



Pending Environmental Legislation in the European Union: An Overview for the Members of EFAEP

2nd issue

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GENERAL PROVISIONS

Title	Environmental balancing
Kind of document	recommendation
Number	2001/453/EG
Status	The member states are forced (since May 2001, recommendation) to make sure that companies include costs considering environmental aspects into their balance sheet
Content	The target is to reach an overview about environmental expenses and a standardised reporting about environmentally relevant costs of enterprises
Further procedures	To be completed by the member states

Title	Estimation of consequences
Kind of document	report
Number	COM/2002/0276
Status	Council demands that the Commission introduces actions of estimation of consequences in every proposal for directives
Content	Estimation of consequences of measures in a social, economic and environmental sense
Further procedures	Discussion about the introduction of an independent group for the judgement of sustainability of measures

Title	Environmental protection: free movement of detergents, biodegradability and labelling
Kind of document	Proposal for a regulation
Number	COD/2002/0216
Status	Awaiting Council common position
Content	<p>PURPOSE: to present a proposal for a Regulation on detergents. CONTENT: this proposed regulation establishes rules designed to achieve the free movement of detergents in the internal market while, at the same time, ensuring a high degree of protection for the environment. It lays down rules for:- the biodegradability of surfactants in detergents, and- the labelling of detergents. This proposal modernises the existing detergent directives, regarding the biodegradability of surfactants and the protection of the environment. The proposed new biodegradability tests ensure a higher level of environmental protection and at the same time are applicable to all types of surfactants in detergents. Furthermore, the requirements specified in Commission Recommendation 89/542, on labelling of detergents and cleaning products, and specific information to consumers related to the presence in detergents of fragrance substances are made binding for the products covered by this Regulation. The main points in the proposed legislation are:- a new definition for detergents to cover equivalent uses and be in line with developments in Member States;- the introduction of a definition for surfactants;- a clear and precise definition of the relevant types of biodegradability. The existing legislation on biodegradability of surfactants in detergents only covers primary biodegradability and it is only applicable to anionic and non-anionic surfactants. It needs to be replaced by new legislation, which lays the main emphasis on ultimate biodegradability and meets concerns related to the potential</p>

	<p>toxicity of persistent metabolites. The existing requirements regarding primary biodegradability are to be maintained on a second hierarchy level for those surfactants failing the ultimate biodegradability tests. Surfactants failing primary biodegradability tests cannot obtain marketing authorisation by way of derogation. The primary biodegradability requirements are extended to all surfactants, in particular cationic and amphoteric, whilst allowing for the possibility of applying instrumental analyses in those cases in which semi-specific analytical methods are not suitable. There are provisions to place on the market in exceptional cases surfactants failing the ultimate biodegradability test. Detergents not fulfilling requirements laid down by this Regulation will not be placed on the market. Specific labelling is introduced to inform consumers about fragrance substances and preservation agents that are present in detergents. Manufacturers of detergents remain responsible for not placing on the market detergent preparations containing non-complying surfactants and for ensuring that all the required technical documentation is available.</p> <p>Several amendments were made by the institutional bodies involved.</p>
Further procedures	<p>Awaiting Council common position Forthcoming adoption by parliamentary committee:21/01/2004</p>

Title	Environment: liability with regard to the prevention and remedying of environmental damage
Kind of document	Proposal for a Council Directive
Number	COD/2002/0021
Status	Awaiting EP 2nd reading
Content	<p>PURPOSE: to create a regulatory framework establishing environmental liability with regard to the prevention and remedying of environmental damage.</p> <p>CONTENT: the principle, according to which the polluter should pay, is at the root of Community environmental policy. The drafting of this Commission proposal to finally see this principle securely applied in the EU under strict legal conditions has been a long time in the making and dates back to the 1993 Green Paper on Environmental Liability, Parliamentary resolutions on this matter and the 2000 White Paper on Environmental Liability. Enhanced EU harmonisation and regulatory control in this field is justified on the grounds that:- Not all Member States have adopted legislation to address the problem.(Portugal and Greece have no specific legislation on contaminated sites).- Not all Member States' legislation adequately covers the primary objective of site clean-up.- Without a harmonised framework at Community level, economic actors could exploit differences in member states' approaches and engage in artificial legal constructions. For example, spin-off risky operation to exploit liability loopholes. Essentially, the proposal aims to establish a framework whereby environmental damage would be prevented or remedied through forcing operators to consider the costs of cleaning up polluted sites where there is a clear case of negligence on their behalf. On the basis of the subsidiarity and proportionality principles, the Directive leaves it open to the member states to decide when measures should be taken by the relevant operator or by the competent authorities or by a third party on their behalf. The specific aim of the proposed Directive is to determine certain rules on restoring damaged sites and to identify appropriate restorative measures so that a minimum common basis is shared by all EU Member States. Whenever possible, and in accordance with the "polluter pays" principle, the operator, who has caused the damage or who is faced with an imminent threat of such damage occurring, must ultimately bear the cost</p>

	<p>associated with those measures. Had the measures been taken by the competent authorities or by a third party on their behalf, the cost of so doing must then be recovered from the operator. Significantly, the proposed Directive provides, in cases where proprietary rights can not be established, that qualified entities, or persons who have a sufficient interest (e.g. environmental NGOs), may request the competent authority to take appropriate action and possibly challenge their subsequent action or inaction. The proposed Directive hinges on two areas. Firstly, to ensure that site contamination is effectively and efficiently cleared up. Secondly, to arrest the continuing loss of biodiversity in the EU. Concerning the first area namely site contamination, the Commission estimates that some 300 000 sites in the Community have already been identified as definitely or potentially contaminated. The clean up cost alone has been estimated at between EUR 55 and 106 billion. Since many sites have been classified as "orphan sites" (i.e. where ownership is impossible to determine or else the owners are insolvent) the cost of cleaning it up will come from public finances. This proposal seeks to ensure that liability should, in the future at least, determine who is responsible for contamination. Once that has been determined they should be held liable for the clean-up costs. Concerning the loss of bio-diversity, the Commission notes that existing EU Directives (i.e. the Habitats and Wild Birds Directive) contain no liability provisions whereby the polluter pays principle applies. Currently, few, if any, of the member states fill this void by imposing liability for bio-diversity damage on private parties. Lastly, the Commission has conducted a number of studies to assess the economic impact of the proposal in terms of its benefits and costs. Based on these studies the Commission concludes that imposing liability on operators is an effective tool for the prevention of damage occurring in the first place. This, after all, is one of the main objectives of the Directive. The parties responsible for the potential damage are encouraged to invest in prevention rather than pay for the higher restoration cost. Importantly, insurance costs are not being made compulsory under the initial proposal - but are strongly encouraged. In response to criticism that it would be impossible to insure clean-up costs, the Commission refers to a number of studies, which indicate unequivocally that insurers are both prepared, indeed already offer, insurance for this kind of legislation. Much of the studies are based on research in the United States where insurers have been offering comprehensive deals for the past twenty years.</p> <p>On 18th September the Council has formally adopted, by written procedure, its Common Position on the Directive about environmental liability with regard to the prevention and remedying of environmental damage. The Common Position will now be sent to the European Parliament for a second reading, in accordance with the codecision procedure.</p>
Further procedures	Awaiting EP 2nd reading

Title	LIFE, financial instrument for the environment
Kind of document	amend. regul. 1655/2000/EC
Number	COD/2003/0148
Status	Awaiting vote in plenary
Content	<p>PURPOSE : to amending Regulation 1655/2000/EC concerning the Financial Instrument for the Environment (LIFE).</p> <p>CONTENT : following its statement made at the time of the adoption of the Regulation and the judgement of the Court of Justice of 21 January 2003, which</p>

	annulled Article 11(2) of Regulation 1655/2000/EC concerning the committee procedure, the Commission is proposing a Regulation amending Regulation 1655/2000/EC as regards the committee procedure to be followed, the effect of which is to replace the regulatory committee by a management committee for the adoption of the measures for the implementation of that Regulation.
Further procedures	Awaiting vote in plenary

Title	Environment: persistent organic pollutants, conclusion of the Stockholm convention 2001
Kind of document	Proposal for a Council Directive
Number	CNS/2003/0118
Status	Awaiting vote in plenary
Content	<p>PURPOSE : to conclude, on behalf of the European Community, the Stockholm Convention on Persistent Organic Pollutants.</p> <p>CONTENT : the promotion of measures at international level to deal with environmental problems is one of the objectives of the Community's policy on the environment, in accordance with Article 174 of the Treaty. The Stockholm Convention on Persistent Organic Pollutants was adopted and signed by the Community and Member States 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 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 in the Convention. The overall objective of the Convention is to protect human health and the environment from POPs. Specific reference is made to a precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development. Most importantly, this principle is made operational in Article 8, which lays down the rules for including additional chemicals in the Convention. The nine intentionally produced chemicals currently listed in Annex A of the Convention (aldrin, chlordane, dieldrin, endrin, hexachlorobenzene, heptachlor, mirex, toxaphene and PCBs) are subject to a ban on production and use except where there are generic or specific exemptions. In addition, the production and use of DDT, a pesticide still used in many developing countries for malaria and other disease vector control, is severely restricted, as set out in Annex B of the Convention.</p> <p>As required by the terms of the Convention, the Community has annexed to the draft Decision a declaration of the extent of its competence in respect of the matters governed by the Convention. While the provisions of the Convention concern environmental protection, certain provisions on the control of intentional production and use of chemicals, are also relevant to the functioning of the internal market.</p> <p>Consequently, the legal bases of the draft decision are Articles 175(1) and 95(1) as the legal basis, in conjunction with Article 300. The Convention foresees that Parties submit proposals to the Secretariat of the Convention for listing additional substances in Annexes A, B or C. As these proposals may affect relevant Community legislation and as it is necessary to ensure that proposals are justified and have sufficient support in the Community, only joint proposals by the Community and the Member States may be submitted to the Secretariat.</p> <p>Furthermore, when an amendment of Annex A, B or C of the Convention has</p>

	been adopted, the Commission must decide on its implementation in the framework of the Regulation on persistent organic pollutants and amending Directives 79/117/EEC and 96/59/EC. (See COD/2003/0119). If this amendment is not implemented within one year from the date of communication by the depositary of the adoption of the amendment, and to avoid situations of non-compliance, the Commission must notify the non-acceptance of the amendment in accordance with Article 22(3)(b) of the Convention.
Further procedures	Awaiting vote in plenary

Title	Access to Environmental Information
Kind of document	Proposal for directive
Number	COM/2003/625/FINAL
Status	Transmission to parliament 27.10.2003
Content	The objective of this Directive is to contribute to the implementation of the Aarhus convention with a view to access to justice in environmental matters. The Directive aims at a high protection of the environment and the better implementation of environmental law by setting out a framework for access to review procedures in environmental matters.
Further procedures	Transmission to parliament 27.10.2003

Title	Legislative Framework for Reporting in the field of Transport and Environment
Kind of document	Communication au PE et au Council
Number	Not known
Status	
Content	Improve statistics of TERMN, enhance TERM's role in policy-making and institutionalise the financing
Further procedures	

Title	Action Plan for Environmental Technologies
Kind of document	Communication Planned Action Plan
Number	
Status	
Content	Action plan to tackle obstacles to the development, take-up and use of environmental technologies.
Further procedures	

Title	Financement de réseau Européen Natura 2000
Kind of	Communication to the Council and the Parliament t

document	
Number	
Status	
Content	<p>Brief Description: 1) Assessment of likely costs for management of community network Natura 2000.</p> <p>2) Presentation of potential options to implement co-financing of costs as committed in article 8 of the Habitats Directive.</p> <p>Objective: Stimulate debate and discussion of issue with a view of inter-institutional agreement on strategy to follow.</p>
Further procedures	

SUSTAINABLE DEVELOPMENT

Title	Structural indicators
Kind of document	report
Number	Com/2001/0619
Status	The Commission agreed to the Council's opinion that indicators measuring greenhouse gas emission, energy performance of traffic modes, urban air pollution, sustainable fishing and ecologic agriculture can be used immediately due to the existing data and quality of measurement
Content	To describe the achievement of economic goals using structural indicators and to add environmental targets to the official areas of policy
Further procedures	More indicators will be developed

Title	Environment: setting of eco-design requirements for energy-using products
Kind of document	amend. direct. 92/42/EEC
Number	COD/2003/0172
Status	Awaiting vote in plenary
Content	<p>PURPOSE : to establish a framework Directive for addressing eco-design requirements.</p> <p>CONTENT : it is generally acknowledged that the production, distribution, use and end of life management of energy-using products ("EuP") is associated with a considerable number of important impacts on the environment such as climate change linked to energy consumption, consumption of other materials and natural resources such as water, waste generation and release of hazardous substances to the environment. It is estimated that over 80% of all product-related environmental impacts are determined during the product design phase. Integrating environmental considerations as early as possible into the product development process is therefore the most effective way of introducing changes and improvements to products. It is expected that with the wide dissemination and considerable environmental impacts of energy-using products, growing public awareness of environmental issues will result in the environmental aspects and performance of such products being increasingly targeted. It is important to avoid market fragmentation through diverging national requirements as regards the environmental aspects of these products. It consequently appears necessary to create a coherent harmonised Community framework in which to address these "eco-design" requirements.</p> <p>The present proposal aims to:</p> <ul style="list-style-type: none"> - ensure the free movement of energy-using products within the EU; - improve the overall environmental performance of these products and thereby protect the environment; - contribute to the security of energy supply and enhance the competitiveness of the EU economy; - preserve the interests of both industry and consumers. The proposed framework Directive is in principle applicable to any product using energy to perform the function for which it was designed, manufactured and put on the market. All energy sources are covered, although it is likely that only those using electricity, solid, liquid and gaseous fuels will be the subject of implementing measures. The proposed scope is very large. However in practice, the framework Directive defines the criteria for selecting products that can be covered by implementing

	<p>measures. For example, a product will be selected only if it represents an important volume of sales in the EU market and an important environmental impact at European level. Another criterion is the potential for improvement, which should not entail excessive costs and could take into account both existing legislation and pro-active initiatives from industry.</p> <p>Additional aspects (product performance, health and safety, impact on consumers, manufacturers' competitiveness) are integrated in the analysis. The scope also covers parts, which are placed on the market as individual parts for end-users and whose environmental performance can be assessed in an independent manner. Both conditions must be fulfilled. The proposal makes clear that, unless implementing measures are adopted, no legal obligations flow from the framework Directive for manufacturers. It is proposed to exclude vehicles from the scope.</p> <p>The European Commission has on 9th September adopted a proposal for a Directive on the eco-design of energy-consuming products, such as electrical and electronic devices or heating equipment. Eco-design aims to improve the environmental performance of products throughout their life-cycle by systematic integration of environmental aspects in product design. Coherent EU-wide rules for eco-design will ensure that disparities among national regulations do not become obstacles to intra-EU trade. The proposal does not introduce directly binding requirements for specific products, but does define conditions and criteria for setting requirements regarding environmentally relevant product characteristics (such as energy consumption) and allows them to be improved quickly and efficiently. Products that fulfil the requirements will benefit both businesses and consumers, by facilitating free movement of goods across the EU and by enhancing product quality and environmental protection. The proposal constitutes a breakthrough in EU product policy and introduces many innovative elements together with concrete application of the principles of the "better regulation" package.</p>
Further procedures	Awaiting vote in plenary

Title	Energy and sustainable development: multi annual programme 'intelligent energy for Europe', 2003-2006
Kind of document	
Number	COD/2002/0082
Status	Procedure terminated
Content	<p>PURPOSE: to present a multi-annual programme in the field of energy entitled "Intelligent Energy for Europe".</p> <p>CONTENT: the current energy framework programme is due to expire on 31 December 2002 hence the Commission's proposal to renew the programme for a further three years. The new multi-annual programme will have a budget of EUR 215 million and will be entitled "Intelligent Energy for Europe". The objectives of the programme are fully in line with the conclusions of the Green Paper on the security of energy supply in Europe. Promoting renewable energy will be one of the main planks defining the multi-annual energy programme set to run from 2003-2006 and will be comprised of the following four priorities:</p> <p>1) SAVE : This is an energy saving programme with a total budget of EUR 75 million for the coming four years.</p> <p>2) ALTENER : A programme to promote renewable energy. It will be allocated a total budget of EUR 86 million over the coming four years.</p>

	<p>3) STEER : This programme will support energy saving measures in the field of transport and will be allocated a total of EUR 35 million over the coming four years.</p> <p>4) COOPENER : This is a programme which has been designed to encourage international actions in line with the EU's priority of energy savings and investment in renewable energy. Joint funding will in principle be limited to 50% of the total cost of projects but for certain studies or measures undertaken on the Commission's own initiative, there is provision for 100% funding.</p>
Further procedures	Procedure terminated

WASTE MANAGEMENT

Title	Revision of the general directive for waste – waste definition
Kind of document	Possible commission decision
Number	
Status	Since 1998 several workshops and suggestions from institutes and industries were held.
Content	Solution for the controversy between commission and representatives from industry about the question how to define the term waste
Further procedures	The Commission has asked for suggestions . A more precise definition is the aim of the discussion as the utilisation term for waste was criticized by several courts.

Title	Definition of ways how to utilize energetic waste
Kind of document	Expected Decision of the Commission
Number	
Status	After the first proposal in 1999 the commission did not further develop this matter because of the extreme criticism of the member states. The second proposal was handed in in 2001 and detailed statements from the member states showed that it would become difficult to rule this topic soon.
Content	Differentiation between utilisation and disposal in the field of burning of waste is the overall goal of the future directive.
Further procedures	Overworked draft will be presented

Title	Regulation (EC) of the European Parliament and of the Council of 25 November 2002 on waste statistics
Kind of document	Regulation
Number	2150/2002
Status	Amendments of EP's second reading accepted by the Council
Content	PURPOSE: to establish a framework for the production of Community statistics on the generation, recovery and disposal of waste. COMMUNITY MEASURE : Regulation 2150/2002/EC of the European Parliament and of the Council on waste statistics. CONTENT : Member States and the Commission must, within their respective fields of competence, produce Community statistics on the generation, recovery and disposal of waste, excluding radioactive waste which is already covered by other legislation. Statistics for the import and export of waste will be collected after certain pilot studies. In compiling the statistics, Member States and the Commission will observe the mainly substance-oriented nomenclature as set out in Annex III. In order to reduce the administrative burden on small enterprises, enterprises of less than 10 employees will be excluded from surveys, unless they contribute significantly to the generation of waste. There are provisions for transitional periods and implementation measures. ENTRY INTO FORCE : 29/12/2002.
Further procedures	Procedure terminated, Awaiting implementation

Title	Biodegradable waste
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Kind of document	Coming proposal for a Council directive
Number	
Status	Up to now seminars about the handling of biodegradable waste were held on the commission's initiative. A study came to the conclusion that the separation of waste collection by biodegradability and criteria could be inefficient, especially when costs for the leaving and burning of waste should increase.
Content	The directive on waste management includes a decrease of biodegradable waste by 25% until 2006, 50% until 2009 and 65% until 2016 compared to the year 1999. A paper published by the GD Environment in February 2001 suggests some measures how to handle and use this kind of waste.
Further procedures	This topic has actually no priority and is not part of the commission's work programme 2003

Title	Mining waste
Kind of document	Coming proposal
Number	
Status	The Commission invited interested people from industry to hand in proposals how to deal with typical waste from mining and how to rebuild the area after the termination of mining activities
Content	To help the industry to rebuild the area of mining locations after the termination of activities and how to use original material (waste) to rebuild nature
Further procedures	Revision of the commission paper

Title	Handling of waste including PVC
Kind of document	Coming report
Number	
Status	A commitment of the industry will be one possible result
Content	Discussion of a report how to deal with and how to avoid PVC
Further procedures	Expected for 2003

Title	Environment: waste electrical and electronic equipment WEEE
Kind of document	directive
Number	COD/2003/0084
Status	The original Commission proposal left the financing of historical waste from non-household sources to agreement between producers and users of the equipment at the time of purchase. During the first reading, this provision was changed into a formulation stipulating that the financing of the cost of management shall be provided for by producers. At that time, this was acceptable to all the institutions.
Content	To recall, the European Parliament and the Council recently adopted Directive 2002/96/EC which provides for the collection and environmentally sound treatment of WEEE.
Further procedures	Awaiting vote in plenary

Title	Management of Resources and avoidance of waste
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Kind of document	Expected report
Number	
Status	Due to very critical comments on the Commissions initiative the report is made to continue the negotiation process with representatives from the industry
Content	Development of a strategy for sustainable use of resources and the management of these.
Further procedures	The strategy including concrete measures for the implementation could be presented to the EP and to the Council in the second half of 2004

Title	Recycling of waste
Kind of document	Expected green paper
Number	
Status	Not yet published
Content	Development of a strategy for the recycling of waste with three priorities: 1. description of recyclable waste, 2. proposals for the measures to secure the collection and the observance, 3. suggestions for the support of markets to deal with recyclable goods
Further procedures	The green paper will be presented soon

Title	Waste: supervision and control of shipments, Base Convention 1989 and OECD Decision 1992
Kind of document	regul. 259/93/EEC
Number	COD/2003/0139
Status	Awaiting vote in plenary
Content	<p>PURPOSE : to establish procedures and control regimes for the shipment of waste, depending on the origin, destination and route of the shipment, the type of waste shipped and the type of treatment to be applied to the waste at its destination.</p> <p>CONTENT : the Commission is proposing to simplify control procedures for shipments of waste. It has proposed a revision of the 10-year-old Waste Shipment Regulation. This Regulation sets environmental criteria for waste shipments within, into and outside the European Union. It covers shipments of practically all types of waste by all types of means, including vehicles, trains, ships and planes. The proposal strengthens the current control procedures, simplifying and clarifying them to the benefit of both the environment and waste shipment companies. The proposal is also a step towards greater international harmonisation of waste shipments, as it fully implements the UN Basel Convention, which regulates shipments of hazardous waste at international level. The proposal reduces procedures and lists of waste from three to two. The proposal has four main objectives:</p> <ul style="list-style-type: none"> - Implementing the OECD Council Decision C(2001)107 of 14 June 2001 in Community legislation; - Addressing the problems encountered in the application, administration and enforcement of the 1993 Regulation and establishing greater legal clarity; - Pursuing global harmonisation in the area of transboundary shipments of waste; - Enhancing the structure of the Articles of the Regulation. The Commission's proposal introduces clarifications on the application and implementation of the current Regulation. The proposal does not change the basic logic of the current

	<p>Regulation - namely that shipments of waste must follow specific procedures, which depend on the type of waste shipped, whether it is hazardous waste or not, and the type of treatment that will be applied to the waste at its destination: recovery or disposal. The main procedure envisaged under the proposal is a procedure requiring prior written notification and consent for all shipments of waste destined for disposal, and of hazardous (like asbestos) and semi-hazardous waste (like ashes and other residues containing metals) destined for recovery. Under the current Regulation there are two procedures for such shipments, one is based on tacit and the other one on written consent. The proposal abolishes the tacit consent procedure, so that the procedure requiring written consent will become the main procedure. This simplification ensures proper control of hazardous waste as required under the Basel Convention, and minimises uncontrolled shipments of hazardous waste. The second procedure under the proposal applies to shipments of non-hazardous waste (like glass and paper) destined for recovery. It only requires that certain information is made available to accompany the shipments and neither notification nor consent is required in relation to such shipments. The proposal also provides for several new procedural safeguards in order to protect the notifier's rights and to ensure that the competent authorities respect certain different deadlines. The proposal also clarifies that shipment has to be controlled "all the way to the end" - meaning until completion of final recovery and disposal. This will ensure that waste cannot be left at an interim facility untreated and unmonitored. Final treatment in terms of final recovery and disposal must thus be proven before the shipment can be considered completed and thus "released" from further controls under this regime. The European Commission has proposed a revision of the 10-year-old Waste Shipment Regulation. This Regulation sets environmental criteria for waste shipments within, into and outside the European Union. It covers shipments of practically all types of waste by all types of means, including vehicles, trains, ships and planes. The proposal strengthens the current control procedures, simplifying and clarifying them to the benefit of both the environment and waste shipment companies. The proposal is also a step towards greater international harmonisation of waste shipments, as it fully implements the UN Basel Convention, which regulates shipments of hazardous waste at international level. The proposal reduces procedures and lists of waste from three to two.</p>
Further procedures	Awaiting vote in plenary

Title	Environment and health: incineration of hazardous waste, emissions, waste water
Kind of document	directive
Number	COD/1997/0314
Status	Proposal lapsed/withdrawn, This proposal, in accordance with Article 185 of the European Parliament's Rules of Procedure was considered to have lapsed,
Further procedures	will be subject to consideration by the new Parliament (5th legislature)

NOISE POLLUTION

AIR POLLUTION

Title	Air quality: heavy metals, arsenic, cadmium, mercury, nickel, polycyclic aromatic hydrocarbons
Kind of document	direct. 96/62/EC
Number	COD/2003/0164
Status	Awaiting vote in plenary
Content	<p>PURPOSE : to adopt measures to reduce air pollution by heavy metals.</p> <p>CONTENT : Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management (the Air Quality Framework Directive) provides the framework for future EC legislation on air quality. The present proposal introduces Community legislation on arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons (PAHs) in fulfilment of obligations under Directive 96/62/EC. Prolonged inhalation of these pollutants can cause lung cancer and other adverse effects on human health. The proposed legislation will require air quality monitoring by Member States, which will provide the necessary information to take appropriate abatement measures and monitor their implementation.</p> <p>The objectives are fourfold:</p> <ol style="list-style-type: none"> 1) establish a target value for the concentration of benzo-a-pyrene in ambient air so as to avoid, prevent or reduce harmful effects of polycyclic aromatic hydrocarbons on human health; 2) ensure that ambient air quality is maintained where it is good and that it is improved in other cases with respect to polycyclic aromatic hydrocarbons; 3) determine common methods and criteria for the assessment of concentrations of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air as well as of the deposition of arsenic, cadmium, mercury and polycyclic aromatic hydrocarbons; 4) ensure that adequate information on concentrations of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons is obtained and ensures that it is made available to the public. The proposed Directive relates to Annex I of the Air Quality Framework Directive, which lists atmospheric pollutants to be taken into consideration in the assessment and management of ambient air quality. Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead, Directive 2000/69/EC relating to limit values for benzene and carbon monoxide and Directive 2002/3/EC relating to ozone in ambient air are already in force. In addition to this legislation, <p>there is provision in Annex I of the Air Quality Framework for regulating ambient air quality of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons (PAH) by setting out criteria and techniques for assessing ambient air quality, and laying down provisions for forwarding information to the Commission and the public. Thereby the proposal incorporates the objectives of the Sixth Community Environment Action Programme.</p> <p>This proposal is the final step in implementing the Framework Directive by regulating pollutants in ambient air that pose risks to human health. In particular with a view to the risk to human health posed by PAH emissions from domestic heating and road traffic a target value of 1 ng BaP/m³ in ambient air is proposed,</p>

	<p>which must be attained as far as possible and without entailing excessive costs. This target value refers to an annual average of the PM10 particle fraction in ambient air. Attainment of these concentrations would ensure a reasonable protection of the population from carcinogenic effects. To ensure the best protection of human health all proportionate abatement measures should be taken where the target value is exceeded. In this context the proposal complements the IPPC directive by raising awareness of any exceedance of the target value given above and by ensuring that achievements with regard to improvement of air quality are adequately monitored. The proposal foresees mandatory monitoring where concentration exceed the following assessment thresholds:</p> <ul style="list-style-type: none"> - 6 ng arsenic/m³; - 5 ng cadmium/m³; - 20 ng nickel/m³; - 1 ng BaP/m³. <p>As concentrations below these levels would minimise harmful effects on human health only indicative monitoring of concentrations of arsenic, cadmium, mercury, nickel and specific PAH at a limited number of sites is required where the assessment thresholds are not exceeded. The objective of this background monitoring would be to assess the impact on human health and the environment For the same purpose the monitoring of total deposition of arsenic, cadmium, mercury and PAH is required. Within a few years of implementation, the proposed Directive will produce a much more complete picture of air quality regarding heavy metals and polycyclic aromatic hydrocarbons. This information will be complemented by investigating soil contamination and by the latest scientific evidence on the effects of the named pollutants on human health. Based on this, the Commission will in 2008 review the effectiveness of the new directive and adapt it if and where necessary.</p>
Further procedures	Awaiting vote in plenary

Title	Air pollution: volatile organic compounds due to organic solvents
Kind of document	Proposal for a directive
Number	COD/2002/0301
Status	Awaiting Council common position
Content	<p>The proposal aims to reduce VOCs emissions by setting the maximum values for the VOC content in certain categories of decorative paints and vehicle refinishing products, limits that have to be respected for the marketing of these products within the EU. However, in accordance with the principle of subsidiarity, some flexibility is provided, for example by allowing Member States discretion in the development and implementation of market surveillance systems. The proposal will for the first time set EU-wide limits on solvent content in paints, varnishes and vehicle refinishing products to come into effect in two phases: 2007 and 2010. More specifically, as regards a two-phase approach, this will give the sectors affected adequate time to adapt without compromising the long-term environmental benefits. The first phase will apply from 1 January 2007 while the second will apply from 1 January 2010.</p> <p>The European Parliament did not follow the environment committee on one important point: on the question of the boiling point of volatile organic compounds, Parliament rejected the committee's amendment of substances with a boiling point up to 280C such as the solvent Texanol. All amendments aiming at modifying the limit values were rejected, though a single new limit value for</p>

	Interior/exterior trim and cladding paints for wood and metal was inserted.
Further procedures	Expected date of Council debate:27/10/2003 Council common position expected:22/12/2003

Title	Air Quality Framework Directive
Kind of document	New Directive
Number	Unknown
Status	
Content	On 9th September, a new Directive comes into force in the European Union which aims to ensure a better protection from ground level ozone of both the population and plant life. This year's hot summer in Europe resulted in record-high ground level ozone levels in many parts of the EU. Ground level ozone is a pollutant which can cause severe health problems, in particular in vulnerable groups like elderly people and children. The new Directive obliges Member States to inform and alert the population when ozone concentrations in the air are above certain thresholds. It also defines long-term objectives to protect human health and vegetation from ozone to be attained across the EU as far as possible by 2010.
Further procedures	

CLIMATE CHANGE

Title	Joint Implementation and Clean Development Mechanism
Kind of document	Proposal for a directive
Number	COM (2003)403
Status	In conformity with the Kyoto declaration and community actions in issues related to cogeneration
Content	<p>The legislation on emission trading is expected to be extended on the commission's initiative, the possibility will be investigated under which conditions measures (like credits) can be implemented to support the reduction of emissions. This belongs to the mechanisms which are stated in the Kyoto protocol.</p> <p>The European Commission adopted on 23th July a new initiative to combat climate change globally. The proposal for a new Directive will allow European companies to carry out emissions-curbing projects around the world and convert the credits earned into emissions allowances under the European Union emissions trading scheme. The proposal builds on the so-called market-based flexible mechanisms "Joint Implementation" and the "Clean Development Mechanism" envisaged by the Kyoto Protocol. Their aim is to reach the global emissions reduction targets in a cost-effective way while transferring advanced technology to other industrialised and developing countries.</p>
Further procedures	Commission as well as the Parliament are willing to link this proposal closely with the future system on emission trading.

Title	Fluorine gases – planed procedure
Kind of document	unknown
Number	
Status	<p>The environment council demanded the Commission to present a proposal for a directive whereas the Commission intends to amend the existing regulation (2037/00/EG) on gases which destroy the ozone layer</p> <p>The European Commission has on 12th August adopted a proposal for a Regulation to reduce emissions of fluorinated greenhouse gases. The proposal represents a further step towards fulfilling the EU's obligations under the Kyoto Protocol to reduce emissions of all gases contributing to global warming. Fluorinated gases are extremely powerful and long-lived greenhouse gases. Their emissions are forecast to increase rapidly in the coming years if no action is taken. The gases are used in refrigeration, air conditioning, fire-fighting equipment and various industry processes. The Commission's proposal is expected to reduce by almost a quarter the projected emissions of these gases by 2010.</p>
Content	Emission control of fluorine gases
Further procedures	Planned for the third quarter 2003

Title	Environment, ozone layer: halons, chlorofluorocarbons CFCs and
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	bromochloromethane
Kind of document	amend. regul. 2037/2000/EC
Number	COD/2002/0268
Status	Awaiting publication in OJ
Content	<p>PURPOSE : to amend Regulation 2037/2000/EC as regards the critical uses and export of halons, the export of products and equipment containing chlorofluorocarbons and controls on bromochloromethane.</p> <p>CONTENT : in applying Regulation 2037/2000/EC of the European Parliament of the Council on Substances that Deplete the Ozone layer, a large number of issues have emerged that need to be addressed through amendment to this Regulation.</p> <p>This proposal concerns four amendments :</p> <p>1) the first issue concerns the controlled substance, halon : this amendment proposes to establish timeframes for reducing the use of halons for critical uses, where justified, when reviewing Annex VII. This will ensure that progress is made in reducing the scope of the use of halons for critical uses and thereby accelerating the improvement in the ozone layer;</p> <p>2) the second issue concerns the export of halon : it is proposed that the Commission would be able to track whether halon exports were being used for critical uses in the importing country since halon, as a controlled substance, would require an Export Authorisation Number thus facilitating the task of the Commission in enforcement.</p> <p>Overall, this amendment would result in reduced production of halons globally, promotion of safe practices for the transport of halons for critical uses, mandatory monitoring of exports, confirmation that halons were being exported for critical uses, and so contribute to the recovery of the ozone layer;</p> <p>3) the third issue concerns the export of controlled substances or products containing controlled substances : Article 11 of Regulation 2037/2000/EC prohibits the export of controlled substances or products containing controlled substances. This ban will encourage the recovery and destruction of such controlled substances according to the provisions of Article 16 of Regulation 2037/2000/EC. The major focus of Article 11 is to stop the growing export trade in used refrigeration and air-conditioning equipment, in particular domestic refrigerators and freezers, containing CFCs to developing countries. Even if the CFCs are taken out of the compressors in such equipment before export there is still about twice as much CFC contained in the rigid insulating foam in these products. In the absence of destruction facilities in developing countries this CFC will ultimately leak to the atmosphere and cause damage to the ozone layer. In addition developing countries are now starting to phase out CFCs and many have indicated that they do not wish to be recipients of second hand products and equipment that contain CFCs. However, as currently drafted Article 11 applies not just to refrigeration an air-conditioning equipment but to all products and equipment containing insulating foam or integral skin foam which was produced with CFCs. This could mean for instance that second hand aircraft and vehicles containing rigid insulating foam or integral skin foam blown with CFCs could not be exported from the EC. Since it was the intention of Regulation 2037/2000/EC to restrict only the export of used refrigeration and air-conditioning equipment containing CFCs and not other products and equipment containing foam blown with CFCs an appropriate amendment is required;</p> <p>4) the fourth issue concerns the provisions on new substances asset out in Article 22 and Annex II of Regulation 2037/2000/EC : as currently drafted Regulation</p>

	<p>2037/2000/EC does not provide the same level of control to the new substance listed in Annex II - bromochloromethane - as is applied to other controlled substances and thereby the European Community is not fully meeting all its obligations under the Montreal Protocol. In order to redress this situation, it is necessary that the provisions applying to controlled substances also applies to the new substance - bromochloromethane.</p> <p>The main amendments of the European Parliament are: - All noncritical installations of halon should be decommissioned by 31 December 2003. Decommissioned halon should be able to be stored for critical uses, exported from critical use storage or destroyed.</p> <p>- Regulation 2037/2000/EC permits exports of products and equipment containing halon, to satisfy critical uses listed in Annex VII. That Regulation is amended to allow bulk halon for export for critical uses until 31 December 2009, as long as it is obtained from recovered, recycled and reclaimed halon that originates from storage facilities authorised or operated by the competent authority. A review of exports of bulk halon will be called with a view to banning exports earlier than 31 December 2009, if appropriate. Exports of halon for critical uses are prohibited after 31 December 2003 if the halon is not from facilities authorised or operated by the competent authority to store halon for critical uses.</p> <p>- The Commission will be responsible for authorising exports for halon exported in products and equipment for critical uses. The Commission should only authorise these exports once the competent authority of the relevant Member State has verified that the exports are for one or more of the specific critical uses listed in Regulation 2037/2000/EC. In addition, the exporter is required to report actual exports at the end of the year. - Member States must report annually on controlled substances including halon that are recovered, recycled, reclaimed or destroyed.</p> <p>05/06/2003 - EP VOTE 1st READING 22/05/2003 - DECISION OF COMMITTEE RESPONSIBLE</p>
Further procedures	Awaiting publication in OJ

Title	2ème rapport du Programme changement climatique Européen
Kind of document	Report
Number	?
Status	?
Content	<p>After the ratification of the Kyoto Protocol in may 2002, implementation measures havte to be prosed.</p> <p>Objectives: Report of the 2nd phase of the ECCP that will provide a bais for possible further EU measures to reduce greenhouse gas emissions.</p>
Further procedures	?

WATER PROTECTION AND MANAGEMENT

Title	Conversion of the General framework for regulations on water
Kind of document	Decision
Number	
Status	More than 10 guidance documents are planned, when they are completed they will be presented to the public and will then be tested in a test area
Content	Commission and member states accompany the conversion with the "Common Implementation Strategy" CIS, a strategic coordination group of 11 working groups. Commission is just in a consultant position, the result will be guidance documents which can serve as a commission decision
Further procedures	

Title	Pollution, public health: quality of bathing water
Kind of document	Proposal for a directive
Number	COD/2002/0254
Status	The Council held a policy debate, on the basis of a paper drawn by the Presidency, concerning a proposal for a Directive on the quality of bathing water. Even if the debate was not too controversial, an agreement has not been close
Content	Protection of the bathing waters has been one of the most successful elements of European Water Policy. The 1976 Bathing Water Directive has also resulted in unprecedented public awareness. The directive requires changes, due to changes in science and technology as well as managerial experience. Furthermore, the provisions of the Bathing Water directive must be entirely compatible with the recent Water Framework directive.
Further procedures	Awaiting vote in plenary

Title	Protection of groundwater: prevention and control of pollution
Kind of document	Proposal for a directive
Number	COD/2003/0210
Status	Awaiting vote in plenary
Content	<p>PURPOSE: to improve the quality of Europe's groundwater.</p> <p>PROPOSED ACT: Directive of the European parliament and of the Council.</p> <p>CONTENT: to recall, groundwater acts as a reservoir from which good quality water can be abstracted for drinking and for use in industry and agriculture. It is also important for maintaining wetlands and river flows, acting as a buffer through dry periods. In addition, groundwater provides base flow to surface water systems, feeding surface water systems all through the year. Thus groundwater quality has a direct impact on the quality of those surface waters as well as that of associated aquatic and terrestrial ecosystems. As groundwater moves slowly through the ground, the impact of human activities can last for a relatively long time. For these reasons, it is necessary to focus on preventing pollution in the first place.</p> <p>Existing EU groundwater policy, that is Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, has been aimed at protecting groundwater from direct and indirect discharges of a number</p>

	<p>of pollutants. But this Directive does not set any clear quality objectives nor does it require comprehensive monitoring. As a result, there is not much data available about the quality of groundwater in Europe. The proposed Directive will change this situation. In addition to the rules in Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, groundwater protection is also a feature of the Water Framework Directive 2000/60/EC (WFD), which is the basic legislation for the protection of Europe's aquatic environment. Article 17 of the WFD requires that on the basis of a proposal from the Commission, the European Parliament and the Council shall adopt specific measures to prevent and control groundwater pollution by defining common criteria on good chemical status and on quality trends. This proposal for a Groundwater Daughter Directive meets that requirement. The proposal is accompanied by an Extended Impact Assessment carried out in the first quarter of 2003. It should be noted that the total quality assessment costs, the costs of the monitoring and clean-up measures required by the river basin management plan, and the administrative costs are already covered under the WFD.</p> <p>The proposed Groundwater Daughter Directive provides clear additional specifications, which should result in a more harmonised approach to defining and monitoring groundwater status than the existing WFD specifications.</p> <p>The European Commission adopted on 22nd September a proposal for a new Directive to protect groundwater from pollution. The proposed Directive will decisively improve the quality of Europe's groundwater. It introduces monitoring requirements and quality objectives, obliging Member States to monitor and assess groundwater quality and to identify and reverse trends in groundwater pollution.</p>
Further procedures	Awaiting vote in plenary

Title	Sewage sludge
Kind of document	Coming alteration of the directive
Number	86/278/EWG
Status	If the suggested limits for concentration of organic substances and trace elements will be adopted is not yet clear
Content	How to deal with sewage sludge concerning the use in agriculture and other sectors, contents of sewage sludge, preparation of a codex "rules for best practice of the utilisation of sludge"
Further procedures	Expected for the second half of 2003

Title	Conservation of marine environment: deep-water coral reefs and trawling
Kind of document	amend. regul. 850/98/EC
Number	CNS/2003/0201
Status	
Content	<p>PURPOSE : to protect deep-water coral reefs from the effects of trawling in an area north west of Scotland ("the Darwin mounds").</p> <p>CONTENT : The process of integrating environmental protection requirements into the Common Fisheries Policy calls for the adoption of measures to minimise the impact of fishing activities on marine ecosystems (see Regulation 2371/2002/EC.) Recent scientific reports have shown that certain deep-water habitats are in need of protection against mechanical erosion by fishing gear.</p>

	<p>These include the habitats formed by deep-water coral (<i>Lophelia pertusa</i>) aggregations such as the ones recently discovered in the north west of Scotland, known as the "Darwin Mounds". These deep-water habitats are increasingly the subject of attention in international fora. For example, the Convention for the Protection of the Marine Environment of the North-East Atlantic ("OSPAR Convention") has recently included deep-water coral reefs in a list of endangered habitats.</p> <p>Deep-water habitats are also being dealt with within the United Nations informal consultative process on oceans and the law of the sea as vulnerable habitats requiring special protection. While several coastal States around the world have already taken the required protection measures, the European Community has not yet done so, despite intense pressure from certain sectors of public opinion and non-governmental organisations. Deep-water coral reefs such as the ones found in the Darwin Mounds are included in Annex I of Council Directive 92/43/EEC as natural habitats of Community interest whose conservation requires the designation of special areas of conservation, with a view to their integration in the Nature 2000 network. The United Kingdom has formally expressed its intention to designate the Darwin Mounds as a special area of conservation, in fulfilment of its obligations under the Directive. It should be noted, however, that the adoption of this proposal is without prejudice to the need for the UK to continue the process leading to the inclusion of the Darwin Mounds in the list of Natura 2000 sites. Given the importance that damage from erosion by bottom trawls may have for the survival of these habitats, the Commission proposes prohibiting the use of bottom trawls and similar gears in the Darwin Mounds by way of an amendment to the existing technical measures regulation (Regulation 850/98/EC). Given that this damage may be non-reversible or very difficult to repair, the Commission is in the process of adopting a regulation issuing a similar prohibition by way of an emergency measure provided for in Article 7 of Regulation 2371/2002/EC. The fishing industry will not suffer major consequences, since it can continue to fish with bottom trawls outside the relatively small part of the fishing grounds affected by the Darwin Mounds, or within the protected area using towed gear not in contact with the bottom, such as pelagic trawls and longlines, purse seines and other fixed gear.</p>
Further procedures	Awaiting vote in plenary

PROTECTION OF NATURE AND BIODIVERSITY

Title	Agreements on environmental issues on community level
Kind of document	Report
Number	
Status	The discussion focuses actually on the question whether agreements are a helpful tool to support the legislation, most persons involved are sure that primarily environmental policy has to be made by setting binding laws
Content	How can agreements on environmental issues be integrated in existing European law?
Further procedures	The European Parliament will discuss if the frame conditions presented by the rapporteur are an adequate basis or if they might prevent the industry from starting own initiatives

Title	Forests : protection and monitoring of atmospheric pollution and fires, action 2003-2008 Forest Focus
Kind of document	Proposal for a directive
Number	COD/2002/0164
Status	Awaiting EP 2nd reading
Content	<p>PURPOSE : to present a draft European Parliament and Council Regulation concerning monitoring of forests and environmental interactions in the Community (Forest Focus).</p> <p>CONTENT : the purpose of the present proposal for a European Parliament and Council regulation is the establishment of a new Community scheme on monitoring of forests and environmental interactions to protect the Community's forests. The scheme will be built on the achievements of two Council regulations for monitoring the impacts of atmospheric pollution and of fires on forest ecosystems. The present proposal provides a multi-annual framework covering initially a 6 year period from 2003 to 2008. Co-financing of National Forest Monitoring Programmes in the Member States of up to 50% of the eligible costs is envisaged. Provision has been made to finance the studies and pilot projects required to develop the monitoring of forest bio-diversity, carbon sequestration and soil properties and to enhance existing monitoring activities by giving them an EU-wide scope. EUR 52 million has been proposed for the period 2003-2006, with an annual allocation of EUR 13 million. Forest Focus would be open to the candidate countries. It aims at adapting the scope of the above mentioned regulations to provide a flexible monitoring scheme to assess forest ecosystem conditions in a broader context. It also simplifies existing activities by regrouping elements of both regulations under a single framework regulation covering the protection and monitoring of forests. This new scheme will provide data and information to allow a risk assessment on forest ecosystem condition. Single factors, but in particular the combination of different stress factors can severally damage or destroy forest ecosystems. Information on the trends in forest condition that can be available at an early stage can help to develop appropriate measures to improve forest conditions or to eliminate the stress factors causing damages.</p> <p>Departing from the basic objective indicated above, a set of objectives corresponding to the particular monitoring exercises can be defined. These are as follows:</p>

	<ul style="list-style-type: none"> - To provide information on the spatial and temporal variation in forest ecosystem condition, in relation to anthropogenic as well as natural stress factors, for the different eco-regions of the European Union. - To provide information on forest fires and causes of forest fires in the Union and develop models for forest fire prediction and prevention based on the condition of the forest ecosystem. - To provide quality information that provides a sound basis for political decisions on abating factors affecting the forest ecosystem condition and to devise methods of maintaining and restoring damaged forest ecosystems. - To fulfil obligations that already have been taken up by the Union (e.g. Convention on Long-range Transboundary Air Pollution, Convention on Biodiversity), to support pan-European and international discussions (e.g. Ministerial Conference on the Protection of Forests) and to respond to requirements that will evolve in the future (EU Soil Strategy, Clean air for Europe - CAFE, etc).
Further procedures	Awaiting EP 2nd reading

Title	Biosafety: genetically modified organisms GMOs, Cartagena Protocol
Kind of document	proposed regulation
Number	COD/2002/0046
Status	Awaiting publication in OJ
Content	<p>PURPOSE : in accordance with the precautionary principle, the objective of the proposed regulation is to establish a common system of notification and information for exports to third countries of genetically modified organisms (GMOs).</p> <p>CONTENT : on 24 May 2000, the European Community and its Member States signed up to the Cartagena Protocol on Biosafety. Implementing legislation must now be put in place at Community level in order to conclude this international agreement, in accordance with Article 300 of the Treaty. Against this background, the Commission is committed to present a proposal for an appropriate legal instrument to implement the provisions of the Protocol. More specifically, the proposed Regulation lays down at Community level requirements for the implementation of the Cartagena Protocol on Biosafety. The overall objective of the Protocol is to contribute to ensuring an adequate level of protection in the field of safe transfer handling and use of genetically modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focussing on transboundary movements. It should be noted that pharmaceuticals for human use are excluded from the scope of this Regulation. The proposed regulation aims at avoiding differences and overlap between national laws, regulations and administrative provisions concerning exports and unintentional transboundary movements of GMOs which may hinder the free movement of products, creating conditions of unequal and unfair competition.</p> <p>A Community Regulation laying down a harmonised framework for transboundary movements of such products would, therefore, provide for legal certainty as well as a coherent and consistent approach that should contribute to the effective functioning of the internal market.</p> <p>On 11th September the Cartagena Protocol on Biosafety enters into force. The Protocol is designed to protect biological diversity and human health from the</p>

	potential risks arising from genetically modified organisms (GMOs) by providing a clear legal framework for their transboundary movement. The Advanced Informed Agreement (AIA) procedure established by the Protocol will ensure that countries can make informed decisions on whether to import GMOs intended for introduction into the environment. Shipments of GMO commodities will have to fulfil specific documentation requirements. The entry into force should be an incentive for more countries to ratify the Protocol, ensuring their participation to the First Meeting of the Parties scheduled for February 2004 in Malaysia.
Further procedures	Awaiting publication in OJ

Title	Environment and health: electrical and electronic equipments WEEE, restriction of hazardous substances RoHS
Kind of document	directive
Number	COD/2000/0159
Status	The Council adopted the Directive of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (so-called RoHS Directive).
Content	The proposed Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment will contribute to the same objectives by ensuring that substances causing major problems during the waste management phase, such as lead, mercury, cadmium, hexavalent chromium and certain brominated flame retardants are substituted.
Further procedures	Procedure terminated

Title	Thematic Strategy for Urban Environment
Kind of document	?
Number	?
Status	
Content	Contributes to the improvement of the environmental efficiency of urban areas to secure a healthy living environment for urban citizens. Approach: 1. Develop a common Vision for the development of environmentally sustainable cities; 2. Develop a policy framework for the strategy. Translate the vision into an ecosystems approach, based on the following three components: a) The individual urban area; b) The individual urban area and its supporting natural environment; c) The City region. 3 Develop new actions and recommendations. The strategy will be developed incrementally through a phasd approach. For the first phase three priority areas are to be included: Sustainable urban transportation; Sustainable urban design, construction and regeneration; Sustainable management of the urban environment
Further procedures	

Title	Communication from The Commission to the Council, The European Parliament, The Economic and Social Committee and The Committee of the Regions: Towards a Thematic Strategy for Soil Protection
Kind of document	Communication
Number	COM(2002) 179 final
Status	Adopted
Content	<p>Against this background, the Community's 6th Environment Action Programme includes a thematic strategy on soil protection with particular attention to preventing erosion, deterioration, contamination and desertification. The purpose of this Communication is to build on this political commitment in order that soil protection be achieved more fully and systematically in coming years by setting out the way towards developing this strategy. However, this Communication is also the first occasion on which the Commission has addressed soil protection for its own sake and therefore it is both broad and descriptive in approach. It addresses inter alia erosion, the decline in soil organic matter and prevention of pollution. It aims in particular to:</p> <ul style="list-style-type: none"> • describe the multiple functions of soils • identify its characteristics relevant to policy development • identify the main threats to soil • present an overview of relevant Community policy • present the current situation regarding soil information and monitoring and identify gaps which need to be filled as a basis for soil protection policy • establish the policy basis and outline the steps towards the presentation of a thematic strategy on soil protection in 2004. <p>The Commission considers that soil protection at this stage can best be achieved through a strategy based on</p> <ol style="list-style-type: none"> (1) initiatives, now, in environmental policies, (2) integration in other policies, (3) soil monitoring, and (4) the future development of new actions based on monitoring results. <p>Together, these actions form the basis for a thematic strategy on soil which relies in the first instance on current knowledge as the basis for action and, in the future, on developing more fully a knowledge basis for future actions.</p>
Further procedures	

Title	Thematic Strategy for Soil Protection
Kind of document	Report
Number	COM/2002/0179
Status	A strategy for soil protection will be presented in 2004
Content	Investigation of environmentally relevant characteristics of the earth and the resulting danger for the humanity
Further procedures	Intensified discussion with stakeholders

CHEMICAL PRODUCTS

Title	Revision of the EU policy on chemicals- REACH Regulation
Kind of document	Planned Regulation
Number	
Status	A common proposal of GD Enterprise and GD Environment was released on October 29 th 2003.
Content	The targets of a future chemicals policy are the protection of human health and of the environment, an increased information flow concerning the substances and an increased transparency through an easier access to information. Basis for the future chemicals policy is the REACH-System (registration, evaluation and authorisation of chemicals)
Further procedures	The proposal has been transmitted to the European Parliament.

Title	Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee Towards a thematic strategy on the sustainable use of pesticides
Kind of document	Communication
Number	COM(2002) 349 final
Status	Adopted by the Commission in December 2002
Content	<p>Pursuant to Article 7 (1) of the 6EAP, the main objective of the thematic strategy is to reduce the impacts of pesticides on human health and the environment and more generally to achieve a more sustainable use of pesticides as well as a significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection.</p> <p>As an element of the 6EAP, the thematic strategy should also contribute to the overall aims and be conform with the principles of the programme, as set up in Article 2 of the above-mentioned Decision. This requires, among others, that:</p> <ul style="list-style-type: none"> it contributes to ensuring a high level of protection of the environment and human health, in particular taking into account the specific needs for children and the environment; it contributes to achieving a de-coupling between environmental pressures and economic growth; it supports the improvement of the management of chemicals and pesticides in developing and candidate countries, including the elimination of stocks of obsolete pesticides inter alia by supporting projects aimed at such elimination and the strengthening of the pesticides policy within the context of the EC Development Policy¹; it takes account the principle of subsidiarity and the diversity of situations in the various regions of the Community; it contributes to the development of a plant protection practise that fits into the concept of sustainable agriculture including social and economic dimensions.
Further procedures	Adopted by the Commission in December 2002

Title	Phthalate
Kind of document	Revision of the directive
Number	76/769/EWG
Status	As the member states are discussing still the relevance of a ban the decision has been postponed several times now,
Content	The revision will ban 6 phthalates (DINP, DEHP, DNOP, DIDP, BBP, DBP) for the use in toys for children younger than three years
Further procedures	Commission will present a proposal for the limits of the escape of phthalates

Title	Revision of the packing directive
Kind of document	Coming revision of the directive
Number	COD/2001/0291
Status	The Council adopted a Common Position on 6 March 2003 by qualified majority. The Commission supports the Common Position In particular, the Commission welcomes the limitation of this revision to the recovery and recycling targets and the refinement of the definition of packaging. Other issues should be first studied and discussed with stakeholders before further steps are taken.
Content	First signed in 1994 the Packaging and Packaging Waste Directive aims to offer a high level of environmental protection combined with the need to avoid distortions in the internal market. Under the legal provisions of the Directive, the Commission is obliged to propose new targets for recovery and recycling for the next five years no later than six months before the end of the first five-year phase. Hence, the proposed revision is limited to the establishment of recovery and recycling targets to be achieved by 30 June 2006 and a clarification of the definition used for this purpose. As yet, no changes are foreseen relating to the other aspects of the Directives, such as prevention, reuse, producer responsibility or the New Approach. These will be the subject of discussions under the 6th Environmental Action Programme. 10/09/2003 - COMMISSION OPINION, 2nd READING 02/07/2003 - EP VOTE 2nd READING 22/05/2003 - DECISION OF COMMITTEE RESPONSIBLE 07/03/2003 - COMMISSION ASSESSMENT OF COMMON POSITION 06/03/2003 - COMMON POSITION 03/09/2002 - EP VOTE 1st READING 09/07/2002 - DECISION OF COMMITTEE RESPONSIBLE 25/06/2002 - COUNCIL ACTIVITIES
Further procedures	Awaiting EP 2nd reading

Title	Persistent organic harmful substances
Kind of document	Planned decision
Number	
Status	The convention has been signed on an international conference in Stockholm, Commission intends to ratify this convention soon
Content	Ratification of an international convention about persistent organic harmful substances with control mechanisms regulating import and export and the disposal and use of these substances

Further procedures	open
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Title	Pesticide review: 110 additional substances to be withdrawn
Kind of document	European Commission's new approach
Number	
Status	
Content	A further 110 substances used in plant protection products (PPPs) including insecticides, fungicides and herbicides are to be withdrawn from the market by December 2003 as part of the European Commission's new approach to the evaluation of active substances in plant protection products. These 110 substances are in addition to the 320 that have to be withdrawn from the market in July 2003.
Further procedures	

Title	Batteries and accumulators
Kind of document	directive
Number	Amendment of directive 91/157/EWG
Status	Lately a new consultation has been started by the Commission in which interested persons are forced to comment the consultation paper written by the Commission
Further procedures	Voluntary agreements can be made

CIVIL PROTECTION

Title	Industrial major-accidents: hazard control, dangerous substances (amend. direct. 96/82/EC, Seveso II)
Kind of document	Proposal for a regulation
Number	COD/2001/0257
Status	Awaiting Council/EP 3rd reading
Content	<p>PURPOSE: To amend and update Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances/ Seveso II. CONTENT: The so-called Seveso II Directive was agreed in 1996 in order to prevent major accidents involving dangerous substances, whilst at the same time limiting the consequences of such accidents on man and the environment. Essential to the proper functioning of the Seveso II Directive is the obligation for industrial operators to put into effect Safety Management Systems including a detailed risk assessment using possible accident scenarios. Recent, large-scale accidents involving dangerous substances suggest that a revision of the Directive is needed in order to broaden its provisions in line with current realities. The fireworks explosion in Enschede/the Netherlands and the industrial leaking of cyanide in Baia Mare/Romania combined with a similar accident in Aznalcollar/Spain in 1998 have alerted the Commission to certain short-comings in the Directive as it stands. Since Seveso II dealt mainly with chemical plants and storage facilities, both pyrotechnics/explosions and mining waste had previously been excluded from the scope of the 1996 Directive. In terms of the mining industry, the proposed revision would mean that certain activities of the extractive industries, including tailings disposal facilities, would fall under the breadth of the Directive. In substance the amendments would mean that operators who bring dangerous substances onto a mining or quarrying site in sufficient quantities will in the future come under the Directive's provisions. Industrial operators performing these activities will be obliged to put into effect Safety Management Systems, including a detailed risk assessment on the basis of possible accident scenarios. Concerning explosions and pyrotechnics, the proposal aims to offer an improved definition of both. Essentially, the proposed amendments seek to revise the definitions currently in Annex I Part 2 in order to reflect the hazards of different types of explosives. Importantly, the UN/ADR classification system of explosions and pyrotechnics will be introduced to the Seveso II Directive. In addition to amending Seveso II to take account of mining and pyrotechnic activities the proposal also seeks to offer amendments relating to carcinogen sand substances dangerous for the environment. More carcinogenic substances will be included in the Directive whilst at the same time lowering the qualifying quantities for certain substances.</p> <p>The Council and the European Parliament meeting at 9th September in the Conciliation Committee, reached an agreement on a proposal for a Directive on the control of major-accident hazards involving dangerous substances (also known as the "Seveso II" Directive). This agreement must be now endorsed by the Parliament (majority of votes cast) and the Council (qualified majority voting procedure) for the Directive to be adopted.</p>
Further procedures	Awaiting Council/EP 3rd reading

Title	Invitation to adhere to the new oil pollution compensation fund
Kind of document	Commission proposal to sign the new international Protocol
Number	
Status	
Content	<p>The Commission adopted on 9th September a proposal which invites EU Member States to sign the new international Protocol establishing a supplementary compensation fund. “This will significantly improve the compensation of victims of future oil spills in the EU”, said Loyola de Palacio, the Commission's Vice-President responsible for transport and energy policy “as one of the key problems of the existing oil pollution compensation regime is that there is not enough money in the system.”.</p> <p>The proposal adopted today authorises Member States to conclude the International Maritime Organisation (IMO) Supplementary Fund Protocol which heightens the financial compensation available to victims of oil spills. Member States should do so as soon as possible and any case before the end of the year.</p>
Further procedures	

ENVIRONMENT: COOPERATION WITH THIRD COUNTRIES

Title	Proposal for a Council Directive restructuring the Community framework for the taxation of energy products
Kind of document	Proposal for a Council Directive
Number	COM (97) 0030
Status	1 st (sole) EP reading April 99, Council re-consultation, Awaiting final decision/signature
Content	Under consultation procedure, the European Parliament approved the legislative resolution by Patrick Cox (ELDR,IE), which approves the Commission proposal for a Council directive on restructuring the Community Framework for the taxation of energy products, subject to amendments in the following areas:- suggesting that the long-term objective should be a Europe-wide ecological tax reform, with a particular emphasis on taxation of CO2 emissions;- noting that, as party to the United Nations Framework Convention on Climate Change, the European Union has undertaken not only to stabilise, but in time to reduce greenhouse gas concentrations in the atmosphere and further underlining the importance of energy taxation as a key instrument for achieving these objectives;- requiring that the minimum levels of taxation must reflect not only the competitive position but also the environment and public health effects of the different energy products;- proposing that, pending the adoption of common rules on a carbondioxide/energy tax, Member States should be encouraged to apply other parameters (notably carbon content) to their national systems of energy taxation without the consequent differences in fiscal treatment being in breach of single market rules;- proposing a constant increase in real terms (rather than a schedule of biennial increases) of the minimum levels of taxation for energy products other than renewable sources of energy (rather than energy products other than mineral oils);- allowing Member States to apply other exemptions of reduced levels of taxation below the Community minimum levels where it would enhance environmental, public health or other benefits (rather than where it would not distort competition);- requiring the Commission to seek an abolition of the exemption of energy products used in commercial aviation from taxation on fuel in future international agreements;- extending the scope for Member States to be authorised to grant tax refunds to cover amortisation (as well as investment) expenditure aimed not only at improving energy efficiency but also at reducing emissions that damage the environment and public health
Further procedures	Awaiting Common Position of the ECOFIN Council

Title	Energy: security of supply, providing heat and electricity by cogeneration
Kind of document	Proposal for a Council Directive
Number	COM (02) 0415
Status	Awaiting Council common position
Content	The European Parliament adopted a resolution drafted by Norbert GLANTE (PES, Germany) and made several amendments to the Commission's proposal. In addition:- the definition of cogeneration is amended to mean the transformation

	of input energy simultaneously into mechanical or electrical energy and useful heat in a technical installation. There is no division into the three classes of industrial, heating and agricultural cogeneration;- Parliament inserted a definition of "micro-cogeneration" and stated that the in-depth analysis required will not apply to micro-cogeneration since the latter is regarded as an efficient process;- Member States and their regional and local planning authorities must incorporate within their planning guidelines a requirement to consider the scope for developing district heating networks with a view to utilising the useful heating production of cogeneration units and evaluating the viability of cogeneration;- Member States must ensure that support for cogeneration is provided in a non-discriminatory way, irrespective of operators and of the use of electricity, mechanical energy or heat generated in the cogeneration installation.
Further procedures	Awaiting Council common position

Title	Energy Efficiency - SAVE
Kind of document	Alteration of the directive
Number	93/76/EWG (old)
Status	In its report concerning energy efficiency the Commission announced a revision of the directive, most of the directives topics will be regulated by the new directive on energy efficiency in buildings (below)
Content	To adapt the directive to new fields of interest like energy audit, cogeneration and isolation of buildings is the target of the alteration
Further procedures	Commission will have to check which topics have to be regulated by this directive not being ruled by the new directive on energy efficiency in buildings

Title	Energy Efficiency in buildings
Kind of document	Directive
Number	2002/91/EG
Status	Parliament adopted 5 amendments to the common position of the Council at second reading, 2 of which were for new recitals. The commission accepts all 5 amendments proposed by the European Parliament, which were in line with the objectives of the Commission's original proposal or constitute an acceptable compromise.
Content	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.
Further procedures	Procedure terminated

Title	Energy: rules for the internal market in electricity (amend. direct. 96/92/EC)
Kind of document	directive
Number	COD/2001/0077
Status	The common position takes on board the parliamentary amendments splitting the Commission proposal in two separate texts, one amending the Electricity Directive 96/62/EC and one amending the Gas Directive 98/30/EC (please refer to COD/2001/0077A). Although the European Parliament adopted some of these

	amendment in relation to the Gas proposal the Council was of the opinion that they were also relevant to the Electricity one
Content	In response to the Lisbon European Council's call for the energy markets to be opened up more rapidly, the European Commission has proposed a set of measures aiming to open up gas and electricity markets fully by 2005 for the benefit of European consumers. These measures include bringing forward the schedule, reinforcing the conditions which encourage real and fair competition, and introducing a genuine single market
Further procedures	Awaiting EP's 2 nd reading

Title	Communication from the Commission concerning the conclusion of an Agreement for Co-operation in the Peaceful Uses of Nuclear Energy between the European Atomic Energy Community (EURATOM) and the Cabinet of Ministers of Ukraine
Kind of document	Bilateral Agreements/Energy
Number	COM (2003) 129 - 1
Status	Submitted to the Council on 2 may 2003
Content	The objective of this Agreement is to provide a framework for co-operation between the Parties in the peaceful uses of nuclear energy with a view to strengthening the overall co-operation relationship between the Community and Ukraine on the basis of mutual benefit and reciprocity and without prejudice to the respective powers of each Party. The Parties may co-operate in the way as specified in Articles 4 to 8 of this Agreement below in the peaceful uses of nuclear energy in the following areas: a) nuclear safety (Article 4); b) controlled nuclear fusion (Article 5); c) nuclear research and development in other areas than those foreseen under subparagraph a) and b) above (Article 6); d) international transfers, trade in nuclear materials and provision of nuclear fuel cycle services (Article 7); e) prevention of illicit trafficking of nuclear material (Article 8); f) other relevant areas of mutual interest;
Further procedures	Common Position of the Council

Title	Proposal for a Decision adopting a multiannual programme for action in the field of energy: "Intelligent Energy for Europe" Programme (2003-2006)
Kind of document	Decision
Number	2002/0082 (COD)
Status	Adopted by Commission (Codecision procedure)
Content	This new energy programme takes over the objectives of the Commission's Green Paper on security of supply (an energy-demand policy, a change in consumer behaviour and, where energy supply is concerned, giving priority to combating global warming). It is intended to be the main Community instrument for non-technological support in this field. Accordingly, the new programme ensures continuity with the actions under the Altener and SAVE programmes and brings together all energy sector actions contributing to the achievement of the main objectives of Community energy and transport strategies as well as sustainable development strategy. Four specific areas are covered: rational use of energy and

	<p>demand management, new and renewable energy sources, the energy aspects of transport, and international promotion in the field of renewable energy sources and energy efficiency. Similarly, six types of actions are proposed for each area: implementation of strategy, creation of financial and market structures and instruments, promotion of systems and equipment to facilitate the transition between demonstration and commercialisation, development of information and education structures, and the monitoring and evaluation of the impact of the actions. A significant increase in the relevant budgetary allocation is also proposed in this 'Intelligent energy for Europe' programme.</p>
Further procedures	Procedure terminated