

## REGIONAL AFFAIRS

**Tehran Convention / COP-2****Protecting the Marine Environment of the Caspian Sea**

by Elena Kvitsinskaia\*

The second meeting of the Conference of the Parties (COP-2) to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) was held in Tehran, Islamic Republic of Iran, from 10–12 November 2008.<sup>1</sup> The meeting was attended by representatives of the five Contracting Parties to the Tehran Convention, as well as by observers from intergovernmental and non-governmental organisations including the United Nations Development Programme, the European Commission, the UN Food and Agriculture Organization, the International Maritime Organization, the Black Sea Commission and the Caspian Environment Programme (CEP).

The general political and economic situation in the region and ongoing negotiations on the legal status of the Caspian Sea influenced to a large extent the atmosphere of the meeting. However, the consensus-building approach developed under the CEP umbrella allowed for the reversing of the trend and after strenuous discussions the meeting succeeded in achieving its main objectives.

The agenda included the following items: (i) adoption of the Strategic Convention Action Programme (SCAP), the Programme of Work and Budget; (ii) development of priority Protocols to the Tehran Convention and other possible ancillary documents, including in the area of conservation and rational use of the aquatic resources; (iii) the Convention's permanent Secretariat arrangements. The agenda was shaped by the provisions of the Ministerial Statement and the decisions of the first meeting of the Conference of the Parties (COP-1), Baku, Azerbaijan, 23–25 May 2007, by the Programme of Work for the period June 2007–May 2008, and by the requirements of the Tehran Convention itself.

This report provides an overview of the main results of the meeting.

**Strategic Convention Action Programme**

If COP-1 could be seen as the “institutional setting” meeting, COP-2 was more focused on the operational side with a view to creating tools for, and starting, the effective and coherent implementation of the Tehran Convention. The main result of the COP-2 was the adoption of the SCAP as the ten-year strategic framework and agenda for action. Article 18 of the Convention stipulates that the Caspian States cooperate in the formulation of the Action Plan for the Protection of the Marine Environment of the



Caspian Sea seen from Namak Abrood, Iran

Courtesy: Wikipedia

Caspian Sea. As the Tehran Convention is a framework convention, it requires a solid action plan for the implementation of its provisions and effective monitoring of that implementation.

With the approval of the SCAP, the COP-2 launched an important tool for the implementation of the Tehran Convention at a national and regional level for a period of ten years. The basic framework of the SCAP mirrors the layout of the Tehran Convention. It identifies and describes issues to be addressed: prevention, reduction and control of pollution from all sources; protection, preservation and restoration of the marine environment; concrete actions and targets, mechanisms and procedures. A special section is dedicated to civil society participation in the Caspian environmental stewardship. ➔

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The actions proposed in the SCAP are based largely on the updated CEP Strategic Action Programme already approved by the Caspian States, with additional materials derived from the Convention and its future Protocols as appropriate. The SCAP will be translated and implemented through National Action Programmes supported by the biennial Programmes of Work of the Convention Secretariat. Intermediate revisions of the Action Programme may be decided upon by meetings of the Contracting



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Parties in order to take into account new Protocols or other emerging developments related to the implementation of the Tehran Convention.

The meeting adopted a Programme of Work and Budget for the biennium 2009–2010 based on the SCAP.

Another milestone decision was the reconfirmation of the Parties to the Convention to collectively provide an amount of US\$ 360,000 per year (US\$ 72,000 from each Party) for the budget of the Tehran Convention for 2009 and the decision “to continue to support the implementation of the Programme of Work on the same conditions and with the same amount as agreed at the first Meeting of the Conference of the Parties”. This is a clear sign that the Governments of the region are fully committed to the Tehran Convention and are willing to start assuming financial responsibility and thus increase their ownership of the Convention process.

### Ancillary Protocols to the Tehran Convention

The second group of issues brought to the consideration of the COP-2 related to the development of ancillary protocols to the Convention. Being a framework legal instrument, the Tehran Convention should be complemented by ancillary binding instruments to create concrete obligations for the Parties through a web of rules, regulations, standards, recommended practices and procedures with respect to the sustainable and rational use of the marine environment of the Caspian Sea, its protection, preservation and restoration. Negotiations on the protocols in priority areas were started soon after the signature of the Tehran Convention.<sup>2</sup>

After four years of intensive protocol negotiations, their development had reached such an advanced stage that the COP-1 Ministerial Statement expressed the

intention of the Caspian Governments “to continue the regional negotiations on the three priority area Protocols to the Tehran Convention, *i.e.*, Protocol on Conservation of Biodiversity, Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities, and Protocol on Environmental Impact Assessment in Transboundary Context, allowing for the Protocols to be adopted and signed at the second Meeting of the Conference of the Parties”. It also confirmed “the readiness of the Governments to expedite finalisation of the national approval processes of the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents with a view to its adoption and signature before or at the second Meeting of the Conference of the Parties”. The Presidents of the Caspian States in the Final Declaration adopted at their second Summit meeting, 16 November 2007, Tehran, Islamic Republic of Iran, highlighted the need to expedite the development and approval of the ancillary protocols to the Tehran Convention.<sup>3</sup>

To assist in achieving this ambitious goal, the interim Secretariat of the Tehran Convention convened the Meeting of Governmental Experts on the Harmonization of the Caspian Ancillary Protocols (PHM), 21–26 January 2008, Céligny, Switzerland. The objective of the PHM was to discuss and finalise the texts of the four above-mentioned Protocols to have them ready for adoption at COP-2. In a remarkable spirit of cooperation, senior government-nominated experts from Azerbaijan, the Islamic Republic of Iran, Kazakhstan, the Russian Federation and Turkmenistan finalised most of the preparatory work on the four Protocols.

The PHM reviewed all outstanding issues of the four protocols and developed and agreed on uniform provisions for the institutional arrangements and final clauses for the ancillary protocols, in order to align them with the institutional provisions of the Tehran Convention and maintain integrative links between the Protocols and the Convention. The Parties to the Convention were unanimous in their wish to have one overarching institutional structure for the Convention and its future protocols, where the Conference of the Parties to the Convention would be entrusted with special functions related to the Protocols, and the Secretariat would service the Protocols as well. Needless to say, such an approach strengthens the whole mechanism of the environmental cooperation being created under the umbrella of the Tehran Convention.

The four protocols were forwarded to all Caspian States with the understanding that Parties would initiate the internal approval process of the Protocols and deal with emerging and remaining issues while preparing for the adoption and signature of the Protocols at COP-2.

However, at an early stage of the internal approval processes in the countries, it became clear that it would be difficult, if not impossible, for the country administrations to fully prepare four protocols for adoption and signature in the short time available, even more so since two of the protocols – protection against pollution from land-based sources and activities, and environmental

impact assessment in a transboundary context – contained annexes which were not yet fully reviewed and agreed upon. Consequently, it was decided to retain these protocols for finalisation and adoption at COP-3.

At the COP-2 Preparatory meeting, 8–10 September 2008, Almaty, Kazakhstan, it also became clear that, during internal discussions within their national approval process, two countries had reconsidered their positions on several key provisions of the two remaining protocols: the Protocol on Biodiversity Conservation and the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents. Intensive negotiations followed both in Almaty and later at COP-2, but the countries did not succeed in overcoming all their differences.

Given the importance of the outstanding issues for the substance of both protocols and that the two Parties concerned were not ready to propose any alternatives or readjust their positions, the COP-2 did not hold any substantial discussions on the above protocols but expressed the intention of the Parties to resume negotiations in due course with the intention of finalising the protocols allowing for their subsequent adoption and signing at COP-3.

### Inter-relationship between Fisheries and Protection of the Marine Environment of the Caspian Sea

The biological diversity of the Caspian Sea and its coastal zone makes the region one of the most valuable ecosystems in the world. However, the continuous loss of biodiversity and the decline of the Caspian fisheries raise concerns in the region and internationally. The unsustainable use of the Caspian's bioresources and the failure of the existing mechanisms for inter-agency cooperation in this area call for intensifying the regional dialogue for safeguarding the Caspian marine environment. Article 14 of the Tehran Convention provides for the Contracting Parties to cooperate in "the development of protocols in order to undertake the necessary measures for protection, preservation and restoration of marine biological resources". In reply to the request of the COP-1 Ministerial Statement, the interim Secretariat prepared and submitted to the Contracting Parties a scoping paper on the inter-relationship between the fisheries and the protection of the marine environment of the Caspian Sea.

The paper was presented at the COP-2 Preparatory meeting as a background paper to inform the discussion on the regional partnership for conservation and rational use of aquatic bioresources of the Caspian Sea.

Since a special section of SCAP is dedicated to the protection, preservation and restoration of the marine environment (and to save time), the COP-2 made the issue of the inter-relationship between fisheries and protection of the marine environment a part of the discussion on the SCAP. The ensuing discussion resulted in the common understanding, duly reflected in the Ministerial Statement, the SCAP and the Programme of Work, that there is a "need to continue joint efforts to prepare an intergovernmental agreement on conservation and rational use of aquatic bioresources of the Caspian Sea".

### Institutional Arrangements

In terms of institutional arrangements for the Convention process, the Parties confirmed their intention to reach an agreement on the location and arrangements for the Convention's permanent Secretariat as soon as possible and invited UNEP to continue the functions of the Tehran Convention Secretariat ad interim until a permanent Secretariat has been put in place.

Pending the agreement on the location and arrangements of the permanent Secretariat, the COP-2 decided to establish a network of Convention liaison officers. A National Convention Liaison Officer (NCLO) in each country will become a close link between the national Government and the interim Secretariat with a range of tasks to facilitate the implementation of the Convention and its SCAP-based Programme of Work. The NCLO will be compensated for this work from his/her country's contribution to the Convention budget. This institutional arrangement is a transitional one and will be reviewed at COP-3 or earlier, following an agreement on the location and arrangements of the permanent Secretariat.



The Kutum (*Rutilus frisii kutum*, family Cyprinidae) also known as "Caspian White Fish", or "Caspian Roach"  
Courtesy: Wikipedia

### Conclusions

The most important outcome of COP-2 was the adoption of the SCAP as a comprehensive, long-term agenda and framework for the implementation of the Tehran Convention and its future Protocols over a period of ten years. By adopting the SCAP and committing themselves to contributing to the budget of the Convention, the Caspian States expressed their firm commitment to implementing the provisions of the Convention and providing the appropriate conditions for such implementation. The Parties to the Convention also demonstrated their growing recognition of the Tehran Convention as the solid legal platform for their further environmental cooperation and dialogue towards the sustainable development of the Caspian Sea.

COP-3 will be held in 2010 in Kazakhstan.

### Notes

- 1 See COP-2 meeting documents at [http://www.unep.ch/roe/Caspian\\_cop2.htm](http://www.unep.ch/roe/Caspian_cop2.htm).
- 2 Kvitsinskaia, E., 2007, "Implementing the Caspian Convention – Ancillary Protocols", *Environmental Policy and Law* 37(6): 494–500.
- 3 Declaration of the Republic of Azerbaijan, Islamic Republic of Iran, Republic of Kazakhstan, Russian Federation and Turkmenistan, adopted at the second meeting of the Presidents of the Caspian littoral States on 16 October 2007, Tehran, Islamic Republic of Iran, [http://www.mid.ru/brp\\_4.nsf/cldr?OpenView&query=23.10.2007&Lang=РУССКИЙ](http://www.mid.ru/brp_4.nsf/cldr?OpenView&query=23.10.2007&Lang=РУССКИЙ).



EU

## Climate Package Agreed

by Joanna Depledge\*

As negotiators met in Poznan, Poland, for the latest round of the global climate change talks (see p. 24), EU delegates were locked in battle to secure a deal on a new European climate package. Back in Spring 2007, the EU had set itself a target of slashing its greenhouse gas (GHG) emissions by 20% from 1990 levels by 2020. It was never in doubt that this target would remain in the package, along with the EU's other 2020 targets: a 20% increase in the share of renewables in the energy mix, and a 20% improvement in energy efficiency.

Now at stake was how the EU would meet those targets, notably through more stringent rules for the third phase of the ground-breaking EU emissions trading scheme (EU-ETS). Proposals from the Commission had already been aired in January 2008 (see *EPL* 38/3: 155–160), and now needed to be endorsed by the European Parliament and Council of Ministers, under a co-decision procedure. Striking a deal by December 2008 was deemed critical to the EU's reputation as a serious leader on climate change. France, which held the EU Presidency until December, was particularly keen to get the package through, given that the Presidency would then pass to the Czech Republic, whose President, Vaclav Klaus, is an avowed climate change sceptic.

EU negotiators had to grapple with two main concerns. The first was how to address unequal circumstances within the EU, notably the specific situations of the new Eastern European members. The second was worries over industrial competitiveness relative to installations outside the EU. Certain industrial bodies were worried that, should costs increase too much, firms might simply move overseas to unregulated countries, leading to so-called "carbon leakage". On both these issues, EU negotiators were subject to intense lobbying from industrial groups and powerful member states. While trying to find ways to address concerns, EU negotiators, notably in the Commission, were mindful of the need to maintain environmental integrity. In this sense, negotiations in the EU very much represented a microcosm of the broader ongoing talks under the global climate change regime. In the end, the package was agreed, to all-round relief. Its main points are summarised below.

### EU-ETS

The EU-ETS covers about 40% of the EU's GHG emissions, principally carbon dioxide (CO<sub>2</sub>) in electricity generation and certain industrial sectors (*e.g.*, iron and steel, paper and pulp, cement). Its third phase, from 2013–2020, will look quite different from the first two phases

(2005–2007 and 2008–2012). Up to now, country allowances have been determined according to a national bidding process based on emission projections. The Commission admitted that this has led to over-generous allocations, affecting the environmental integrity of the system. For the third phase, an EU-wide cap will be set corresponding to the 2020 target, leading to annually declining allowances over the period. These allowances will then be allocated to member states according to harmonised rules.

Also in the first two phases, allowances to participating installations had mostly been granted for free. The Commission had proposed moving to full auctioning in the third phase, whereby installations would have to bid, and pay, for their allowances. The Commission argued this would maximise efficiency, as well as reducing the



Courtesy: SZ

risk of excessive allocations. However, countries such as Germany and Italy, along with Poland and other Eastern European states, fiercely objected to the higher costs for installations implied by auctioning. The Eastern European states, in particular, claimed that forcing their electricity power plants to purchase permits would hamper their economic growth.

In the event, auctioning will be rolled in, but more slowly than the Commission had hoped for. *Electricity generators* will be subject to full auctioning from the start of the third phase in 2013. Certain member states, however, may ask for a temporary exemption, notably those with a high share of a single fossil fuel in electricity production, or low GDP per capita relative to the EU average. In practice, this will mostly involve the Eastern European states, who are disproportionately dependent on coal-fired power stations. The package, however, sets clear boundaries for granting this temporary exemption, notably that it should be limited to 30% of emissions and

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exclude new generating capacity (installed after 2008). States must also commit to upgrading their infrastructure and diversifying their energy mix, and can expect the exemption to cease by 2020.

For *industrial installations*, auctioning will be phased in more gradually. Twenty percent of allowances must be auctioned in 2013, up to 70% in 2020 and 100% by 2027. To address concerns over competitiveness and carbon leakage, the Commission will use objective criteria to determine, by 2009, a list of particularly exposed industrial sectors. Installations in those sectors will be granted allowances free of charge, on the condition that they use the most environmentally efficient technology available. This free allocation may be revoked, in the event that an international agreement is reached that reduces the risk of carbon leakage (*e.g.*, an agreement that imposes significant emission obligations also for competitors).

Altogether, it is expected that over half of allowances will be auctioned during the third phase. EU member states must plough back at least half of all auctioning revenues into climate change measures, either domestically or overseas.

In the interests of what the Commission calls “solidarity and growth”, 10% of the rights to auction allowances will be redistributed to lower income states, to allow for economic expansion and enable investment in low-carbon technologies. A further 2% of auctioning rights will be channelled towards those members whose emissions in 2005 had declined by more than 20% from 1990 levels. This latter clause, in particular, represents yet another concession to Eastern Europe, whose emissions plummeted in the 1990s following the collapse of the Soviet bloc.

In other changes, the third phase will cover eight years, rather than five, thus creating greater stability and certainty. Members of the European Economic Area – Norway, Iceland and Liechtenstein – will also participate from 2009. Thanks to agreement reached in July 2008, aviation will be included as of 2012, at last bringing this previously unfettered sector from a climate perspective under a regulatory regime. From 2013, additional industrial sectors and GHGs will also be covered, such as CO<sub>2</sub> emissions from petrochemicals, and perfluorocarbons emitted from the aluminium sector. In the interests of efficiency, any small-scale installation (emitting up to 25,000 tonnes of CO<sub>2</sub> each year over the preceding three years), along with hospitals, will be allowed to opt out, so long as they are covered by measures to ensure a corresponding cut in emissions. Forestry projects will not be allowed. Installations may purchase credits from Joint Implementation (JI) and Clean Development Mechanism (CDM) projects under the wider global climate change regime to help meet their allowance obligations, but only up to a threshold of 50% of the EU-wide reductions mandated for 2008–2020.

The Commission must now get to work on devising the technical details to implement this political deal, notably rules for auctioning and for distributing free allowances.

### “Effort-sharing” Agreement

Sixty percent of the EU’s GHG emissions – mostly in small-scale installations, transport, buildings, services,

agriculture and waste – are not covered by the EU-ETS. The new climate package includes these in a new “effort-sharing” agreement, aimed at achieving an overall 10% cut from 2005 levels as a contribution to the 20/2020 target (the relative cut required of the EU-ETS sectors is greater, as the costs they incur should be lower). The “effort-sharing” agreement defines an individual target for each member state, using GDP per capita as the main criterion. The targets range from a 20% cut to a 20% increase, with emissions in poorer states allowed to rise. Member states may meet these targets in whatever way they see fit, with EU-wide regulations playing an important role. The climate package, for example, also includes binding emission targets to be phased in for new cars, aimed at a decline in average emissions to 120g of CO<sub>2</sub> per kilometre by 2015, and 95g by 2020.

Member states may also purchase credits from JI and the CDM to help meet their targets, but only up to 3% of 2005 emissions. Countries that have a national *reduction* target, or must limit their increase to 5%, may purchase an additional 1%, but only from CDM projects in least developed countries and small island developing states, and only if they meet certain stringent conditions (*e.g.*, more than 50% of their non-EU-ETS emissions are transport-related). The effort-sharing targets may be revised upwards if a strong international agreement is reached under the global climate change regime. The EU has already stated that it is prepared to cut its collective emissions by up to 30% by 2020, if other developed countries commit to comparable targets.

### Other Decisions

The climate package also sets individual renewable energy targets for member states, adding up to the collective target of a 20% share by 2020. This includes a 10% target for the use of renewables (biofuels) in the transport sector, with sustainability criteria to avoid any negative environmental side-effects. A further decision introduces a legal framework for moving ahead on carbon capture and storage (CCS). Allowances will be kept in reserve under the EU-ETS to help stimulate the construction and operation of commercial CCS demonstration projections.

Overall, the EU can justifiably be proud of its climate package. If fully implemented, the package of decisions should go a long way to shifting the EU economy on to a lower-carbon path. Politically, the package constitutes a genuine case of leadership among developed countries, giving a positive boost to the Copenhagen negotiations under the international climate regime. Moreover, the EU has demonstrated how it is possible to craft agreements that genuinely take account of varying national and sectoral circumstances on the one hand, while maintaining environmental integrity on the other, through carefully targeted and circumscribed concessions, along with the transparent application of objective criteria. Delegates to the global climate change talks would do well to take note, and learn from the EU’s experience in negotiating its package.

For more information on the package of decisions, see memos 08/796 to 08/800, available at [www.europa.eu](http://www.europa.eu). 

## Latest Policy and Law Developments

by Elsa Tsioumani\*

This report provides an update on developments of relevance to environmental protection in the EU, covering the period from April to December 2008.

### Air Pollution

In April, a new directive on ambient air quality<sup>1</sup> was adopted, which merged four directives and one Council decision into a single instrument on air quality. The directive sets standards and target dates for reducing concentrations of fine particles (PM<sub>2.5</sub>), which are among the most dangerous pollutants for human health. Under the directive, Member States are required to reduce exposure to PM<sub>2.5</sub> in urban areas by an average of 20% by 2020 based on 2010 levels. It obliges them to bring exposure levels below 20 micrograms/m<sup>3</sup> by 2015 in these areas. Throughout their territory, Member States will need to respect the PM<sub>2.5</sub> limit value set at 25 micrograms/m<sup>3</sup>. This value must be achieved by 2015 or, where possible, already by 2010.

### Sustainable Production and Consumption

In July, the Commission adopted an action plan on sustainable production, consumption and industry,<sup>2</sup> aimed at improving the overall environmental performance of products while helping consumers to buy more eco-friendly products. It includes a list of actions on: ecodesign requirements for more products; reinforced energy and environmental labelling; incentives to encourage uptake of environmentally high-performing products; promoting green public procurement; consistent product data and methodologies; working with retailers and consumers; supporting resource efficiency, eco-innovation and enhancing the environmental potential of industry; and promoting sustainable production and consumption internationally.

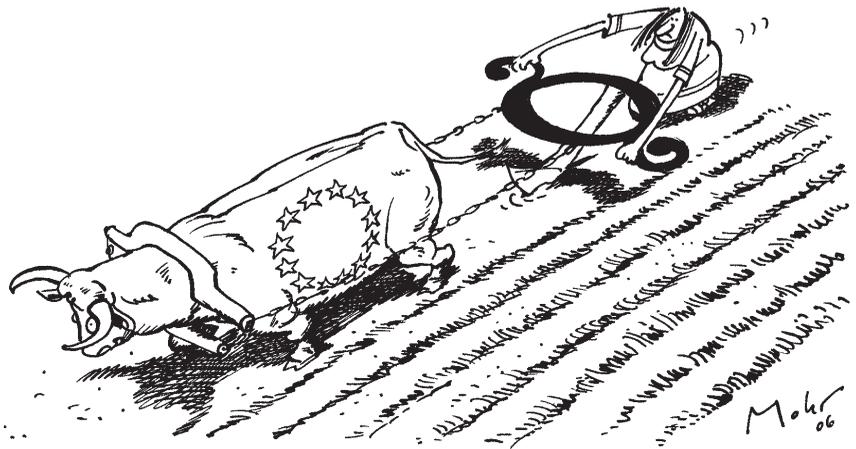
### Biodiversity and Wildlife

In July, the Commission adopted a proposal for a regulation banning the trading of seal products within, into and from the EU, to ensure that products derived from seals killed and skinned in ways that cause pain, distress and suffering are not found on the European market. According to the proposal, trade in seal products would only be allowed where guarantees can be provided that hunting techniques used were consistent with high animal-welfare standards and that the animals did not suffer unnecessarily.

In December, the Commission published the mid-term report on implementation of the EU Biodiversity Action

Plan 2006. Presented as the first comprehensive assessment of progress at both EC and Member State levels, the report studies four main policy areas: biodiversity in the EU, the EU and global biodiversity, biodiversity and climate change, and the knowledge base. The mid-term assessment shows the progress made since June 2006 and outlines the most important activities undertaken by the EC and its Member States to implement the Biodiversity Action Plan. Its main conclusion is that the EU is “highly unlikely” to meet its 2010 target of halting biodiversity decline; intensive efforts are required over the next two years both at the EC and the Member State level, in order to come closer to achieving this objective. The report highlights priority measures for the coming years, ranging from more action to manage and restore sites in the Natura 2000 network of protected areas, to restoring ecosystem health and services in the countryside, and in freshwater and marine environments.<sup>3</sup>

It is recalled that the EU Biodiversity Action Plan,<sup>4</sup> adopted in May 2006 as an annex to the Communication on halting biodiversity loss by 2010<sup>5</sup> addresses the challenge of integrating biodiversity concerns into other



Courtesy: Das Parlament

policy sectors. It specifies priority actions and outlines the responsibility of community institutions and Member States in relation to each. It also contains indicators to monitor progress and a timetable for evaluations.

Less than a week before, the Commission had announced an extension of the Natura 2000 network to include 769 new sites and a total area of 95,522 km<sup>2</sup>. Most of the sites are in the newer member states, including in Romania and Bulgaria, which added areas to the network for the first time. Sites include the Danube Delta, one of the largest wetlands in Europe and a biodiversity hotspot, the Pirin Mountains in Bulgaria and the Goplo Lake in Poland.

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Also in December, the Commission adopted a Communication<sup>6</sup> presenting policy options for an EU strategy on invasive species. In the Communication, the Commission examines the evidence regarding the ecological, economic and social impact of invasive species in Europe; analyses the effectiveness of the current legal situation for tackling this problem and describes four possible options for a future EU strategy. In addition, the Commission highlights measures that can be put in place immediately, including a Europe-wide early warning system to report on new and emerging species. Following feedback from other EU institutions and stakeholders, the strategy's development is anticipated for 2010. Invasive alien species are considered to be a major threat to Europe's native biodiversity, with serious ecological, economic and social consequences.

### Chemicals

In October, a regulation was adopted<sup>7</sup> in order to ban exports of metallic mercury and to provide for its safe storage, with a view to reducing risks of exposure to populations and to the environment. The export ban, to take effect in March 2011, is considered a key part of the EU strategy for reducing the global supply of mercury and thereby limiting emissions into the environment. The ban will apply to exports of metallic mercury, cinnabar ore, mercury chloride, mercury oxide and mixtures of metallic mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95% weight. As of March 2011, mercury stemming from the three major sources – chlor-alkali industry, natural gas cleaning and non-ferrous metal production – will be considered as waste and have to be safely stored within the EU.

In December, another regulation<sup>8</sup> was adopted to align EU legislation on classification, labelling and packaging of substances and mixtures to the UN Globally Harmonized System, which ensures that the same hazards are described and labelled in the same way all around the world. This new regulation is considered to complement the REACH regulation on the registration, evaluation, authorisation and restriction of chemicals.

### Waste

In November, the Commission presented a Communication on an EU strategy for better ship dismantling,<sup>9</sup> proposing a set of measures to improve ship dismantling conditions as soon as possible, including in the interim period before the entry into force of the convention currently under negotiation under the auspices of the International Maritime Organization, which will be legally binding and with global application. Proposed measures include: starting preparations for establishing measures on key elements of the convention above, such as those on surveys, certification and inventory of hazardous materials on board, as soon as possible after its adoption; encouraging voluntary industry action through measures such as awards for exemplary green recycling and publication of guidance, such as a list of "clean" ship dismantling facilities; technical assistance and support to developing countries for safety training programmes and basic infrastructure for environmental and health protection; and

better enforcement of current waste shipment rules such as more checks at European ports, better cooperation and information exchange between EU authorities, and establishment of a list of ships that are ready for scrapping. It is also proposed that the Commission look at the feasibility of the following: developing a certification and audit scheme for ship recycling facilities worldwide and evaluating how EU ships can be encouraged to use such a scheme; making warships and other government vessels not covered by the Convention, subject to EU rules for clean dismantling; and establishing a mandatory international funding system for clean ship dismantling.

Despite existing rules on collection and recycling of hazardous substances in electrical and electronic equipment,<sup>10</sup> which provided for the creation of collection schemes for electrical and electronic waste, it is reported that only one third of such waste is appropriately treated with the rest going to landfills and potentially to sub-standard treatment sites. As such inadequately treated products pose major environmental and health risks, in December the Commission proposed a revision of the directives on electrical and electronic equipment, with the aim of increasing the amount of such waste that is appropriately treated. The proposals also seek to better control the illegal trade of such equipment. Mandatory collection targets are proposed, equal to 65% of the average weight of electrical and electronic equipment placed on the market over the two previous years in each Member State. The recycling and recovery targets of such equipment now include the re-use of whole appliances, and weight-based targets will increase by 5%. It is also proposed to set targets for the recovery of medical devices.

### Notes

1 Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152/1, 11/06/2008.

2 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan, COM(2008) 397/3.

3 The mid-term assessment and annexes are available at: [http://ec.europa.eu/environment/nature/biodiversity/comm2006/bap\\_2008.htm](http://ec.europa.eu/environment/nature/biodiversity/comm2006/bap_2008.htm).

4 Available at: [http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/sec\\_2006\\_621.pdf](http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/sec_2006_621.pdf).

5 Communication from the Commission "Halting the loss of biodiversity by 2010 – and beyond – Sustaining ecosystem services for human well-being", COM(2006) 216 final.

6 Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions "Towards an EU Strategy on Invasive Species", COM (2008) 789 final.

7 Regulation 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury, OJ L304/75, 14/11/2008.

8 Regulation 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, OJ L353/1, 31.12.2008.

9 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "An EU strategy for better ship dismantling", COM(2008) 767 final.

10 See Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment and Directive 2002/96/EC on waste electrical and electronic equipment, both of which entered into force on 13 February 2003 and should have been transposed into national law by 13 August 2004.

