

## SMMT Environment Team - Issue Tracker – December 2010

**Notes:**

- SMMT members can access the Technical Circulars listed in this tracker by clicking [here](#) and logging in
- Initials in final column refer to SMMT staff responsible: Robert Walker, John Evans, Monika Bomba, Amanda Owen, Jennifer Huckstep, Matthew Croucher (email format is initial then lastname e.g. [JBloggs@smtt.co.uk](mailto:JBloggs@smtt.co.uk) or please call the Technical Advice Line on 020 7344 1630)
- General guidance on environmental regulation is freely available from the Environment Agencies' [www.netregs.gov.uk](http://www.netregs.gov.uk) for small and medium-sized businesses
- SMMT members are welcome to join the relevant Committee/WG to be kept up-to-date and to have opportunity to shape developments, [click](#) for details.

KEY: Priority: 5 = High – 1 = Low. Resource (e.g. man hours): 5 = High use – 1 = Low use

Issue/ Subject Area	Organisation	Description / Current Status / Summary	Next Stage, Action & Dates SMMT position	Priority	Resource	Who
Van CO <sub>2</sub> /light commercial vehicles (LCVs)/ N1/N2/M2	DfT / VCA / EU Commission  <a href="http://ec.europa.eu/environment/air/transport/co2/co2_cars_regulation.htm">http://ec.europa.eu/environment/air/transport/co2/co2_cars_regulation.htm</a>  SMMT: EPC (and CV Manufacturers Section)  Key TECs 2008:436, 496, 528. 2009: 142, 200, 612, 733 2010: 003, 188, 274, 367, 595	<ul style="list-style-type: none"> <li>• Commission proposed LCV targets of 175g/km by 2012, 160g/km by 2015 as complementary measures in 2007 communication on new car CO<sub>2</sub>. Removed after industry protest.</li> <li>• Commission concept paper on LCV CO<sub>2</sub> issued 08/08 (T/2008/436). Stakeholder meeting 02/09/08 (T/496). SMMT response to Commission (T/528): inappropriate to copy new car proposal; need good data.</li> <li>• Commission (AEA etc) assessment of options (T/2009/142), SMMT summary of it, Commission stakeholder mtg 9/3/09 (T/161, T/200)</li> <li>• UK info project, 1: guidance for purchasing vans 'Right Van Man' 26/2/09 and 2: database of van CO<sub>2</sub> 8/6/09, by VCA/SMMT/DfT, <a href="http://www.businesslink.gov.uk/vanfueldata">www.businesslink.gov.uk/vanfueldata</a></li> <li>• Commission Reg Proposal Oct 2009 (T/2009/612): 175g/km 2014-16, 135g/km 2020</li> <li>• DfT stakeholder mtg Dec'09: T/2009/733, 2010/003</li> <li>• <b>SMMT position:</b> 4 themes - lead times, targets, diversity of market, encouraging innovation (T/274)</li> <li>• Martin Callanan (UK) rapporteur ENVI leads EP Cttee, enhanced cooperation with ITRE.</li> <li>• UK Gov <a href="#">consultation</a> Mar2010 (SMMT response T/367)</li> <li>• UK gov position 27/9/10: 175 in 2016, 135 in 2022, penalties €120, MSV solution needed, no speed limiters, derogation remains (T/612). Later adjusted to 145g/km in 2020</li> <li>• EP ENVI Committee vote 28/6/10: 175 in 2014-16, 140 in 2020, penalties €95, super credits 3.5, 2.5, 2; no speed limiters; fuel consumption meters; final stage builder to state mass. (T/612)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dialogue achieved 1st reading deal 15/12/10 (see T/786 for detail of deal),</b></li> <li>• <b>Council political agreement 20/12/10 (T/803)</b></li> <li>• <b>EP Plenary vote 2 or 15 Feb 2011</b></li> <li>• <b>Text to be formally adopted by the Council in the Spring after the legal linguistic check</b></li> <li>• Multi-stage vehicles: Commission non-paper (T/188), ACEA position (TEC/668). Commission proposal expected by 31/12/2011 and two options (broadly EP Amendment 57):                         <ul style="list-style-type: none"> <li>a) table based on interia classes,</li> <li>b) test at a set weight for each class so the OEM has certainty without the need for feedback from the final stage manufacturer</li> </ul> </li> </ul>	5	5	RW (EU)

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New car CO <sub>2</sub> (EC Regulation no. 443/2009)	CEC/ DfT  SMMT: EPC	<ul style="list-style-type: none"> <li>Commission Proposal for a Regulation</li> <li>DfT issued RIA and consultation July '08. SMMT response 09/08 (TEC/2008/525).</li> <li>EP Plenary adopted 1<sup>st</sup> reading compromise text 17/12/08.</li> <li>Council adopted text April and published <a href="#">Regulation EC no. 443/2009</a> in Official Journal on 5/6/09, come into force 8/6/09</li> <li>See SMMT timeline of deadlines in the Regulation (TEC/2009/112)</li> </ul>	<ul style="list-style-type: none"> <li>Comitology ongoing (TEC/595)</li> <li><b>Derogation Regulation passed <a href="#">EP scrutiny</a> 8 Oct, then publish OJ Q1 2011. Low vol derogation application event at SMMT on 28 Oct, with DG Climate Action, <a href="http://www.smmt.co.uk/memberservices/index.cfm?selcatid=4172">http://www.smmt.co.uk/memberservices/index.cfm?selcatid=4172</a></b></li> <li>Data monitoring regulation agreed (<a href="#">draft</a>), awaiting publication.</li> <li><b>Eco-innovation: draft Regulation circulated, for MS approval end 2010. Industry position TEC/669</b></li> </ul>	5	5	RW
EU ETS Directive <b>2009/29/EC</b> on Phase III (2013-20)	EC/DEFRA/BERR/DfT/ Treasury  <a href="http://ec.europa.eu/environment/climat/emission/ets_post2012_en.htm">http://ec.europa.eu/environment/climat/emission/ets_post2012_en.htm</a>  SMMT: METS	<p>EP Plenary adopted text 17/12/08 (TEC 025). Final text of revised <a href="#">EUETS Directive 2009/29/EC</a> published in OJ 5/6/08:</p> <ul style="list-style-type: none"> <li>Move to a broad definition</li> <li>Small emitters threshold increased to 25ktonnes and 35MW. Exclusion of &lt;3MW units for aggregation purposes</li> <li>R&amp;D instalations excluded</li> <li>Free allocation for heat from CHP (Free allocations for electricity generation for our use not mentioned).</li> <li>Border adjustment is subject to new co-decision process and has been postponed until 2010.</li> <li>Carbon leakage criteria specified but Directive doesn't list exposed sectors.</li> <li>Although benchmarks will be calculated for products rather than for inputs some flexibility is given.</li> <li>No sector caps set as such, Commission intends to propose bottom-up benchmarks.</li> <li>EP suggestions regarding future inclusion of road transport were <u>not</u> finally adopted.</li> </ul>	<ul style="list-style-type: none"> <li>Currently automotive does not qualify as a carbon leakage sector although ACEA will be seeking carbon leakage derogation for the industry.</li> <li><b>The majority of automotive emissions will be allocated under the "Heat" benchmark (boilers, CHP) with fuel use applied as a proxy, with the application of a punitive efficiency discount of 30%. Heat benchmark value (60.3 tCO<sub>2</sub>/TJ) multiplied by the heat-related historical activity.</b></li> <li><b>Fuel benchmark (space heating, processes) =median activity level(fuel use) x 56.1tCO<sub>2</sub>/TJ.</b></li> <li><b>Benchmarks will be based on median value of 2005-2008 data</b></li> <li><b>A significant expansion of capacity =15% higher capacity for which allocations are higher than 500EUAs per year</b></li> <li><b>Currently the reduction target is 20%, although a move to 30% is still being discussed. The final decision is likely to be made in February.</b></li> </ul>	5	3	MB

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Euro VI HD	European Commission  Regulation (EC) No. 595/2009 <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:188:0001:0013:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:188:0001:0013:EN:PDF</a>	<ul style="list-style-type: none"> <li>• Proposal for a Regulation of the European Parliament and of the Council on the type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles (Euro VI) and access to vehicle repair and maintenance information. Will introduce a new level of emission limits (Euro VI) for heavy-duty vehicles by amending Directive 2007/46/EC establishing a framework for the approval of motor vehicles and Regulation (EC) No 715/2007 dealing with emissions from cars and vans. Would repeal Directives 80/1269/EC, 88/195/EEC, 97/21/EC, 1999/99/EC, 2005/78/EC and 2005/55/EC.</li> <li>• In 2012 nitrogen oxides emissions from trucks and busses will be reduced by 80% and fine particles emissions by 66% compared to Euro V stage limit. Proposal introduces: global harmonised test procedures and standards with limit values equivalent to those of the US, provisions on off cycle emissions, on-board diagnostic, access to repair information, durability of pollution control devices, replacement pollution control devices, conformity of in-service engines and vehicles, CO2 emissions and fuel consumption measurement. 2007 impact assessment taken into account when drafting proposal.</li> <li>• Impact assessment available at: <a href="http://ec.europa.eu/enterprise/automotive/pagesbackground/pollutant_emission/sec_2007_1718.pdf">http://ec.europa.eu/enterprise/automotive/pagesbackground/pollutant_emission/sec_2007_1718.pdf</a></li> <li>• Final proposal available at: <a href="http://ec.europa.eu/enterprise/automotive/pagesbackground/pollutant_emission/eurovi_16122008.pdf">http://ec.europa.eu/enterprise/automotive/pagesbackground/pollutant_emission/eurovi_16122008.pdf</a></li> <li>• <a href="#">Euro VI Regulation (EC) No 595/2009</a> published in the Official Journal on 18 July 2009 and entered into force on 7 August 2009. Euro VI emission limits will apply from 31/12/12 for new types, 31/12/13 for all registrations.</li> <li>• CEC to adopt associated technical regulations by 01/04/10.</li> <li>• Technical Committee on Motor-Vehicles meeting took place on 22/09/09. CEC expects to vote draft proposal in Regulatory Committee in Nov 2009, so that it might be finally adopted by the end of April 2010.</li> </ul>	<ul style="list-style-type: none"> <li>• A meeting of the TCMV took place on 20 November 2009. A 10ppm ammonia limit, that has been moved from the Annex on SCR to the main limit values, may have the effect of excluding Natural Gas-powered vehicles from type-approval and may impact other gasoline vehicles. Any change will require a co-decision as it is a change in stringency.</li> <li>• The expected Regulation to introduce particle number-based limit values for emissions from heavy-duty vehicles was due to be adopted through <a href="#">comitology</a> in April 2010, but has been delayed. The group of experts from member states met on 26 May 2010 but the proposal was not on the agenda.</li> <li>• <b>The draft Commission Regulation was submitted to the comitology committee for final discussions and examinations on 20th July 2010. If the Committee has issued a favourable opinion on the draft, the Commission will send it to the European Parliament and the Council for scrutiny. The scrutiny period will last for 3 months. If neither of the institutions objects to the draft, the Commission will adopt the Regulation.</b></li> </ul>	5	3	JE

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Pollution Prevention and Control Regs (PPC)	DEFRA, EA, local authorities  <i>[since 04/08 PPC is within Environmental Permitting Regs]</i>	<ul style="list-style-type: none"> <li>• Revised SG6 issued April 2008 (TEC/190 or <a href="#">link</a>) with updated sections on everything other than emissions to air</li> <li>• SG6 review for air emissions began 06/08 to bring it in line with STS BREF (<a href="#">link</a>). SMMT met author 08/08.</li> <li>• TWG draft issued April 09 (TEC/224). Met author 24/4/09 to set out SMMT position, seemed to be largely accepted</li> <li>• TWG held in Jan '10. Constructive meeting with LAs and Industry often agreeing and Author accepting most points.</li> <li>• Author promised to break the link between the SED limits and BAT AELs.</li> <li>• Also agreed that 2014 time deadline was for the provision of a plan only, and site specific BAT could still justify not meeting the BAT AEL by 2016.</li> <li>• SMMT proposed extending this date to 2018.</li> <li>• New draft issued Feb '10.</li> <li>• SMMT responded March '10.</li> <li>• Informal discussion with LAU May '10 to reinforce concerns.</li> <li>• Public Consultation issued 30 June 2010. SMMT reviewed and commented; 08/09/2010 TEC/2010/568.</li> <li>• Further discussions with LAU and DEFRA.</li> <li>• Final discussion of major point (para. 1.17) Dec 2010 – TEC 2010/799 requests response which must be sent to DEFRA 04/01/11. Appears a suitable solution.</li> </ul> <p>Additionally, the 6 year review of the Process Guidance Notes has been undertaken.</p> <ul style="list-style-type: none"> <li>• Site visit to Leyland Trucks in October 2009.</li> <li>• TWG for PG 6/20 held in Jan '10.</li> <li>• Agreed that compliance requirements would be unchanged from current Note.</li> <li>• SG6 and Various PGN draft revision documents published.</li> <li>• SMMT responded to:</li> <li>• PG6/20 (TWG draft); 04/08/10 TEC/2010/493</li> </ul> <ul style="list-style-type: none"> <li>• (See separate tracker entry for EU Directive issues)</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare response to DEFRA's latest communication 04/01/2011.</li> <li>• DEFRA will issue the revised note to Ministers on 05/01/2011.</li> </ul> <ul style="list-style-type: none"> <li>• Final consultation of Various PGN documents. SMMT responded to PG6/20; TEC/2010/727.</li> <li>• Further discussion with LAU regarding the revision or otherwise of D1. Suggestion that D1 is to be revised appears to be incorrect. D1 is to be re-issued electronically but in its current form.</li> </ul>	5	3	AO

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Euro 5/6 LD (Regulation (EC) No 715/2007)	European Commission	<ul style="list-style-type: none"> <li>The regulation text can be found at: <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0715:EN:NOT">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0715:EN:NOT</a></li> <li>The latest comitology text has been positively voted on by the European Council. See: <a href="http://ec.europa.eu/enterprise/automotive/environment/cmt_2008_741.pdf">http://ec.europa.eu/enterprise/automotive/environment/cmt_2008_741.pdf</a></li> <li>European Commission in the process of transposing Euro 5 &amp; 6 into UN-ECE Regulation 84 (TEC/2009/089 refers)</li> <li>The <a href="#">final text</a> has been published in the Official Journal (28<sup>th</sup> July 2008), has entered into force and shall apply as of 3/1/09.</li> <li>Commission have agreed that the omission of M2 SSN vehicles was an error but cannot change as this would require a co-decision. Currently no suitable proposals available to piggy back on.</li> <li><b>No opportunity has arisen for the new co-decision and as such the error will remain in the legislation.</b></li> </ul>	<ul style="list-style-type: none"> <li>Implementation dates: <ul style="list-style-type: none"> <li>Euro 5: new types 1/9/09 (but N1 class II, III and N2 from 1/9/10), all registrations 1/1/11 (but N1 class II, III, N2 and special social needs from 1/1/12)</li> <li>Euro 6: Euro 6: new types 1/9/14 (but N1 class II, III and N2 from 1/9/15), all registrations 1/9/15 (but N1 class II, III, N2 from 1/9/16)</li> </ul> </li> <li><b>A package of amendments was to be voted on at the October TCMV but, following numerous changes but the Commission at short notice, the vote was delayed until the 17<sup>th</sup> November TCMV.</b></li> <li><b>Significant industry concerns surround the RMI and security provisions in the new package.</b></li> </ul>	5	2	JE
Climate Change Levy (CCL)/climate change Agreement (CCA)	DECC/ Treasury	<ul style="list-style-type: none"> <li>Final milestone (MS5) completed, with reporting deadline due February 2011.</li> <li>April 2011 rate of CCL discount to fall from 80% to 65%.</li> <li>Government to reform the CCL in order to provide more certainty and support to the carbon price. Subject to consultation, government intends to bring forward relevant legislation in Finance Bill 2011.</li> </ul>	Consultation expected in mid November on CCL reform.	5	2	MC
Environmental Liability Directive (2004/35/CE)	DEFRA/CEC <a href="http://www.defra.gov.uk/environment/liability/">www.defra.gov.uk/environment/liability/</a>	<ul style="list-style-type: none"> <li>SMMT responses 2000 and 09/01. CEC Proposal 23/1/02, conciliation achieved 20/2/04 (T114), adopted 21/4/04 (T230) and published in EU Journal 30/4/04</li> <li>SMMT response to 1st Defra consultation (TEC/2007/166) supported Defra approach, utilising the permit and state of the art defences.</li> <li>Defra consultation on implementing Regs closed 27/5/08 (TEC/2008/209). <b>SMMT responded but basically happy with Defra approach</b></li> <li>Commission issued infringement proceedings against the UK and others for non-transposition in 06/08.</li> </ul> <p style="color: red;">See also UK implementation issues, separate entry.</p>	<ul style="list-style-type: none"> <li>Environmental Damage (Prevention and Remediation) Regulations 2009 (SI 153) made 29/01/2009, and into force 01/03/2009.</li> <li>DEFRA to prepare specific guidance: water damage, biodiversity, enforcement and emergency planning.</li> <li>DEFRA issue proposals for review mechanisms (questionnaires etc) July 2010.</li> </ul>	5	1	AO

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Hazardous Waste Management Strategy	DEFRA	<ul style="list-style-type: none"> <li>• Consultation launched in July 2009 on the strategy for hazardous waste management in England.</li> <li>• SMMT has reviewed and responded to the Consultation (TEC 2009/543)</li> </ul>	<ul style="list-style-type: none"> <li>• Revised Hazardous Waste Management Strategy published in March 2010. <a href="http://www.defra.gov.uk/environment/waste/topics/hazwaste/documents/policy.pdf">http://www.defra.gov.uk/environment/waste/topics/hazwaste/documents/policy.pdf</a></li> </ul>	5	1	AO
Paint Products Directive Review	EC	<ul style="list-style-type: none"> <li>• Commission organised a review of to examine the scope for extending it.</li> <li>• Issued by Okopol and published in November 2009: <a href="http://circa.europa.eu/Public/irc/env/paints_directive/library?l=/review_2008_2009/contract/final_report&amp;vm=detailed&amp;sb=Title">http://circa.europa.eu/Public/irc/env/paints_directive/library?l=/review_2008_2009/contract/final_report&amp;vm=detailed&amp;sb=Title</a> (See TEC/2009/710)</li> <li>• One member had significant concerns and continues to study the potential impacts, and could not provide comment in time for DEFRA's position statement.</li> <li>• No other members commented, hence no SMMT submission made.</li> </ul>	<ul style="list-style-type: none"> <li>• European meeting held on 15<sup>th</sup> Feb to discuss remaining options, though limited discussion undertaken and Commission appears to be lowering its ambitions.</li> <li>• Discussions continue and it is envisaged that any changes will be implemented in 2015.</li> </ul>	5	1	AO
GEPE/GRPE	OICA / UN-ECE	<ul style="list-style-type: none"> <li>• GRPE 60 happened from 11-15 June 2010. Documents can be found at: <a href="http://www.unece.org/trans/main/wp29/wp29wgs/wp29grpe/grpeage.html">http://www.unece.org/trans/main/wp29/wp29wgs/wp29grpe/grpeage.html</a></li> <li>• Items progressed included WLTP, EFV, and Fuel Quality.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>GRPE 60 OICA report available at</b> <a href="http://www.unece.org/trans/doc/2010/wp29grpe/ECE-TRANS-WP29-GRPE-60e.pdf">http://www.unece.org/trans/doc/2010/wp29grpe/ECE-TRANS-WP29-GRPE-60e.pdf</a></li> </ul>	4	3	JE
HGV CO2 regulation	CEC / DfT  SMMT: HCVTC (CVMS/EPC)	<ul style="list-style-type: none"> <li>• Japan has already introduced CO2 legislation for HGVs.</li> <li>• Commission international "HGV CO2" workshop April, perhaps rerun late 2010</li> </ul>	<ul style="list-style-type: none"> <li>• Study by DG ENV to develop certification procedure for CO2 from HDVs (running 2 years from Jan 2010). University of Graz lead. Will likely be the basis for EU legislative <b>proposals by 2013.</b></li> </ul>	4	3	KA (RW/RD)



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Noise regulation 51 and additional sound emissions provisions	OICA / UNECE/ WP29 / GRB	<ul style="list-style-type: none"> <li>Proposal to amend UN-ECE Regulation 51 with new test procedure.</li> <li>Additional Sound Emission Provisions being developed for "off cycle" noise.</li> <li>Double testing being carried out for UN-ECE and CEC from July 2008 to July 2011.</li> <li>Proposal from Chairman of ASEP subgroup causing concern as it would make ASEP the primary stringency rather than the off cycle check originally planned. TEC 2009/075 refers.</li> <li>Double testing program underway</li> <li>Discussions on ASEP procedure have faltered and proposals will be made at GRB to bring the technical decisions back to the plenary.</li> <li>GRB to discuss issues 15<sup>th</sup> -17<sup>th</sup> February. Agenda available at <a href="http://www.unece.org/trans/main/wp29/wp29wgs/wp29grb/grbage.html">http://www.unece.org/trans/main/wp29/wp29wgs/wp29grb/grbage.html</a></li> </ul>	<ul style="list-style-type: none"> <li><b>The TNO report was presented at the September GRB meeting and can be found at</b> <a href="http://www.unece.org/trans/doc/2010/wp29grb/ECE-TRANS-WP29-GRB-52-inf07e.pdf">http://www.unece.org/trans/doc/2010/wp29grb/ECE-TRANS-WP29-GRB-52-inf07e.pdf</a></li> <li><b>Industry has concerns over the conclusions and will be submitting a formal response in due course.</b></li> <li><b>The GRB Chairman presented his vision for ASEP which was duly accepted and will develop for the February meeting.</b></li> </ul>	4	2	JE
RTFO	DfT/DEFRA/ BERR	<ul style="list-style-type: none"> <li>RTFO came into force in April 2008 with a target of 2.5% of road transport fuels to be produced from sustainable bio crops. Shortly after the introduction the Renewable Fuels Agency (RFA) and Transport minister Ruth Kelly announced a review in light of the Searchinger paper in Science on land use change and the effect on greenhouse gas emissions. A call for evidence and expert and stakeholder workshops has been held.</li> <li>The Gallagher review published 07/08: <a href="http://www.dft.gov.uk/rfa/reportsandpublications/reviewoftheindirecteffectsofbiofuels.cfm">http://www.dft.gov.uk/rfa/reportsandpublications/reviewoftheindirecteffectsofbiofuels.cfm</a></li> <li>As a result of the review the government are reconsidering the RTFO with the proposed annual increases reduced to 0.5% inline with the review proposals. <a href="http://www.dft.gov.uk/consultations/open/rftoorder/">http://www.dft.gov.uk/consultations/open/rftoorder/</a></li> <li>Announcement made of change to RTFO Scheme to reduce the rate of increase of biofuel inclusion to 0.75% in 2009/10 and 0.5% thereafter. TEC 2009/058 refers.</li> </ul>	<ul style="list-style-type: none"> <li>First Annual Statement presented to Parliament at end January 2010.</li> <li>Report available at : <a href="http://www.renewablefuelsagency.gov.uk/yearone">http://www.renewablefuelsagency.gov.uk/yearone</a></li> <li><b>The RFA has published its monthly digest which can be found at</b> <a href="http://www.renewablefuelsagency.gov.uk/rfd">http://www.renewablefuelsagency.gov.uk/rfd</a></li> <li><b>The RFA has been included in the cut of NDPBs. It is likely that the functions will be taken in-house by the DfT.</b></li> </ul>	4	2	JE
Fuel Sub Group GRPE	SMMT/ LVETC	Fuels sub group is to be reformed. A replacement chair is sought as the previous candidate has move out of the fuels arena.	<ul style="list-style-type: none"> <li>Statement on FAME circulated as TEC 2009/228</li> <li><b>Revised draft biofuels statement circulated as TEC 2010/650</b></li> </ul>	4	2	JE

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Waste licensing exemptions (especially exemption 41 of WML, (para. 52 of EP))	DEFRA	<ul style="list-style-type: none"> <li>• SMMT proposals on storage of hazardous waste liquids on manufacturing sites sent to DEFRA 2/4/04 and well received (T/317/2004).</li> <li>• Defra 1st informal consul on principles for WML exemptions 2007 (with regional workshops and a discussion paper available at <a href="http://www.defra.gov.uk/environment/waste/management/exemptions/index.htm">http://www.defra.gov.uk/environment/waste/management/exemptions/index.htm</a>). SMMT responded (14/06/07) seeking extension of exemption 41 threshold. (Exemption para 41 under WML became para 52 of EP Regs 2008)</li> <li>• EA position statement on the transition to Environmental Permitting exemptions. Operators to note where the WML system has changed for EPR e.g. storage of waste in a secure place, in secure containers, storage of returned goods (TEC/2008/244)</li> <li>• Defra consultation on revised exemptions (draft Regs) proposed removing limit on storage at place of production, in line with SMMT request (TEC/429). SMMT responded to Defra 23/10/08 (T/597)</li> <li>• December 2009, EPR Amendment 2010 (2) Regulations are approved and hence Paragraph 52 will be considered an exemption which does not even require registering, as it is not covered by WFD / Section 33(1)(a) of the EPA 1990. The restrictions on storage volume are also removed.</li> <li>• Para 52 is currently still exempt.</li> <li>• DEFRA have issued the summary of consultation response on the draft Regs 09/2009. <a href="http://www.defra.gov.uk/corporate/consult/waste-exemption-review/index.htm">http://www.defra.gov.uk/corporate/consult/waste-exemption-review/index.htm</a></li> <li>• The draft regulations were accepted by Parliament in early December 2009, and will come into effect 06/04/2010. The storage of hazardous waste liquids on manufacturing sites are still exempt but have no volume restriction and do not require registering.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>See Environmental Permitting (England and Wales) Regulations 2010; SI 675, which came into force 06/04/2010.</b></li> </ul>	4	2	AO



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Environmental Damage (Prevention and Remediation) Regulations 2009 (SI 153)	Local Authority, Environment Agency, Natural England	<ul style="list-style-type: none"> <li>Specify that, where imminent risk of environmental damage, operator must take steps to prevent / prevent further damage. Where damage occurred, enforcing authority must assess and identify remedial measures, and serve remediation notice on responsible operator specifying what remediation is required.</li> <li>Environmental damage relates to protected species, natural habitats, SSSIs, water and land, and is quite specific, relating to significant risk of adverse impact (e.g. lowering of status or creating significant risk to human health).</li> <li>Regulations apply to England.</li> <li>Regulator may be one or a combination of Environment Agency, Local Authority, Natural England or the Secretary of State, dependent on current site regulation and the nature of the environmental damage caused.</li> </ul>	<ul style="list-style-type: none"> <li>Regulations were made on 29<sup>th</sup> January 2009.</li> <li>Regulations came into effect on 1<sup>st</sup> March 2009.</li> <li>Defra to prepare specific guidance: water damage, biodiversity, enforcement and emergency planning.</li> <li>DEFRA issue proposals for review mechanisms (questionnaires etc) July 2010.</li> </ul>	4	1	RW / AO
Fairer and Better Environmental Enforcement (FBEE) Project	DEFRA Local Authority, Environment Agency, Natural England	<ul style="list-style-type: none"> <li>Aims to use the Regulatory Enforcement Sanctions Act to introduce civil sanctions to environmental enforcement.</li> <li>Offenders given the option of a voluntary Enforcement Undertaking to remediate damage and return to compliance.</li> <li>Introduces Fixed Monetary Penalties for minor cases, as well as Variable Penalty Notices, Enforcement Notices (Compliance and Restoration Notices) and Stop Notices in extreme cases.</li> <li>Aims to create a more level playing field, keep generally compliant companies out of court and prosecute only the worst offenders.</li> <li>SMMT attended CBI led meeting with DEFRA and industry 22/04/2009</li> <li>Formal consultation from DEFRA issued in July 2009 with a closing date of 14<sup>th</sup> October 2009.</li> <li>SMMT has reviewed and responded to the Consultation (TEC 2009/541)</li> <li>Summary of consultation responses published and secondary legislation laid before Parliament. Aim for civil sanctions to be available by 6 April 2010.</li> </ul>	<p><b>The Environmental Civil Sanctions (England) Order 2010 came into force 06/04/2010.</b></p> <ul style="list-style-type: none"> <li>DEFRA guidance on application in England Jan 2010</li> <li>Environment Agency has consulted and will publish findings in Autumn 2010.</li> <li>EA plan to use civil sanctions from the Dec 2010.</li> <li>Do not anticipate civil sanctions will be introduced for Environmental Permitting Regulations offences until 2011.</li> </ul>	4	1	AO

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Carbon Reduction Commitment (CRC, formerly Energy Performance Commitment, EPC/"new UK ETS")	DECC  SMMT: METS/EPC	<ul style="list-style-type: none"> <li>• Energy Review (July 06, para 2.65 etc) said will consult on a proposal for a mandatory emissions trading scheme – an Energy Performance Commitment subsequently renamed CRC – alongside other options (such as benchmarks on energy use and voluntary reporting on emissions), for achieving carbon reduction aims in businesses and public services.</li> <li>• VMs likely to find some of their emissions in CCAs, EUETS and CRC, although if 25% of emissions in CCA then can get exclusion for that legal entity from CRC</li> <li>• After long debate with DECC/Environment Agency dealerships likely to be outside of VMs CRC responsibility, if do not use own name and have other business activities outside of VM's business</li> <li>• Comprehensive spending review announces that CRC revenues will no longer be recycled to participants but be used for general government finances – said to be worth £1bn by 2014-14 per annum (TEC/2010/658)</li> <li>• DECC to review scheme to make it more simple</li> </ul>	<ul style="list-style-type: none"> <li>• CRC qualification year – 2008</li> <li>• CRC scheme began – 04/10, fiscal year.</li> <li>• 1<sup>st</sup> year reporting in 2011</li> <li>• Must buy allowances for 2011 energy use in 2012</li> <li>• DECC expected to launch</li>   <li>• Consultation on simplification on the scheme in November 2010.</li> </ul> <p>Contact: Matthew Croucher 020 7344 1640</p>	3	4	MC
<b>HGV ultra low CO<sub>2</sub> strategy</b>	DfT/LCVP/SMMT  SMMT: Lead by Heavy Commercial Vehicle Technical Committee. EPC coordinating various strategies	<ul style="list-style-type: none"> <li>• DfT HGV Technology Project aims to increase uptake of lower carbon HGV technologies, with focus on future carbon budgets.</li> <li>• HGV technology project managed by LowCVP (TEC/2009/604).</li> <li>• Meetings with LCVP and DfT on 20 Jan, 4 Feb</li> </ul>	<ul style="list-style-type: none"> <li>• EPC to coordinate the strategies for various vehicle types</li> <li>• [Note that DfT (through LowCVP inc VMs) developing incentives programme for low carbon HGVs (TEC/282) and demo programme (TEC/220)]</li> <li>• <a href="#">SMMT HGV low carbon strategy</a> adopted 25/5/10, launched 30/6/10 (TEC/414).</li> </ul>	3	3	KA (RW)

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Labelling - new car CO <sub>2</sub>	DfT/CEC <a href="http://ec.europa.eu/environment/air/transport/co2/co2_cars_labelling.htm">http://ec.europa.eu/environment/air/transport/co2/co2_cars_labelling.htm</a>	<ul style="list-style-type: none"> <li>• UK implemented <a href="#">Labelling Directive 1999/94/EC</a> through SI 2001 No 3523.</li> <li>• Directive 2003/73/EC amended Annex III of 1999/94 to allow use of electronic screen in showrooms.</li> <li>• UK colour coded label revised with new logos and updated costs by 05/08 (TECs/280, 298).</li> <li>• Annual dealership survey of use of label w/c 29/6/09 (TEC/2009/455).               <ul style="list-style-type: none"> <li>○ 88% of cars surveyed were correctly labelled, up 6% on 2008 and up 23% on 2007</li> <li>○ 94% of dealers were displaying the label, up 3% on 2008 and up 20% on 2006.</li> </ul> </li> <li>• Updated UK new car label for 13 VED bands (T/2009/114).</li> <li>• UK used car label rolled out from 07/09 and SMMT recommended all brands sign up for 11/09 consumer launch.</li> </ul>	<ul style="list-style-type: none"> <li>• Commission review of Directive: SMMT submission to CEC 7/08 and outcome of consultation (T/2008/604).</li> <li>• <b>Legislative Proposal delayed until 2011.</b> Only indication on content is to look at the outcomes of previous EU stakeholder meeting (above): harmonisation, banding, absolute vs. relative, improvements in the kind of information provided, relevance to consumers, etc. <b>Proposal is drafted, but awaiting political guidance on direction before being issued.</b></li> </ul>	3	3	RW /JSH

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IPPC Directive 96/61/EC (now 2008/01/EC) (Integrated Pollution Prevention & Control) and Commission proposal to recast as Industrial Emissions (IE) Directive	CEC/European IPPC Bureau/ Defra  SMMT: MEWG/METS	<ul style="list-style-type: none"> <li>• CEC issued proposal for recast IPPC Directive in 21/12/07 (TEC/2008/012). Auto sector comments (TECs 2007/816 ACEA/ESVOCC comments and TEC/2007/876 update and PSA/Ford comments)</li> <li>• ACEA met EP Rapporteur Krahrmer 4/08 (TEC/2008/259)</li> <li>• 25/7/08: SMMT response to UK consul (TEC/2008/394)</li> <li>• 4/12/08: ENVI Ministers adopt <a href="#">progress report</a>: Most delegations feel that too many aspects are left to comitology, some concerned with strengthened role of BREFs, many want the new emission limit values to apply as of 2020 (not 2016), emission limits for plants with less than 100 MW are not supported, most do not agree to extend scope &gt;20MW and some request longer transition periods.</li> <li>• 16/1/09: SMMT via ACEA agree the Business Europe voting position for Committee vote 22/1/09</li> <li>• Draft report adopted in vote in EP ENVI 22/1/09 with all 63 amendments adopted, although some objection to bloc voting, and concerns that this will result in issues at the plenary vote. European Safety Network to be set up</li> <li>• The IPPC (IE) D reached political agreement on 25<sup>th</sup> June 2009. A clean text was issued in August</li> <li>• Jurists Linguist Meeting held 11/09/09 to confirm that the language was correct and there were no deficiencies</li> <li>• 10/12/2009 The Council is investigating the impact of Comitology on IED under Lisbon Treaty (art. 13.5 on the adoption of BAT conclusions) means that the Common Position cannot be announced in the Plenary in January, and that EP will have to make a new timetable for Krahrmer's report. No proposed dates currently agreed.</li> <li>• 15/02/2010 The Council adopted its position at the first reading – 44 amendments of 85 proposed were accepted.</li> <li>• Additionally the BAT Information Exchange / organisation of Sevilla process and content of the BREFs in relation to the current IPPC Directive is being undertaken.</li> <li>• Information Exchange etc under the IPPC (IE) D will not begin until agreement on the (IE) D is reached.</li> </ul> <p style="color: red;">See also UK implementation issues, separate entry.</p>	<p><b>In particular:</b></p> <ul style="list-style-type: none"> <li>• <b>Improvements made in LCP provisions;</b></li> <li>• <b>Threshold for combustion restored to 50 MWth</b></li> <li>• <b>Improvements in respect of BREFs and inspection arrangements have been incorporated.</b></li> </ul> <p><b>Key issues for members – ESN still included but in reduced form, and ELV implicated over certain thresholds.</b></p> <p>18 Jan 2010 – official start of 2nd reading (transmission of common position, then max 4 months) DELAYED to 24-25 Feb 2010                      15-17 March 2010 – Consideration of draft Report in ENVI                      18 March 2010 - Deadline for amendments                      6-7 April 2010 Vote in ENVI Committee                      Trilogue meetings 20 May, 3 June, and 16<sup>th</sup> June 2010. Agreement reached – First reading agreement with some amendments.</p> <p><b>EP Plenary vote due 6 July 2010 approved reading with proposed amendments.</b></p> <p><b>Final Council approval and publication in the OJ 1/12/2010.</b></p> <p>Transposition into UK law by 7<sup>th</sup> January 2013.</p>	3	3	AO

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End of Life Vehicles (ELV) Directive (2000/53/EC)	BERR/DEFRA/EA/VCA/DVLA  SMMT: ELV WG  <a href="http://ec.europa.eu/environment/waste/elv_index.htm">http://ec.europa.eu/environment/waste/elv_index.htm</a>	<ul style="list-style-type: none"> <li>Imposes ELV reuse and recovery target of 85% by weight and reuse and recycling of 80%</li> <li>UK legislation fully implemented, <a href="#">2003</a> and <a href="#">2005</a> Regs.</li> <li>2006 recycling target for VMs contracted networks achieved, see Public Register by brand at <a href="http://www.berr.gov.uk/files/file45857.pdf">www.berr.gov.uk/files/file45857.pdf</a> (718kb). UK as a whole achieved 83.5%. BERR to prosecute about 100 ATFs that did not provide data.</li> <li><b>All brands confirmed compliance with recycling targets 05/09 for 2008 (and 2007).</b></li> <li><b>SMMT/ACEA consider VCA site visits unnecessary, but SMMT acknowledge BERR position Sept 2008 (T/2008/428).</b></li> <li>Annex II (3rd review), allows repair as produced, published in OJ 08/08 (T/2008/459). UK implementation of 3<sup>rd</sup> review Annex II requires new SI, <b>expected Q4 09 in Parliament then in force summer 2010.</b></li> <li>Annex II (4th review): to exemptions 8a and 8b (lead in PCBs and electrical applications on glass). Positive outcome. <b>Published in OJ 25/2/10: Commission Decision 2010/115/EU (TEC/137).</b></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">2nd consultation</a> on ELV exemptions ended 3/8/09 (new exemption requested for Pb in thermoelectric generators and for Pb in thin wires) – 5<sup>th</sup> review of annex II. <b>15 April 2010 Oko report finalised on Pb in starter batteries, likely publish in June. COM proposal for interservice consultation mid-June, then TAC approval Q3/4 2010.</b></li> <li>Likely TAC written procedure to agree review of some further restrictions in May/June 2010, e.g. fridges in motorhomes etc.</li> <li>SMMT position to BIS 1/4/10 ref their proposed tweaks to UK ELV regime: TEC/215 (SMMT against tradable evidence, but agree with ATF permit condition to meet target and willing to explore compliance schemes for ATFs). <b>BIS response TEC/316</b></li> </ul>	3	3	MB
Mobile air conditioning (MAC) <a href="#">directive 2006/40/EC</a>	DG ENV/DG ENT (DEFRA, BIS/DfT/VCA)	<ul style="list-style-type: none"> <li>Phases out of greenhouse gases with GWP&gt;150 in M1, N1 class 1 vehicles 1/1/11 for new types and 1/1/17 for all new vehicles.</li> <li><a href="#">EC Regulation 706/2007</a> in force 5/1/08 requires test for compliance with leakage limits of 2006/40/EC. Annex II harmonized leakage detection test.</li> <li>VMs will fulfil legal requirements, and leave it to market forces (technology neutral) which refrigerant will be used.</li> <li>Implementation into GB Type Approval, see VCA consultation 05/08 (TEC/303)</li> <li>Commission interpretation (04/09): system approvals invalid for new types beyond 2010, contrary to past practice. DfT, VCA and most other TAAs disagreed initially.</li> <li>All MSs advised Commission they will accept position, except Ger, Lux and UK (Q1 2010). UK advised yes, but want harmonised approach in MSs and to reach agreement with industry (TEC/159).</li> </ul>	<ul style="list-style-type: none"> <li><b>Aug 2010, UK received letter ref infraction on interpretation of 1/1/2011 date, so reluctantly agree with Comm interpretation (TEC/607)</b></li> <li>Concern availability of R1234yf will fall short of VM demand in 2011/12/13 (TEC/257). <b>Honeywell claim there is no availability problem, but VMs still concerned about security of supply and lack of binding contracts (07/10). ACEA filed <a href="#">opposition</a> to exclusive Honeywell patent. Expect outcome Q1 2011.</b></li> </ul>	3	2	RW

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Waste Framework Directive <b>2008/98/EC</b> (WFD)  <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:312:0003:0030:EN:PDF</a>	DEFRA/CEC	<ul style="list-style-type: none"> <li>• Reviewed in 2008 to amend and repeal the WFD 75/442/EC, repeal Waste Oils Directive 75/439/EEC and Haz Waste Directive 91/689/EEC. Set environmental standards for recycled waste to be reused as secondary raw material; clarify meaning of recovery and disposal operations; clarify when waste becomes a product or non-waste ("end-of-waste" defined by Comitology); introduce national waste prevention programmes.</li> <li>• MSs may require that the extent to which a product is recyclable is made known to the consumer.</li> <li>• MSs may demand 'extended producer responsibility' including acceptance of returned product and of waste.</li> <li>• Seek "recycling society" by 2020 so first general EU recycling target: 50% from household (and similar) wastes; 70% of construction and demolition wastes. By 2014, the Commission will decide whether recycling targets for other wastes should be set.</li> <li>• Confirms a five-step waste hierarchy: prevention, reuse, recycling, recovery and disposal. Deviations from hierarchy will be allowed "where this is justified by life cycle thinking." SMMT/ACEA letter to Defra ref narrow definition and ELV and response May 2008.</li> <li>• Env Council adopted 22/10/08 (TEC/2008/627)</li> <li>• <b>Published revised Waste Framework Directive 2008/98/EC in Official Journal on 22/11/08 (TEC/2008/661).</b></li> <li>• Consultation on the Transposition of the revised Directive issued by DEFRA. Draft response sent to MEWG, EPC and ELVWG (TEC 2009/503). See final response TEC2009/542. Summary of consultation response issued by DEFRA (March 2010).</li> <li>• Consultation on the Legal Definition of Waste published 18/01/10. SMMT did not respond.</li> <li>• DEFRA issued two consultations on the introduction of landfill restrictions (SMMT response prepared) and to change the landfill diversion targets (SMMT did not respond).</li> </ul>	<ul style="list-style-type: none"> <li>• MSs have until 12 Dec 2010 to transpose into national law.</li> <li>• MSs to report to the Commission every three years.</li> <li>• Second part of two stage consultation on the transposition of the WFD – Issued 08 July 2010.</li> <li>• SMMT Responded on 08/09/2010; TEC/2010/566. Many of the requirements are to be transposed through current policies.</li> <li>• Transposition into UK law missed deadline of 12/12/2010, but is due in January 2011.</li> </ul>	3	2	AO/ RW

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London best practice guide (construction equipment particulates)	EST / GLA	<ul style="list-style-type: none"> <li>BPG document published at: <a href="http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp">http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp</a></li> <li>EST have scrapped eligible equipment list and put in &gt;37kW requirement and only family approval for filter systems.</li> </ul>	<ul style="list-style-type: none"> <li>Currently on hold until new mayor gives approval.</li> <li>Mayoral Transport Strategy is expected to be release for public consultation in the near future. The Air Quality Strategy will be released approximately 12 weeks after.</li> </ul>	3	2	JE
London: Congestion Charge (CC)	London Mayor / TfL	<ul style="list-style-type: none"> <li>On 27/11/08, the Mayor of London, Boris Johnson, announced his intention to remove the Western Extension of the Congestion Charging zone, following a non-statutory consultation with the public and stakeholders.</li> <li>Nearly 28,000 responded to the consultation. Overall, 69 per cent supported the removal of the Western Extension. 19% wanted the extension kept as it is 12% supported changing the scheme to improve the way that it operates.</li> </ul>	<ul style="list-style-type: none"> <li>Consultation on the congestion charge western extension underway with responses due by 2<sup>nd</sup> August 2010. TEC 2010/372 refers.</li> <li>Alongside the removal of the western extension, an increase in the charge from £8 to £10 will be introduced and an autopay system with a £1 reduction.</li> </ul>	3	2	JE
London: Low Emissions Zone (LEZ)	London Mayor / TfL	<ul style="list-style-type: none"> <li>TfL have consulted on a change to the Low Emissions Certificate (LEC) but did not include SMMT in the original discussion. SMMT were given a very short timescale but responded with TEC 2010/365</li> </ul>	<ul style="list-style-type: none"> <li>A consultation on a proposed delay to Phase 3 (Vans) of the LEZ implementation is underway and ends on 28<sup>th</sup> June 2010. The proposal suggests delaying the implementation until January 2012 and cites the current economic situation as the major reason. SMMT supports the proposal.</li> </ul>	3	2	JE



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Surface transport emissions trading (STET) - possible inclusion of transport sector in Phase III of EU Emissions Trading Scheme (EU ETS Directive 2003/87/EC) aka mobile ETS	CEC/DfT/Defra/DTI/Treasury	<ul style="list-style-type: none"> <li>• Directive 2003/87/EC refers to the transport sector twice and the Commission shall draw up a report considering ... how and whether to include other relevant sectors, inter alia the chemicals, aluminium and transport sectors, activities and emissions of other greenhouse gases, with a view to further improving the economic efficiency of the scheme ... The Commission Proposal for a revised EUETS Directive was issued 01/08 but no intention to include road transport at this stage.</li> <li>• EP suggestions regarding future inclusion of road transport were <u>not</u> finally adopted in EUETS, Dec 2008. ACEA do not see proposal as problematic as it is only further consideration after RIA</li> <li>• [Note that Directive to include aviation in EUETS adopted by Council on 24/10/08 (<a href="#">Doc 3657/08</a>): from 2012 all flights arriving at or departing from an EU airport will be included in the ETS; from 2013 annual cap will be reduced to 95% of 2004-2006 baseline; allowances to aircraft operators (85% free, 15% auctioned). ]</li> </ul>	Industry discussion Nov 09 <ul style="list-style-type: none"> <li>• ETS v unlikely to replace existing vehicle technology regulation. Might take pressure for tough targets away or might make setting unachievable targets more likely</li> <li>• Cars: Open ETS is valid option and it should be upstream (i.e. oil companies rather than VMs or driver that does trading). Some members disagree, no need for it (already have fuel tax and CO2 regulation), fear unachievable targets</li> <li>• CVs: Only support inclusion goods transport into the EU-ETS if it is connected to vehicle <u>usage</u> (i.e. ensure VMs don't have to trade)</li> <li>• Ask for impact assessment of all options before proceeding (road user charging should not be discounted)</li> <li>• Do not like thought of closed trading within the auto sector</li> <li>• ETS has advantages over fuel tax: establishes CO2 cap (tax does not, high willingness to pay, rebound effect)</li> </ul>	3	1	MB
MAC energy efficiency (EU)	UN-ECE	<ul style="list-style-type: none"> <li>• <b>A working group has been set up under the auspices of the UN-ECE GRPE to look at creating a test cycle for MAC in vehicles. This is being driven by the European Commission with the group chaired by Netherlands with EC as secretary. The first meeting was held at the 60<sup>th</sup> GRPE in June 2010.</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>European Commission to develop initial proposal for a test procedure. Work already underway by TNO, LTI, LAT and University of Graz.</b></li> </ul>	3	1	JE

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REACH (Registration, Evaluation & Authorisation of Chemicals) – EU Regulation on chemicals policy	CEC/CBI/BIS/ DEFRA / UK Competent Authority (HSE)  <a href="http://www.hse.gov.uk/reach/">www.hse.gov.uk/reach/</a>	<ul style="list-style-type: none"> <li>• EU REACH Regulation (EC 1907/2006) adopted 18/12/06 (T/2007/009).</li> <li>• Responsibilities for risk assessments and greater burden of proof on industry.</li> <li>• Automotive industry guideline (AIG) on REACH available at <a href="http://www.acea.be/reach">www.acea.be/reach</a> in several languages</li> <li>• <b>European Chemicals Agency (ECHA) issued first candidate list 10/08, immediate duties arise (TEC/2008/602).</b></li> <li>• Pre-registration phase ended 30/11/08.</li> <li>• <b>Regulation (EC) 1272/2008 on classification, labelling and packaging (CLP) of chemicals implements Globally Harmonized System (GHS) with minor implications for <a href="#">ELVD, SED etc (TEC/017)</a>.</b></li> <li>• UK enforcement consultation (TEC/314/2008) resulted in <b>REACH Enforcement Regulations 2008 (SI 2008 No. 2852), in force from 12/08</b></li> <li>• If substance was not pre-registered by Dec 08, cannot be manufactured/imported unless fully registered</li> <li>• SIEFs (substance information exchange fora) now coordinate data sharing and full registrations, will take several years</li> </ul>	<ul style="list-style-type: none"> <li>• Q1 2009: ECHA issued <a href="#">consultation</a> on inclusion of candidate list substances in Annex XIV (authorisation) with reports on SVHCs and proposed sunset dates.</li> <li>• By June 2009: ECHA to issue list of substances for authorisation/ restriction (Annex XIV), drawn from larger candidate list.</li> <li>• Candidate list likely updated every 6 months, but industry seeking annual or biannual updates (01/09).</li> <li>• <b>1st registration deadline 1/12/10: industry concerned about lack of visibility of registrations, seeking 12 month non-enforcement. SMMT amongst sector associations writing to government and approaching ECHA. Outcome: <a href="http://echa.europa.eu/news/pr/201009/pr_10_19_dcq_20100927_en.asp">http://echa.europa.eu/news/pr/201009/pr_10_19_dcq_20100927_en.asp</a></b></li> <li>• Registration dossiers due 1/12/2010 &gt;1000t/CMR etc, 1/6/2013 &gt;100t, 1/6/2018 &gt;1t</li> </ul>	3	1	RW
Expected Proposal for a Directive reviewing Directive 2003/96/EC restructuring the Community framework for the taxation of energy products directive/Energy Tax Directive	CEC/HMT  SMMT: EPC	<ul style="list-style-type: none"> <li>• 03/04/09: EU Commissioner for taxation, said Directive would be adapted so fuels are taxed according to greenhouse gas emissions. Closed stakeholder meeting 28/09/09. CO2 tax to reduce emissions from sectors outside the EU ETS. Note taxation issues require unanimity among MSs.</li> <li>• Likely min tax rates proposed will be so low as to be irrelevant in UK</li> <li>• ACEA against diesel being taxed more than petrol</li> </ul>	<ul style="list-style-type: none"> <li>• Commission proposal delayed until early 2010 or later in 2010</li> <li>• Expected that UK will oppose the proposal as UK disagrees with centralised taxation. All taxation must be unanimously agreed.</li> </ul>	3	1	JE

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Renewable Energy Directive (RED)	CEC	<ul style="list-style-type: none"> <li>• Will establish national overall renewables targets for each MS so that the EU reaches at least a 20% renewables share by 2020.</li> <li>• Will cover electricity, heating and cooling and transport.</li> <li>• Proposed that each MS shall achieve at least a 10% share of renewable energy in the transport sector by 2020.</li> <li>• Will specify a system to guarantee the environmental sustainability of biofuels and set a minimum level of greenhouse gas savings.</li> <li>• Vote in ITRE Cmtee 11/09/08: Over 1,800 amendments condensed into 35 compromise amendments. Report adopted by 50 votes to 2. Final report includes binding target of minimum 20% share of renewable energy by 2020; 10% target for agrifuels (biofuels) in transport by 2020; inclusion of direct penalty scheme for countries that miss targets; review to take place in 2014 to reassess 10% target; transport fuels from biomass to achieve at least 45% greenhouse gas saving rising to 60% from 2015 and renewables to be given priority access to the energy supply networks</li> <li>• Each MS will have to increase contribution of renewable energies, so as an overall EU share of 20% will be achieved by 2020. 10% of EU transport fuel has to come from renewable sources as part of this overall 20% renewables target. Italy's demand for a revision of the target in 2014 was rejected. CEC will publish a progress review in 2014. MSs must submit to CEC detailed national action plans (NAPs) by 2010, followed by progress reports every 2 years. CEC can enact infringement proceedings if MSs do not take 'appropriate measures' to meet their targets. MSs allowed to link their national support schemes with those of other EU states and to import 'physical' renewable energy from third-country sources.</li> </ul>	<ul style="list-style-type: none"> <li>• The Directive was published in the Official Journal. It entered into force on 25/06/09. MSs to transpose directive into national law by 05/12/10.</li> <li>• UK holding stakeholder workshops to determine most effective way to achieve targets and trajectories to use.</li> <li>• National Action plan being developed by DECC and to be submitted to EC by end June 2010.</li> <li>• <b>Likely that UK will not implement RED until Quarter 4, 2011.</b></li> <li>• <b>No update since election.</b></li> <li>• <b>Public consultation expected “shortly” but is unlikely to be out much before December 2010.</b></li> </ul>	3	1	JE

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Issue/ Subject Area	Organisation	Description / Current Status / Summary	Next Stage, Action & Dates SMMT position	Priority	Reso urce	Who
Fuels Quality Directive (EU)	CEC	<ul style="list-style-type: none"> <li>• Would revise the fuel quality specifications set in Directive 98/70/EC as amended by Directive 2003/17/EC on the quality of petrol and diesel fuels.</li> <li>• Would amend Directive 1999/32/EC with regard to sulphur limits for fuels used in inland waterway vessels and would repeal Directive 93/12/EEC on sulphur content in liquid fuels.</li> <li>• Suppliers would have to monitor greenhouse gas (GHG) emissions and reduce them by 1% every year between 2011 and 2020.</li> <li>• A new petrol blend would allow for up to 10% ethanol content. Sulphur levels in diesel would be limited to 10 parts per million (ppm) as of 2009, sulphur content of non-road machinery gas-oil to 10 ppm as of 2010, sulphur content of inland waterway gas-oil to 300 ppm as of 2010 and to 10 ppm as of 2012</li> <li>• MSs have not yet reached agreement on sustainability and social criteria for biofuels. MSs however appear to agree on minimum greenhouse gas savings of 35%, rising to 50% by 2017 or 2018</li> <li>• MEPs and MSs have agreed on the text which will require a 6% reduction in GHG from 2010 to 2020</li> <li>• The Directive was published in the Official Journal on 05/06/09. The Directive entered into force on 25/06/09. MSs must transpose Directive into national law by 31/12/10.</li> </ul>	<ul style="list-style-type: none"> <li>• Discussions on going following letter from rapporteur to CEC</li> <li>• Concern from off highway manufacturers that low sulphur fuel will not be mandated in time for Stage IIIB. Currently no “backup” option available and little interest from the Commission.</li> <li>• EP adopted the proposal 17/12/08 together with the entire package on climate change and confirmed position of the European Council.</li> <li>• A number of informal contacts took place between Council, EP and CEC in order to reach an agreement on this dossier at first reading, thereby avoiding the need for a second reading and conciliation. Council have not published its official position yet, so the text cannot be adopted as an legislative act for the moment.</li> <li>• <b>Likely that UK will not implement FQD until Quarter 4, 2011.</b></li> <li>• <b>No update since election</b></li> <li>• <b>Public consultation expected “shortly” but is unlikely to be out much before December 2010.</b></li> </ul>	3	1	JE

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Batteries and accumulators etc Directive 2006/66/EC	CEC, DG ENV BERR <a href="http://www.berr.gov.uk/sectors/sustainability/batteries/page30610.html">http://www.berr.gov.uk/sectors/sustainability/batteries/page30610.html</a> SMMT: ELV WG	<ul style="list-style-type: none"> <li>• Directive formally adopted 07/06, establishment of new collection and recycling targets for all batteries and accumulators. Producer responsibility</li> <li>• UK Implementation Draft regulations on single market articles (TEC/290). Outcome of consul, see TEC/349. Note batteries for motive power (electric/hybrids) are not 'automotive' but 'industrial' batteries.</li> <li>• The Waste Batteries and Accumulators Regulations were laid before Parliament on 14th April and come into force on 5th May 2009.</li> <li>• The regulations place all responsibility for collection, treatment and recycling of waste batteries on the 'producer', which includes VMs</li> </ul>	<ul style="list-style-type: none"> <li>• VMs affected as 'producers' of automotive, portable (key fobs etc) and industrial (hybrid/EV) batteries.</li> <li>• Producers of portable batteries (VMs) that places on the market more than 1 tonne per year needs to join a compliance scheme . <a href="http://www.environment-agency.gov.uk/business/regulation/107939.aspx">http://www.environment-agency.gov.uk/business/regulation/107939.aspx</a></li> <li>• Members of the compliance schemes must submit all data inc automotive and industrial batteries through the scheme to EA.</li> <li>• From 15<sup>th</sup> October battery producers need to register within 28 days of placing batteries on the UK market <a href="http://www.environment-agency.gov.uk/business/regulation/111046.aspx">http://www.environment-agency.gov.uk/business/regulation/111046.aspx</a></li> <li>• Automotive and industrial bat. producers to publish take back/collection information on their web by 1<sup>st</sup> Dec 09 or within 28 days of placing batteries on the UK market</li> <li>• The regulation on capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators published in the official journal of the EU on 29 November 2010. The regulations apply to batteries and accumulators placed on the market for the first time 18 months after the publication of the regulation. The regulation is directly applicable to all Member States. <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:313:0003:0007:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:313:0003:0007:EN:PDF</a></li> </ul>	2	2	MB

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Qualification requirements for refrigerant handlers (F Gas Regulation 842/2006)	EC/BIS/DEFRA-ACRIB	<p>Commission Regulations published in the Official Journal of the EU. They came into force 20 days from 3/4/08 and have direct effect in all Member States.</p> <ul style="list-style-type: none"> <li>○ SRAC <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0003:0011:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0003:0011:EN:PDF</a></li> <li>○ Fire protection <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0012:0016:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0012:0016:EN:PDF</a></li> <li>○ High voltage switchgear <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0017:0020:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0017:0020:EN:PDF</a></li> <li>○ F-gas based Solvents <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0021:0024:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:092:0021:0024:EN:PDF</a></li> <li>○ <a href="#">MACs</a> requiring qualifications by 4/7/2010</li> </ul> <ul style="list-style-type: none"> <li>● Refrigerant handlers need to hold one of the 22 UK approved qualifications now. Gov guidance for MAC sector (TEC/2009/376)</li> <li>● Defra confirmed IMI, irtec, C&amp;G can start to certify technicians with EU compliant qualifications (10/08)</li> <li>● Regs for post 2010 before Parliament in 01/09, coming to force 02/09</li> <li>● To service, repair or dismantle MACs, engineers must hold appropriate qualifications from: City and Guilds of London Institute, The Institute of the Motor Industry (IMI), IMI Awards or The Institute of Road Transport Engineers (Irtec), as of 04/07/2010.</li> </ul>	<ul style="list-style-type: none"> <li>● Art 10 of EC Regulation requires Commission to review all provisions of the EC Regulation and report by 4 July 2011. In particular, assess impact on emissions of the containment measures and assess if further use bans. Commission have contracted consultants to provide technical support. Technical input, data etc can be sent directly to the Oko Recherche</li> <li>● Starting Q4 2010 Commission will consult with stakeholders and Member States possibly through an expert group.</li> <li>● SMMT have contacted Oko Recherche and have received questionnaire.</li> <li>● SMMT working with RMI and MCACC on definition of “abnormal leakage” (March 2010).</li> <li>● Oko Recherche and ACEA to meet Jan 2011.</li> </ul>	2	2	RW/ AO

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WEEE and ROHS	EC/DG Env/ BERR  SMMT Car Multi Media Cttee  <a href="http://ec.europa.eu/environment/waste/weee/index_en.htm">http://ec.europa.eu/environment/waste/weee/index_en.htm</a>	<ul style="list-style-type: none"> <li>Waste Electrical And Electronic Equipment Directive 2002/96/EC (WEEE) and sister Directive on Restriction of Hazardous Substances 2002/95/EC (ROHS)</li> <li>Material restrictions: if the ELV exemption is to be utilised, equipment must meet ELV material bans. If not using the ELV or vehicles exemption and equipment falls within categories 1-7 or 10 of Annex IA of WEEE Dir, it must comply with ROHS.</li> <li>Review of substances on scope of ROHS 03/08 (TEC/2008/153).</li> </ul>	<ul style="list-style-type: none"> <li>Commission proposal for recast WEEE &amp; ROHS Directives issued 3/12/08. Expected to amend recycling targets, scope, treatment requirements, definition of "producer" to reflect the EU internal market principles, financing and other aspects proving difficult to implement or enforce by MSs.</li> <li>ROHS proposal to ban HBCDD, DEHP, BBP and DBP. RoHS to cover industrial monitoring and control instruments from 2015.</li> <li>The European Parliament has backed a first-reading deal on hazardous substances in electrical and electronic equipment (EEE). Existing bans on certain substances will be extended to all types of EEE. Means of transport have been excluded from the scope of the directive.</li> </ul>	2	2	MB
Resource Efficiency and Raw Materials Initiative	EC	<ul style="list-style-type: none"> <li>Commission plans to publish a roadmap by summer 2011, on how to move towards a resource efficient Europe. The roadmap will set out specific resource efficiency objectives, and how to meet them, based on actions up to 2020 with a time perspective of up to 2050.</li> </ul>	<ul style="list-style-type: none"> <li>Studies assessing the criticality of raw materials used within the EU, and considering the exchange of best practice on land use, planning, permitting and geological knowledge sharing reported in mid 2010.</li> <li>20 Dec 2010 The Council of the European Union adopt conclusions on sustainable materials management and sustainable production and consumption as key contributions to a resource-efficient Europe.</li> </ul>	2	2	AO



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RRR Directive 2005/64/EC on type approval for reusability, recyclability, and recoverability	BERR/VCA	Directive in force 15/12/05 (TEC/2005/653), requires M1/N1 to be 85% reusable and/or recyclable and 95% reusable/recoverable by mass. ISO standard from TC22 arises from Article 7.4 of ELV Directive. SMMT position see TEC/2004/604	<ul style="list-style-type: none"> <li>New types comply from 15/12/08 and all vehicles sold to comply from 15/7/10</li> <li>RRR Directive amended by Directive 2009/1/EC: OEMs to inform staff and suppliers about the heavy metal bans in ELV Directive and ensure suppliers comply. MSs to transpose by 3/2/2010. MSs to refuse type approval of new types from 1/1/2012 if non-compliant with RRR Directive.</li> </ul>	2	1	CW/ MB
Environmental Permitting Regulations (EPR)/Environmental Permitting Programme (EPP)	DEFRA/EA <a href="http://www.defra.gov.uk/environment/epp/">www.defra.gov.uk/environment/epp/</a> <i>See separate tracker entry for PPC</i>	<ul style="list-style-type: none"> <li>EP aims to deliver the requirements of relevant directives and domestic legislation through a single permit system with various tiers depending on risk, from IPPC, waste management licensing, code of practice (or through exemptions). Transition to EP was smooth (04/08)</li> <li>EA position statement on the transition to EP exemptions, asking operators to take note of where the WML system has changed for EPR. E.g. storage of waste in a secure place, in secure containers, storage of returned goods (TEC/2008/244)</li> <li>DEFRA announced delay in implementation of WML Exemptions until April 2010</li> <li>EPP phase 2 consultation begun with amendments to Regs and currently Guidance. Seeks to bring discharge consents etc within EPR. EPP3 on horizon too.</li> <li>SMMT responded to consultation on Core Guidance and Water Discharge Activities Guidance (TEC/407/2009)</li> <li>WML Exemptions implementation due April 2010 with EPR 2010 (intro of EPP2 and replacing EPR 2007) coming into effect immediately after.</li> <li>Defra will review EPP 2010 to check on benefits realised.</li> </ul>	<ul style="list-style-type: none"> <li>See Environmental Permitting (England and Wales) Regulations 2010; SI 675, which came into force 06/04/2010.</li> <li>Environmental Permitting (England and Wales) (Amendment) Regulations consultation 30/07/2010 – 24/09/2010 introducing civil sanctions into the EPR – SMMT did not comment</li> <li>Environmental Permitting (England and Wales) (Amendment) Regulations to transpose the directive on carbon capture and storage and to encourage anaerobic digestion. Consultation from 03/09/2010 – 26/11/2010</li> <li>Introduction of more standard permits to ease the regulatory burden. See TEC/2010/577 and 651</li> </ul>	2	1	RW
EMF - electromagnetic fields and waves Directive 2004/40/EC on minimum health and safety requirements for exposure of workers to physical agents	CEC	<ul style="list-style-type: none"> <li>EU Council political agreement 11/12/02 (link). Common Position 18/12/03. Directive adopted 29/4/04 <a href="http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_184/l_18420040524en00010009.pdf">http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_184/l_18420040524en00010009.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>Now more in line with UK views, but still contentious on health surveillance and static magnetic fields. Requirement to undertake a risk assessment at the Action Levels. Motor Industry Safety Group (MISG) has sub group on EMF. Note also product side interest (Keith Ashton)</li> </ul>	2	1	RW/ KA

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International Agreement on Climate Change post-2012, successor to Kyoto Protocol	UN, CEC	<ul style="list-style-type: none"> <li>• Likely to seek to limit warming to 2°C</li> <li>• If adopted, this will trigger higher level of ambition in UK Climate Change Act 2008 and EU Climate Change Package of 2008 (EUETS, RED etc)</li> <li>• <b>Copenhagen Accord, Dec 2009:</b> <ul style="list-style-type: none"> <li>○ <b>No legally binding agreement.</b></li> <li>○ <b>Many of the key players (including the US, China and India) have acknowledged that action to reduce emissions needs to be taken.</b></li> <li>○ <b>Developed nations have accepted the need to support financially developing nations in curbing emissions and adapting to climate change.</b></li> <li>○ <b>There is no change yet to the Kyoto Protocol or pre-existing national and EU climate change legislation.</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>UNFCCC has until the end of 2012 to replace the Kyoto Protocol. To that end, there will be meetings in May to June 2010 in Bonn to prepare for the next conference in Mexico scheduled for November 2010.</b></li> </ul>	2	1	RW/ MB
Soil Protection Framework Directive (SFD) COM (2006) 232  <a href="http://ec.europa.eu/environment/soil/pdf/com_2006_0232_en.pdf">http://ec.europa.eu/environment/soil/pdf/com_2006_0232_en.pdf</a>	EC/DEFRA/ BERR/CBI	<ul style="list-style-type: none"> <li>• SMMT key interest is when buying/selling land.</li> <li>• No political agreement at Council 12/07. UK, France, Germany, Austria and Netherlands opposed. UK opposed to unnecessary admin burden and disproportionate costs, seeks better regulation and subsidiary. Concern overlaps with Env Liability Directive etc.</li> <li>• Commission sees this as "missed opportunity for protection of environment and fighting climate change." Commission did not withdraw 2007 proposal</li> </ul>	<ul style="list-style-type: none"> <li>• <b>6/09 – EU Presidency aim to reach political agreement on outstanding issues (unlikely given the change of Commission and EP)</b></li> </ul> <p>Despite the efforts of several Presidencies, the Council has been so far unable to reach a political agreement due to the opposition of a number of Member States. The upcoming Presidencies will need to resume the discussions in order to make progress.</p> <ul style="list-style-type: none"> <li>• Latest discussion (March 2010) Council blocked progress.</li> </ul>	2	1	AO

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PVR Stage II - Petrol Vapour Recovery	DEFRA / CEC  (Paul Greening ACEA)  <a href="http://ec.europa.eu/environment/air/transport/petrol.htm">http://ec.europa.eu/environment/air/transport/petrol.htm</a>	<ul style="list-style-type: none"> <li>• TEC/2006/547 : UK law with threshold of 3500m<sup>3</sup>/year for existing &amp; 500m<sup>3</sup> for 'new' refuelling installations)</li> <li>• Implemented in UK via an amendment to the PPC Regs (SI 2006/2311)</li> <li>• DG ENV consultation closed 25/4/08. SMMT response focused on the need to exclude petrol stations at VMs as new vehicles have no vapour in the tank to displace. Also R&amp;D aspects and the thresholds that would suit us in the absence of blanket exclusion for vehicle manufacturing sites.</li> <li>• CEC issued summary of responses (07/08) at <a href="http://ec.europa.eu/environment/air/transport/petrol.htm">http://ec.europa.eu/environment/air/transport/petrol.htm</a> (incorrectly recorded SMMT's position, so SMMT challenged CEC to change it)</li> <li>• Commission <a href="#">proposal</a> issued 4/12/08: recover 85% of harmful vapour (Stage II PVR) at new/refurbished service stations &gt;500m<sup>3</sup>/year petrol throughput by 1/7/2012. Existing stations &gt;3000m<sup>3</sup>/year to comply by 31/12/2020.</li> </ul>	<ul style="list-style-type: none"> <li>• Amendment proposal sent to Martin Callanan and supported by ACEA. Proposal centred around 3 issues: Definition of service station, opposing reduction in volumetric limit from 3000m<sup>3</sup> to 2000m<sup>3</sup> and opposing increase in capture efficiency from 85% to 95%.</li> <li>• Directive 2009/126/EC published in the OJ Oct 2009 <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:285:0036:0039:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:285:0036:0039:EN:PDF</a></li> </ul>	2	1	RW/ JE
EUETS Phase II from 2008-2012 (EU ETS Directive 2003/87/EC)	EC/DEFRA/ BERR	Level of allocation to installations decided and favourable to SMMT members	<b>UK issued allocations to installations and turned on registry 27/10/08 (TECs 593 and 612)</b>	1	1	RW/ MC
Packaging Waste Regs	DEFRA, EA	2005 consultation resulted in inclusion of packaging from franchises in VM's obligations	New packaging recovery targets of 72% in 2008, 73% in 2009 and 74% in 2010 to ensure that we meet our 2008 EU Directive target of recycling at least 60% of packaging waste (TEC/2008/102 and 127)	1	1	RW
NECD (National Emission Ceilings Directive 2001/81/EC) and its revision	EU (Defra)  SMMT: ???, MEWG	<ul style="list-style-type: none"> <li>• Will set 2020 emission ceilings for NO<sub>x</sub>, VOC, SO<sub>2</sub>, NH<sub>3</sub> and probably for primary emissions of PM<sub>2.5</sub>. Seeks to tackle transboundary air pollution problems, including acidification, eutrophication, and the formation of ground level ozone. This has potential implications for manufacturing (esp VOC) and VM products</li> </ul>	<ul style="list-style-type: none"> <li>• Defra recently discovered that UK will not meet its 2010 NECD ceiling for NO<sub>x</sub>. Defra study into potential measures to address the projected exceedence. Expect to be compliant in 2011 anyhow.</li> <li>• Commission proposal delayed to Autumn 2008 to allow co-ordination with climate change package</li> <li>• Latest predictions suggest that UK will achieve overall targets but will still have "hotspots" particularly in and around London.</li> </ul>	1	1	JE/ AH

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Commission Regulation (EC) implementing <b>Directive 2005/32/EC on ecodesign requirements for standby and off mode electric power consumption</b> of electrical and electronic household and office equipment	Commission, BERR  SMMT: CMMC  <a href="http://www.mtprog.com/spm/files/download/byname/file/Draft%20EuP%20standby%20post%20vote.pdf">http://www.mtprog.com/spm/files/download/byname/file/Draft%20EuP%20standby%20post%20vote.pdf</a>	<ul style="list-style-type: none"> <li>Establishes ecodesign requirements related to standby and off mode electric power consumption for household and office equipment.</li> <li>Car radios, sat navs, TVs etc are “And other equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image other than by telecommunications” (Annex II para 3), but see SMMT position in next column</li> </ul>	<p>SMMT sought clarification from BERR (7/08) that car radios, sat navs, TVs etc are outside scope on the basis that they are not:</p> <ul style="list-style-type: none"> <li>household/office equipment (art 2.1)</li> <li>“a single functional unit” (art 2.1a) as they are fitted to the vehicle and tend to draw power from it</li> <li>reliant on mains power (art 2.1c)</li> <li>built with a standby mode (art 2.2). They are wired through the vehicle’s ignition switch and can only be activated when the car key is in the "acc" position</li> </ul>	1	1	RW
<b>Ozone Regulation</b> (EC) No 1005/2009 aka ozone depleting substances (ODS)	Commission  <a href="http://ec.europa.eu/environment/ozone/review.htm">http://ec.europa.eu/environment/ozone/review.htm</a>  <a href="http://www.berr.gov.uk/whatwedo/sectors/sustainability/ods/page29091.html">http://www.berr.gov.uk/whatwedo/sectors/sustainability/ods/page29091.html</a>	<ul style="list-style-type: none"> <li>Mainly affects air conditioning equipment with <b>R22</b></li> <li>Dates for banning use of R22 remain unchanged (virgin HCFC – from 1 Jan 2010; recycled HCFC from 1 January 2015)</li> <li>New proposals are made for labelling containers and equipment and definitions of “reclamation” and “recycling”.</li> <li>Repealed old ODS Regulation (EC) No. 2037/2000</li> </ul>	<ul style="list-style-type: none"> <li>Revised Regulation applied from 1/1/2010</li> </ul>	1	1	RW/ AO
Environmental Criminal Law Directive 2008/99/EC	CEC, Defra  EPC, MEWG  <a href="http://eur-lex.europa.eu/LexUriServ.do?uri=OJ:L:2008:328:0028:0037:EN:PDF">http://eur-lex.europa.eu/LexUriServ.do?uri=OJ:L:2008:328:0028:0037:EN:PDF</a>	<ul style="list-style-type: none"> <li><b>Ensures minimum level of env protection under criminal law throughout the EU</b> for range of existing EU/national laws. Requires criminal offences, when committed intentionally or with serious negligence.</li> <li>Includes a list of activities e.g. <b>ELV, IPPC, Euro 5/6, MAC, SED Directives</b> and offences covering: the unlawful treatment, transport, export or import of waste; unlawful trade in or use of ozone-depleting substances and the unlawful operation of a plant in which a dangerous activity is carried out. Unlawful discharge causing "death or serious injury to any person" or "substantial damage" to the environment; shipment of waste; Inciting, aiding or abetting of any of the above will also be considered a criminal offence.</li> <li>Penalties left to discretion of MSs but should be "effective, proportionate and dissuasive".</li> </ul>	<ul style="list-style-type: none"> <li>Directive enters into force 26/12/08</li> <li>Defra doing assessment of implications (12/08), but assume no impact as standard practice to implement EU law with criminal sanctions in UK. Opportunity to use criminal sanctions for domestic offences too.</li> <li><b>National implementation by 26/12/2010</b></li> </ul>	1	1	RW/ AO

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Non Road Mobile Machinery Emissions Control	EC & UNECE	<ul style="list-style-type: none"> <li>• Commission proposal issued concerning implementation of phase 3 and phase 4 emissions standards for non road engines (constant speed diesels stay with phase II limits for time being). Directive now covers railcars and vessels for operation on inland waterways.</li> <li>• (EC-JRC) Proposal for draft global technical regulation on engine emissions of Non-Road Mobile Machinery - ECE/TRANS/WP.29/GRPE/2009/16 –can be found at : <a href="http://www.unece.org/trans/doc/2009/wp29grpe/ECE-TRANS-WP29-GRPE-2009-16e.pdf">http://www.unece.org/trans/doc/2009/wp29grpe/ECE-TRANS-WP29-GRPE-2009-16e.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• 2009 amendments to 97/68/EC have been circulated as TEC 2010/312</li> <li>• The proposal for an amendment by co-decision has been submitted at the May GEME meeting. The individual documents were circulated as TEC 2010/241</li> </ul>			JE