruments and investments will be considered in the context of the next EU Multi-Annual Financial Framework.

⁵⁰ SET Plan presents a strategic plan to accelerate the development and deployment of cost-effective low carbon technologies. For further information on the Commission's Communication on "Investing in the Development of Low Carbon Technologies (SET-Plan)" (*COM (2009) 519 final*) please log on to:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0519:FIN:EN:PDF>

⁵¹ For more information on EU Agenda for New Skills and Jobs, please log on to:
<http://ec.europa.eu/social/main.jsp?langId=en&catId=958>

15. Environmental Liability

15.1. Legislation in force

1. White Paper on Environmental Liability

The aim of the White Paper on environmental liability, published in February 2000, was to examine how to implement the “**polluter pays**” principle in order to carry out the EU’s environmental policy. It concluded that drawing up a directive was the best way to set up a Community regime for environmental liability. This proposal for a Directive is the result of the debate which followed this White Paper and during which a public consultation was conducted.

The scope of the regime is to be defined, by taking in consideration:

- **the types of damage to be covered:**
 - *environmental damage*: damage to biodiversity and damage resulting in contamination of sites (This distinction seems to be essential because most Member States do not have administrative rules which cover biodiversity damage);
 - *traditional damage*: damage to health or property caused by a dangerous activity
- **the activities, which cause such damage.**

The regime in concern must **not be retroactive**; which means that it should only work prospectively.

For the principle of liability to be effective; polluters must be identifiable whilst the damage must be quantifiable. Besides, there must be a link between the polluter and the damage.

This principle cannot be applied for tackling with pollution of a widespread and diffuse character such as climate change.

2. Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

(OJ L 143, 30.04.2004, p. 0056-0075)

(Consolidated Version)

Amended by:

- **Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC – Statement by the European Parliament, the Council and the Commission**

(OJ L 102, 11.4.2006, p. 15–34)

- **Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006**

(Text with EEA relevance)

(OJ L 140, 5.6.2009, p. 114–135)

Summary

This Directive sets out a framework of environmental liability based on the “**polluter pays**” principle (*One can read the details from PART I: EC Environmental Policy: Section C: The EU Principles of Environment Policy of this document*) to prevent and remedy environmental damage.

In this context, the liability scheme applies to **certain specified occupational activities** and to other activities, provided that the operator is negligent or at fault. Besides, the public authorities are responsible for guaranteeing that the operators responsible take or finance the essential preventive or remedial measures themselves.

Pursuant to Article 3, the Directive applies to environmental damage caused by any of the occupational activities listed in Annex III, and to any imminent threat of such damage occurring by reason of any of those activities; damage to protected species and natural habitats caused by any occupational activities other than those listed in Annex III, and to any imminent threat of such damage occurring by reason of any of those activities, whenever the operator has been at fault or negligent.

With regard to prevention, if environmental damage has not yet occurred, but there is a forthcoming threat of it occurring, the operator must take the necessary preventive measures. If, despite such preventive measures the threat of environmental damage is not dispelled, operators are to inform immediately the competent authority of all relevant aspects of the situation.

With regard to remedial action, if environmental damage has occurred, the operator must inform the competent authority of all relevant aspects of the situation and take all possible steps to immediately control the relevant contaminants so as to limit or to prevent further environmental damage and adverse effects on human health or further impairment of services or to provide an equivalent alternative to resources or services as foreseen in Annex II.

The operator will bear the costs for the preventive and remedial actions taken according to this Directive.

An operator will not be required to bear the costs of preventive or remedial actions in situations where the damage in question is the result of certain events **beyond the operator's control**.

Member States may take into account the specific situation of users of products who might not be held responsible for environmental damage in the same conditions as those producing such products. In this situation, the distribution of liability is to be determined in line with national law.

The limitation period for recovery of costs is **five years** from the date on which measures taken pursuant to the Directive have been completed or the liable operator, or third party, has been identified, whichever is the later.

Finally, the Commission, before 30 April 2010, must present a report on the effectiveness of the Directive in terms of actual remediation of environmental damages, on the availability at reasonable costs and on conditions of insurance and other types of financial security for the activities. (Covered by Annex III)

The date of implementation of this Directive is 30 April 2007.

Directive 2009/31/EC amends Annex III of Directive 2004/35/EC and includes “the operation of storage sites on the geological storage of carbon dioxide” to the occupational activities that the Directive applies.

The European Commission analyzes the implementation of Directive 2004/35/EC on the environmental liability with regard to the prevention and remedying of environmental damage in the EU, in its report published on 12 December 2010. In the **Report COM/2010/0581**, the Commission assesses the effectiveness of the Directive in remedying environmental damage, the functionality of national Environmental Liability Directive (ELD) systems and financial security for ELD. In the light of the finalization of ELD transposition in the EU only on 1 July 2010 (with a three-year delay), and thus, due to availability of insufficient information for concrete conclusions, the Commission decides to re-examine the option of mandatory financial security possibly even before the review of the Directive planned for 2014.

3. Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law

(Text with EEA relevance)

(OJ L 328, 6.12.2008, p. 28–37)

Summary

The Directive establishes measures relating to criminal law in order to protect the environment more effectively.

Accordingly, Member States are obliged to take the necessary measures to ensure that the following criminal offences (when unlawful and committed intentionally or with at least serious negligence) are punishable by effective, proportionate and dissuasive criminal penalties:

- (a) the discharge, emission or introduction of a quantity of materials or ionising radiation into air, soil or water;⁵²
- (b) the collection, transport, recovery or disposal of waste, including the supervision of such operations and the aftercare of disposal sites, and including action taken as a dealer or a broker (waste management);⁵³
- (c) the shipment of waste (where this activity falls within the scope of Article 2(35) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste and is undertaken in a non-negligible quantity) whether executed in a single shipment or in several shipments which appear to be linked;
- (d) the operation of a plant in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used;⁵⁴
- (e) the production, processing, handling, use, holding, storage, transport, import, export or disposal of nuclear materials or other hazardous radioactive substances;⁵⁵
- (f) the killing, destruction, possession or taking of specimens of protected wild fauna or flora species, except for cases where the conduct concerns a negligible quantity of such specimens and has a negligible impact on the conservation status of the species;
- (g) trading in specimens of protected wild fauna or flora species or parts or derivatives thereof, except for cases where the conduct concerns a negligible quantity of such specimens and has a negligible impact on the conservation status of the species;
- (h) any conduct which causes the significant deterioration of a habitat within a protected site;
- (i) the production, importation, exportation, placing on the market or use of ozone-depleting substances.

Inciting, aiding and abetting the commission of these offences must be punishable as a criminal offence as well.

Legal persons are held liable where such offences have been committed for their benefit by any person who has a leading position within the legal person, acting either individually or as part of an organ of the legal person, based on:

- (a) a power of representation of the legal person;
- (b) an authority to take decisions on behalf of the legal person; or

⁵² which causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, the quality of soil or the quality of water, or to animals or plants;

⁵³ Ibid.

⁵⁴ and which, outside the plant causes or is likely to cause death or serious injury to any person or substantial damage to the quality of air, the quality of soil or the quality of water, or to animals or plants;

⁵⁵ Ibid.

(c) an authority to exercise control within the legal person.

The Member States are free to maintain or introduce more stringent protective measures. Member States shall transpose the Directive into their national laws before 26 December 2010.

4. Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States

(OJ L 118, 27.4.2001, p. 41–46)

The Recommendation 2001/331/EC on the minimum criteria for environmental inspections in the Member States sets the minimum non-binding criteria to be applied in the Member States when organising, carrying out, following up and publicising of the results of environmental inspection tasks.

Since 2007, the Commission intends to review the Recommendation⁵⁶ in order to improve the environmental inspections in, and to remove the disparities among the Member States through:

- the revision of the Recommendation and the development of a simpler and more comparable reporting mechanisms;
- the introduction of legally binding inspection requirements in individual directives;
- the continuation of the exchange of the best practices as well as information through the **European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)**.

The Commission has carried out a public consultation between 18 June and 18 September 2008.

15.2. Pending Proposals

1. Proposal for a Directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC

(COM (2006)0232 final)

(Current Situation: EP submitted its opinion upon first reading at 14/11/2007. Discussions at Council on 15/03/2010)

Summary

⁵⁶ The Commission published a Communication on the review of Recommendation 2001/331/EC and a Report on the implementation of the Recommendation in Member States on 17 November 2007.

This proposal aims to establish a framework for the protection of soil and to amend Directive 2004/35/EC.

To date, soil has not been subject to a specific protection policy at EU level. The draft directive would establish a common strategy for the protection of soil, based on the principles of:

- integration of soil concerns into other sectoral policies;
- prevention of threats to soil and mitigation of their effects;
- preservation of soil functions through the identification of priority areas and establishment of actions programmes;
- identification and remediation of contaminated sites;
- awareness raising, reporting and exchange of information.

16. International Co-operation

16.1. Legislation in force

1. Council Decision 86/277/EEC of 12 June 1986 on the conclusion of the Protocol to the 1979 Convention on long-range transboundary air pollution on long-term financing of the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP)

(OJ L 181, 4.7.1986, p. 1-1)

Summary

This Decision approves the adoption of the Protocol to the 1979 Convention on long-range transboundary air pollution on long-term financing of the cooperative programme for monitoring and evaluation of the long-range of air pollutants in Europe. This Protocol was signed by the Community on 28 September 1984.

The programme provided for in the Protocol is the main instrument for obtaining information about the quantities emitted and probably transmitted across national frontiers.

2. Council Decision 88/540/EEC of 14 October 1988 concerning the conclusion of the Vienna Convention for the protection of the ozone layer and the Montreal Protocol on substances that deplete the ozone layer

(OJ L 297, 31.10.1988, p. 8-9)

Summary

The Vienna Convention for the protection of the ozone layer was signed by the EC on 22 March 1985. It establishes for the necessity of significant reductions of continued emissions of certain chlorofluorocarbons and halons. A supplementary protocol to the Vienna Convention, the Montreal Protocol on substances that deplete the ozone layer was adopted on 16 September 1987 and signed by the Community.

The Decision approves the adoption of the Vienna Convention and the Montreal Protocol.

3. 93/98/EEC: Council Decision of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention)

(OJ L 39, 16.2.1993, p. 1-2)

Summary

The Convention on the control of transboundary movements of hazardous wastes and their disposal was adopted in Basel on 22 March 1989. The Convention aims to help protect the environment in the area of waste through more stringent control of transboundary movements of hazardous wastes and other waste and through ecologically sound management. In this respect, it determines procedures for controls on imports, exports and transit.

The Decision approves the Basel Convention on behalf of the Community.

4. 2002/358/EC: Council Decision of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder

(OJ L 130, 15.5.2002, p. 1-3)

One can read the details from PART I: EC Environmental Policy: Section M: Climate Change of this document.

5. 2004/259/EC: Council Decision of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants

(OJ L 81, 19.3.2004, p. 35-36)

Summary

The Convention provides a framework, based on the precautionary principle, for elimination of production, use, import and export of the initial twelve priority Persistent Organic Pollutants, their safe handling and disposal and elimination or reduction of releases of certain unintentional Persistent Organic Pollutants. In addition, the Convention lays down the rules for the listing of new chemicals.

This Decision designates the approval of the Stockholm Convention on Persistent Organic Pollutants by the Council on behalf of the Community, for which the ratification rate was 30 April 2004.

6. 2005/370/EC: Council Decision of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters

(OJ L 124, 17.5.2005, p. 1-3) (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)

(OJ L 164M, 16.6.2006, p. 17-19) (MT)

Summary

The UNECE Convention on access to information, public participation in decision making and access to justice in environmental matters (Aarhus Convention) aims at granting the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation and access to justice regarding environmental matters. Improvement of the public's access to information and a broader participation of the public in decision-making processes and access to justice are essential tools to ensure public awareness on environmental issues and to promote a better implementation and enforcement of environmental legislation. Thus, it contributes to strengthen and make more effective environmental protection policies.

This Decision designates the approval of the Aarhus Convention by the Council on behalf of the Community.

7. 2006/507/EC: Council Decision of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants

(OJ L 209, 31.7.2006, p. 1–2) (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)

(OJ L 76M, 16.3.2007, p. 144–145) (MT)

Summary

The Convention on Persistent Organic Pollutants was adopted in Stockholm on 22 May 2001. The Convention provides a framework, based on the precautionary principle, for elimination of production, use, import and export of the initial 12 priority Persistent Organic Pollutants, their safe handling and disposal and elimination or reduction of releases of certain unintentional Persistent Organic Pollutants. In addition, the Convention lays down the rules for the listing of new chemicals in the Convention.

This Decision designates the approval of the Stockholm Convention on Persistent Organic Pollutants by the Council on behalf of the Community, for which the ratification date was 16 November 2004.

8. 2006/61/EC: Council Decision of 2 December 2005 on the conclusion, on behalf of the European Community, of the UN-ECE Protocol on Pollutant Release and Transfer Registers

(OJ L 32, 4.2.2006, p. 54–55) (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)

(OJ L 334M, 12.12.2008, p. 791–853) (MT)

Summary

The UN-ECE Protocol on Pollutant Release and Transfer Registers, aims at enhancing public access to information, in line with the UN-ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

This Decision designates the approval of The UN-ECE Protocol on Pollutant Release and Transfer Registers by the Council on behalf of the Community.

9. 2006/730/EC: Council Decision of 25 September 2006 on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade

(OJ L 299, 28.10.2006, p. 23–25) (ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, NL, PL, PT, SK, SL, FI, SV)

(OJ L 335M, 13.12.2008, p. 514–519) (MT)

Summary

The aim of the Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for certain hazardous chemicals and pesticides in international trade is to promote shared responsibility and co-operative efforts among the Parties in the international trade of dangerous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties. These objectives are particularly important for developing countries that may lack capacity in chemicals management.

The Decision approves the Rotterdam Convention on Prior Informed Consent Procedure (PIC) for certain hazardous chemicals and pesticides in international trade by the Council on behalf of the Community, with effect from 19 December 2002.

10. 2008/871/EC: Council Decision of 20 October 2008 on the approval, on behalf of the European Community, of the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context

(OJ L 308, 19.11.2008, p. 33)

Summary

The SEA Protocol (*The Protocol on Strategic Environmental Assessment*) helps to protect the environment by providing for the assessment of the likely significant environmental, including health, effects of plans and programmes and by endeavouring to ensure that environmental, including health, concerns are considered and integrated, to the extent appropriate, in the preparation of proposals for policies and legislation.

By the Decision, the SEA Protocol is approved on behalf of the European Community.

PART III. THE CASE LAW CONCERNING THE EU ENVIRONMENT POLICY

This chapter particularly provides detailed analysis of two cases on environmental issues. These cases concern atmospheric pollution and waste treatment. The aim is to present the main principles originating from these case-laws and to constitute an effective and practical understanding to support the targeted issue.

1. Concentrations of particulate matter in ambient air

Subject: Application for annulment of Commission Decision 2006/372/EC of 3 May 2006 concerning draft national provisions notified by the Kingdom of the Netherlands under Article 95(5) [EC] laying down limits on the emissions of particulate matter by diesel-powered vehicles

Case T – 182/06

Parties: Kingdom of the Netherlands vs Commission of the European Communities

Summary:

The Kingdom of the Netherlands notified the Commission of its intention to adopt a decree related to new diesel vehicles in Category M1 and Category N1, Class 1, so as to subject them as of 1 January 2007 (and, by derogation from the provisions of Directive 98/69 relating to measures to be taken against air pollution by emissions from motor vehicles) to a limit of 5 mg/km on emissions of particulate matter.

Pursuant to paragraphs 4 to 7 of Article 95, Member States have the power to derogate from the application of harmonisation measures, provided that the protection of the environment necessitates such derogation. In this context, these national measures must be based **on new scientific evidence** and respond to a problem which is **specific to that State**.

In order to legitimate its application for derogation, the Kingdom of the Netherlands stated that the limits on concentrations of particulate matter set out in Directive 1999/30/EC were exceeded in several areas of its territory. As a result, it did not consider itself in a situation to satisfy its Community obligations within the specified time-limits. It also underlined the fact that it is subject to **major pollution of foreign origin**.

As a reminder, particulate matter is a cause of major concern for this country because of its high demographic density and a greater concentration of infrastructure than in other Member States, which gives rise to a higher rate of emissions per square kilometre.

Finally, it stated that it gives high emphasis to the reduction of emissions of particulate matter generated by passenger cars and commercial vehicles, which are responsible, in its view, for 70% of the emissions from road traffic.

The practical effect of the draft decree -to be notified within the validation of this derogation- would have been the insertion of a filter which will decrease the quantity of particulate matter in diesel exhaust; but it will apply only to vehicles having obtained EC approval in this country.

On the other hand, Commission Decision 2006/372/EC of 3 May 2006 provides that the national provisions imposing a mandatory limit value for the emissions of particulate matter of 5 mg per kilometre on commercial vehicles with a maximum permissible weight of 1 305 kg (N1 vehicles, class I) and passenger cars (M1 vehicles) notified by the Kingdom of the Netherlands are rejected. Hereby, the Commission rejected the draft decree notified, on the ground that “the Kingdom of the Netherlands [had] failed to prove the existence of a specific problem with regard to Directive 98/69” and that “the notified measure [was] not proportionate to the objectives pursued”.

On 12 July 2006, the Kingdom of Netherlands brought an action for annulment of the Decision, because, in its view:

- the Decision dismisses the existence of a problem specific to the country, which arose after the adoption of Directive 98/69; without having examined in detail the relevant information submitted by the Member State concerned; and
- the draft decree notified is not proportionate to the objectives pursued by the country;
- the Decision takes into account the international legal situation in its examination of the notified draft.

On the other hand, the Commission considers that **a problem cannot be specific to a Member State if the same problem arises in another Member State** (in this case, Belgium). For that reason, the Government’s argument relating to the interpretation of the criterion of “specificity” is rejected as lacking any factual basis. Hence, the Netherlands Government has not established the existence of problems particular to its territory (distinguishing it significantly from other regions of the EU), which would necessitate the early implementation of the new harmonised rules.

Since the conditions required by Article 95(5) of EC Treaty, as explained hereinabove, are of cumulative nature, it is sufficient that only one of those conditions is not satisfied for the request for derogation to be rejected. And, since the Government in question has not succeeded in demonstrating that any of those conditions was satisfied, the Commission was obliged to reject the notified national provisions.

Conclusion: The Court of First Instance (Fourth Chamber) dismissed the action and ordered the Kingdom of Netherlands to pay the costs.

2. Transfer of waste intended for recovery operations

Subject: Application for authorisation for transfer of waste intended for recovery operations; through interpretation of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community

Case C – 215/04

Parties: Marius Pedersen A/S vs Miljøstyrelse

Summary:

This case refers to the interpretation of some articles of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community; in particular with regard to **the concept of “notifier” and notifier’s obligations**.

On 21 February 2000, Marius Pedersen A/S (*being an undertaking authorised to collect electronic scrap and established in Denmark*) asked the Miljøstyrelse (*Environment Agency*) for authorisation to transport 2000 tonnes of electronic scrap to its partner undertaking which is established in Germany, for the purposes of **waste recovery**.

However, the Agency refused this request for authorisation on the ground that Pedersen had failed to supply it with necessary information, **in particular:**

- letters of authorisation from the original producers of the waste (in these letters, they shall state that Pedersen represented them for the purposes of exporting the waste collected);
- proof that the partner undertaking established in Germany would treat the waste in a level corresponding to that required under the Danish rules;
- sufficient information regarding the composition of waste (it is not sufficient to state merely that the transport was of “electronic scrap”)

In addition, the Agency considered that the 30-day period set out in Article 7 of Regulation 259/93 for the competent authority to approve or to raise objections could not be put into practice because of the incompleteness of the notification.

On 22 May 2001, Pedersen brought an action before the Eastern Regional Court taking the view that it had provided sufficient information in its request for authorisation and stating that the period within which objections could be raised had expired. Consequently, it considers that it was entitled to proceed with the transports in the main proceedings.

In this context, Eastern Regional Court decided to refer to the Court (First Chamber) for a preliminary ruling so as to receive its interpretation of some articles in Regulation No 259/93.

On these grounds, the Court decided that:

- The simple fact that a person is a licensed collector does not confer on him the status of notifier of a shipment of waste for recovery. Nevertheless, if the producer of the waste is unidentified or the number of waste producers is enormous and the individual contribution of each of them is small (because, it would be difficult to deal with each of them to notify the transport of the waste) may give reason for the licensed collector being considered as “the notifier” of a shipment of waste for recovery. => **concept of “notifier”**

- The notifier cannot be required to prove that the recovery in the State of destination will be the same as that required by the rules in the State of dispatch. => **notifier’s obligations**

- The obligation to supply relevant information concerning the composition of the waste to be recovered is not satisfied by the notifier declaring a category of waste under the heading “electronic scrap”.

- The period of objection begins when the competent authorities of the State of destination have sent the acknowledgement of receipt of the notification, regardless of the fact that the competent authorities of the State of dispatch do not consider that they have received all necessary information. So, the expiry of that time-limit means that the competent authorities can no longer raise objections to the shipment of waste or request additional information from the notifier.

PART IV. THE NEW WAVE OF ENLARGEMENT⁵⁷ AND THE EU ENVIRONMENT POLICY

Over recent years, the European Union has been the principle driving force in raising environmental standards across the wider European region. The new enlargement wave of EU is perhaps the most concrete example of this as countries Central and Eastern Europe have moved rapidly to increase levels of environmental protection under the guidance of the European Union.

Meanwhile, the state of environment has improved in the acceding states, in particular in terms of cutting air and water pollution:

- The main air pollutants have declined by 60-80%;
- Toxic metals have decreased by 50%;
- Organic matter pollution of water has declined by 80%;
- The percentage of homes and other installations whose effluent is sent to waste water treatment plants doubled in the 1990s.

Among individual achievements at **country level**:

- Poland used a combination of legislation and financial instruments to cut sulphur emissions by 50% during the 1990s.
- Poland and Slovakia managed to reduce per capita carbon dioxide emissions between 1996 and 1999 – Poland from 9.7 tonnes to 8.3 and Slovakia from 8.7 to 7.6 tonnes.
- The Czech Republic, Hungary, Malta and Poland increased the percentage of residential population connected to waste water treatment between 1996 and 2001 – the Czech Republic from 58 to 65%; Hungary from 22 to 32%; Malta from 8 to 13%, and Poland from 43 to 55%.
- In the highly industrial Czech Republic, emphasis has been placed on the implementation of environmental management systems under the ISO 14000 and the EMAS (Eco-Management and Audit Scheme) programme.
- What was known a decade ago as the “**Black Triangle**”, on the borders of Poland, the Czech Republic and the former East Germany, has changed from one of Europe’s most polluted industrial regions into an environmental success, with salmon returning to previously polluted rivers, new growth in forests earlier destroyed by acid rain, and air quality levels similar to those in the EU15.

⁵⁷ “The New Enlargement Wave” denotes to the recent enlargement of the EU which started with the accession of 10 New Member States in May 2004 and which was completed on 1 January 2007 with the accession of Bulgaria and Romania to the Union.

- In Slovenia, the water quality monitoring results show that the situation has improved in recent years in terms of pesticide and nitrate content, and Slovenian forests are in a better condition than those of other European countries (including the EU15)

1. The Level of Adaptation to the Environment Acquis

Nearly 100% of the EU's environmental rules have been transposed into national law in the new Member States (legislation on air and water is close to completion), but there are still some gaps on nature protection (aimed at safeguarding bio-diversity), waste and industrial pollution. Delays in the designation of Natura 2000 sites, as envisaged in the Habitats Directive, remain a main issue of concern in all new Member States. To make sure the new rules are put into effect, administrations have been strengthened across the new Member States, by preparing them for implementing the rules on air quality, waste management, water quality, chemicals and genetically modified organisms, noise, and nuclear safety and radiation protection. Besides, in line with Article 6 of the EC Treaty, environmental protection requirements must be integrated in other policy areas in order to contribute to sustainable development.

All the new Member States, except for Slovakia, have signed the Aarhus Convention (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) on access to environmental information. Bulgaria and Romania have also signed it. All these countries, except Slovenia, have subsequently ratified the Convention⁵⁸.

According to data provided in DG Environment, the estimated investment for ensuring compliance with the environment acquis is around **€80 to €120 billion** for new Member States of the new Enlargement Wave. However, the estimated total value of the benefits of EU environmental legislation will vary from **€134 to €681 billion**. The details concerning cost of compliance are indicated hereinbelow.

2. Transitional arrangements by new Member States

During the accession negotiations, transitional periods were granted to all of them for specific measures **in investment-heavy sectors** in the environmental field, mainly the water, waste and industrial pollution sectors. But, the breathing space has to be used in a constructive manner. The transitional measures aim to allow them to deal with the legacy of the past, but not to attract new investments with lower environmental standards. And, they include detailed, legally binding intermediate targets, which aim to ensure controlled implementation throughout the entire transition period. The targets are recorded in the Act of Accession, and the scope of transition measures in many cases specified as lists of individual installations.

Here are the transitional periods of 12 new members for further analyzing the transition periods and derogations regarding the environment policy:

⁵⁸ For further information, please see the study in the implementation of this Convention in the new Member States, and Bulgaria, Romania and Turkey (August 2004), http://ec.europa.eu/environment/aarhus/pdf/study_aarhus_2004.pdf

Greek Administration of Southern Cyprus

The environment chapter was opened to accession negotiations with Greek Administration of Southern Cyprus in **December 1999**. In its negotiation position, Greek Administration of Southern Cyprus asked for transitional arrangements in order to be prepared to the particular challenges concerning air quality, waste management, water quality, environmental protection, industrial pollution, chemicals, noise management and nuclear safety. The chapter was closed **in December 2002**.

The transitional arrangements granted to Greek Cypriot Administration of Southern Greek Administration of Southern Cyprus are listed below:

-Packaging and packaging waste

Greek Administration of Southern Cyprus has to achieve the recovery and recycling targets for packaging waste until 2005

-Emissions from large combustion plants

Special provisions on the air pollution from large combustion plants

-Urban waste-water treatment

Greek Administration of Southern Cyprus shall establish collection system and treatment facilities for urban waste waters until 2012

-Reduction in the sulphur content (Directive)

A one year derogation on sulphur content of certain liquid fuels, provided by the Directive **1999/32/EC**

Czech Republic

The environment chapter was opened to accession negotiations with Czech Republic in **December 1999**. In its negotiation position, Czech Republic asked for transitional arrangements in order to be transpose EU directives into the national legislation and to provide infrastructural investment. These arrangements are concentrated on the air quality, waste management, water quality, environmental protection, industrial pollution, chemicals, noise management and nuclear safety. The chapter was closed **in December 2002**.

The transitional arrangements granted to Czech Republic are listed below:

-Packaging and packaging waste

Czech Republic has to achieve the recovery and recycling targets for packaging waste until 2005

-Urban waste-water treatment

Czech Republic shall establish collection system and treatment facilities for urban waste waters until 2010

-Emissions from large combustion plants

Czech Republic has to reduce air pollution from large combustion plants until 2007

Hungary

The environment chapter was opened to accession negotiations with Hungary in **December 1999**. In its negotiation position, Hungary asked for transitional arrangements in order to be prepared to the particular challenges concerning water quality, industrial pollution and noise management. The chapter was closed in **December 2002**.

The transitional arrangements granted to Hungary are listed below:

-Packaging and packaging waste

Hungary has to achieve the recovery and recycling targets for packaging waste until 2005

-Urban waste-water treatment

Hungary shall establish collection system and treatment facilities for urban waste waters until 2015

-Emissions from large combustion plants

Hungary has to reduce air pollution from large combustion plants until 2004

- Incineration of waste

Hungary will fulfill the requirements for incineration of hazardous waste until 2005

Estonia

The environment chapter was opened to accession negotiations with Estonia in **December 1999**. In its negotiation position, Estonia indicated that it needs to improve its technical and infrastructural capacities and asked for transitional arrangements in order to be prepared to the particular challenges concerning air quality, waste management and water quality. The chapter was closed in **December 2002**.

The transitional arrangements granted to Estonia are listed below:

-Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until 2006

-Landfill of waste

Estonia has to achieve land filling of oil shale until 2009

-Urban waste-water treatment

Estonia shall establish collection system and treatment facilities for urban waste waters until 2010

-Quality of water intended for human consumption

Estonia shall fulfill the requirements concerning the quality of drinking water until 2013

-Emissions from large combustion plants

Estonia has to reduce air pollution from large combustion plants until 2015

-Strict protection of lynx, special provision

Latvia

The environment chapter was opened to accession negotiations with Latvia **in December 1999**. In its negotiation position, Latvia asked for transitional arrangements considering the financial cost of compliance and in order to put in practice new action plans and programs for the implementation of environmental standards regarding air quality, waste management, water quality, environmental protection and industrial pollution. The chapter was closed **in December 2002**.

The transitional arrangements granted to Latvia are listed below:

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until 2008

-Packaging and packaging waste

Latvia has to achieve the recovery and recycling targets for packaging waste until 2007

-Landfill of waste

Latvia has to achieve land filling of waste until 2004

-Urban waste-water treatment

Latvia shall establish collection system and treatment facilities for urban waste waters until 2015

-Quality of water intended for human consumption

Latvia shall fulfill the requirements concerning the quality of drinking water until 2015

- Integrated pollution prevention and control

Latvia has to meet the basic obligations by all the industrial installations concerned, as regards pollution prevention and control until 2010 (instead of 2007 for Member States)

- Prevention and reduction of environmental pollution by asbestos

Latvia has to meet the requirements concerning storage of asbestos waste until 2004

-Health protection of individuals against ionizing radiation in relation to medical exposure

Latvia has to fulfill the requirements until 2005

Lithuania

The environment chapter was opened to accession negotiations with Lithuania **in November 2000**. In its negotiation position, Lithuania asked for transitional arrangements in order to prepare its infrastructural capacity to the particular challenges concerning air quality, waste management, water quality and environmental protection. The chapter was closed **in December 2002**.

The transitional arrangements granted to Lithuania are listed below:

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until 2007

-Packaging and packaging waste

Lithuania has to achieve the recovery and recycling targets for packaging waste until 2006

-Urban waste-water treatment

Lithuania shall establish collection system and treatment facilities for urban waste waters until 2009

-Emissions from large combustion plants

Lithuania has to reduce air pollution from large combustion plants until 2015.

Malta

The environment chapter was opened to accession negotiations with Malta **in June 2001**. In its negotiation position, Malta asked for transitional arrangements in order to build the necessary infrastructure and technological structure for the implementation of the new environmental standards concerning air quality, waste management, water quality and industrial pollution. The chapter was closed **in December 2002**.

The transitional arrangements granted to Malta are listed below:

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until 2004

-Packaging and packaging waste

Malta has to achieve the recovery and recycling targets for packaging waste until 2009

-Urban waste-water treatment

Malta shall establish collection system and treatment facilities for urban waste waters until March 2007

-Quality of water intended for human consumption

Malta shall fulfill the requirements concerning the quality of drinking water until 2005

-Pollution by certain dangerous substances discharged into the aquatic environment

Certain discharges of dangerous substances into the aquatic environment will be allowed in Malta until March 2007

- Conservation of wild birds

Protection of wild birds, use of clap-nets for capture of seven finch species in order to establish a captive breeding system until 2008

- Emissions from large combustion plants

Malta has to reduce air pollution from large combustion plants until 2005.

Slovenia

The environment chapter was opened to accession negotiations with Slovenia **in December 1999**. In its negotiation position, Slovenia asked for transitional arrangements to overcome the lack of necessary technological structure and financial sources for the implementation of environmental standards concerning waste management, water quality, environmental protection and industrial pollution. The chapter was closed **in December 2002**.

The transitional arrangements granted to Slovenia are listed below:

-Packaging and packaging waste

Slovenia has to achieve the recovery and recycling targets for packaging waste until 2007

-Urban waste-water treatment

Slovenia shall establish collection system and treatment facilities for urban waste waters until 2015

-Integrated pollution prevention and control

Slovenia has to meet the basic obligations by all the industrial installations concerned, as regards pollution prevention and control until 2011 (instead of 2007 for Member States)

Poland

The environment chapter was opened to accession negotiations with Poland **in December 1999**. In its negotiation position, Poland indicated that there has been a high level of investment realized for the previous ten years in the country by all sectors and therefore it did not like to drive its undertakings to apply stricter measures since their capacities may not afford such measures.

Poland asked for transitional arrangements in order to be prepared to the particular challenges concerning air quality, waste management, water quality, industrial pollution, chemicals and nuclear safety. The chapter was closed **in December 2002**.

The transitional arrangements granted to Poland are listed below:

-Reduction in the sulphur content

Poland will only be able to use liquid fuels with sulphur content until 2006

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until 2005

- Packaging and packaging waste

Poland has to achieve the recovery and recycling targets for packaging waste until 2007

- Landfill of waste

Poland has to achieve land filling of waste until 2012 (instead of 2009 for Member States)

- Shipments of waste

Shipment of waste for recovery will not be imported to Poland until 2007

- Urban waste-water treatment

Poland shall establish collection system and treatment facilities for urban waste waters until 2015

-Pollution by certain dangerous substances discharged into the aquatic environment

Certain discharges of dangerous substances into the aquatic environment will be allowed in Poland until 2007

-Integrated pollution prevention and control

Poland has to meet the basic obligations by all the industrial installations concerned, concerning pollution prevention and control until 2010 (instead of 2007 for Member States)

-Emissions from large combustion plants

Poland has to reduce air pollution from large combustion plants until 2017

-Health protection of individuals against ionizing radiation in relation to medical exposure

Poland has to fulfill the requirements until 2006.

Slovakia

The environment chapter was opened to accession negotiations with Slovakia **in March 2001**. In its negotiation position, Slovakia asked for transitional arrangements in order to transpose EU directives into the national legislation and to overcome the financial difficulties. The arrangements are concentrated on particular challenges concerning air quality, waste management, water quality and industrial pollution. The chapter was closed **in December 2002**.

The transitional arrangements granted to Slovakia are listed below:

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until 2007.

-Packaging and packaging waste

Slovakia has to achieve the recovery and recycling targets for packaging waste until 2007.

-Urban waste-water treatment

Slovakia shall establish collection system and treatment facilities for urban waste waters until 2015.

-Pollution by certain dangerous substances discharged into the aquatic environment

Certain discharges of dangerous substances into the aquatic environment will be allowed in Slovakia until 2006.

-Integrated pollution prevention and control

Slovakia has to meet the basic obligations by all the industrial installations concerned, concerning pollution prevention and control until 2011.

- Emissions from large combustion plants

Slovakia has to reduce air pollution from large combustion plants until 2007.

-Incineration of waste

Slovakia has to fulfill the requirements for hazardous waste incineration until 2006.

Bulgaria

The environment chapter was opened to accession negotiations with Bulgaria in **July 2001**. In its negotiation position, Bulgaria asked for transitional arrangements in order to be prepared to the particular challenges concerning the sulphur content issue, waste management and industrial pollution.

The transitional arrangements granted to Bulgaria are listed below:

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until end 2009.

-Reduction in the sulphur content

Bulgaria will only be able to use liquid fuels with sulphur content until end 2011 for heavy fuel oils and until end 2009 for gas oils for local use only.

- Packaging and packaging waste

Bulgaria has to achieve the recovery and recycling targets for packaging waste until end 2014.

- Landfill of waste

Bulgaria has to achieve land filling of certain non-hazardous liquid wastes until end 2014.

- Shipments of waste

Shipment of waste for recovery will not be imported to Bulgaria until 2009.

- Waste electrical and electronic equipment

Bulgaria is allowed to achieve the recycling targets of waste electrical and electronic equipment until end 2008.

- Urban waste-water treatment

Bulgaria shall establish collection system and treatment facilities for urban waste waters until end 2014.

- Emissions from large combustion plants

Bulgaria has to reduce air pollution from large combustion plants until end 2014 (instead of beginning 2008 for other member states).

- Integrated pollution prevention and control

Bulgaria has to meet the basic obligations by all the industrial installations concerned, as regards integrated pollution prevention and control until end 2011 (Directive requires compliance by October 2007)

Romania

The environment chapter was opened to accession negotiations with Romania **in March 2002**. In its negotiation position, Romania asked for transitional arrangements from 3 to 15 years depending on the area for the implementation of environmental standards regarding the waste management, the urban treatment and industrial pollution caused by large combustion plants.

The transitional arrangements granted to Romania are listed below:

- Control of volatile organic compounds emissions resulting from storage of petrol

The minimum requirements to meet the emission limits of petrol vapour from the storage of petrol and its distribution from terminals to service stations will be achieved until end 2009.

- Packaging and packaging waste

Romania has to achieve the recovery and recycling targets for packaging waste until end 2013.

- Landfill of waste

Romania has to achieve land filling of certain non-hazardous liquid wastes until end 2013.

Romania has to fulfill the requirements related to storage of hazardous waste until end 2009 (Romania needs to establish a licensing system for temporary storage during the transitional arrangements)

Romania has to achieve land filling of municipal waste until July 2017 (instead of 2009 for Member States).

- Shipments of waste

Shipments of waste for recovery will not be imported to Romania until 2011.

- Waste electrical and electronic equipment

Romania is allowed to achieve the recycling targets of waste electrical and electronic equipment until end 2008.

- Urban waste-water treatment

Romania shall establish collection system and treatment facilities for urban waste waters until end 2018.

-Quality of water intended for human consumption

Romania shall fulfill the requirements concerning the quality of drinking water until end 2015.

-Pollution by certain dangerous substances discharged into the aquatic environment

Certain discharges of dangerous substances into the aquatic environment will be allowed in Romania until end 2009.

- Emissions from large combustion plants

Romania has to reduce air pollution from large combustion plants until end 2013 (instead of beginning 2008 for other Member States) -additional time until 2017 to comply with the year 2016 NOx requirement within six installations.

- Integrated pollution prevention and control

Romania has to meet the basic obligations by all the industrial installations concerned, as regards pollution prevention and control until end 2015 (Directive requires compliance by October 2007).

- Incineration of waste

Romania has to fulfill the requirements for medical waste incineration by end 2008.

From the date of accession on 1 May 2004, the new Member States are subjected to further obligations. They have to meet the commitments they made during the accession negotiations to ensure implementation of the directives for which they were granted transition periods. They also have to fulfil secondary obligations deriving from other EU rules such as Integrated Pollution Prevention and Control (where existing installations must be covered by 30 October 2007), or reducing water pollution from nitrates and dangerous substances (where they must implement action plans).

3. The cost of compliance

The cost of compliance with the investment-heavy environmental acquis for the ten acceding countries is approximately some €50-80 billion, with the Urban Waste Water Treatment Directive alone requiring investments of around €15 billion. To achieve full implementation, the new member states will have to spend on average between 2% and 3% of GDP on the environment in the coming years – and current expenditure is generally well below this target.

In order to compensate this huge expenditure, the acceding states already received significant EU funding for environmental improvements, and after accession, assistance in the

environment field will almost treble. Until the end of the current budgetary period in 2006, the new member states received some €8 billion - more than 10% of their total investment requirements. Environmental actions are also included in all of the future structural fund Programmes, each as separate earmarked sections, or as cross-cutting themes.

Anticipated financing for achieving full compliance with the EU rules includes further EU funding, loans from international financial institutions, national budgets, and private sector investment. The EU will also need to ensure a new financial instrument for the environment of the enlarged Europe. In this context, LIFE+ is expected to provide necessary opportunities for funding environmental and nature conservation projects throughout the EU, as well as in some candidate, acceding and neighbouring countries.

PART V. TURKEY'S LEGAL FRAMEWORK AND ITS ADAPTATION TO THE EU ACQUIS COMMUNAUTAIRE ON ENVIRONMENT

1. The progress of Turkey regarding harmonization with the EU Environment Acquis

The Environment acquis communautaire stands for one of the EU policy-making areas in which the candidate countries most require to become equal to the EU standards. The progress is made over the years because of the substantial challenges in environmental protection. Therefore, the EU legislation over the environmental policy is a major task to undertake. Around 300 new pieces of EU environmental laws need to be implemented into national legislation and simultaneously be enforced to put into practice and certify that they are respected.

Turkey is a candidate country with the clear prospect of being a full member of the EU. Thus, Turkey is making strides towards accessing to the Union. As part of the accession process, the applicants have to adopt EU legislation, including the environmental acquis communautaire.

Turkey needs to take steps to integrate environmental protection requirements into the definition and implementation of all other policies, and to promote sustainable development. Special attention should be given to the administrative setup at different levels of the country. The overall planning, implementation and enforcement of environmental legislation is also a major concern. Significant efforts towards effective implementation of environmental legislation, especially recruitment and training of specialized staff and the purchase of equipment, are required.

In order to simplify and co-ordinate the delivery of external assistance, Council Regulation (EC) No 1085/2006 of 17 July 2006 establishes an instrument for **Pre-Accession Assistance (IPA)** which covers also Turkey during next Financial Perspectives (2007-2013). By this instrument, the Community assists Turkey in its progressive alignment with the standards and policies of the European Union, with a view to membership. In terms of support, assistance under the IPA will concentrate on institution building, particularly to encourage some alignment with the acquis communautaire.

In 2006, Ministry of Environment and Forestry issued **EU Integrated Environmental Approximation Strategy** for the period covering **2007-2023**. This strategy, as mentioned in its introduction part, contains the information concerning the technical and institutional infrastructure, and the environmental improvements that are required to be performed, as well as the compulsory arrangements which are essential to realize complete harmonisation for compliance with EU environmental acquis and the effective implementation of the legislation which are two prerequisites for Turkey to join EU. The Ministry of Environment and Forestry envisages to accomplish the harmonisation process with regard to the Environment Chapter by 2012.

The Strategy in question sets out sectoral priorities and policies through an approach based on **five pillars**: 1) present situation; 2) legislative approximation; 3) goals, objectives and strategies; 4) strengthening the institutional capacity; 5) investment needs.

In addition, **2008 National Programme for the Adoption of the Acquis** (NPAA) is published in the Official Gazette of the Republic of Turkey dated 31 December 2008 numbered 27097 (5.Bis). The “Environment” Chapter presents the most voluminous part of this Third National Programme; which means that environment is and will be an important part of the legislative process.

In this framework, it is noteworthy that; as the first benchmark of the Environment Chapter requires **preparation of an inclusive strategy**, this strategy would have to cover the harmonization and implementation of horizontal and framework legislation as well as signature and ratification of the international conventions to which EU is a party. In the context of the 2008 NPAA, the mentioned Strategy Document is committed to be adopted in **2009**.

On the other hand, on February 5, 2009 Turkish Parliament issued the law on Turkey’s participation in the Kyoto Protocol, which was published in the Official Gazette on February 12, 2009. Turkey had announced in June 2008 its intention to sign the accord, which was first agreed by world governments in 1997. Turkey became a party to Kyoto Protocol on 26 August 2009.

Turkey has also been a member to the United Nations Framework Convention on Climate Change (UNFCCC) since it came into effect on 24 May 2004. During the negotiations for UNFCCC, Turkey has rejected to be in the group of countries - under Annex II - which are obliged to set a target for reduction of GHG emissions and to provide technology transfer and financial assistance. As of 28 June 2002, Turkey was only covered under Annex I of UNFCCC which lists countries committed to reduce its carbon emissions in accordance with the Convention. Turkish Ministry of Environment and Forestry published a **National Climate Change Strategy: Turkey is taking part in the Solution**, in **December 2009**. According to this Strategy, Turkey does not have a defined target for reduction of GHG emissions and will direct its low-carbon economy commitments as detailed in the Strategy and in accordance with the reduction commitments made by developed countries during the course of international climate change negotiations.

Turkey is located in the Mediterranean Basin which is one of the most vulnerable regions against the negative impacts of the climate change. Compared to developed and other countries listed under Annex I to UNFCCC, the level of carbon emissions per capita in Turkey (5,3 ton CO₂ in 2007) seems to be rather low. In the list of countries, displaying the level of cumulative amount of CO₂ emitted from 1850 to 2002, Turkey takes the 31st seat with an emission rate of 0.4% following USA (30%), EU countries (27%), Russia (8.1%) and China (7.6%).

In the course of the Turkey’s EU accession process, the **negotiation chapter on environment was opened on December 21, 2009** under the auspices of Spanish EU Presidency. The studies to start the negotiations on environment was commenced with an explanatory meetings held between Turkey and the EU during 3-11 April 2006. Later, the detailed screening meetings were made from 29 May to 2 June 2010.

The cost of harmonization for Turkey with the EU acquis on environment policy is estimated to amount nearly **100 billion Euros** in total. Around 50% percent of the cost of compliance to the manufacturing industry is estimated to relate modifications regarding waste water management and 36% of the costs expected to concern activities in relation to air quality and fight against climate change.

The Ministry of Forestry and Water Works published the **2010-2014 Environmental Strategic Plan** for Turkey in April 2010. Turkey's **National Climate Change Strategy (2010-2020)** was adopted in May 2010.

The framework and timetable of the harmonization of Turkish legislation with the EU in the course of the accession negotiations are presented in the table below.

2. The harmonisation chart of Turkish legislation regarding EC Acquis on Environment

Generally, Turkish Ministry of Environment is responsible of the handling of the transposition of EU Environment acquis within the Turkey's EU accession process. The structure of the Ministry was revised and the Ministry of Environment and Forestry was established in 2003. In 2011, the Ministry was designed again as the **Ministry of Environment and Urban Planning** by the Decree Law No. 644.

The following is the Summary Chart indicating the chief EU legislation taking place in the present document and the correspondents of those in the Turkish National Legislation where applicable:

<i>EU Legislation</i>	<i>Relevant Turkish legislation</i>
<i>Horizontal Legislation</i>	
Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network (Codified version)	In 2003, Turkey became member of European Environment Agency.
Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment	As a member of the European Environment Agency, Turkey provides information to this Agency. Reporting requirements will be met after accession.

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<p>Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment</p>	<p>Turkey is in process of preparing a by-law on Strategic Environment Assessment. Turkey aims full harmonization with the provisions of this Directive two years before the accession date.</p> <p><u>Related law:</u> By-law on Environment Impact Assessment (RG 17.07. 2008, No: 26939)</p> <p>Amending by-law: (RG 30.6.2011 No: 27980; RG 14.4.2011 No: 27905; RG 19.2.2009 No: 27437)</p> <p>Communiqué on the Competency Certificate (OJ 18.12.20009, No. 27436) (<i>Yeterlik Belgesi Tebliği</i>)</p>
<p>Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC</p>	<p>Turkish law is generally in alignment with Directive 2003/4/EC; full harmonization is foreseen by two years before the accession date.</p> <p>Articles 40, 56 and 74 of Turkish Constitution</p> <p>Law No 5491 on Environment (O.J. 26.4.2006)</p> <p>Law No. 3071 and Law No. 4778 with regard to the use of Right to Petition (“<i>Dilekçe Hakkının kullanılmasına ilişkin kanun</i>”)</p> <p>Law No. 4982 on the Right to Access Information (O.G. 24.10.2003)</p> <p>Law No. 5432 (O.G. 22.11.2005) (<i>Bilgi Edinme Hakkı Kanunu</i>)</p> <p>By-Law on Rules and Procedures for Implementation of Law on Right to Access to Information (O.G. 27.04.2004, No.7189) (<i>Bilgi Edinme Hakkı Kanununun Uygulanmasına İlişkin Esas ve Usuller Hakkında Yönetmelik</i>)</p> <p>Implementing Regulation of the Law on Right to Access to Information (O.G. 1.04.2006, No.26126) (<i>TBMM Başkanlığı Bilgi Edinme Hakkı Uygulama Yönetmeliği</i>)</p>
<p>Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC – Statement by the Commission</p>	<p>In relation to Directive 85/337/EEC; By-law on EIA (O.J 17.07. 2008, No: 26939). Amending By-law on EIA: (RG 30.6.2011 No: 27980; RG 14.4.2011 No: 27905; RG 19.2.2009 No: 27437)</p> <p>In relation to Directive 96/61/EC; works for harmonization is under progress. (Directive 96/61/EC has been repealed by Directive 2008/1/EC, please see below for the level of harmonization of Turkish legislation with 2008/1/EC)</p>
<p>Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)</p>	<p>No corresponding legislation</p>

Biosphere	
<p>Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management</p>	<p>Turkey has completed the transposition of Directive 96/62/EC and its daughter Directives into national law:</p> <p>By Law on Industrial Air Pollution Control (O.J.. 07.10.2004, No. 25606) (<i>Endüstriyel Kaynaklı Hava Kirliliğinin Kontrolü Yönetmeliği</i>)</p> <p>By-law on Ambient Air Quality Assessment and Management (O.J. 06 June 2008, no 26898) and its amending by-law (OG 05 May 2009, No 27219).</p> <p>Technical Study on Ambient Air Quality & Management in Turkey started under Twinning Project on Air Quality concerning Air Quality Framework Directive (96/62/EC and its Daughter Directives 1999/30/EC, 2000/69/EC, 2002/3/EC, 2004/107/EC).</p>
<p>Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air</p>	<p>Turkey has completed the transposition of Directive 96/62/EC and its daughter Directives including Directive 1999/30/EC into national law:</p> <p>By Law on Air Quality Control (O.J.. 7 November 2004, No 25606) (<i>“Endüstriyel Kaynaklı Hava Kirliliğinin Kontrolü Yönetmeliği”</i>)</p> <p>By-law on Ambient Air Quality Assessment and Management (O.J. 06 June 2008, no 26898) and its amending by-law (OG 05 May 2009, No 27219).</p>
<p>Council Decision 97/101/EC of 27 January 1997 establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States</p>	<p>Approximation is foreseen to be completed after accession.</p>
<p>Directive 2000/69/EC of the European Parliament and of the Council of 16 November 2000 relating to limit values for benzene and carbon monoxide in ambient air</p>	<p>Turkey has completed the transposition of Directive 96/62/EC and its daughter Directives including Directive 2000/69 into national law:</p> <p>By Law on Air Quality Control (O.J. 7 November 2004, No 25606) (<i>“Endüstriyel Kaynaklı Hava Kirliliğinin Kontrolü Yönetmeliği”</i>)</p> <p>By-law on Ambient Air Quality Assessment and Management (O.J. 06 June 2008, no 26898) and its amending by-law (OG 05 May 2009, No 27219).</p>
<p>Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants</p>	<p>Turkey aims to transpose Directive 2001/81/EC into its national legislation in 2012.</p>

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<p>Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air</p>	<p>Turkey has completed the transposition of Directive 96/62/EC and its daughter Directives including Directive 2002/3/EC into national law:</p> <p>By Law on Air Quality Control (O.J.. 7 November 2004, No 25606) (<i>“Endüstriyel Kaynaklı Hava Kirliliğinin Kontrolü Yönetmeliği”</i>)</p> <p>By-law on Ambient Air Quality Assessment and Management (O.J. 06 June 2008, no 26898) and its amending by-law (OG 05 May 2009, No 27219).</p>
<p>Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases</p>	<p>Turkey is in process of preparing a Draft By-law on the Control of Certain Fluorinated Greenhouse Gases Causing Global Warming and intends to enact the new legislation by 2015. The implementation is envisaged by 2020.</p>
<p>Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe</p>	<p>Turkish law is generally in alignment with Directive 2008/50/EC. A draft By-law is expected to be published by 2012.</p>
<p>Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer</p>	<p>By-law on the Reduction of the Substances that Deplete the Ozone Layer (OJ 12 November 2008, No 27052) (<i>“Ozon Tabakasını İncelten Maddelerin Azaltılmasına İlişkin Yönetmelik”</i>)</p> <p>Communiqué on Importation of on Ozone Depleting Substances (<i>Ozon Tabakasını İncelten Maddelerin İthaline İlişkin Tebliğ</i>) (Import: 2012/14) (OJ 31 December 2011, No 28159) (Import: 2011/14) (OJ 31 December 2010, No 27802) (Import: 2010/14) (OJ 31 December 2009, No 27449) (Import: 2009/14) (OJ 31 December 2008, No 27097)</p> <p>Communiqué on Exportation of on Ozone Depleting Substances (<i>Ozon Tabakasını İncelten Maddelerin İhracına İlişkin Tebliğ</i>) (Export: 2009/4) (OJ 29 April 2009, No 27214)</p> <p>Circular on the Import of Substances Subject to Control 2011/1 (<i>Kontrolle Tabi Madde İthalatı Genelgesi No. 2011/1</i>)</p>
<p>2010/372/: Commission Decision of 18 June 2010 on the use of controlled substances as process agents under Article 8(4) of Regulation (EC) No 1005/2009 of the European Parliament and of the Council (notified under document C(2010) 3847)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive</p>
<p>2010/375/: Commission Decision of 18 June 2010 on the allocation of quantities of controlled substances other than hydrochlorofluorocarbons allowed for essential or critical laboratory and analytical</p>	<p>Currently, there is no defined date for the harmonisation to this Directive</p>

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<p>uses in the Union in 2010 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (notified under document C(2010) 3850)</p>	
<p>2010/209/: Commission Decision of 26 March 2010 on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2010 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council (notified under document C(2010) 1907)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive</p>
<p>Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer</p>	<p>Please refer to the Turkish legislation adopted in the area regulated by Regulation (EC) No 1005/2009 in the EU.</p>
<p>Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer</p>	<p>Please refer to the Turkish legislation adopted in the area regulated by Regulation (EC) No 1005/2009 in the EU.</p>
<p>2011/184/EU: Commission Decision of 24 March 2011 on the allocation of quantities of controlled substances allowed to be imported or produced for laboratory and analytical uses in the Union in 2011 under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer</p>	<p>Please refer to the Turkish legislation adopted in the area regulated by Regulation (EC) No 1005/2009 in the EU.</p>

<p>2011/185/EU: Commission Decision of 24 March 2011 on the allocation of import quotas for controlled substances, and the quantities that may be released for free circulation in the Union, under Regulation (EC) No 1005/2009 of the European Parliament and of the Council, for the period 1 January to 31 December 2011</p>	<p>Please refer to the Turkish legislation adopted in the area regulated by Regulation (EC) No 1005/2009 in the EU.</p>
Industry	
<p>European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations</p>	<p>The transposition of Directive 94/63/EC into national law is foreseen by 2012, with full implementation by 2015.</p> <p>Law on Petroleum Market No. 5015 (O.J.. 20.12.2003, No 25322) (<i>Petrol Piyasası Kanunu</i>)</p> <p>Law on Ratification for European Treaty on International Transportation of Dangerous Goods via Highways No 5434 (O.J.. 6 December 2005, No 26015) (<i>Tehlikeli Malların Karayolu ile Uluslararası Taşımacılığına İlişkin Avrupa Anlaşmasına Katılmamızın Uygun Bulunduğuna Dair Kanun</i>)</p> <p>By-law on Start-up and Operation Licenses of Workplaces No 9207 (O.J.. 10 August 2005, No. 25902) (<i>İşyeri Açma ve Çalışma Ruhsatlarına İlişkin Yönetmelik</i>)</p> <p>By-law on Industrial Air Pollution Control (O.J.. 7 October 2004, No 25606) (<i>Endüstriyel Kaynaklı Hava Kirliliğinin Kontrolü Yönetmeliği</i>)</p> <p>By-law on Petroleum Market License (O.J.. 17 June 2004, No. 25495) (<i>"Petrol Piyasası Lisans Yönetmeliği"</i>)</p> <p>By-law on Technical Criteria to be Applied at Petroleum Market (O.J.. 10 September 2004, No. 25579) (<i>"Petrol Piyasasında Uygulanacak Teknik Kriterler Hakkında Yönetmelik"</i>)</p> <p>Decision of Board of Energy Market Regulatory Authority dated on 7 September 2004.</p> <p>In the context of 2008 National Programme Turkey aims to adopt the secondary legislation by 2012.</p>
<p>Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations</p>	<p>By-law on Industrial Air Pollution Control (O.G 7 October 2004 No. 25606) (<i>"Endüstriyel Kaynaklı Hava Kirliliğinin Kontrolü Yönetmeliği"</i>)</p> <p>The time period foreseen for the full implementation of this Directive is 2010-2015.</p>

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	Directive 2010/75/EU repeals Directive 1999/13/EC as of 7 January 2014.
Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants	Turkey has transposed Directive 2001/80/EC into national law. By-law on Large Combustion Plants (OJ 8 June 2010; No: 27605) (“ <i>Büyük Yakma Tesisleri Yönetmeliği</i> ”)
Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)	Directive 2010/75/EU repeals Directive 2008/1/EC as of 7.1.2014. (Please see above)
Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions	No corresponding legislation
Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air	Currently, there is no defined date for the harmonisation to this Directive.
Regulation (EC) No 1366/2006 of the European Parliament and of the Council of 6 September 2006 amending Regulation (EC) No 2037/2000 as regards the base year for the allocation of quotas of hydrochlorofluorocarbons with respect to the Member States that acceded to the European Union on 1 May 2004	Currently, there is no defined date for the harmonisation to this Directive.
Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC	Turkey is in process of harmonizing with Regulation (EC) No 166/2006 by the end of 2014. On the other hand, Turkey will decide on the participation of European Pollutant Release and Transfer Register (PRTR) during the course of the accession negotiations.
Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC	Works are under progress and Turkey is in process of harmonizing with Directive 2004/42/EC by the end of 2013 within the scope of IPA project conducted in relation to “Control of Industrial Volatile Organic Compounds.”

Motor vehicles	
Directive 94/12/EC of the European Parliament and the Council of 23 March 1994 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Directive 70/220/EEC	Currently, there is no defined date for the harmonisation to this Directive.
Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery	The related legislation in Turkey is “ <i>Karayolu Dışında Kullanılan Hareketli Makinalara Takılan İçten Yanmalı Motorlardan çıkan Gaz ve Parçacık halindeki Kirletici Emisyonlara karşı alınacak tedbirlerle ilgili Tip Onayı Yönetmeliği</i> ” (O.G. 20.06.2007, No: 26558) Approximation is completed .
Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC	The related legislation in Turkey is “ <i>Motorlu Araçların Motorlarından Çıkan Gazların Havayı Kirletmesine Karşı Alınacak Tedbirlerle İlgili Tip Onayı Yönetmeliği</i> ” (O.G. 29.12.2006, No: 26391) Approximation is completed .
Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC	Ministry of Energy Compulsory Standart (O.G. 27.02.1995, No: 22215) Code No TÜPRAŞ 400 – Automotive Fuels (“ <i>Motorin Standardı Hakkında Tebliğ</i> ”)
Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 92/12/EEC	General Directorate of Petroleum Affairs Communique No: Compulsory Standart 95/3 Ministry of Energy and Natural Resources (OG 27.02.1995, No: 22215) (“ <i>Motorin Standardı Hakkında Tebliğ</i> ”) Approximation is predicted to be completed after accession
Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO ₂ emissions in respect of the marketing of new passenger cars	The related legislation in Turkey is “ <i>Yeni Binek otomobillerin Yakıt Ekonomisi ve CO₂ Emisyonu Konusunda Tüketicilerin Bilgilendirilmesine İlişkin Yönetmelik</i> ” (O.G. 28.12.2003, No: 25330) Approximation is completed .
Directive 2001/100/EC of the European Parliament and of the Council of 7 December 2001 amending Council Directive 70/220/EEC on the approximation of the laws of the Member States on measures to be taken	Currently, there is no defined date for the harmonisation to this Directive.

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against air pollution by emissions from motor vehicles	
Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles	<p>The related Turkish legislation is “<i>Araçlarda kullanılan sıkıştırma ateşlemeli motorlardan çıkan gaz ve partikül kirleticilerden emisyonlarına ve araçlarda kullanılan doğal gaz veya sıvılaştırılmış petrol gazı ile çalışan pozitif ateşlemeli motorlardan çıkan gaz halindeki kirleticilerin emisyonlarına karşı alınacak tedbirlerle ilgili Tip Onayı Yönetmeliği</i>”. It is published in the Turkish OG dated 24/06/2003 and no. 25148.</p> <p>Technical harmonisation process is ongoing.</p>
Directive 2005/64/EC of the European Parliament and of the Council of 26 October 2005 on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability and amending Council Directive 70/156/EEC	By-law on type-approval of motor vehicles with regard to their reusability, recyclability and recoverability (O.G. 4.6.2010, No 27601) (<i>Motorlu Araçların Yeniden Kullanılabilirliği, Geri Dönüştürülebilirliği ve Geri Kazanılabilirliği Hakkında Tip Onayı Yönetmeliği (2005/64/AT)</i>)
Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air conditioning systems in motor vehicles and amending Council Directive 70/156/EEC	By-law on relating to emissions from air conditioning systems in motor vehicles (O.G. 27.4.2009, No 27212) (<i>Motorlu Araçlarda İklimlendirme Sistemlerinden Çıkan Emisyonlarla İlgili Tip Onayı Yönetmeliği (2006/40/AT)</i>)
Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information	<p>By-law on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (O.G. 21.4.2009, No 27207) (<i>Hafif Yolcu ve Ticari Araçlardan Çıkan Emisyonlar (Euro 5 ve Euro 6) Bakımından ve Araç Tamir ve Bakım Bilgilerine Erişim Konusunda Motorlu Araçların Tip Onayına İlişkin Yönetmelik ((AT) 715/2007))</i>)</p> <p><i>Amending law:</i> (O.G. 30.11.2010, No 27771) (O.G. 20.3.2010, No 27527)</p> <p>Communiqué on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (O.G. 27.12.2009, No 27445)</p>
Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate	<p>By-law on type-approval of motor vehicles and trailers (O.G. 28.6.2009, No 27272) (<i>Motorlu Araçlar ve Römorkları Tip Onayı Yönetmeliği (2007/46/AT)</i>)</p> <p><i>Amending law:</i></p>

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<p>technical units intended for such vehicles (Framework Directive)</p>	<p>(O.G. 15.1.2010, No 27463)</p> <p>Communmique on implementing rules and procedures procedural type-approval of motor vehicles and trailers (O.G. 3.12.2001, No 24602) (<i>Motorlu Araçlar ve Römorkları Tip Onayı Yönetmeliğinin Uygulama Usul ve Esasları Hakkında Tebliğ No: Sgm-2001/10</i>)</p> <p><i>Amending law:</i> (O.G. 13.2.2009, No 27140) (O.G. 24.2.2004, No 25383)</p>
<p>Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (Text with EEA relevance)</p>	<p>Turkish law is generally in alignment with Directive 2009/30/EC and allows vapour pressure waiver up to 5% of ethanol. Turkey is in process of preparing further legislation to fully harmonize with the amendments under Directive 2009/30/EC.</p>
<p>Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (Text with EEA relevance)</p>	<p>By-law on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information ((EC) 595/2009) (O.G. 3.8.2011, No 28014) (<i>Ağır Hizmet Araçlarından Çıkan Emisyonlar (Euro 6) Bakımından ve Araç Tamir ve Bakım Bilgilerine Erişim Konusunda Motorlu Araçların Tip Onayına İlişkin Yönetmelik ((AT) 595/2009)</i>)</p>
<p>Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles (Text with EEA relevance)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>

Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters	Currently, there is no defined date for the harmonisation to this Directive.
Commission Regulation (EU) No 406/2010 of 26 April 2010 implementing Regulation (EC) No 79/2009 of the European Parliament and of the Council on type-approval of hydrogen-powered motor vehicles	By-law on type-approval of hydrogen-powered motor vehicles (O.G. 7.6.2011, No 27957) (<i>Hidrojen ile Çalışan Motorlu Araçların Tip Onayına İlişkin Yönetmelik (AT) 79/2009</i>)
Directive 2011/87/EU of the European Parliament and of the Council of 16 November 2011 amending Directive 2000/25/EC as regards the application of emission stages for narrow-track tractors	By-law on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors (O.G. 20.7.2007, No 26588) (<i>Tarım veya Orman Traktörlerini Tahrik Etmek Üzere Tasarlanan Motorlardan Çıkan Gaz Emisyonları ve Parçacık Kirleticilere Karşı Alınacak Tedbirlerle İlgili Tip Onayı Yönetmeliği (2000/25/AT)</i>) <i>Amending law:</i> (O.G. 19.11.2011, No 28117) (O.G. 4.2.2011, No 27836) (O.G. 31.12.2009, No 27449)
Waste management	
Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives	Turkey has completed full transposition of Directive 2008/98/EC into national law. By-law on General Principles of Waste Management (OJ 5 July 2008; No. 26927) (<i>"Atık Yönetimi Genel Esaslarına İlişkin Yönetmelik"</i>)
Commission Decision 76/431/EEC of 21 April 1976 setting up a Committee on Waste Management	The By-law on Solid Waste Control (O.G. 14 March 1991, No 20814) (<i>"Katı Atıkların Kontrolü Yönetmeliği"</i>) Full Approximation is foreseen to be completed after accession .
Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	By-Law on the Landfill Of Waste (OJ 26 March 2010; No: 27533) (<i>"Atıkların Düzenli Depolanmasına dair Yönetmelik"</i>) By-law on Solid Waste Control, (O.J: 14 March 1991, no 20814) (<i>"Katı Atıkların Kontrolü Yönetmeliği"</i>) By-laws amending the By-law on Solid Waste Control: (OJ 21150, OJ 22099, OJ 23464, OJ23790, OJ 24034, OJ 24736, OJ

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	<p>25777)</p> <p>By-law on Hazardous Waste Control, (O.J.: 14 March 2005, No.:25755) (“<i>Tehlikeli Atıkların Kontrolü Yönetmeliği</i>”)</p> <p>By-laws amending the By-law on Hazardous Waste Control: (OJ 27339, OJ 27537, OJ 27744)</p> <p>By-law on Excavated Soil, Construction and Demolition Waste Control (OJ 18 March 2004, No 25406) (“<i>Hafriyat Toprağı, İnşaat ve Yıkıntı Atıklarının Kontrolü Yönetmeliği</i>”)</p>
Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste	<p>Turkey ratified Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal on 15 May 1994 and the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal on 14 January 2004</p> <p>Turkey is in process of preparing a draft by-law on shipments of waste.</p>
Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles - Commission Statements	<p>By-law on the control of end-of-life vehicles (<i>Ömrünü Tamamlamış Araçların Kontrolü Yönetmeliği</i>) (OJ 30 December 2009, No 25448)</p> <p>By-law amending the by-law on the control of end-of-life vehicles (<i>Ömrünü Tamamlamış Araçların Kontrolü Yönetmelikte Değişiklik Yapılmasına Dair Yönetmelik</i>) (OJ 21 December 2010, No 27792)</p> <p>Communique on the technical procedure for the storage, decontamination, dismantling and processing of end-of-life vehicles (<i>Ömrünü Tamamlamış Araçların Depolanması, Arındırılması, Sökümü ve İşlenmesine ilişkin Teknik Usuller Tebliği</i>) (OJ 6 July 2011, No 27986)</p>
Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC – Statement by the European Parliament, the Council and the Commission	<p>Turkey is in legislative process of transposing Directive 2006/21/EC into national law by 2010, with full implementation by the end of 2012.</p> <p>By-law on Hazardous Waste Control (O.J.: 14 March 2005, No 25755) (“<i>Tehlikeli Atıkların Kontrolü Yönetmeliği</i>”)</p> <p>By-law on Permission of Mining Activities No 9013 (O.J.: 21 June 2005, no 25852) address issues regarding mining waste. (“<i>Madencilik Faaliyetleri İzin Yönetmeliği</i>”)</p>

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	By-law on the reintegration to nature of the deteriorated sites by mining activities (Madencilik Faaliyetleri ile Bozulan Arazilerin Doğaya Yeniden Kazandırılması Yönetmeliği) (RG 23 Ocak 2010, No. 27471)
Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	By-law on Control of Used Batteries and Accumulators (OJ 31 August 2004, No 25569) This By-law entered into force on 01.01.2005. <i>(Atık Pil ve Akümülatörlerin Kontrolü Yönetmeliği)</i> By-Laws Amending By-Law On Control Of Used Batteries And Accumulators (OJ 30 March 2005, No 25744) (OJ 31 July 2009, No 27305) (OJ 30 March 2010, No 27537)
2009/851/EC: Commission Decision of 25 November 2009 establishing a questionnaire for Member States reports on the implementation of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators	--
Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances	By-law on Control of Used Batteries and Accumulators (O.G.: 31 August 2004, no. 25569). This By-law entered into force on 01.01.2005. (<i>"Atık Pil ve Akümülatörlerin Kontrolü Yönetmeliği"</i>) There is no defined date for the harmonisation to this Directive.
European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	Turkey has completed full transposition of Directive 94/62/EC into national law. By-law on Packaging Waste Control (<i>Ambalaj Atıklarının Kontrolü Yönetmeliği</i>) (OJ 24 August 2011, No. 28035) By-law on Packaging Waste Control (<i>Ambalaj Atıklarının Kontrolü Yönetmeliği</i>) (OJ 24 June 2007; No: 26562) By-laws amending the by-law on Packaging Waste Control (OJ 24 June 2007; No: 26562) (OJ 6 November 2008; No: 27046) (OJ 30 March 2010; No: 27537) By-law on Packaging and Packaging Waste Control (<i>Ambalaj ve Ambalaj Atıklarının Kontrolü Yönetmeliği</i>) (O.J.: 30 July 2004, No 25538)

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<p>Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste</p>	<p>Full implementation of concerned national law is foreseen by 2023.</p> <p>Circular Letter on the General Rules regarding the Use Of Wastes as Additional Fuel (<i>Atıkların Ek Yakıt olarak Kullanılmasında Uyulacak Genel Kurallar hakkında Tebliğ</i>) (OJ 22 June 2005; No: 25853)</p> <p>By-law on Incineration of Waste (OJ 6 October 2010; No: 27721) (<i>Atıkların Yakılmasına ilişkin Yönetmelik</i>)</p>
<p>Council Directive 91/689/EEC of 12 December 1991 on hazardous waste</p>	<p>All the requirements and provisions of the Directive related to hazardous waste management have been transposed into National Legislation by the By-law on Hazardous Waste Control (O.J.. 14 March 2005, no 25755) (<i>Tehlikeli Atıkların Kontrolü Yönetmeliği</i>).</p> <p>By-laws amending the By-law on Hazardous Waste Control (OJ 4 September 2009, No. 27339) (OJ 3 March 2010, No. 27537) (OJ 30 October 2010, No. 27744)</p>
<p>Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(1) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste</p>	<p>By-law on Hazardous Waste Control (O.J. 14 March 2005, no 25755) contains full list of hazardous waste and concentration limits laid down in Directive 2000/532/EC as Annex VI and VII. (<i>Tehlikeli Atıkların Kontrolü Yönetmeliği</i>)</p> <p>By-laws amending the By-law on Hazardous Waste Control (OJ 4 September 2009, No. 27339) (OJ 3 March 2010, No. 27537) (OJ 30 October 2010, No. 27744)</p> <p>By-law on General Principles of Waste Management (OJ 5 July 2008; No. 26927) (<i>"Atık Yönetimi Genel Esaslarına ilişkin Yönetmelik"</i>)</p>
<p>Council Regulation (EURATOM) No 1493/93 of 8 June 1993 on shipments of radioactive substances between Member States</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Council Regulation (Euratom) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>2008/312/Euratom: Commission Decision of</p>	<p>Currently, there is no defined date for the harmonisation to this</p>

<p>5 March 2008 establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom</p>	<p>Directive.</p>
<p>Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment</p>	<p>Turkey has transposed Directive 2002/95/EC into national law. By-law on Restrictions on the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (EEE) (OJ: 30 May 2008; No. 26891). <i>(Elektrikli ve Elektronik Eşyalarda Bazı Zararlı Maddelerin Kullanımının Sınırlanmasına Dair Yönetmelik)</i></p>
<p>Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) – Joint declaration of the European Parliament, the Council and the Commission relating to Article 9</p>	<p>Works are under progress and Turkey is in process of harmonizing with Directive 2002/96/EC. Gradual implementation is foreseen until the end of 2016. Turkey will decide the specified implementation date according the impact assessment studies to be held under the Instrument for Pre-Accession on Capacity Building in the Field of Environment.</p>
Water quality	
<p>Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy</p>	<p>By-law on Control of Pollution by Dangerous Substances in Water and its Environment (O.J. 26 November 2005, no. 26005) <i>(Tehlikeli Maddelerin Su ve Çevresinde Neden Olduğu Kirliliğin Kontrolü Yönetmeliği)</i> Amending by-laws: OJ No. 26040, OJ No. 27537</p> <p>By-law on Water Pollution Control (O.J. 31 December 2004, No. 25687) <i>(Su Kirliliği Kontrolü Yönetmeliği)</i>, Amending by-laws: OJ No. 26786, OJ No. 27537, OJ No. 27914</p> <p>Law on Fisheries No.1380 (O.J. 4 April 1971, No.13799), The Law amending the Law on Fisheries No: 4950 (O.J.: 29 July 2003, No: 25183) <i>(“Su Ürünleri Kanununda Değişiklik Yapılmasına Dair Kanun”)</i></p> <p>By-law on Fisheries (O.J. 10 March 1995, No. 22223) <i>(“Su Ürünleri Yönetmeliği”)</i>, the By- law amending the By-law on Fisheries (O.J.: 09 August 2005, No. 25901) <i>(“Su Ürünleri Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik”)</i>, Amending by-laws: OJ No. 25901, OJ No. 26675, OJ No. 27004, OJ No. 27455, OJ No. 27517</p> <p>By-law on the Quality of Surface Water Intended for the Abstraction of Drinking Water (O.J. 25730, No. 17 February 2005), <i>(“İnsani Tüketim Amaçlı Sular Hakkında Yönetmelik”)</i>, Amending by-laws: OJ No. 26290, OJ No. 27305</p>

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	<p>Law on Groundwater No.167 (O.J. 10688, 23 December 1960),</p> <p>By-law on Protection of Waters Against Nitrate Pollution from Agricultural Sources (O.J. 18 February 2004, No. 25377) (<i>Tarımsal Kaynaklı Nitrat Kirliliğine Karşı Suların Korunması Yönetmeliği</i>),</p> <p>By-law on Urban Wastewater Treatment (O.J. 8 January 2006, No.26047) (<i>“Kentsel Atıksu Arıtımı Yönetmeliği”</i>),</p> <p>Law on the Organization and Duties of the General Directorate of State Hydraulic Works No.6200 (O.J. 25 December 1953, No.8592),</p> <p>Law on Potable, Utility and Industrial Water Supply in Ankara, Istanbul and Cities with a Population Over One Hundred Thousand No. 1053 (O.J. 16 July 1968, No. 12951),</p> <p>By-law on Aquaculture (O.J. 29 June 2004, No.25507),</p> <p>Law on Environment No.2872 (O.J. 11 August 1983, no 18132) as amended by the Law No.5491 (O.J. 13 May 2006, no 2616) (<i>“Çevre Kanununda Değişiklik Yapılmasına Dair Kanun”</i>)</p> <p>In the framework of 2008 NPAA, Turkey committed to adopt this secondary legislation after 2011 (<i>“Framework Water Law”</i>).</p> <p>Works are under progress and Turkey is in process of harmonizing with Directive 2006/60/EC within the scope of Project “Capacity Building Support to Turkey for the Water Sector” and a Framework Law on Water Protection.</p>
<p>Directive 2008/32/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, as regards the implementing powers conferred on the Commission</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment</p>	<p>Turkey has transposed Directive 91/271/EEC into national law.</p> <p>By-law on Urban Waste Water Treatment (OJ. 8 January 2006; No. 26047) (<i>“Kentsel Atıksu Arıtımı Yönetmeliği”</i>).</p> <p>Communiqué on Identification of Sensitive and Less Sensitive Water Areas (OJ 27 June 2009; No. 27271) (<i>Kentsel Atıksu Arıtımı Yönetmeliği Hassas ve Az Su Alanları Tebliği</i>)</p> <p>Full implementation of concerned national law is foreseen by the end of 2022.</p>

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<p>Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry</p>	<p>Directive 2008/105/EC on Environmental Quality Standards repeals Directive 86/176/EEC as of 22 December 2012. Turkey foresees to transpose Directive 2008/105/EC into national law until 2015.</p>
<p>Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community</p>	<p>By-law on the Control of Pollution Caused by Dangerous Substances Discharged into the Aquatic Environment (OJ: 26 November 2005; No: 26005) (<i>Tehlikeli Maddelerin Su ve Çevresinde Neden Olduğu Kirliliğin Kontrolü Yönetmeliği</i>)</p> <p>By-law amending the by-law on the Control of Pollution Caused by Dangerous Substances Discharged into the Aquatic Environment (OJ: 31 December 2005; No: 26040) (OJ: 30 March 2010; No:27537)</p> <p>Full implementation of concerned national law is foreseen by 2020.</p>
<p>Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC</p>	<p>By-law on Water Pollution Control (O.J.: 31 December 2004, No. 25687) (<i>Su Kirliliği Kontrolü Yönetmeliği</i>),</p> <p>The By-law on Control of Pollution by Dangerous Substances in Water and its Environment (O.J.: 26 November 2005, no. 26005) (<i>Tehlikeli Maddelerin Su ve Çevresinde Neden Olduğu Kirliliğin Kontrolü Yönetmeliği</i>).</p> <p>Directive 2008/105/EC on Environmental Quality Standards repeals Directive 86/280/EEC as of 22 December 2012. Turkey foresees to transpose Directive 2008/105/EC into national law until 2015.</p>
<p>Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Directive 2005/33/EC of the European Parliament and of the Council of 6 July 2005 amending Directive 1999/32/EC</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Council Framework Decision 2005/667/JHA of 12 July 2005 to strengthen the criminal-law framework for the enforcement of the law against ship-source pollution</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>

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<p>Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council</p>	<p>Turkey foresees to transpose Directive 2008/105/EC into national law until 2015. The infrastructure for designation of Environmental Quality Standards is to be established by 2015.</p>
<p>2010/477/EU: Commission Decision of 1 September 2010 on criteria and methodological standards on good environmental status of marine waters</p>	<p style="text-align: center;">--</p>
<p>2010/631/EU: Council Decision of 13 September 2010 concerning the conclusion, on behalf of the European Union, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean</p>	<p style="text-align: center;">--</p>
<p>Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water</p>	<p>Turkey has completed full transposition of Directive 76/160/EEC into national law.</p> <p>By-law on Bathing Water Quality (OJ 09 January 2006; No. 26048). (“<i>Yüzme Suyu Kalitesi Yönetmeliği</i>”)</p>
<p>Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/110/EEC</p>	<p>Directive 2006/7/EC repeals Directive 76/160/EEC as of 31 December 2014.</p> <p>Works are under progress and Turkey is in process of harmonizing with Directive 2006/7/EC.</p>
<p>Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption</p>	<p>The Council Directive 98/83/EC of 3 November 1998 has been fully transposed to the Turkish legislation by the Ministry of Health by the By-law on Water Intended for Human Consumption, (OJ 17 February 2005; No.25730). (“<i>İnsani Tüketim Amaçlı Sular Hakkında Yönetmelik</i>”)</p>

	<p>By-law on Water Intended for Human Consumption (OJ 15 September 2006; No. 26290) Amending by-law: OJ 31 July 2009; No. 27305</p>
<p>Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances</p>	<p>Turkish law is in alignment with Directive 80/68/EEC, even include stricter rules than the concerned Directive.</p> <p>By-law on Water Pollution Control (OJ 31 December 2004; No. 25687) (<i>"Su Kirliliği Kontrolü Yönetmeliği"</i>)</p> <p>By-law amending by-law on Water Pollution Control (OJ 30 March 2010; No. 27537) (OJ 13 February 2008; No. 26786) (OJ 24 April 2011; No. 27914)</p>
<p>Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration</p>	<p>Works are under progress and Turkey is in process of harmonizing with Directive 2006/118/EC within the scope of MATRA Project on Sustainable Groundwater Management Capacity in Turkey.</p> <p>In the 2010-2011 Action Plan, the secondary law on the protection of groundwater against pollution and preventing of further deterioration was foreseen to be enacted in 2011. Monitoring structures is planned to be established by 2016.</p>
<i>Industrial Pollution control and Risk management</i>	
<p>Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control</p>	<p>The transposition of Directive 2008/1/EC into national law is foreseen by 2012, with full implementation by 2018.</p>
<p>Council Directive 96/82/EC of 9 December 1999 on the control of major-accident hazards involving dangerous substances</p>	<p>Turkey has transposed Directive 96/82/EC into national law. Full implementation of concerned law is foreseen by 2014.</p> <p>By law on the Control of Major Industrial Accidents (OJ 18 August 2010; No: 27676) (<i>"Büyük Endüstriyel Kazaların Kontrolü Hakkında Yönetmelik"</i>)</p> <p>A Circular on Local Emergency Plan for Major Industrial Accidents No. 4906 was published by the Ministry of Environment and Forestry on 29 July 1996 based on Seveso I (82/501/EEC) Directive and United Nations Environment Programme/Awareness and Preparedness for Emergencies at Local Level (UNEP/APELL) Handbook.</p>

<i>Sustainable Consumption and Production</i>	
Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC	Works are under progress and Turkey is in process of harmonizing with Regulation (EC) 1221/2009/EC by the end of 2013.
2007/747/EC: Commission Decision of 19 November 2007 on the recognition of certification procedures in accordance with Article 9 of Regulation (EC) No 761/2001 of the European Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and repealing Decision 97/264/EC.	Works are under progress and Turkey is in process of harmonizing with Regulation (EC) 1221/2009/EC by the end of 2013.
Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel	Works are under progress and Turkey is in process of harmonizing with Regulation (EC) 66/2010/EC by the end of 2015.
Commission Decision 2000/728/EC of 10 November 2000 establishing the application and annual fees of the Community Eco-label	Currently, there is no defined date for the harmonisation to this Directive.
Commission Decision 2000/730/EC of 10 November 2000 establishing the European Union Eco-labelling Board and its rules of procedure	Currently, there is no defined date for the harmonisation to this Directive.
Commission Decision 99/698/EC of 13 October 1999 establishing the ecological criteria for the award of the Community eco-label to portable computers	Currently, there is no defined date for the harmonisation to this Directive.
2010/709/EU: Commission Decision of 22 November 2010 establishing the European Union Ecolabelling Board (notified under document C(2010) 7961)	Currently, there is no defined date for the harmonisation to this Directive

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<p>Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings</p>	<p>By-law on the Energy Performance of Buildings (OJ 27057, No. 05.12.2008)</p> <p>By-law amending by-law on the Energy Performance of Buildings (<i>Binalarda Enerji Performansı Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik</i>) (OJ No 27539, 01.04.2010) (OJ No 27627, 30.06.2010) (OJ No 27778, 7.12.2010) (OJ 27851,19.02.2011) (OJ 27911,20.04.2011)</p>
<p>Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products</p>	<p>By-law on the Eco-design of Energy-Related Products (OJ 7 October 2010; No. 27722) (<i>Enerji ile İlgili Ürünlerin Çevreye Duyarlı Tasarımına İlişkin Yönetmelik</i>)</p>
Chemicals	
<p>Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances</p>	<p>By-law on amending hazardous chemicals by-law OJ 02.03.2007 NO: 26450</p> <p>By-law on the Classification, Packaging And Labelling Of Dangerous Substances (OJ 26 December 2008, No: 27092) (<i>“Tehlikeli Maddelerin ve Müstahzarların Sınıflandırılması, Ambalajlanması ve Etiketlenmesi Hakkında Yönetmelik”</i>)</p> <p>Establishment and full activation an efficient inspection and enforcement system is foreseen by the end of 2011</p> <p><i>Regulation (EC) No 1272/2008 repeals this Directive as from 31 May 2015</i></p>
<p>Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations</p>	<p>By-law amending the By-Law on Dangerous Chemicals (BDC) (O.J.. 02.03.2007, No: 26450) (<i>“Tehlikeli Kimyasallar Yönetmeliğinde Değişiklik Yapılmasına Dair Yönetmelik”</i>) Amending by-law: OJ No. 24473, OJ No. 24575, OJ No. 26450, OJ No. 26760)</p> <p><i>Regulation (EC) No 1272/2008 repeals this Directive as from 31 May 2015</i></p>
<p>Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos</p>	<p>By-Law on the Restrictions on Production, Placing on the Market and Use of Some Dangerous Substances, Preparations and Articles (OJ 26 December 2008; No. 27092) (<i>“Bazı Tehlikeli Maddelerin, Müstahzarların ve Eşyaların Üretimine, Piyasaya Arzına ve Kullanımına İlişkin Kısıtlamalar Hakkında Yönetmelik”</i>)</p>

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	<p>By-Law amending by-law on the Restrictions on Production, Placing on the Market and Use of Some Dangerous Substances, Preparations and Articles” (OJ 29 August 2010; No. 27687) (OJ 20 March 2011; No. 27880)</p> <p>By-law on the health and safety measures at working with asbestos (OJ 26 December 2003; No. 25328) <i>(“Asbestle Çalışmalarda Sağlık ve Güvenlik Önlemleri Hakkında Yönetmelik”)</i></p> <p>By-law amending by-law on the health and safety measures at working with asbestos (OJ 17 February 2004; No. 25376)</p>
<p>Commission Decision 85/71/EEC of 21 December 1984 concerning the list of chemical substances notified pursuant to Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals</p>	<ul style="list-style-type: none"> • Law on Environment No.2872 (O.G 11 August 1983, no 18132) as amended by the Law No.5491 (O.G 13 May 2006, no 26167) (<i>“Çevre Kanununda Değişiklik Yapılmasına Dair Kanun”</i>), • Law on Establishment and Duties of the Ministry of Environment and Forestry No. 4856 (O.G 08 May 2003, no 25102) (<i>“Çevre ve Orman Bakanlığı Teşkilât ve Görevleri Hakkında Kanun”</i>), • Law on the preparation and implementation of the technical legislation on products, No 4703 (O.G.: 11 July 2001, No. 24459) (<i>“Ürünlerle İlişkin Teknik Mevzuatın Hazırlanması ve Uygulanmasına Dair Kanun”</i>) • Decree on The Determination of the Institutions to prepare the technical legislation towards the increase of export No. 97/9196 (O.G 29 April 1997, no 22974) (<i>“Türk Ürünlerinin İhracatının Arttırılmasına Yönelik Teknik Mevzuatı Hazırlayacak Kurumların Belirlenmesine İlişkin Karar”</i>) • Communiqué on Standardization of Foreign Trade concerning the Import of Controlled Wastes for the Protection of Environment (<i>Çevrenin Korunması Yönünden Kontrol Altında Tutulan Atıkların İthalatına Dair Dış Ticarete Standardizasyon Tebliği</i>) (Communiqué No. 2011/3: OJ 29.12.2010, No. 27800) (Communiqué No. 2010/3: OJ 31.12.2009, No. 27449) (Communiqué No. 2009/3: OJ 31.12.2008, No. 27097) (Communiqué No. 2008/34: OJ 13.03.2005, No. 26815) (Communiqué No. 2008/3: OJ 31.12.2007, No. 26743) (Communiqué No. 2006/3: OJ 31.12.2005, No. 26040) • Communiqué on the Standardization of Foreign Trade concerning

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	<p>the Import of Controlled Substances for the Protection of Environment <i>(Çevrenin Korunması Yönünden Kontrol Altında Tutulan Kimyasalların İthalatına Dair Dış Ticarete Standardizasyon Tebliği)</i> (Communiqué No. 2011/6: OJ 29.12.2010, No. 27800) (Communiqué No. 2010/6: OJ 31.12.2009, No. 27449) (Communiqué No. 2009/29: OJ 26.03.2009, No. 27181) (Communiqué No. 2009/6: OJ 31.12.2008, No. 27097) (Communiqué No. 2008/6: OJ 31.12.2007, No. 26743)</p> <ul style="list-style-type: none"> • By-Law on the Reducing Ozone Depleting Substances (O.G 23.05.2006, No 26176) (<i>Ozon Tabakasını İnceltilen Maddelerin Azaltılmasına İlişkin Yönetmelik</i>) • Import Communiqué for Ozone Depleting Substances (O.G 31 December 2005, no 25687) (<i>“Ozon Tabakasını İnceltilen Maddelerin İthaline İlişkin Tebliğ”</i>) (<i>İthalat: 2011/14</i>) (OJ 31 December 2010, No 27802) (<i>İthalat: 2010/14</i>) (OJ 31 December 2009, No 27449) (<i>İthalat: 2009/14</i>) (OJ 31 December 2008, No 27097) • Communiqué on Exportation of Ozone Depleting Substances (<i>Ozon Tabakasını İnceltilen Maddelerin İhracına İlişkin Tebliğ</i>) (<i>İhracat: 2009/4</i>) (OJ 29 April 2009, No 27214) • By –Law on the Control of the Pesticides (O.G 22 June 1995, no 22321) (<i>“Zirai Mücadele İlaçları Kontrol Yönetmeliği”</i>) • Phase out of Agricultural use of Ozone Depleting Methyl Bromide (O.G 23 June 2000, no 24088) (<i>“Metil Bromürün Tarımda Kullanımının Azaltılması Hakkında Yönetmelik”</i>) • Circular on the Import of Substances Subject to Control 2011/1 (<i>Kontrolle Tabi Madde İthalatı Genelgesi No. 2011/1</i>) <p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Commission Regulation (EC) No 1179/94 of 25 May 1994 concerning the first list of priority substances as foreseen under Council Regulation (EEC) No 793/93</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Commission Regulation (EC) No 142/97 of 27 January 1997 concerning the delivery of information about certain existing substances as foreseen under Council Regulation (EEC) No 793/93</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Commission Regulation (EC) No 143/97 of 27 January 1997 concerning the third list of priority substances as foreseen under Council Regulation (EEC) No 793/93</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>

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<p>Commission Regulation (EC) No 2161/1999 of 12 October 1999 imposing further testing requirements on the importers or manufacturers of a certain priority substance as foreseen under Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC</p>	<p>Turkish law is generally in alignment with Regulation (EC) No 850/2004 on persistent organic pollutants.</p> <p>By-Law on the Control of Air Pollution Arising From Industrial Facilities (OJ 22 July 2006; No: 26236) <i>(“Endüstri Tesislerinden Kaynaklanan Hava Kirliliğinin Kontrolü Yönetmeliği”)</i></p> <p>By-law amending by-law on the Control of Air Pollution Arising From Industrial Facilities (OJ 29 June 2008; No: 26921)</p> <p>By-law on PCB/PCT (OJ 27 December 2007; No: 26739) <i>(“Poliklorlu Bifenil ve Poliklorlu Terfenillerin Kontrolü Hakkında Yönetmelik”)</i></p> <p>By-law amending by-law on PCB/PCT (OJ 30 March 2010; No: 27537)</p> <p>Law No. 5871 on Approval of Ratification of Stockholm Convention on Persistent Organic Pollutant (OJ 14 April 2009; No. 27200) <i>(“Kalıcı Organik Kirleticilere İlişkin Stokholm Sözleşmesinin Onaylanmasının Uygun Bulunduğuna Dair Kanun”)</i></p> <p>The Council of Ministers Decision for Approval of this Law was published (OJ 30 July 2009; No. 27304). <i>(“Kalıcı Organik Kirleticilere İlişkin Stokholm Sözleşmesi'nin Onaylanması Hakkında Karar”)</i></p>
<p>Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC</p>	<p>Turkish law is in alignment with some parts of the Regulation (EC) No 1907/2006 on REACH. Works are under progress and Turkey is in process of harmonizing with REACH Regulation by the end of 2012 within the scope of IPA project conducted in relation to “REACH Chemicals”</p> <p>Though the timeframe and infrastructure will be determined on the basis of concerned IPA project, full implementation of concerned national law is foreseen as of 1 June 2013.</p> <p><i>The below by-laws harmonizes with Directive 76/769/EEC concerning restriction of the use of dangerous substances and preparations which was replaced by REACH Regulation in the EU as of 1 June 2009</i></p> <p>By-Law on the Restrictions on Production, Placing on the Market and Use of Some Dangerous Substances, Preparations and Articles (OJ 26 December 2008; No. 27092) <i>(“Bazı Tehlikeli Maddelerin, Müstahzarların ve Eşyaların Üretimine, Piyasaya Arzına ve Kullanımına İlişkin Kısıtlamalar</i></p>

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	<p><i>Hakkında Yönetmelik”)</i></p> <p>By-Law amending by-law on the Restrictions on Production, Placing on the Market and Use of Some Dangerous Substances, Preparations and Articles (OJ 29 August 2010; No. 27687) (OJ 20 March 2011, No. 27880)</p> <p>By-law on Inventory and Control of Chemicals (OJ 26.12.2008; No. 27092) (<i>Kimyasalların Envanteri ve Kontrolü Hakkında Yönetmelik</i>) Amending by-laws: OJ 10.11.2009, No. 27402; OJ 23.5.2010, No. 27589</p> <p><i>The below legislation harmonize with Annex II of REACH Regulation.</i></p> <p>Communiqué repealing the Communiqué on the Preparation of Safety Data Sheets (OJ 23 December 2009; No. 27441) (<i>“Güvenlik Bilgi Formlarının Düzenlenmesine İlişkin Usul ve Esaslar Tebliğinin Yürürlükten Kaldırılması Hakkında Tebliğ”</i>)</p> <p>By-law on the Preparation and the Distribution of Safety Data Sheets concerning of Dangerous Substances and Preparations (OJ 26 December 2008; No. 27092) (<i>“Tehlikeli Maddeler ve Müstahzarlara İlişkin Güvenlik Bilgi Formlarının Hazırlanması ve Dağıtılması Hakkında Yönetmelik”</i>)</p> <p>Communiqué on the Preparation of Safety Data Sheets (OJ 11 March 2002; No. 24692) (<i>“Güvenlik Bilgi Formlarının Düzenlenmesine İlişkin Usul ve Esaslar Tebliği”</i>)</p>
<p>Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (Text with EEA relevance)</p>	<p>Works are under progress and Turkey is in process of harmonizing with Regulation (EC) No 1272/2008.</p> <p>Regulation (EC) No 1272/2008 repeals Directive 67/548/EEC and Directive 1999/45/EC (above) as from 31 May 2015.</p>

Noise from vehicles and machinery	
<p>Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles</p>	<p>The related legislation in Turkey is “<i>Motorlu Araçların Dış Gürültü Emisyonları ve Egzoz Sistemleri ile İlgili Tip Onayı Yönetmeliği</i>” (published in the Turkish O.G. dated 30.11.2000, No 24246),</p> <p>Amending by-laws: (O.G. dated 14.7.2004, No 25522); (O.G. dated 24.8.2006, No 26269); (O.G. dated 20.10.2008, No 27030).</p> <p>The implementation level of this Directive in Turkey is 99/101/EC version for vehicles Category M1, and 84/424/EC for others.</p> <p>99/101/EC Version shall apply to vehicles of all other categories to be type approved for the first time as of 1 January 2007.</p>
<p>Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors</p>	<p>By-law on Noise Emission in the Environment by Equipment for use Outdoors (“<i>Açık Havada Kullanılan Teçhizat tarafından Oluşturulan Çevredeki Gürültü Emisyonu ile ilgili Yönetmelik</i>”) (OJ 22.01.2003; No: 25001)</p> <p>Amending by-laws: OJ No. 25950, OJ No. 26180</p> <p>By-law on Noise Emission in the Environment by Equipment for use Outdoors (OJ 30.12.2006; No: 26392)</p>
<p>Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise - Declaration by the Commission in the Conciliation Committee on the Directive relating to the assessment and management of environmental noise</p>	<p>Turkey has completed full transposition of Directive 2002/49/EC into national law.</p> <p>By-law on Assessment and Management of Environmental Noise (OJ 1 July 2005; No. 25862) (“<i>Çevresel Gürültünün Değerlendirilmesi ve Yönetimi Yönetmeliği</i>”)</p> <p>By-law amending by-law on Assessment and Management of Environmental Noise (OJ 19 April 2006; No. 26144)</p> <p>By-law on Assessment and Management of Environmental Noise (OJ 7 March 2008; No. 26809) (“<i>Çevresel Gürültünün Değerlendirilmesi ve Yönetimi Yönetmeliği</i>”)</p> <p>By-law on Assessment and Management of Environmental Noise (OJ 4 June 2010; No. 27601)</p> <p>Amending by-laws: OJ 27.4.2011, No. 27917.</p>
<p>Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of eco-design requirements for energy-using products and amending Council Directive</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>

92/42/EEC and Directives 96/57/EC and 2005/55/EC of the European Parliament and of the Council	
<i>Nuclear Safety and Radiation Protection</i>	
Council Directive 90/641/Euratom of 4 December 1990 on the operational protection of outside workers exposed to the risk of ionizing radiation during their activities in controlled areas	Currently, there is no defined date for the harmonisation to this Directive.
Council Directive 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation	Currently, there is no defined date for the harmonisation to this Directive.
Council Directive 2003/122/EURATOM of 22 December 2003 on the control of high-activity sealed radioactive sources and orphan sources	Currently, there is no defined date for the harmonisation to this Directive.
Council Regulation (EURATOM) No 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation	Currently, there is no defined date for the harmonisation to this Directive.
Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste	Currently, there is no defined date for the harmonisation to this Directive.
<i>Climate Action</i>	
2002/358/EC: Council Decision of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder ⁵⁹	The Law No.5836 on Turkey's participation in the Kyoto Protocol (OJ 12 February 2009, No.27144) (<i>"Birleşmiş Milletler İklim Değişikliği Çerçeve Sözleşmesine Yönelik Kyoto Protokolüne Katılmamızın Uygun Bulunduğuna Dair Kanun"</i>).

⁵⁹ In this context, it is worth underlying that; Turkish Parliament approved Kyoto Protocol on 5 February 2009. However, signing the Kyoto Protocol does not put an additional burden on Turkey until 2012.

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<p>Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC</p>	<p>Works are under progress and Turkey is in process of harmonizing with Directive 2003/87/EC. Legal harmonization is foreseen to be completed by 2018; however, implementation of the concerned legislation will start as from the date of accession of Turkey to the EU.</p> <p>Turkey already prepares and conveys its GHGs inventory and annual reports to United Nations Framework Convention on Climate Change since 2006.</p>
<p>Decision No 280/2004 of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol</p>	<p>In the framework of 2008 NPAA, Turkey committed to adopt this secondary legislation after 2011 (“<i>Implementing Regulation on Monitoring Greenhouse Gas Emissions</i>”).</p>
<p>Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (Text with EEA relevance)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Directive 2009/29/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading scheme of the Community (Text with EEA relevance)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>2010/634/EU: Commission Decision of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (notified under document C(2010) 7180)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community’s greenhouse gas emission reduction commitments up to 2020</p>	<p>No corresponding legislation</p>
<p>Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>

2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community	
2011/278/EU: Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2011) 2772)	Currently, there is no defined date for the harmonisation to this Directive.
<i>Environmental Liability</i>	
Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage	<p>Turkish law is partially in alignment with Directive 2004/35/CE. Works are under progress and Turkey is in process of full harmonization with the Directive by the end of 2018 within the scope of IPA project on environmental liability.</p> <p>Turkish Constitution; Article 56</p> <p>Law amending the Environment Law No.5491 (OJ 13 May 2006; No: 26167) (<i>Çevre Kanununda Değişiklik Yapılmasına Dair Kanun</i>)</p> <p>Law No. 5312 on Response to Emergencies and Compensation of Losses in Case of Pollution of the Marine Environment from Oil and Other Harmful Substances (OJ 11 March 2005, No: 25752). (<i>Deniz Çevresinin Petrol ve Diğer Zararlı Maddelerle Kirlenmesinde Acil Durumlarda Müdahale ve Zararların Tazmini Esalarına Dair Kanun</i>)</p> <p>Implementing Regulation on Response to Emergencies and Compensation of Losses in Case of Pollution of the Marine Environment from Oil and Other Harmful Substances (OJ 21 October 2006, No: 26326) (<i>“Deniz Çevresinin Petrol ve Diğer Zararlı Maddelerle Kirlenmesinde Acil Durumlarda Müdahale ve Zararların Tazmini Esalarına Dair Kanunun Uygulama Yönetmeliği”</i>)</p> <p>Law of Obligations No. 818; Articles 41 and 50 (OJ 29 April 1926, No: 359)</p>
Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law	<p>Law on Environment No.2872 (O.J. 11 August 1983, no 18132) as amended by the Law No.5491 (O.J. 13 May 2006, no 2616) (<i>“Çevre Kanununda Değişiklik Yapılmasına Dair Kanun”</i>)</p> <p>Communiqué on the Administrative Fines as per the Environment Law No. 2872 (<i>2872 Sayılı Çevre Kanunu Uyarınca Verilecek İdari Para Cezalarına İlişkin Tebliğ</i>)</p> <p>Communiqué No: 2007/2 OJ 31.1.2007, No. 26420 Communiqué No: 2008/1 OJ 5.1.2008, No. 26747</p>

	<p>Communiqué No: 2009/1 OJ 30.12.2008, No. 27096 Communiqué No: 2010/1 OJ 7.1.2010, No. 27455 Communiqué No: 2011/1 OJ 25.12.2010, No. 27796</p>
<i>International Cooperation</i>	
<p>Council Decision 86/277/EEC of 12 June 1986 on the conclusion of the Protocol to the 1979 Convention on long-range transboundary air pollution on long-term financing of the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP)</p>	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
<p>Council Decision 88/540/EEC of 14 October 1988 concerning the conclusion of the Vienna Convention for the protection of the ozone layer and the Montreal Protocol on substances that deplete the ozone layer</p>	<p>Related legislation adopted by Turkey are as follows:</p> <p>Ozon Tabakasının Korunmasına Dair Viyana Sözleşmesi ile Ozon Tabakasını İncelten Maddelere Dair Montreal Protokolüne Katılmamız Hakkında Karar (OJ 8 September 1990, No: 20629)</p> <p>Ozon Tabakasını İncelten Maddelere Dair Montreal Protokolüne İmza Atmayan Ülkelerden İthalat Yasaklanan Maddelere Dair Tebliğ. İthalat: 92/10 (OJ 6 August 1992, No: 21307)</p> <p>Uluslararası Hava Taşımalarına İlişkin Bazı Kuralların Birleştirilmesine Dair Sözleşmeyi Değiştiren ve 3736 Sayılı Kanunla Onaylanması Uygun Bulunan Guatemala City Protokolü 1971/3 Sayılı Montreal Ek Protokolü 1975 ve Montreal Protokolü 1975/5'nün Onaylanmasına Dair Karar (OJ 21 April 1993, No: 21559)</p> <p>Ozon Tabakasını İncelten Maddelere Dair Montreal Protokolü'nde Yapılan Değişikliğin Onaylanmasının Uygun Bulduğuna Dair Kanun (OJ 4 June 2003, No: 25131)</p> <p>Ozon Tabakasını İncelten Maddelere Dair Montreal Protokolü Değişikliğinin Onaylanmasının Uygun Bulduğu Hakkında Kanun (OJ 17 June 2003, No: 25141)</p> <p>Ozon Tabakasını İncelten Maddelere Dair Montreal Protokolünde Yapılan Değişikliğin Onaylanması Hakkında Karar (OJ 17 September 2003, No: 25232)</p>
<p>93/98/EEC: Council Decision of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous wastes and their disposal (Basel Convention)</p>	<p>Decision concerning Basel II regulations (OG 5.3.2011, 27865) (<i>Basel II Düzenlemeleri ile İlgili Karar (No:4099)</i>)</p> <p>Tehlikeli Atıkların Sınırdışı Taşınımının ve Bertaraf Edilmesinin Kontrolüne İlişkin Basel Sözleşmesine Getirilen Değişikliğin</p>

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	<p>Onaylanmasının Uygun Bulunduğuna Dair Kanun (OJ 24 June 2003, No: 25148)</p> <p>Tehlikeli Atıkların Sınırlanması ve Bertaraf Edilmesinin Kontrolüne İlişkin Basel Sözleşmesine Getirilen Değişikliğin Onayına Dair Karar (OJ 28 July 2003, No: 25182)</p>
2002/358/EC: Council Decision of 25 April 2002 concerning the approval, on behalf of the European Community, of the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder	<p>The Law No.5836 on Turkey's participation in the Kyoto Protocol (O.J.: 12 February 2009, no.27144)</p> <p>("Birleşmiş Milletler İklim Değişikliği Çerçeve Sözleşmesine Yönelik Kyoto Protokolüne Katılmamızın Uygun Bulunduğuna Dair Kanun")</p>
2004/259/EC: Council Decision of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants	<p>Currently, there is no defined date for the harmonisation to this Directive.</p>
2006/507/EC: Council Decision of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants	<p>Kalıcı Organik Kirleticilere İlişkin Stokholm Sözleşmesinin Onaylanmasının Uygun Bulunduğuna Dair Kanun (OJ 14 April 2009, No: 27200)</p> <p>Kalıcı Organik Kirleticilere İlişkin Stokholm Sözleşmesi'nin Onaylanması Hakkında Karar (OJ 30 July 2009, No: 27304)</p>
2006/61/EC: Council Decision of 2 December 2005 on the conclusion, on behalf of the European Community, of the UN-ECE Protocol on Pollutant Release and Transfer Registers	<p>No corresponding legislation.</p>
2006/730/EC: Council Decision of 25 September 2006 on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade	<p>No corresponding legislation.</p>
2008/871/EC: Council Decision of 20 October 2008 on the approval, on behalf of the European Community, of the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context	<p>No corresponding legislation.</p>

PART VI. NEGOTIATION PROCESS

1. Negotiations Process

1.1. Evaluation by the European Union

At the Helsinki European Council Summit of 10-11 December 1999, EU leaders have announced Turkey as a candidate state destined to join the EU.

Subsequently, the Brussels European Council Summit held on 16-17 December 2004 set the starting date of the accession negotiations between Turkey and the EU. The negotiations started on 3 October 2005 with the **initial phase of screening**. This phase was finalised on 12-13 October 2006.

Turkey's progress in meeting the requirements for membership has been regularly reviewed by the Council, based on the Commission's Regular Progress Reports. On 12 October 2011, the latest annual progress report on Turkey, **Turkey 2011 Progress Report**, was published by the Commission.

1.2. Turkey 2011 Progress Report

Turkey 2011 Progress Report of the Commission lists the subsequent remarks regarding the progress of Turkey in meeting of the EU environmental *acquis communautaire* as follows:

*“In the field of **environment**, there is limited progress to report on horizontal legislation. The scope of the by-law on environmental impact assessment (EIA) has been revised by the Council of State, but the changes made have yet to be enforced. The EIA Directive is now largely transposed. However, an addendum to the EIA by-law adopted in April raises concern as to some exceptions it authorises. Procedures for public and transboundary consultations have not been fully aligned and implemented. Regarding the transboundary aspects of the EIA for the EU backed Nabucco pipeline project, Turkey agreed with Bulgaria to organise an ad hoc exchange of information, with the aim of complying de facto with the requirements of the EU *acquis*. However, general draft bilateral agreements on EIA for cooperation in a transboundary context have not yet been sent to the relevant Member States. The planned Turkish- Russian nuclear power plant project which is due to be built on the eastern Mediterranean coast of Turkey continues to cause public concern, both nationally and internationally. There are similar concerns around the large number of planned hydro-power projects for which neither an EIA nor a strategic environmental assessment (SEA) has yet been carried out. Transposition of the SEA Directive is still at an early stage. Some preparations have begun for the transposition of the Environmental Liability and INSPIRE directives.*

Limited progress has been achieved on air quality. A by-law on reducing the emission levels of light trucks and passenger vehicles in line with Euro 6 was adopted. Preparations are underway for the transposition and implementation of the National Emissions Ceilings Directive. There is still insufficient administrative capacity to implement and enforce the legislation on ambient air quality.

Good progress can be reported in the field of waste management. The revision of the waste legislation, largely in line with the provisions of the new EU Waste Framework Directive, has begun with the adoption of legislation on solid waste, waste water tariffs, waste incineration, packaging waste and the inspection of end-of-life vehicles. Legislation was also adopted in the areas of mining and the standardisation of the import of batteries and accumulators, ensuring further alignment with the acquis. Efforts have been made to bring some landfills up to EU standards and for the separate collection of various categories of waste, as well as for the recovery of energy from waste oils and sterilisation of hazardous medical waste. However, Turkey still needs to prepare and implement national, regional and local waste management plans in line with the EU Waste Framework Directive.

There has been very limited progress in the area of water quality. The institutional framework for water management is fragmented and not organised at river basin level. Preparations are ongoing to convert a number of existing River Basin Protection Action plans into river basin management plans. Transboundary consultations on water issues are still at a very early stage. The newly-adopted amendment to the Law on Groundwater is supposed to strengthen the application of the 'polluter pays' principle in relation to the measurement of groundwater consumption. A monitoring program in freshwaters and groundwaters for the implementation of the Nitrates Directive has been established. An integrated marine pollution monitoring system has also been put in place, for all surrounding seas.

No progress can be reported on nature protection. Framework legislation on nature protection has not yet been adopted. The list of potential Natura 2000 sites has not yet been compiled. The national biodiversity strategy and action plan, as well as the implementing legislation in this field remain to be adopted. There is growing concern about the possible adverse effects on potentially protected species of flora and fauna as a result of the building of new large water and energy infrastructure in the country. The amended by-law on the protection of wetlands has weakened the protection status of wetlands, and falls short of the requirements of the Convention on Wetlands of International Importance. There is no clear allocation of responsibility for nature protection among the various competent institutions. The CITES Convention on the international trade in wild animals and plants is not sufficiently enforced.

Limited progress can be reported regarding industrial pollution control and risk management, with the adoption of the By-law implementing the majority of the requirements of the Waste Incineration Directive and the publication of guidelines on emergency plans, Public information and notifications, in the form of secondary legislation implementing the By-law on the control of major industrial accidents. A Regulatory Impact Assessment (RIA) for Seveso II is still to be completed. The introduction of an integrated permit system is at an early stage.

Little progress can be reported in the field of chemicals, including REACH. Legislation on biocidal products was adopted. The capacity for effective implementation is still insufficient.

Legislative alignment in the field of noise is well advanced. However, preparation of noise maps and action plans is still at an early stage.

*Regarding **climate change**, limited progress was made on general policy development. Turkey adopted in May 2010 a national climate strategy until 2020 and in May 2011 the Climate Change Coordination Board adopted the first national climate change action plan to implement it. It still needs to be approved by the Higher Planning Council. . Turkey completed a study on identifying policies on national emission limitation and emission reduction in line with global trends, which may enable it to scale up the ambition level from limiting the growth of greenhouse gas emissions to 11% from the projected 2020 emissions.*

There is a significant need for awareness-raising at all levels. At the international level, Turkey continued to advocate its special circumstances which were endorsed at the COP16 in Cancún in December 2010. Unlike most other Annex I Parties, Turkey did not put forward a pledge in line with the Cancún Agreements. Turkey associated itself with some formal EU positions. Turkey has not yet submitted its fifth national communication under the United Nations Framework Convention on Climate Change. However, the GHG inventories are submitted regularly on annual basis as required. Turkey participated actively in the climate work under the Regional Environmental Network for Accession (RENA).

Some action towards future convergence with the EU Monitoring Mechanism was initiated. Turkey took steps to enhance co-operation on emissions trading, including to raise awareness of the EU Emissions Trading System amongst the different stakeholders in the country. However, Turkey's status as Annex I Party without a target continues to present a challenge to progress in this field. No steps were taken to promote convergence with the EU Effort-Sharing Decision. No progress can be reported in the field of fuel quality or in the implementation of emission standards from cars and vans, apart from introduction of the monitoring scheme of new car registrations. Neither were steps taken with respect to the geological storage of carbon dioxide. Turkey continues to implement the Montreal Protocol on ozone-depleting substances and fluorinated gases, but needs to take further steps to align with the EU legislation on fluorinated gases. Turkey has not yet associated itself with the Declaration adopted at the 22nd Meeting of the Parties to the Montreal Protocol on the global transition away from HCFCs and CFCs.

*Limited progress has been made in the area of **administrative capacity**. The former Ministry of Environment and Forestry has been split into two new ministries namely the Ministry of Forestry and Water Affairs and Ministry of Environment and Urbanisation (MoEU). Furthermore the Authority for the Special Protected Areas and regional Natural Heritage Boards were closed and merged into a directorate general under the newly established MoEU. Structures for environmental management have been more centralised with the recent legislative reorganisation at ministerial level. No progress has been made towards establishing a national environment agency. Environmental protection requirements are still not taken into account in the framing of policies and in the implementation of infrastructure projects. The Climate department within the Ministry requires further strengthening. Significant efforts are needed to promote cooperation and coordination between the different Ministries and authorities involved on climate change.*

Conclusion

Overall, some progress was made towards further alignment. Preparations in the field of environment are at an early stage. Turkey has made good progress on waste management,

whereas limited progress can be reported on horizontal legislation, air quality and industrial pollution control and risk management. Turkey made very limited progress on water quality, chemicals and on administrative capacity, which requires further strengthening, including better coordination between the relevant authorities at all levels. There is no progress to report on nature protection. Investments in the field of the environment need to be increased. Regarding climate change, Turkey made limited progress on awareness-raising on EU climate requirements. However, a more ambitious climate policy still needs to be established, both domestically and internationally. No further progress was made on administrative capacity in the field of climate change.”

1.3. Revised Accession Partnership Document

The Luxembourg Summit, which has been held on 12-13 December 1997 and being considered as a turning point for the future of Europe, paved the way to several important initiatives and took the decision for a creation of a new instrument, namely “**the Accession Partnership**”, which would be the key feature of the enhanced pre-accession strategy, by mobilizing all forms of assistance to the candidate countries within a single and coherent framework.

In general, **each Accession Partnership**:

- evaluates the priority areas in which the candidate country needs to make headway so as to accede to the EU and provides consequently a framework for the candidate country for the programming of its priorities (short/medium term);
- specifies the procedure for the candidate country to take advantage of the pre-accession aid which is financial support tool to be used for the preparations for accession;
- gives occasion to the candidate country to plan its financial means necessary for realizing the determined priorities.

Accordingly, the Council had adopted the first Accession Partnership for Turkey in March 2001 in accordance with the Luxembourg Presidency Conclusions.

A Revised Accession Partnership was presented by the Commission in March 2003 and adopted by the Council soon after, in May 2003. Following the Recommendation of October 2004, the Commission proposed the adoption of a new Revised Accession Partnership in 2005. The Revised Accession Partnership Document had been approved via Decision 2006/35/EC.

Finally, on 26 February 2008, the Council adopted the latest **revised Accession Partnership for Turkey** which repealed Decision 2006/35/EC.

The Accession Partnership priorities, as laid down hereinbelow, form the basis for programming the financial assistance of the Community, especially under Instrument for Pre-Accession Assistance (IPA).

In this framework, the requirements to be fulfilled by Turkey under the environment heading are as follows:

Short term:

- adopt a comprehensive strategy for the gradual transposition, implementation and enforcement of the *acquis*, including plans for building up the necessary administrative capacity at national, regional and local level and required financial resources, with an indication of milestones and timetables;
- continue transposition, implementation and enforcement of the *acquis*, in particular horizontal and framework legislation, such as the environmental impact assessment, including transboundary aspects, as well as strengthening of administrative capacity;
- adopt the National Waste Management Plan.

Medium term:

- continue to transpose and implement the *acquis* related to the framework legislation, international environmental conventions and legislation on nature protection, water quality, chemicals, industrial pollution and risk management and waste management;
- pursue integration of environmental requirements into other sectoral policies.

As a general rule, each country responds the Accession Partnership by a **National Programme for the Adoption of the *Acquis* (NPAA)** which includes a timetable and specific measures foreseen to address and achieve the Accession Partnership priorities.

In this context, Turkey adopted its **Third National Programme for the Adoption of the *Acquis*** (NPAA) on 31st of December, 2008.

1.4. Screening and Negotiations

The launch of negotiations indicated the start of the Commission's screening process aimed at taking stock of Turkey's progress in harmonising its laws with those of the Union.

The screening process comprises the initial stage of the actual negotiations and screening of **35 chapters** which is conducted in two stages.

During the first "**analytical screening**" stage, the Commission explains its *acquis* to Turkey through an **explanatory meeting**, while in the second - "**detailed screening**"- stage it is Ankara's turn to explain its current laws and commitments.

The screening meetings started on 20 October 2005 in the “**Science and Research**” chapter with the first explanatory meeting. This chapter was opened and provisionally closed on 12 June 2006.

In this context, the explanatory meeting for the **Environment chapter** was held on 3-11 April 2006 where, three main presentations are made by the European Commission.

Subsequently, the detailed meeting was held on 29 May – 2 June 2006 where, the Turkish side provided some presentations.

The **conclusion of the screening process** for Turkey was finalised on **12-13 October 2006**.

So far, thirteen were opened out of 35 negotiation chapters, one is provisionally closed, eight chapters are suspended and ten other chapters are politically blocked by the objections from France and Southern Cyprus.

However, the actual opening of the following **eight chapters** is not foreseen to be realised as long as the **Cyprus issue** remains as a problem:

- 1) Free Movement of Goods;
- 2) Free Movement of Services and the Right of Establishment;
- 3) Agriculture;
- 4) Fisheries;
- 5) Transport;
- 6) External Relations;
- 7) Financial Services; and
- 8) Customs Union

On the other hand, although the rest of the chapters may be opened, they will not be closed until Turkey fulfils its obligations vis-à-vis the Greek Administration of Southern Cyprus under the Customs Union as provided in the Protocol (to the Ankara Agreement) dated 29 July 2005, extending EU-15 Customs Union to the ten new Member States⁶⁰.

With the “**Science and Research**” chapter, which was opened and provisionally closed, thirteen chapters have been opened, until now, namely, “**Enterprise and Industrial Policy**”, “**Statistics**”, “**Financial Control**”, “**Trans-European Networks**” “**Consumer and Health Protection**”, “**Company Law**”, “**Intellectual Property Rights**”, “**Free Movement of Capital**”, “**Information Society and Media**” “**Taxation Chapter**”, “**Environment**” and more recently “**Food safety, veterinary and phytosanitary policy**” .

The Council of the European Union has approved the screening reports of **Economic and Monetary Policy** and of **Education and Culture** negotiation chapters

Finally, the environment chapter was opened to negotiations between Turkey and the EU on 21st of December 2009, during the EU Spanish Presidency. The cost of harmonization for

⁶⁰ Despite signing this Protocol, Turkish government also issued a declaration on the non-recognition of Cyprus.

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Turkey with the EU acquis on environment policy is estimated to amount nearly 100 billion Euros in total.

Poland hands over EU Presidency to Denmark for the period 1 January – 30 June 2012. No new negotiation chapters have been opened during the accession process between Turkey and the EU since the beginning of July 2010. 18 out of the remaining chapters are currently suspended due to technical and political reasons detailed above. The “Competition Policy”, “Public Procurement” and “Social Policy and Employment” are the only negotiation chapters which are technically feasible to get opened between the EU and Turkey for the moment.

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