



EEL

**EUROPEAN
ENVIRONMENTAL
LAW**

EEL News Service

Issue 2015/03 of 27 February 2015

Dear members of the EEL Network,

In this issue, we present the latest legal and policy developments in EU Environmental Law, including an AG opinion on REACH, the Commission Communication "The Paris Protocol - a blueprint for tackling global climate change beyond 2020" and the proposed Energy Union.

We are happy to inform you that at our upcoming event "Better Regulation in the EU revisited. Improving the European Union for the benefit of business and citizens" (23 April 2015) Mr. **Frans Timmermans**, First Vice-President of the European Commission and Mr. **Piet Hein Donner**, Vice President of the Netherlands Council of State will be key note speakers. Other confirmed speakers include: Professor **Alberto Alemanno**, HEC Paris and New York University; **Elizabeth Golberg**, Director for Smart Regulation and Work Programme, European Commission Secretariat; Professor **Ernst Hirsch Ballin**, President of the T.M.C. Asser Instituut; and Advocate General **Niilo Jääskinen**, Court of Justice of the EU.

[More updated information](#) / [Final Programme with full list of speakers and chairs](#)

Furthermore, don't forget about our Asser Summer Programme on International & European Environmental Law: The Future we Choose (24-28 August 2015).

[More information](#) / [Draft Programme](#)

Kind regards,

Wybe Th. Douma
Senior Researcher EU Law / International Trade Law
T.M.C. Asser Institute

Case Law



Opinion of Advocate General Kokott: [Case C-106/14, Fédération des](#)

entreprises du commerce et de la distribution (FCD) and Fédération des magasins de bricolage et de l'aménagement de la maison (FMB) v. Ministre de l'écologie, du développement durable et de l'énergie (12/02/2015)

[Regulation \(EC\) No. 1907/2006](#) (.PDF) concerns the Registration, Evaluation, Authorisation and Restriction of Chemicals and is better known as the REACH. One of its main objectives is to "[...] ensure a high level of protection of human health and the environment as well as the free movement of substances, on their own, in mixtures and in articles [...]." Balancing these objectives is at stake in this case.

Where an article contains more than 0.1% of a substance of very high concern, duties apply to provide information to the European Chemicals Agency (ECHA) and to recipients and consumers of the article. Parties disagree on how the concentration threshold is calculated where an article consists of several components which are themselves articles. This leads to disparities between Member States, jeopardising the free movement of substances the Regulation aims to protect. A request for a preliminary ruling has been made, the question being:

"Where an 'article' within the meaning of the REACH Regulation is composed of several elements which themselves meet the definition of 'article' in the regulation, are the obligations resulting from Article 7(2) and Article 33 of the regulation to apply only with regard to the assembled article or with regard to each of the elements which meet the definition of 'article'?"

In the opinion of the Advocate General, if the other conditions laid down in Article 7(2) of the REACH Regulation are satisfied, (1) the importer of an entire article consisting of component articles which, despite being integrated into an entire article, retain a shape, surface or design of their own is required to notify ECHA if a substance meeting the criteria laid down in Article 57 and identified in accordance with Article 59(1) is present in a component article above a concentration of 0.1% weight by weight (w/w). The same applies to the producer, but only in case the integrated articles were made or assembled by other producers and (2) the supplier of such articles also has a duty to provide information to recipients and, on request, to consumers.

Also see:

■ [LinkedIn Blog Entry by Prof. Bergkamp - EU Court Advisor's Opinion on the Concept of 'Articles' under REACH](#) (12/02/2015) According to the author, "the Advocate-General does not seem to understand the risk-based compliance approach adopted by many companies".

Air



IIASA Article: [Clearing up Europe's air pollution hotspots](#) (19/02/2015)

Europe cannot achieve the WHO air quality guidelines without strictly controlling emissions from coal and wood burning for home heating, road traffic, and other sources such as industrial-scale factory farming, according to [new IIASA research](#) (.PDF).

Climate Change



European Commission Article - [EU sets out vision for Paris agreement alongside Energy Union strategy](#) (25/02/2015)

The European Commission has set out the EU's vision for the new global climate change agreement due to be adopted in Paris in December. The Communication, "The Paris Protocol - a blueprint for tackling global climate change beyond 2020", is part of the EU's Energy Union package. As well as securing Europe's energy supply, ensuring affordable and competitive energy and an integrated energy system, the strategy also aims to tackle climate change through the transition to a low-carbon, climate-friendly economy.

Also see:

■ **EurActiv Article:** [EU to exert maximum pressure in seeking emissions cuts](#) (09/02/2015)

■ **BlogActiv Entry:** [Where are the bunkers on the road to Paris?](#) (09/02/2015)

■ **Euractiv Article** - [EU will push for 60% cut in global emissions by 2050](#) (24/02/2015)

■ **European Voice Article** - [Commission spells out Paris climate pledge](#) (25/02/2015)

■ **EurActiv Article** - [Europe's piece in the puzzle of global climate cooperation](#) (26/02/2015)

Open Democracy Article: [The decline of grand treaties? Thoughts after the Lima climate summit](#) (04/02/2015)

Civil society pressure from the bottom-up, rather than top-down treaty obligations, is the only way to get governments to act on global warming.

Euobserver Article: [Norway adopts EU climate goal, officials downplay Paris](#) (05/02/2015)

Non-EU member Norway announced it would match the EU's climate targets, while two top figures in the climate negotiations downplayed expectations for this year's Paris meeting.

Open Democracy Article: [Climate policy according to Gazprom](#) (06/02/2015)

As Russian dreams of becoming a 'great ecological power' fade, Gazprom, it seems, has been driving climate policy all along.

EurActiv Article: [MEPs, member states at odds over ETS reform start](#)

(23/02/2015)

The European Parliament's environment committee will soon decide whether it wants the reformed Emissions Trading Scheme to start applying at the end of 2018 or earlier. A blocking minority of EU member states are pushing for an early start date.

Also see:

■ **EurActiv Article** - [EU politicians edge towards 2018 start date for carbon reform](#) (13/02/2015)

■ **European Voice Article** - [EU emissions trading reform should start in 2019, say MEPs](#) (24/02/2015)

■ **Euobserver Article** - [MEPs call for emissions trading reform to start in 2019](#) (25/02/2015)

RTCC Article: [UK warns Brussels against "watering down" EU climate targets](#)

(25/02/2015)

The European Commission's latest set of proposals for a UN climate deal could "severely undermine" efforts to cut greenhouse gas emissions, UK climate and energy chief Ed Davey has warned.

Note: For news on biofuels, see sections "*Nature & Agriculture*" and "*Transport*".

Energy



European Parliament Publication: [TTIP impacts on European energy markets and manufacturing](#)536316_EN.pdf) (.PDF) (12/01/2015)

The Transatlantic Trade and Investment Partnership currently negotiated by the EU and the US will affect the EU energy and manufacturing sectors. The study identifies energy-related issues (e.g. oil sands, US oil and gas exports) and how TTIP would affect European energy markets and manufacturing industries. This includes an analysis on how the TTIP could improve the EU's energy supply security, e.g. by adding liquidity and competition to the natural gas market.

Also see:

■ **EurActiv Article** - [Malmström: Germany's TTIP debate 'more heated'](#) (24/02/2015)

■ **Euobserver Article:** [Europe needs TTIP to avoid loss of influence, Germany warns](#) (24/02/2015)

EurActiv Article: [Instead of a shale bonanza in the EU, a shale fata morgana](#) (04/02/2015)

The latest withdrawal from shale gas exploration in Poland by Chevron illustrates how shale gas is unlikely to ever contribute to the EU's energy mix. Deflated expectations, industry mishaps and lack of social acceptance of fracking should stiffen the resolve of EU leaders to concentrate on renewables and energy efficiency, writes Geert Decock.

Also see:

■ **EurActiv Article** - [Chevron gives up shale gas exploration in Romania](#) (23/02/2015)

Open Democracy Article: [Shale gas in Algeria: anger mounts as the government lies by omission](#) (05/02/2015)

Protests break out across Algeria against the shale drilling ambitions of the government and European multinationals.

EurActiv Article: [EU introduces new rules to make cooking greener](#)

(19/02/2015)

The sale of energy-wasting ovens and cooking hobs will be banned across the European Union after the latest set of rules to make household appliances more efficient took effect on Friday 20 February.

EurActiv Article: [Commission investigates UK state aid for biomass plant](#)

(20/02/2015)

A European Commission investigation into whether British plans to use public money to convert a coal power plant into a wood-burning facility broke EU competition law, was opened Thursday 19 February.

EurActiv Article: [Commission fleshes out energy strategy for Southeast Europe](#)

(09/02/2015)

As energy ministers of eight countries from Southeast Europe met in Sofia on 9 February to discuss the countries' needs and ambitions, a leaked paper has shed light on the European Commission's plans to help the region overcome its various problems.

Also see:

■ **Counter Balance Article** - [European Investment Bank confirms plans to finance Trans-Adriatic Pipeline](#) (04/02/2015)

■ **EurActiv Article** - [Šefčovič: Turkish Stream 'will not work'](#) (04/02/2015)

■ **European Voice Article** - [Borisov pushes for gas hub at Sofia summit](#) (09/02/2015)

■ **EurActiv Article** - [Šefčovič sees three sources of gas for Central Europe](#) (10/02/2015)

Euobserver Article: [EU wants to boost powers of energy oversight agency](#) (23/02/2015)

The European Commission wants to give an EU energy agency more powers to remove barriers in the bloc's internal market, according to a [draft of a strategy paper](#), leaked to several media.

Also see:

- **European Voice Special Report** - [Energy Union](#) (19/02/2015)
 - **EurActiv Article** - [Europe's Energy Union should take inspiration from the Internet](#) (24/02/2015)
 - **EurActiv Article** - [Energy union aims for elusive 10% power grid interlinkage](#) (25/02/2015)
 - **EurActiv Article** - [Europe's Energy Union needs carbon capture and storage](#) (25/02/2015)
 - **EurActiv Article** - [Energy Union: Heating and cooling should take centre stage](#) (25/02/2015)
 - **EurActiv Article** - [Will EU states play ball on Energy Union?](#) (25/02/2015)
 - **European Commission Press Release** - [Energy Union: secure, sustainable, competitive, affordable energy for every European](#) (25/02/2015)
 - **The Guardian Article** - [EU's energy union must overcome serious obstacles](#) (25/02/2015)
 - **European Voice Article** - [Modest measures for promoting EU energy union](#) (25/02/2015)
 - **European Voice Article** - [Energy union strategy – the reaction](#) (25/02/2015)
 - **Euobserver Article** - [Brussels wants stronger role in gas deals](#) (25/02/2015)
 - **European Voice Article** - [Ministers to respond to energy union plans](#) (26/02/2015)
 - **EurActiv Article** - [From the European Energy Community to the Energy Union](#) (26/02/2015)
 - **EurActiv Article** - [Does diversification of supply routes really deliver energy security?](#) (26/02/2015)
 - **EurActiv Article** - [Energy Union a green light for human rights abusers, warn NGOs](#) (26/02/2015)
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EurActiv Article: [Solar could be cheaper than coal and gas by 2025, study says](#) (24/02/2015)

Solar power will be cheaper than coal or gas by 2025 in sunnier regions of the EU, according to a study published the day before the European Commission launches its Energy Union plans.

[Download PDF](#)

EurActiv Article: [Germany sees fourfold increase in renewables since 2000](#) (26/02/2015)

Renewable energy sources are on the rise in Germany, with wind power continuing to play the most important role. But a current study reveals the potential of renewables is far from being fully exploited.

Nature & Agriculture



European Commission Press Release: [A further 18 Rural Development Programmes get green light](#) (13/02/2015)

The European Commission has approved a further 18 Rural Development Programmes (RDPs) aimed at improving the competitiveness of the EU farming sector, caring for the countryside and climate, and strengthening the economic and social fabric of rural communities in the period until 2020.

Eurostat News Release: [Facts and figures on agriculture in the European Union](#) (.PDF) (20/02/2015)

EurActiv Article: [Balkan dam boom threatens Europe's last wild waterways](#)
(20/02/2015)

More is known about rivers in the Amazon than Europe's last wild waterways in the Balkans. But these unique ecosystems in southeast Europe could soon be gone, along with endangered species such as the Balkan lynx, if plans for over 2,000 dams go ahead, conservationists warn.

EurActiv Article: [MEPs take note: Biofuels are synonymous with high, volatile food prices](#) (23/02/2015)

To ensure that the right to food can be realised by everyone, EU politicians should plan to phase out the use of biofuels altogether, write Hilal Elver and Olivier De Schutter.

Noise



Euronews Article: [Elastic road surface reduces motorway noise pollution](#)
(23/02/2015)

Noise pollution is still an issue on Europe's roads. But thanks to technological advances, it's less down to the sound of the car's engine and more about how tyres touch the road surface.

Transport



European Parliament Publication: [Improving the Concept of 'Motorways of the Sea'](#) (.PDF) (15/12/2014)

The Motorways of the Sea programme was presented by the European Commission in 2001 to revive short sea shipping and to establish a European network of shipping links. New inputs to the current MoS projects have come from the 2013 TEN-T guidelines and the new financial scheme, the Connecting Europe Facility. This new study provides an overview of the MoS program, identifies the main barriers and suggests possible scenarios to reinforce short sea shipping and sustainability.

EurActiv Article: [Solvik-Olsen: Norway leads on electric cars](#) (16/02/2015)

Norway has the world's best incentives for buying electric cars. But a zero-emission vehicles' strategy might not work in EU countries with a strong automobile industry, said Norwegian Transport Minister Ketil Solvik-Olsen.

Also see:

■ **EurActiv Article** - [Norwegian minister: We won't tax electric cars until 50,000 hit the roads](#) (13/02/2015)

EurActiv Article: [Cooking oil's use in aviation set to 'grow and become bigger'](#) (24/02/2015)

Used cooking oil is one of the latest biofuel alternatives used by aviation companies to reduce carbon emissions. But even if it is already used in planes, production will remain insufficient to make a difference on a larger scale.

Also see:

■ **EurActiv Article** - [Paris: Don't leave out planes and ships](#) (18/02/2015)

EurActiv Article: [Energy Union: The road ahead for more efficient transport](#) (27/02/2015)

Climate and energy crises are looming and only ambitious action can make the EU more environmentally friendly, energy secure and innovative at the same time, writes Nuša Urbančič.

Also see:

■ **EurActiv Article** - [Energy Union pushes for e-mobility and alternative fuels in transport](#) (25/02/2015)

Waste



EurActiv Article: [EU recycling targets workable and worth it](#) (09/02/2015)

There is nothing wise about scrapping a proposal to increase the EU's recycling targets and delaying the development of a circular economy, writes Jeremy Wates.

Also see:

■ **EurActiv Article** - [Let me prove you wrong on Circular Economy, Timmermans tells Greens](#) (05/02/2015)

■ **EurActiv Article** - [EU recycling targets are unworkable: The evidence speaks for itself](#) (10/02/2015)

EurActiv Article: [Copper's Contribution to the EU's Circular Economy](#)

(06/02/2015)

An [infographic](#) by the European Copper Institute.

[Visit website](#)

Water



Water News Europe Article: [Italy: Venice will host worldexpo on water in 2015](#)

(21/12/2014)

During the worldexpo in Milano, Venice will host a special exhibition on water.

Aquae Venezia 2015 will focus on the importance of water for life.

[Visit website](#)

European Water Association Newsletter: [Issue 38 - February 2015](#)

Events



3 March 2015

Event: Policy Dialogue

Topic/Title: Defining the Caspian: The Southern energy corridor & the geopolitics of EU energy security

Organisation: European Policy Center ([EPC](#))

Venue: European Policy Centre, Résidence Palace, 155 rue de la Loi, B-1040 Brussels

[More information](#)

4 March 2015

Event: Conference

Topic/Title: The European environment - State and outlook 2015: Linking current knowledge and policies to future ambitions

Organisation: European Policy Center ([EPC](#))

Venue: European Policy Centre, Résidence Palace, 155 rue de la Loi, B-1040 Brussels

[More information](#)

5 March 2015

Event: The 2015 European Circular Economy Conference

Topic/Title: What next in the transition to a resource efficient Europe?

Organisation: [Forum Europe](#)

Venue: Stanhope Hotel, Rue du Commerce 9, B-1000 Brussels, Belgium

[More information](#)

17 March 2015

Event: Seminar by Prof. Eiji Ogawa & Prof. Yumiko Nakanishi

Topic/Title: EU Environmental Law

Organisation: [Leuven Centre for Global Governance Studies](#)

Venue: Leuven, Belgium

[More information](#)

25 - 27 March 2015

Event: The 15th International Wildlife Law Conference

Topic/Title: Environmental law and policy in the EU

Organisation: [University of Granada Faculty of Law](#), [EFFACE](#) and [Stetson University College of Law's Institute for Biodiversity Law](#)

Venue: Granada, Spain

[More information](#)

31 March 2015

Event: 8th Forum for the Future of Agriculture (FFA2015)

Topics include: The future of EU agricultural production, environmental conservation and consumer's well-being.

Organisation: European Landowners Organization ([ELO](#)) & [Syngenta](#)

Venue: The Square, Glass Entrance, Rue Mont des Arts, B-1000 Brussels, Belgium

[More information](#)

23 April 2015

Event: Unique symposium (Part of the Asser 50th anniversary celebrations)

Topic/Title: Better Regulation in the EU revisited. Improving the European Union for the benefit of business and citizens.

Organisation: [T.M.C. Asser Instituut](#)

Venue: T.M.C. Asser Instituut, R.J. Schimmelpennincklaan 20-22, 2517 JN - The Hague, The Netherlands

[More information](#) / [Final Programme \(.PDF\)](#) / [Other Asser 50 Years Events](#)

1 May - 31 October 2015

Event: EXPO 2015

Topic/Title: Feeding the planet: energy for life

Organisation: Bureau International des Expositions ([BIE](#))

Venue: Milan, Italy

[More information](#) / [EU at EXPO Milano website](#)

18 – 19 May 2015

Event: Workshop

Topic/Title: Novel Approaches to Climate Governance and the Role of Entrepreneurship

Organisation: COST - Innovations in Climate Governance ([INOGOV](#))

Venue: Amsterdam, The Netherlands

[More information](#)

25 – 29 May 2015

Event: 2015 INSPIRE – Geospatial World Forum Conference

Topic/Title: Convergence: Policies + Practices + Processes via PPP

Organisation: [European Commission](#) and [Geospatial Media and Communications](#)

Venue: Lisbon Congress Center, Lisbon, Portugal

[More Information](#)

29 – 30 May 2015

Event: 2015 EU-Arctic Conference

Topic/Title: European Union and the Arctic

Organisation: [Dundee University School of Law](#) & K.G. Jensen Centre for the Law of the Sea ([JCLOS](#))

Venue: University of Dundee, Dundee, Scotland, UK

[More Information](#)

2 – 5 June 2015

Event: Workshop

Topic/Title: The External Dimension of European Union Environmental Policy (EEEP): Pursuing environmental norms, rules and policies beyond borders

Organisation: Centre for the Study of Governance Innovation ([GovInn](#)), University of Pretoria

Venue: Pretoria, South Africa

[More information](#)

25 - 26 June 2015

Event: Inaugural workshop of the UACES CRN

Topic/Title: European Energy Policy

Organisation: [UACES CRN on the European Energy Policy](#)

Venue: Norwich Business School, University of East Anglia, United Kingdom

[More information](#)

24 - 28 August 2015

Event: Summer Programme on International & European Environmental Law

Topic/Title: International & European Environmental Law: The Future We Choose

Organisation: [T.M.C. Asser Instituut](#)

[More information](#) / [Draft programme](#) (.PDF)

2 - 4 September 2015

Event: Conference

Topic/Title: Effectiveness of Environmental Law

Organisation: European Environmental Law Forum ([EELF](#))

Venue: Centre d'Etudes et de Recherches Internationales et Communautaires ([CERIC](#)), University of Aix/Marseille, Aix en Provence, France

[More information](#)

Colofon

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