

EPEE NEWS



Vol. 4 No. 3 - 2003

A Newsletter from the European Partnership for Energy and the Environment (EPEE)

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Interservice consultation starts on fluorinated gases proposal

The European Commission's internal interservice consultation has started on the F-gases proposal on 10 June 2003. This is the final internal consideration of all the services of the Commission ahead of adoption of the proposal by the College of Commissioners. The deadline for comments from the consulted DGs is 25 June, although it is likely that the discussions may run on beyond this date. Adoption of the proposal is now scheduled for July/September 2003, depending on the length of discussions arising during this interservice consultation.

Switzerland adopts Ordinance regulating HFCs

The Swiss Federal Council adopted on 30 April the modification to the draft Ordinance on dangerous substances for the environment. The Ordinance contains a ban on the import and use of HFCs with some exemptions. The majority of the modifications to the Ordinance will apply as of 1 July 2003:

The general use of HFCs is banned but there are possibilities for derogations/exemptions; HFCs are banned in spray cans, synthetic foams, solvents but there is expressly mentioned that certain exemptions could be allowed – the onus is on the user to prove that there are no better alternatives; HFCs are banned in refrigeration and air conditioning but here again there are possible exemptions (eg. appliances currently in use in domestic households); and HFCs are allowed in stationary installations (using 3 kg or more of HFCs) but a compulsory authorization is required according

to specific requirements, eg, there are no viable alternatives.

Hence, the Ordinance contains a general ban on the use, import, export and manufacturing of HFCs with possible derogations/exemptions, which are fairly difficult to obtain.

The full press release is available in French at the following link:

<http://www.environnement-suisse.ch/buwal/fr/medien/presse/artikel/20030430/00732/index.html>

The modification of the Ordinance is available at:

http://www.uvek.admin.ch/imperia/md/content/gs_uvek2/d/umwelt/41.pdf

EPEE lodges complaint with European Commission on the Danish phase-out order

EPEE lodged a formal complaint with the European Commission in relation to the Danish Order on industrial green house gases in early April. EPEE is opposed to the Order which includes selective phase-out of the industrial greenhouse gases HFC, PFC and SF₆. The Commission has acknowledged receipt of the EPEE complaint and has started studying it.

The Environment Daily reported on 18 May 2003 on EPEE's complaint to the European Commission. The article entitled "F-gas industry challenges Danish phase-out" refers to EPEE's formal complaint over the Danish phase-out law. The article outlines that "Trade association EPEE is calling on the Commission to take legal action. It alleges that Denmark's order on HFCs, PFCs and SF₆, collectively known as F-gases, will illegally restrict free trade and discriminate in favour of local firms. The Commission

and four member states publicly questioned the proportionality of the Danish order before its adoption.” See press release at: <http://www.environmentdaily.com/docs/30528a.doc>.

Update on Austria

Following the complaint against the Danish Order, EPEE has filed a similar complaint to the European Commission against the Austrian Statutory Order laying down Prohibitions and Restrictions on partially and fully fluorinated hydrocarbons and sulphur hexafluoride (order on HFCs, PFCs and SF6).

EPEE believes that the Austrian Order breaches Article 28 “on free movement of goods” of the EC Treaty which prohibits quantitative restrictions on imports and all measures having equivalent effect. EPEE believes that the criteria for compliance with free movement are not met by the Order: any national measure must be essential for the protection of the environment (necessity test); it must be able to attain that objective (suitability test); it must not go beyond what is necessary (proportionality test); it must operate in a non-discriminatory manner (discrimination test).

Clarifying the scope of WEE and amendment to the legislation

The European Commission and Member States are still discussing the question of what products are covered by the EU electronic waste laws (WEEE and RoHS). The Commission will meet with Member States on 23 June to discuss the issue and to agree on a set of criteria, which has to be met in order for appliances to be covered by the legislation. The result of the meeting will be published in the form of minutes of the meeting, which will serve as guidelines for

Member States.

In addition, an amendment to the adopted WEEE Directive has been proposed by the European Commission. It concerns the financing of historical waste from non-household sources. In the adopted Directive the financing of such waste was to be done through an individual system under which producers of old products pay for the financing of their products put on the market in the past (the only exemptions to this are if other financing agreements have been agreed). This arrangement created a retroactive liability for which no provision was made.

The proposal changes the responsibility on this specific type of financing from producers of the equipment to producers supplying a new product, where such a new product exists. For waste which is not replaced by a new product the users (other than private households) shall be responsible.

ECCP Second progress Communication adopted

The Commission adopted at the beginning of May its progress report of the European Climate Change Programme. The second ECCP progress report gives an overview of the latest results of the ECCP, including the status of implementation of the range of measures investigated since the start of the Programme.

As regards the F-gases Regulation, the report sheds some further light on the expected approach to MAC within the proposal: “the Commission will consider including the operation of mobile air conditioning systems during the type approval tests for measuring pollutant and CO2 emissions”. This would enable to make a proposal aimed at informing consumers about the impact of vehicle air conditioning systems on greenhouse gas emissions.

The Communication will be forwarded to the Council and the European Parliament for their views in the coming months.

Specifically on F-gases the report states that:

The objective of the Working Group on fluorinated gases under the ECCP was to develop the basis for a framework of an EU-policy to reduce emissions of the fluorinated greenhouse gases covered by the Kyoto Protocol (HFCs, PFCs and SF6) *in a cost-effective way*. The first report of June 2001 concluded that fluorinated gases contributed about 2% (65 Mt CO₂eq) of overall EC greenhouse gas emissions in 1995. Views on the likely future evolution of these emissions levels varied but were in the range of 2-4% of total emissions by 2010 (with a particular increase expected in HFC emissions); It was agreed that this potential growth warrants specific action from regulators and industry to limit emissions of fluorinated gases. Consequently the group recommended that a regulatory framework in a "Community Directive on Fluorinated Gases" should be established. The key objectives of such a Directive would be: Improved monitoring and verification of emissions of fluorinated gases.; Improved containment of fluorinated gases; and Marketing and use restrictions in certain applications.

The full ECCP report as well as a summary are available at:

<http://www.europa.eu.int/comm/environment/climat/eccp.htm>

Eco-design proposal nears finalisation

The European Commission is planning to adopt shortly a proposal for a Framework Directive on setting eco-design requirements for energy using products. The current draft

proposal sets no immediate obligations for manufacturers but rather general principles and criteria to establish eco-design requirements. The Commission states that this requirement setting will be done 'in a swift way on the basis of technical, environmental and economic analysis.' The obligations/effect of the future legislation will thus come from the implementing measures to be adopted by the committee responsible, consisting of the Commission and Member States' experts.

The annexes of the draft proposal look at how to establish an ecological profile, including eco-design parameters, internal design control and environmental management systems respectively. Provisions are also included for setting the level for specific eco-design requirements.

It is important to note that the explanatory memorandum lists greenhouse gases in the context of Kyoto and the ban of particular substances as examples of environmental aspects requiring urgent action.

However, the explanatory memorandum stresses that this framework Directive would 'reinforce the potential impact of self regulation by the industry' and that priority should be given to alternative course s of action such as self regulation by industry.

IEA publishes a study on cool appliance and policy strategies for energy efficient homes

The International Energy Agency (IEA) published in April 2003 a study entitled "Cool appliances – Policy Strategies for Energy Efficient Homes". The study describes the electricity consumed in IEA member countries by each residential end-use appliance. It assesses how the level of greenhouse gas emissions, and how much electricity, could

be saved if more ambitious policy settings were introduced. It also examines the impact of current policy settings and discusses the policies and strategies that could cost effectively deliver additional savings.

Concerning refrigeration, the report states that energy consumption of the stock of refrigeration appliances has stabilised and is now in decline in most OECD countries. The reason for this is a significant improvement in efficiency from the early 1970s to the current time, which has been largely policy driven. However, there are significant differences between the different OECD countries.

The report concludes that all residential appliances and equipment use 30% of all electricity generated in OECD countries, producing 12% of all energy-related CO₂-emissions. This makes them the third largest emitter of greenhouse gas emissions.

The report further states that there is the potential to reduce electricity consumption and greenhouse gas emissions in this field. By using energy efficiency policy to target the most cost-effective level of efficiency, IEA Member countries could save 642 TWh of electricity or some 322 million tonnes of CO₂/year by 2010. The report also concludes that in 2020, each ton of CO₂ avoided would save the European consumers 169 euro.

The most effective approach to reach these targets would be “a comprehensive basket of policies supported by an active and effective institutional framework, with voluntary and partnership measures building upon a solid foundation of minimum energy performance standards and labelling”.

The study is available at:
<http://www.iea.org/public/studies/2003/cool/>

Friends of the Earth UK calls for the London Olympics to be the 'eco-Olympics'

A UK-based NGO “Friends of the Earth” has called for the potential London Olympics to be the ‘eco-Olympics’ in a press release on 15 June.

The group aims to assess the London bid against a set of environmental standards and publish the results. The assessment will cover the three main stages: how the games are planned; operations during the fortnight of sport; and, the legacy left to Londoners. These are likely to include:

Land use: use land efficiently in ways that meet different people’s needs especially after the games, and not simply deliver cheap land for speculative property development;

Building construction and operation: set high standards for the construction and operation of stadia and buildings, use environmentally responsible materials and energy efficient design and construction;

Damaging development: avoid building damaging roads, airports and speculative office development and reduce the need to travel by locating sites close to decent, accessible public transport;

Green merchandising: require contractors to adopt minimum ‘green procurement’ standards for merchandising, catering, transport, waste, construction;

Sponsorship: Friends of the Earth will assess all sponsors of the games to check how corporate statements and PR compares with companies’ actual behaviour and practices.

UN warns on climate change

The UN recently released a Compilation and Synthesis of Third National Communications. This document was issued ahead of the UNFCCC subsidiary bodies meetings taking place in Bonn from 4-13 of June.

The report predicts that the combined emissions of Europe, Japan, the US and other highly industrialised countries could grow by 17% from 2000 to 2010, despite domestic measures currently in place to limit them. For the transition countries of Central and Eastern Europe emissions are starting to increase. As a result, the developed world as a whole (highly industrialised plus transition countries) will see its emissions increase by 10% from 2000 to 2010. While praising governments for adopting "a more comprehensive set of policies and measures" to address emissions - including emissions trading, carbon taxes and green certificate trading - the UNFCCC says that "stronger and more creative policies will be needed".

EEA reports on rising EU greenhouse gas emissions

The European Environment Agency (EEA) reported on 6 May that EU greenhouse gas emissions rose in 2001 by 1% compared to 2000, for a second successive year. According to Environment Daily (6 May 2003), a colder winter plus higher transport emissions and higher fossil fuel use in electricity and heat production are identified as the main causes. Poor hydropower output due to lower than average rainfall was a major factor in some countries. Despite the increase from 2000, the EU's greenhouse gas emissions in 2001 were nevertheless 2.3% below their 1990 level.

The latest Member States emission data shows that 10 of the 15 Member States are a long way off track for their agreed share of the EU greenhouse gas emissions target. This is the case for Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, the Netherlands, Portugal and Spain. However, for the first time in five years, emissions in Spain fell by 1% in 2001. This was the result of a greater production of hydropower which reduced the need to burn fossil fuels for power and heat.

An analysis of the emission figures and trends, together with latest projections for the year 2010, will be completed in Autumn 2003.

The EEA report is available at: http://reports.eea.eu.int/technical_report_2003_95/en.

U P C O M I N G E V E N T S C A L E N D A R

J u n e

- 10 European Commission's interservice consultation started on F-gases proposal
- 23 Joint ANIMA-EFCTC-EPEE F-gases workshop (Padua, Italy)
- 25 EPEE Strategy Meeting (Brussels - closed)

J u l y

- 1 Start of Italian Presidency
Steering Committee Meeting (Lyon – closed)
- 16 Adoption of F-gases proposal scheduled on the agenda of the College of Commissioners

Please submit items for EPEE NEWS and the UPCOMING EVENTS CALENDAR to
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