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Chemicals

▶ Future Chemicals Policy

On October 29, the Commission released its long awaited final proposal for a Regulation concerning the Registration, Evaluation, Authorization and Restrictions of Chemicals (REACH).

A previous draft had been released in May for stakeholder consultation purposes. This proposal is now sent to the Council and the European Parliament for Codecision procedure. Due to the length of the procedure, upcoming European Parliament elections and its broad impact on the whole industry, it is expected that the Regulation will not be in place before 2006.

(Ref.: COM(2003)644)

▶ Rotterdam Convention

The Rotterdam Convention on Prior Informed Consent (PIC procedure) for certain hazardous chemicals and pesticides in international trade, signed on 11 September 1998 and approved by the Community by Council Decision 2003/106/EC will enter into force on February 24, 2004 (90 days after the 50th ratification was received). Regulation No 304/2003, which implements the Rotterdam Convention in EU law, entered into force on March 7, 2003.

▶ Amendment to SEVESO II Directive

On September 9, the Conciliation Committee reached an agreement (Third Reading of the Codecision procedure) on the proposed amendment to the SEVESO II

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Directive (Directive 96/82/EC) on major accidents involving dangerous substances.

This Conciliation Joint Text was formally adopted by the European Parliament on November 19 and by the Council on December 1, and shall be published in the following weeks.

This amendment will notably extend the scope of the Directive to mining activities and disposal facilities containing dangerous substances, and to potassium nitrate industrial uses. It also modifies the applicable thresholds for ammonium nitrate, carcinogens and petroleum products, requires mandatory training for staff on emergency and prevention, and requires Member States to establish detailed maps showing the areas of potential risks. Furthermore, the Commission shall issue by the end of 2006 a proposal on the creation of a technical database on risk dates and risk scenarios. It should further be noted that the Council rejected the European Parliament amendment on financing the relocation of dangerous sites.

▶ **German Measures on Azodyes**

On November 25, the Commission rejected the German request to maintain its more stringent national measures on azodyes which are currently regulated at the EU level by Directive 2002/61/EC.

(Ref: Decision 2003/829/EC)

▶ **Extension of the Phthalate Ban**

On November 19, the Commission adopted a Decision amending Decision 1999/815/EC. It renews the provisions prohibiting the placing on the market of toys and childcare articles made of soft PVC containing certain phthalates and intended to be placed in the mouth by children under three years of age (16th extension of this ban).

(Ref.: Decision 2003/819/EC)

▶ **Halons**

As of December 31, the use of halons will be totally banned in fire protection systems and fire extinguishers according to Regulation 2037/2000 on ozone-depleting substances. On December 8, the Commission rejected the request from some Member States to delay this time-limit.

(Ref.: Regulation 2037/2000/EC)

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Pesticides/Biocides

▶ **Second Review Regulation**

On November 4, the Commission adopted Regulation 2032/2003 on the second phase of the 10-year work program of Directive 98/8/EC concerning the placing of biocidal products on the market. It complements the requirements for the implementation of the second phase of the systematic examination of all active substances already in the market on 14 May 2000 as active substances of biocidal products (existing substances). Furthermore, it lists in Annex III the substances that

shall not be authorized after 1 September 2006.

(Ref.: Regulation 2032/2003)

▶ **Paraquat Authorization**

On December 1, the Commission adopted a Directive including paraquat in Annex 1 to Directive 91/414/EEC on Plant Protection Products. Member States shall comply with this Directive by 30 April 2005 and shall review the national authorization of products containing this active substance.

On November 24, the Pesticide Action Network sent an open letter to the Environment and Consumer Protection Commissioner requesting a review of this authorization.

(Ref.: Directive 2003/112/EC)

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Life Sciences

▶ **Legislation on GMOs Comes into Force**

On November 7, the Regulation on GM food and feed and the Regulation on labeling and traceability came into force; it will be applicable as of April 19, 2004. Some provisions on labeling and traceability will only be applicable after a system to assign unique identifiers of GMOs is adopted. Also, the Commission shall issue a guidance document on sampling and detection of GMOs and GM food and feed, and a Directive establishing labeling thresholds for the adventitious or technically unavoidable presence of authorized GM seeds in seeds of non-GM varieties. This Directive should be adopted in the coming months and could be applicable as of April 2004.

(Ref.: Regulations 1829/2003 and 1830/2003)

▶ **Opinions on GM Maize**

On December 4, EFSA (European Food Safety Authority) released 2 opinions on the GM maize NK 603 concluding it was as safe as conventional maize and that its placing on the market for import, for processing and food or feed use is unlikely to have an adverse effect on health or the environment.

On December 8, also, the Standing Committee on Food Chain and Animal Health refused by qualified majority the authorization of BT 11 novel food maize under Regulation 258/97. The file will now have to be transmitted to Council. Under the Comitology procedure, the Council will have three months to adopt the proposal by qualified majority, or reject/amend it by unanimity. Otherwise, the Commission will have to adopt the text after this time limit.

(Ref.: EFSA-Q-2003-002 / EFSA-Q-2003-003)

▶ **Cartagena Protocol**

On September 11, the Cartagena Protocol on biosafety entered into force. It aims to protect biological diversity and human health from the potential risks arising from

transboundary movement of GM seeds. It requires a prior consent procedure to the import of GMOs.

The EU Regulation transposing these requirements in the EU legal framework came into force on November 26.

(Ref.: Regulation 1946/2003 / IP/03/1236)

▶ **Austrian GM Ban**

On September 2, the Commission took a Decision rejecting the Austrian request to introduce a national ban on GMOs in upper Austria. The request was made in March 2003, under Article 95(5) of the EC Treaty which allows Member States to derogate from European Union harmonization measures, in the case of new scientific evidence or particular country-specific conditions. The Commission consulted the EFSA Scientific Committee, which released an opinion on July 10 acknowledging that the Austrian project was not based on new scientific evidence which could justify this derogation to be granted.

(Ref.: IP 03/1194)

▶ **Pharmaceuticals Package**

On September 29, the Council adopted a series of Common Positions on the pharmaceuticals legislation:

- Common Position 61/2003 on the proposal for a Directive amending Directive 2001/83/EC on the Community Code relating to medicinal products for human use.
- Common Position 62/2003 on the proposal for a Directive amending Directive 2001/82/EC on the Community Code relating to veterinary medicinal products.
- Common Position 60/2003 on the proposal for a Regulation laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency.

On November 4, the Council also adopted a Common Position on the proposal for a Directive amending the Directive 2001/83/EC as regards traditional herbal medicinal products.

These texts have been transmitted to the European Parliament, which has adopted its Second Reading positions on December 17. These amendments are the result of a compromise with the Council and should lead to a formal adoption of the Directives in the coming weeks.

(Ref.: O.J. (2003) C 297 E / COM(2001)404 / COM(2002)1)

▶ **Novel Food Ingredient**

On December 1, the Commission adopted a Decision authorizing on the market according to Regulation 258/97 the novel food ingredient salatrim. This ingredient can be used in bakery and confectionary products, with the mandatory designation "reduced energy fat (salatrim)".

Food

▶ Food Additives

On December 1, the Council adopted in First Reading the proposal for a Directive revising Directive 95/2/EC on food additives other than colors and sweeteners, as amended by the European Parliament. This revision authorizes new substances or new uses of existing substances and withdraws some others. It will enter into force 20 days after its publication and shall be transposed by Member States by mid-2005.

(Ref.: COM(2002)662)

On October 27, the Commission adopted a Directive amending Directive 97/77/EC and laying down specific purity criteria on food additives other than colors and sweeteners.

(Ref.: Directive 2003/95/EC)

▶ Food Contact

On November 17, the Commission adopted a proposal for a Regulation on materials and articles intended to come into contact with food. It will amend Directive 89/109/EC on food contact materials.

This Regulation shall notably apply to “active” and “intelligent” packaging, which may interact with the food, as long as its action is not misleading. It also requires the adoption of a positive register for the materials listed in Annex I and provides for the authorization, labeling and traceability of contact materials.

(Ref.: COM(2003)689 / IP/03/1554)

▶ Food Fortification

On November 10, the Commission adopted a proposal for a Regulation on the addition of vitamins and minerals and of certain other substances to foods. This proposal requires the creation of a positive register of substances that can be added to food and the setting of their maximum and minimum amounts. It also provides conditions for manufacturers to add approved substances: either to restore vitamins lost in the processing, or to provide equivalence to substitute food, or fortification/enrichment. Supplementation is furthermore prohibited for non-processed food and alcoholic beverages.

In the meantime, EFSA has been required to give its opinion on safety levels of the concerned substances.

(Ref.: COM(2003)671 / IP/03/1516 / MEMO/03/224)

▶ Food Labeling

On November 10, the European Parliament and Council adopted an amendment to

Directive 2000/13/EC on indication of the ingredients present in foodstuffs. This amendment notably repealed the "25% rule" (which required the labeling of the components of compound ingredients only if they reach at least 25% of the product) and set stringent measures for ingredients liable to cause allergies.

(Ref.: Directive 2003/89)

▶ **Smoke Flavorings**

On November 10, the European Parliament and Council formally adopted in First Reading the Regulation on smoke flavorings used or intended for use in or on foods. The Commission will establish a list of authorized flavorings; these authorizations will be granted for renewable periods of 10 years.

Furthermore the Regulation set several transitional periods. Notably the requirements on placing on the market will come into force from 16 June 2005.

(Ref.: Regulation 2065/2003)

▶ **Sweeteners**

On October 22, the European Parliament adopted in Second Reading the proposed amendment to Directive 94/35/EC on sweeteners for use in foodstuffs.

This Directive should be adopted by Council as amended by the European Parliament. It authorizes salt of aspartame-acesulfame and sucralose, and provides for the withdrawal of products not complying with this Directive within 24 months from entry into force. It also requires the Commission to report on the progress of re-evaluation of all additives.

(Ref.: COM(2002)375)

▶ **EFSA Assessment on Semicarbazide**

On October 15, EFSA (European Food Safety Authority) released a risk assessment on semicarbazide in food. It updates a report on possible occurrence of semicarbazide in certain foods packaged in glass jars and bottles. As these results are not conclusive, the EFSA advises consumers not to change their dietary habits, and requires the Commission to implement a monitoring program on alternative packaging.

(Ref.: EFSA/AFC/adhoc SEM/2-)

▶ **Hormone Beef**

On September 22, the European Parliament and Council adopted a Directive on the prohibition on the use of hormones in beef. (It implements the recommendations of the WTO ruling condemning the EU for banning the use of certain growth promoting hormones without a risk assessment.) It lists substances prohibited and those provisionally prohibited until scientific data becomes available. The Member States must transpose it into their national legislation by October 14, 2004.

(Ref.: Directive 2003/74/EC)

Cosmetics

▶ “Use by” Date

On September 5, the Commission adopted a Directive that imposes an EU symbol for cosmetics durability, which shall be displayed on cosmetic products from 11 March 2005. This Decision was taken in the framework of the seventh amendment to the Directive on cosmetics products (Directive 76/768/EEC).

(Ref.: IP 03/1210 / Directive 2003/80 and Directive 2003/15/EC)

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Environment General Issues

▶ Århus Convention

On October 24, the Commission adopted the last three proposals for the ratification and the implementation into the EU legal framework of the 1998 Århus Convention on access to information, public participation in the decision-making process and access to justice on the environment. On this issue, two Directives (2003/4 and 2003/35) were already adopted this year.

The proposals aim to complement the existing measures, notably in guaranteeing public access to documents from all EU bodies and institutions (and not only from the Commission, European Parliament and Council) and granting to NGOs the status of qualified entities at the EU or national level, which means they are qualified to have access to environmental proceedings, including interim relief within the sole condition that the matter is covered specifically by their statutory and geographical activities. The qualified entities can furthermore request the internal review of administrative acts or omissions taken at the EU level. Where the qualified entity is not satisfied by the institution's answer, it can turn to the Court of Justice on the issue. It should be noted that this right is not enjoyed by private companies or industrial representatives, which still need to demonstrate direct and individual concern to be admissible in front of the EU Court.

The proposals also notably set basic conditions on access to justice on environmental matters, leaving to Member States to determine the implementation details, such as which courts and which instances will be responsible for handling these cases. They recognize the right of citizens and their representing organizations to challenge not only actions or omissions of the public authorities, but also actions or omissions of private persons or companies which infringe environmental law. The sole condition for action is to be directly affected by the challenged act. The draft legislation does not grant similar rights to private companies at the national level either.

(Ref.: COM(2003)622, 624 and 625)

▶ 2003 Environment Policy Review

On December 3, the Commission adopted a Communication entitled “2003 Environment Policy Review, Consolidating the environmental pillar of sustainable development”. It reports on the developments since 2001 in EU and national environment policies and highlights priority issues for the coming year. It also monitors the implementation of the 6th Environment Action Program (Decision

1600/2002/EC).

(Ref.: COM(2003)745)

▶ **Batteries**

On November 21, the Commission adopted a proposal for a Directive on batteries and accumulators and spent batteries and accumulators. If adopted, this Directive would revise the existing Directive 91/257 on batteries. It requires the collection and recycling of all batteries and accumulators. Landfill and incineration of industrial batteries and accumulators will be banned and the Member States will have to establish a register of batteries producers.

(Ref.: COM(2003)723)

▶ **Amendment to the WEEE Directive**

On November 25, the Council adopted in First Reading the proposal for an amendment to Directive 2002/96/EC on Waste Electrical and Electronic Equipment. The European Parliament had adopted its First Reading Position on October 21. This amendment to Directive 2002/96/EC shall enter into force on the day following its publication.

Directive 2002/96/EC was adopted on January 27, 2003 to introduce mandatory collection, re-use and recycling of waste electrical and electronic equipment, financed by the producers. The amendment intends to clarify the rules applying to the financing of historical waste from non-household sources in a way not to overburden historical producers.

▶ **Packaging Waste**

On December 4, the Council and European Parliament reached an agreement in Conciliation (third stage of the Codecision Procedure) on the adoption of an amendment to Directive 94/62/EC on packaging and packaging waste. The purpose of this revision is to increase the packaging recycling/recovery targets: in particular, it set several new targets specific to the materials used. Notably also, it was agreed in conciliation that incineration with energy recovery in dedicated waste incinerators should continue to count towards the recovery targets. The Council and European Parliament shall formally adopt this Joint Text, within 6 weeks after finalization by jurist-linguists. The points of disagreement notably relied on definition of recovery as well as exemptions and transition periods.

(Ref.: COM(2001)729)

▶ **Waste Shipment**

On November 19, the European Parliament adopted its First Reading report on the proposal for a Regulation on shipment of waste. This proposal aims at simplifying the control procedures applicable to shipments of waste under Regulation 259/93, as well as transposing the OECD Council's Decision C(2001)107 into Community law. The MEPs amendments strengthened the Commission's proposal and notably banned the shipment of waste for purpose of mixing, repackaging or storage.

(Ref.: COM(2003)379)

▶ **Natural Resources**

On October 1, the Commission adopted a Communication on a strategy on the sustainable use of natural resources. It establishes a 25-year-program which aims to achieve the decoupling of resource-related environmental impacts from economic growth based on three main actions: (1) gather information on the environmental impact of current patterns of resources use, (2) assess the policy options in the different areas and (3) integrate them in all policies through general guidelines and concrete long-term targets. This strategy, however, does not attempt to implement specific legislative initiatives.

(Ref.: COM(2003)572)

▶ **Integrated Product Policy**

On October 27, the Council adopted its Conclusions on the Commission Communication on an "Integrated Product Policy, Building on Environmental Life Cycle Thinking". The Commission had sent this proposal to the Council and the European Parliament for a consultation on a future Community policy. The Parliament has not yet adopted an opinion on this Communication.

The Council notably underlined the role of IPP as a link between production and consumption and the sustainable use of natural resources and recalled that the IPP approach should be extended to services. The IPP also requires the improvement of the quality of environmental information provided to consumers and the strengthening of Community guidelines on green claims.

(Ref.: COM(2003)302)

▶ **Groundwater Protection**

On September 19, the Commission adopted a Proposal for a Directive on the protection of groundwater against pollution. It will introduce monitoring requirements and quality objectives, obliging Member States to monitor and assess groundwater quality, and will prohibit or limit discharges of chemicals. Notably, it proposes a maximum limit of 0.1 μ / liter for active ingredients in pesticides, including their relevant metabolites from 2006. Member States would also provide by that date a list of the pollutants for which they have established threshold values.

(Ref.: COM(2003)550)

▶ **Common Position on Detergents**

On November 4, the Council formally adopted its Common Position on the proposal for a Regulation on detergents. This text has been sent to the European Parliament which is due to adopt its Second Reading position by February.

(Ref.: COM(2002)485 / O.J. (2003) C 305 E)

▶ **Political Agreement on VOCs**

On October 27, the Council reached a Political Agreement, Greece abstaining, on a proposal for a Directive on the limitations of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products.

This future Directive will impose stricter limits for ready use paints in 12 groups of products used as decorative paints and varnishes and 5 groups of products used in vehicle refinishing to be implemented from 2007. The Commission will propose further restrictions for a second phase due to begin in 2010.

On October 25, the European Parliament had adopted its First Reading position in which it notably required that the paints and varnishes label indicate the content of solvents and give a rating to the product based on best practices. It also required that paint and varnishes should not contain CMR (carcinogenic, mutagenic and toxic to reproduction) substances.

The Council shall now formally adopt its Common Position at a forthcoming session and it will be transmitted to the European Parliament for Second Reading.

(Ref.: COM(2002)750)

▶ **Climate Change Convention**

The 9th Conference of the Parties to the Climate Change Convention took place in Milan (Italy) from 1 to 12 December. As expected it did not lead to the Russian ratification, which would permit the entry into force of the Protocol. However, the Parties reached significant agreements, notably on emission reduction credits for carbon sequestration and on the completion of methodology reports on sector-wide inventories. The European Union recalled its confidence in the Russian ratification and in the "Kyoto Protocol as the only international framework to combat climate change".

(Ref.: IP/03/1747)

▶ **Emissions Trading**

On October 13, the European Parliament and Council adopted in Second Reading a Directive establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC. It will have to be implemented by Member States very soon, namely by December 31, 2003. Greenhouse gas emission permits will be required by January 1, 2005, unless the installation is temporarily excluded under Article 27. If installations are also covered by the IPPC Directive (Directive 96/61/EC), conditions and procedures for IPPC and greenhouse gas emissions permits will need to be coordinated.

The Directive aims to reduce greenhouse gases in the framework of the Kyoto Protocol obligations. It sets a first phase of trade 2005-2007, which precedes the Kyoto's first commitment period, 2008-2012.

During the first period of the Community scheme, 95% of the emission allowances granted by the Member States to the industrial plants shall be free of charge. The scope of the scheme is restricted to those large industrial activities listed in Annex I (energy (combustion, mineral oil, refineries, coke ovens), steel, cement, glass, ceramics and pulp/paper/board production) and to the greenhouse gases listed in Annex II (6 gases: CO₂, CH₄, N₂O, HFCs, PFCs, SF₆, whereas the initial proposal contained only CO₂). Member States may, however, apply to the Commission to have certain installations excluded until the end of the first phase.

In the meantime, the Commission is due to issue a proposal on the inclusion of other sectors and a guidance document on force majeure circumstances.

As a next step, Member States will now on short notice have to develop national allocations plans (Article 4) stating the total quantities of allowances to be allocated and a proposal on how to allocate them. Those Member States that do not have the data at hand are expected to now demand emissions data from industry.

(Ref.: Directive 2003/87/EC)

▶ **Greenhouse Gas Monitoring**

On October 21, the European Parliament adopted its First Reading Position on a Proposal for a Decision on a monitoring mechanism of Community greenhouse gas emissions and the implementation of the Kyoto Protocol. The Decision will oblige Member States to monitor emissions of greenhouse gases and adopt reduction programs.

(Ref. COM(2003)51)

▶ **Ozone Directive Enters into Force**

On September 9, Directive 2002/3/EC relating to ozone in ambient air came into force. It requires Member States to assess ground level ozone concentrations throughout their territory and launch specific warnings when excess of ozone is detected.

(Ref.: IP/03/1224 / Directive 2002/3/EC)

▶ **Oil Pollution Compensation Fund**

On September 9, the Commission adopted a proposal which invites Member States to sign the new international Protocol establishing a supplementary compensation fund. This Protocol was adopted by the IMO (International Maritime Organization) on May 16 and relates to the existing oil pollution liability and compensation conventions.

(Ref.: IP/03/1220 / COM(2003)534)

▶ **Infringement Proceedings**

On October 2, the Court of Justice condemned the Netherlands for failing to comply within the requested timeframe with Directive 91/676/EEC on protection of waters against pollution caused by nitrates from agricultural sources.

(Ref.: Case C-322/00)

On October 21 and December 17, the Commission pursued infringement procedures:

- Directive 91/689/EEC on hazardous waste: reasoned opinion to Greece which failed to comply with Case C-33/01.
- Directive 1999/91/EC on landfills: Spain referred to the ECJ (third stage of the infringement procedure).
- Directive 94/62/EC on packaging and packaging waste: letter of formal notice to Germany (second stage of the infringement procedure).
- Directive 2001/29/EC on copyrights and related rights in the information society: Belgium, Spain, France, Luxembourg, the Netherlands, Portugal, Finland, Sweden and UK referred to the ECJ.

- Free movements of Goods: reasoned opinion to Germany, Belgium and France, and letter of formal (first stage of the infringement procedure) notice to Austria, for imposing unjustified obstacles to the movements of medicinal products.

(Ref.: UP/03/1752 / IP/03/1755)

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Energy

▶ Energy Package

On December 10, the Commission proposed a legislative package composed of:

- Communication on Energy Infrastructure and Security of Supply.
(Ref.: COM(2003)743)
- Proposal for a Directive concerning the promotion of energy end-use efficiency and energy services: it would provide a framework to promote the market for energy services and for energy efficiency measures in major energy end-use sectors (retail supply, distribution of extensive net-bound energy carriers).
(Ref.: COM(2003)739)
- Proposal for a Directive concerning measures to safeguard security of electricity supply and infrastructure investment: it would provide a stable framework and incentives for investment in the electricity sector, both on the demand and supply side in the EU.
(Ref.: COM(2003)740)
- Proposal for a Decision laying down a series of guidelines for Trans-European Energy Networks (TEN) and repealing Decisions No 96/391/EC and No 1229/2003/EC: it aims to adapt the TEN guidelines to the enlargement and allow funding for projects of common interest to the enlarged Union and neighbouring countries.
- Proposal for a Regulation on conditions for access to the gas transmission networks: it supplements the internal market Directive (Directive 2003/55/EC) in detailing the basic principles and implementation measures of certain key subjects considered necessary for the proper functioning of the internal energy market.
(Ref.: COM(2003)741)

▶ Cogeneration

On September 8, the Council formally adopted its Common Position on the proposal for a cogeneration Directive. After the European Parliament Industry Committee adopted several amendments to this Council Position, the Italian Presidency proposed a compromise agreement, which was accepted by the EP Industry Committee, on December 15. The Parliament and the Council shall formally adopt the Directive in the coming weeks. It will create a framework for promotion of cogeneration based on heat demand in the internal energy market; it will support and facilitate the installation and functioning of existing and future high-efficiency electrical cogeneration plants.

(Ref.: COM(2002)415)

▶ Energy Tax

On 27 October, the Council adopted a Directive restructuring the Community framework for the taxation of energy products and electricity. This Directive widens the scope of the 1992 Community minimum rate systems, currently limited to mineral oils.

Energy products covered by the Directive (numerous exemptions, see Article 2 (4)) and used or offered as motor or heating fuel shall be taxed according to their use. Unless a level of taxation is specified in this Directive (Annex I), the product is taxed at the rate for the equivalent heating fuel of motor fuel. Business use of energy products may be taxed at a lower rate than non-business use. The Directive sets minimum levels of taxation applicable as of January 1, 2004, in a first step. At a later stage, the Council shall adopt minimum taxation levels applicable to gas oil for a further period beginning on January 1, 2013. Annex II to this Directive lists numerous national tax reductions or exemptions which will remain applicable.

The Member States shall implement this Directive by December 31, 2003, and apply it as of January 1, 2004.

(Ref.: Directive 2003/96/EC)

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Consumers/Safety/Intellectual Property

▶ Unfair Commercial Practices

On November 10, the Competitiveness Council had a first debate on the proposal for a Directive on unfair business-to-consumer commercial practices. The European Parliament is expected to complete its First Reading in April, and the Irish Presidency could reach a Political Agreement before June. The points of debate notably covered the possibility to extend this legislation to business-to-business practices.

(Ref.: COM(2003)356)

▶ Technical Harmonization

On November 10, the Competitiveness Council adopted a Resolution on the Commission Communication on enhancing the implementation of the new approach Directives. It required the Commission to strengthen the implementation of the so-called "new approach Directives", which enable the definition of technical requirements for some types of products in harmonized standards. The Council notably called for a clearer framework, better conformity assessment, protection of CE marking and market surveillance, as well as improvement of the safeguard clause and better cooperation between Member States.

(Ref.: COM(2003)240)

▶ Pressure Equipment

On September 30, the Commission published a Communication on pressure equipment EAMs: European Approval of Materials. The pressure equipment conforming to the EAMs is presumed to conform to the applicable requirements of Directive 97/23/EC.

(Ref.: OJ (2003) C233/13 / IP/03/1513)

▶ **Electrical Equipment**

On October 21, the European Parliament adopted in First Reading the proposal for a Directive on a codified version of the harmonization of the Member States laws on electrical equipment.

(Ref.: COM(2003)252)

▶ **Madrid Protocol**

On October 27, the Council adopted a Decision on the Community accession to the Madrid Protocol in the framework of the World Intellectual Property Organization (WIPO). The European companies will be able, after the Community has implemented all the necessary measures, to obtain protection of their trademarks at the international level through a single application.

(Ref.: COM(1996)372)

▶ **Workers Protection**

On October 20, the Council reached a Political Agreement on a proposal for a Directive establishing minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields. The Council will adopt its Common Position at one of its forthcoming sessions after finalization of the text by jurist-linguists.

Electromagnetic fields were originally included in a single proposal covering four types of physical agents. However, due to the complexity of the different agents, it was later decided to examine each one separately. Directives on vibration and noise have already been adopted in recent years.

The proposed Directive introduces exposure limit values and action values based on the recommendations drawn up by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

(Ref.: COD/1992/449/C)

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Institutional Issues

▶ **Seats of the European Agencies**

On December 13, the Member States officially adopted a Decision on the location of the new European Agencies and offices. Among others, the EFSA (European Food Safety Authority) will be established in Parma (Italy), the European Maritime Safety Agency in Lisbon (Portugal) and the European Chemicals Agency in Helsinki (Finland).

▶ **Commission 2004 Program**

On October 29, the Commission published its legislative and work Program for 2004. Among others, the Commission plans the following proposals/Communications:

- **March:** Communication on Climate Change
- **March:** Proposal for a European Parliament and Council Regulation on medicinal products for pediatric use
- **March:** First Phase of Social Partners Consultation on the extension of the scope of Directive on carcinogenic agents (reprotox.)
- **March:** Review of Directives 75/106/EEC and 80/232/EEC making-up by weight or by volume of certain prepackaged products
- **June:** Proposal for a European Parliament and Council Directive amending for the 28th time Council Directive 76/769/EEC on the marketing and use of dangerous substances and preparations (substances carcinogenic, mutagenic and toxic for reproduction, CMR)
- **June:** Proposal for a European Parliament and Council Directive amending for the 29th time Council Directive 76/769/EEC on the marketing and use of dangerous substances and preparations (toluene and trichlorobenzene)
- **June:** Proposal for a Directive modifying Directive 90/496/EC on nutritional labeling
- **June:** Proposal for a Directive modifying the European Parliament and Council Directive 95/2/EC on food additives other than colors and sweeteners (Nitrites and Nitrates)
- **June:** Proposal for a European Parliament and Council Regulation modifying Regulation 258/97 on novel food
- **June:** Communication on an Environment and Health Action Plan 2004-2010
- **Sept:** Thematic Strategy on the prevention and recycling of waste
- **Sept:** Soil Thematic Strategy
- **Sept:** Thematic Strategy on the sustainable use of pesticides
- **Oct:** Strategy on mercury
- **Nov:** Report on the Environment Policy

(Ref.: COM(2003)365)

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