

frESH Law Horizons

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Covid-19: Guidance for Businesses Collecting Personal Details issued. The government has [advised](#) businesses in certain sectors (including hospitality and leisure operators and close-contact services, such as hairdressers) to collect details and maintain records to support NHS test and trace, including names, contact numbers and dates and times of visits (or shifts for staff). However, separate [guidance](#) has been published by the Information Commissioner's Office (ICO) for those businesses collecting details, including in relation to guidance which should be provided to the relevant individuals, data protection rights and retention periods for data. Separately, the ICO has also issued a short 5-step "[A to E](#)" [guide](#) with its key messages for the protection of customer and visitor details.

Covid-19: Health and Safety Executive (HSE) checks on compliance take place. Early this month, the HSE [called](#) for businesses in Great Britain to become Covid-secure, outlining the 5 key steps and linking to the government guidance on [Safer Workplaces](#). As well as inspections carried out by local authorities, a [press release](#) issued by the HSE in mid-July, confirmed that it is carrying out spot checks to ensure businesses are aware of the Safer Workplace guidelines and advising on any necessary improvements. It seems that such checks may be focused on areas where confirmed cases are high, as the press release referred to the high number of Covid-19 cases in Bradford and the checks that are being carried out there. There was a further [press release](#) at the end of the month referring to visits in Blackburn.

Covid-19: Local Authority powers for closure and restriction of access to premises, events and public outdoor places introduced. [Regulations](#) came into force on 18 July 2020, in England, giving local authorities various powers to reduce public health risks associated with the transmission of Covid-19. [Guidance](#) has also been issued by the government, summarising these powers, essentially providing for specific "local lockdowns". These include powers to: restrict access to, or close, individual premises (this might include workplaces/business premises); prohibit certain events, or types of events, from taking place; and restrict access to, or close, public outdoor spaces (this might include a beach or public square). In terms of restrictions, the local authority can specify matters such as the number of persons in the premises, the purpose for which a person is in the premises and the facilities in the premises. There are certain conditions that are required to be met before a local authority can issue a direction, but, once issued, a breach is an offence, which can be committed by a company, or an individual. A right of appeal lies to the magistrates court (this includes a right for a business owner or occupier affected by a direction to appeal such direction). Both the local authority and the police have enforcement powers under the regime, including the issuing of fixed penalty notices to individuals.

Covid-19: Face coverings regulations published, with exclusions. [Regulations](#) have also come into force requiring the wearing of face coverings, such as masks, in relevant public places, including shops, shopping centres, banks and transport hubs. However, masks are not required at the current time for other types of premises, such as bars or restaurants, cinemas, theatres, or spas. There are also exemptions for those aged under 11; business owners, employers or employees in their workplaces (including shop workers); public transport employees (in the course of their employment); and police officers/ PCSOs. The government has also issued [guidance](#) on the requirements. There may be some consequences of face coverings unconnected with Covid-19, for example the ability to satisfactorily check the age of customers for sales of restricted products and for checking identification, for example in a bank. The guidance indicates that coverings can be removed on request for these purposes. The guidance also reminds manufacturers and sellers of the regulatory requirements and standards, linking to [OPSS guidance](#) (please also see our earlier [webinar](#) on requirements for PPE).



Court of Appeal Decision: Crown Court sentencing powers confined to those of magistrates (but Confiscation Order stands). In [R \(Haringey LBC\) v Roth](#), the Court of Appeal ruled that the Crown Court could not withhold the credit that would be available for an early guilty plea and reduced the fine from £20,000 to £13,333. The case had been committed to Crown Court for sentence, because the prosecutor was seeking a confiscation order (not because the sentencing powers of the magistrates were inadequate). However, the appellant failed in relation to the second part of his appeal, relating to the confiscation order (on grounds relating to the relevant period of the order, the rental income obtained and the calculation of the benefit) and the Court ruled that the order, amounting to almost £528,000 stood. The case is a reminder of how an order under proceeds of crime provisions can dwarf a criminal penalty.

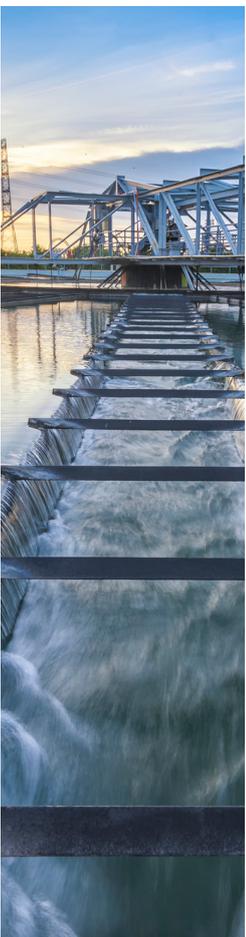
The HSE released Annual Workplace Fatality Figures 2019/2020. The [figures](#), released on 1 July, recorded 111 workers fatally injured between April 2019 and March 2020 (a rate of 0.34 deaths per 100,000 workers), the lowest year on record, with falls from height remaining the most common type of fatal accident. In addition, the figures record that 92 members of the public were killed due to work related activities in the same period. The [HSE press release](#) notes that the figures don't include occupational disease, nor Covid-19 infection.

A consultation on courts' powers to depart from retained EU case law after Brexit transition period was launched. The Ministry of Justice have issued the [consultation](#), which outlines proposals under the European Union (Withdrawal) Act 2019 to allow the Court of Appeal and High Court (and equivalent courts in Northern Ireland and Scotland) to be able to depart from retained EU case law. The Consultation closes on 13 August 2020.

Court of Appeal directed convictions be annulled where guilty pleas made under judicial pressure. In this [case](#), the appellant was unrepresented before the trial judge. The appellant accepted that what he had done amounted to a technical breach of the order but maintained that he had a reasonable excuse for his actions and he wanted the case to be tried by a jury. The Court found that the comments of the trial judge, that the admitted technical breach was still a breach, and that the appellant should not be pleading not guilty, carried with them a clear judicial indication that the appellant had no defence to the charges and should be pleading guilty. The Court was satisfied that the judge's interventions and their impact on the appellant created inappropriate pressure and therefore nullified the pleas. The case involved breaches of a non-molestation order, but the principles could also apply to cases involving corporate defendants, particularly if they were unrepresented.

Trials for electric scooter rentals on roads in Great Britain start. Legislation has been amended to allow trials of rental e-scooters. To date, use of e-scooters on the road has not been permitted, because such vehicles do not meet the technical standards required for motor vehicles. It is also unlawful to use such vehicles on the pavement, or in public parks. However, [guidance](#) has now been issued by the Department for Transport, following a [consultation](#) launched back in May, confirming regulatory changes to allow trials. The guidance confirms that the e-scooter will continue to be within the definition of a "motor vehicle" under applicable road traffic legislation, but as a new sub-category; and vehicle orders will be issued for vehicles of particular operators assessed as suitable to participate in trials. Trials have already begun in Middlesbrough, according to [press reports](#), but use by private owners on roads remains unlawful.

Fine of £800,000 imposed for release of sewage into watercourse. The Environment Agency has [reported](#) on the prosecution and fine, levied after a water company pleaded guilty to 3 charges under Environmental Permitting regulations. The company was also ordered to pay over £70,000 in costs. The offences came to light when a member of the public smelled a strong unpleasant odour and saw a ditch full of raw sewage. An EA officer inspected the site and found the brook was polluted for 250 metres downstream of the works, due to a fat blockage at the works inlet. The sentence is a reminder of the significant penalties that can be imposed for environmental offences, with the Definitive Sentencing Guideline for such offences requiring that the court should determine the offence category, using culpability and harm categories on a sliding scale, then calculate the starting point and range of fine accordingly, depending on whether the defendant is a large, medium, small or micro-organisation. It is also a reminder that costs awards can be significant.





Concerns raised over the future of chemical regulation by [House of Commons](#) and [House of Lords](#) committees. The letters highlight in particular the concerns expressed to the committees regarding the process for transferring registrations from the EU system and ongoing costs and access to data.

The government has [announced](#) nearly £80 million of investment to help cut carbon emissions from homes and energy intensive businesses. The funding will be invested in a wide range of programmes, including £30 million towards the first phase of the Industrial Energy Transformation Fund (IETF), which supports energy intensive manufacturers to cut their carbon footprint, and £25 million for heat networks including one which will harness geothermal water sitting in disused mines to heat 1,250 homes.

Biffa loses its appeal against waste export conviction. In [Biffa Waste Services Ltd v R](#), Biffa appealed to the Court of Appeal against its conviction for two offences of transporting waste for recovery to a non-OECD country (China). Biffa had sorted out mixed household waste and then sold consignments of the waste to China as green list scrap paper. On examination at Felixstowe, the consignments were found to contain a quantity of soiled nappies, incontinence pads, sanitary towels and other contaminants. In rejecting the appeal, the court set out the proper approach to considering whether waste was properly categorised as Y46 (household waste) or B3020 (paper waste) which would determine whether the shipment was illegal. The court held that the key issue was whether the waste was in fact properly B3020 at the point of export, based on an assessment of the quantity, nature and quality of the contaminants. Whilst it was open to the defendant to produce evidence that the bales of paper waste produced by the sorting process could, without further sorting, be recycled in an environmentally sound manner, that would not be determinative of the evaluation that the jury had to make. However, such evidence could inform the jury's overall assessment of the quantity, nature and quality of the contaminants, and inform its judgment as to whether the waste in question was still Y46 household waste when its export began, or whether it was B3020.

The Environment Agency (EA) has issued a new regulatory position statement (RPS) regarding [treating food waste where the food was served and consumed](#). RPS229 allows companies who serve food to treat their associated food waste on the premises without needing an environmental permit, subject to specific conditions and limits. The waste can only be treated using specialised equipment which macerates, grinds, liquefies, dewateres, separates, screens, digests or composts it. This RPS will be reviewed by December 2021. The EA has also extended the expiry date of [RPS 228](#) regarding when you can store and treat waste plastic produced from processing waste electrical and electronic equipment (WEEE) without the correct waste codes on your permit, from 31 July 2020 to 31 December 2020.

The EA has launched its [5 year plan](#) for reaching a greener, healthier future. The plan, called EA2025, outlines how the EA will lead the way towards a more resilient future. The EA's chief executive said that returning to business as usual after the Coronavirus pandemic won't be enough to address the challenges of the future. EA2025 calls for a new approach which promotes health, equity and environmental enhancement and says that the Coronavirus pandemic presents an opportunity to reshape a better future and help society better understand the largest public health threat of the century: climate change.

The EA published its [corporate scorecard](#) for quarter 2 2019/20. This reveals that it failed to meet targets for water quality, illegal waste sites, flood management, influence on planning decisions, financial management and diversity.

EA [consults](#) on technical guidance for permitted facilities that biologically treat waste. The guidance will replace several guidance notes and include the framework for the assessment of novel waste. The guidance aims to improve the design and operation of permitted facilities in the biological treatment of waste sector, and make sure that appropriate measures are applied consistently. It will apply to aerobic and anaerobic treatment of biodegradable organic wastes, treating sewage sludge, storing recovered material (compost and digestate) and aerated lagoons and activated sludge (as a waste-water treatment). The EA has also issued an RPS ([192](#)) relating to point source emissions from anaerobic digestion, so that operators under standard rules permits will be allowed additional point source emissions from biofilters and scrubbing systems, biogas upgrading plant and digestate drying plant subject to certain conditions.





The Bank of England's Prudential Regulation Authority (PRA) publishes [Dear CEO letter](#). The letter builds on supervisory statement (SS3/19) on enhancing banks' and insurers' approaches to managing the financial risks from climate change. The PRA says that these firms should have fully embedded their approaches to managing climate-related financial risks by the end of 2021, and be able to demonstrate that the expectations in SS3/19 have been implemented as fully as possible.

Climate group CDP has [launched](#) a 'pioneering new set of climate ratings for measuring and communicating the global warming path of companies and investments'. The [temperature ratings](#) dataset provides a temperature pathway for over 4,000 global companies, based on emission reduction targets across all relevant greenhouse gas emissions in a company's value chain. CDP says that this data is key for investors to better manage climate transition risk and future-proof their portfolios and funds.

The government has affirmed its commitment to crack down on single use plastics at home and abroad, including PPE. A [front page article in The Telegraph](#) referred to a new war being declared by the UK government on single use plastics, and highlighted in particular the potential impact of single-use PPE, much of which is plastic, as well as the government's ongoing work to investigate reusable and biodegradable PPE in a bid to cut down on plastic waste. In a separate piece in the same edition of [The Telegraph](#), Defra Ministers made it clear that they will be driving forward the UK's ambitious plans to lead the global fight on unnecessary single-use plastics.

Government consults on a carbon dioxide (CO2) emissions standards regime for new UK-registered vehicles from 1 January 2021. The Department for Transport (DfT) published two consultations on a CO2 emissions standards regime for [new heavy-duty vehicles](#), and for [new cars and vans](#). The consultations confirm that the UK's general approach will be to retain policy that supports net zero emissions by 2050 and that it is seeking to provide certainty to vehicle manufacturers on regulation following the transition period. Current CO2 targets are based on the EU fleet mass. As the UK car fleet mass is heavier than the EU fleet mass, this could have led to more stringent requirements on individual manufacturers. Therefore, rather than comparing the manufacturer's fleet against the average mass of relevant UK vehicles, it will continue to be compared against the average mass of relevant EU vehicles. The consultations are open until 21 August 2020.

DfT also published a [consultation](#) requesting ideas about the next steps to reducing emissions in transport and creating a decarbonisation plan ensuring net zero emissions by 2050. The consultation asks for ideas about the steps the UK should take to reduce emissions from transport and creating a plan to ensure the UK transport is net zero in emissions by 2050. This consultation and plan builds from the information in '[Decarbonising transport: setting the challenge](#)' released in March 2020. The consultation is open until 31 August 2020.

[Our future air quality at a crossroads?](#) Anita Lloyd has written an article for *Air Quality News Magazine* about the most recent developments that are likely to inform the legal and policy direction of travel and air quality issues over the coming months.

EA published [new guidance for healthcare waste facilities](#). The new guidance will apply to new healthcare waste facilities applying for permits from 13 July 2020 and to existing facilities once their permits have been varied. This guidance covers the general management of healthcare waste, its pre-acceptance, acceptance, tracking, storage, segregation and the monitoring of emissions. It follows the high profile case in 2018 of Healthcare Environmental Services being forced to close after permitting breaches.

Environmental charity Plan B has [written](#) to the prime minister stating that the climate emergency is not a "competing priority" to be overridden by the COVID-19 crisis. Plan B asserts that the economic recovery programme would be unlawful unless the government explains how it is compatible with both the net zero target and the Paris Agreement. The letter asks for a response by 17 July, or "we will have no option but to commence legal action".



New [court ruling](#) on main purpose of energy from waste (EfW) plants. In a dispute relating to construction issues, the decision states that an EfW plant in Hull exists primarily to generate energy rather than manage waste. The legal issue arose in relation to an adjudication award and the fact that the Housing Grants, Construction and Regeneration Act 1996 provides a statutory right to send many construction disputes to adjudication, but not those related to power generation. The ruling could have wider implications for the regulation of EfW plants.

The EA issued a [remediation notice](#) for environmental damage under the Environmental Damage (Prevention and Remediation) Regulations 2015 against Omex Agriculture Ltd, after a pollution incident which killed over 100,000 fish. Omex has been required to create improved habitats within the river and maintain them for at least 10 years. It is only the second time since this legislation has come into force that the remediation powers have been used in this way. The proposals were developed by Omex and then scrutinised by the EA. The final plan was agreed and issued in the form of a remediation notice. Separately, the EA conducted an investigation under the Environmental Permitting Regulations and court proceedings have now begun.

Regulation amending transitional provisions regarding emissions from non-road mobile machinery (NRMM) due to COVID 19. [EU Regulation 2020/1040](#) amends the transitional provisions of [EU Regulation 2016/1628](#) on NRMM to address COVID-19 supply chain disruptions which are causing delays and making it difficult for NRMM manufacturers to meet emissions-related deadlines. The amendments postpone certain deadlines for producing and marketing NRMM and tractors fitted with transition engines for 12 months.

The European Commission adopted [new rules setting out minimum technical requirements for the methodology of EU climate benchmarks](#). In order for benchmarks to be labelled as EU Climate benchmarks, their allocation to the sectors that highly contribute to climate change should not be less than the exposure of their underlying investable, the Greenhouse Gas (GHG) intensity will have to be significantly lower than that of the investable universe, they will have to reduce their carbon emissions from one year to the other, and exclude assets that significantly harm Environmental, Social, and Governance (ESG) objectives. The new legislation also lays down a number of ESG disclosure requirements for benchmark administrators, including the disclosure on the alignment with the Paris agreement.

The government published the [draft Greenhouse Gas Emissions Trading Scheme Order 2020](#). This lays out the framework for the UK Emissions Trading Scheme (UKETS) that is proposed to replace the EU Emissions Trading Scheme (EUETS) in the UK after the end of the Brexit transitional period. This Order addresses matters such as the scope of the new scheme, the cap on emissions, enforcement and reporting. The government is also consulting on the fall-back option of a [carbon emissions tax](#) in the event that it is not able to agree a UKETS that links to the EUETS. The consultation is open until 29 September 2020.

[Guidance](#) has been provided for local authorities on UN sustainable development goals (SDGs) by the Local Government Association (LGA) and the UK Stakeholders for Sustainable Development (UKSSD). The SDGs are 17 sustainable development goals covering a wider range of environmental, social and governance issues. They are not legally binding, but members of the UN are expected to establish national frameworks towards meeting the SDGs. This guidance provides background on the SDGs and seeks to assist local authorities in engaging with the SDGs.

ClientEarth has been granted permission to appeal the court ruling on Drax's proposed gas power plant. In June, the High Court dismissed ClientEarth's challenge to the planning approval for the plant, agreeing with the then-Secretary of State's original decision and that the impact of greenhouse gas emissions "should not carry determinative weight in the overall planning balance."

The Environmental Audit Committee launched a [call for evidence](#) as part of its inquiry on 'Greening the post-Covid Recovery' seeking views on how economic stimulus can align with the UK's climate and environmental goals. The deadline for response is 14 August 2020. Meanwhile the **Treasury Committee relaunched its [inquiry](#) into decarbonisation of the UK economy and green finance** asking for evidence on how and whether the UK's response to COVID-19 should take into account the government's commitment to net zero carbon emissions by 2050.



Emissions of the most harmful air pollutants dropped in 2018 according to the latest [data published](#) by the European Environment Agency (EEA). It reports that emissions of the five most harmful air pollutants, including particulate matter (PM), nitrogen oxides (NOx) and ammonia (NH3) reduced across the EU between 2017 and 2018.

The European Commission launched an [Inception Impact Assessment \(IIA\)](#) on a possible revision of [Regulation 1005/2009 on substances that deplete the ozone layer](#) (ODS Regulation). At the end of 2019, the Commission completed an evaluation of the ODS Regulation which highlighted scope for increasing efficiency and coherence of the ODS Regulation. In the context of the European Green Deal, the Commission will also seek to attain additional emission reductions. The consultation closes on 9 November 2020 and the Commission is expected to adopt a legislative proposal in Q2 2021.

EU leaders agree on cornerstones of long-term budget to recover from COVID-19 crisis, including a plastic tax. The [political agreement](#) includes the so-called Own Resources of the EU, one of which will be an 'EU plastic tax', which the European Commission [proposed in May 2018](#). The agreement states that "a new own resource will be introduced and apply as of 1 January 2021 composed of a share of revenues from a national contribution calculated on the weight of non-recycled plastic packaging waste with a call rate of EUR 0.80 per kilogram with a mechanism to avoid excessively regressive impact on national contributions." After further discussions at ambassador level, an [updated legislative proposal](#) provides some additional details. It defines plastic, packaging waste and recycling by reference to the existing definition of polymer in REACH, and packaging legislation, respectively. This confirms e.g. that bioplastic packaging waste are supposed to be included in its scope. The measure can be expected to create an additional motivation for Member States to increase the recycling of plastic packaging waste, on top of e.g. EU plastic packaging recycling targets of 50% (by the end of 2025) and 55% (by the end of 2030), mandatory recycled content targets for SUP bottles and mandatory packaging extended producer responsibility (EPR) schemes. However, the measure will *not* be *directly* levied upon any specific product. Member States are free to decide where and how they collect the revenue to fund the EU according to this and other Own Resources (and sources of funding). In accordance with the respective constitutional requirements of each Member State, this must also be approved by the national parliaments before entering into force.

EU advisory body adopts opinion on new Circular Economy Action Plan (CEAP 2.0). The European Commission adopted the [CEAP 2.0](#) as a broad policy strategy in March. The European Economic and Social Committee (EESC) represents employers' and workers' organisations and other interest groups at the EU level. In its non-binding [opinion](#), it calls for, amongst other things, the expansion of eco-design, including on mandatory recycled content for packaging, vehicles, construction materials and batteries. Existing minimum environmental criteria (MECs) should become mandatory for public procurement. The EESC generally feels that a shift in the distribution of taxation should be considered. More stringent taxation should be applied to imports that appear to have little regard for the circular economy. The EESC specifically states that the 'right to repair' would have to be recognised and incorporated into product guarantees, including through reduced VAT. The fight against planned obsolescence should become an integral part of new technical specifications and standards. Both EU co-legislators plan to formally react to it as well, in December. Meanwhile the UK has missed the 5 July 2020 deadline for implementation of the existing EU circular economy package, according to the [Green Alliance](#), which is contrary to the terms of the Withdrawal Agreement. In response, the UK government [confirmed](#) on 30 July that it would be implementing the package without further consultation being required.



European Parliament takes position on upcoming Chemicals Strategy for Sustainability.

Its plenary adopted a non-binding [resolution](#) which considers that the Strategy should achieve coherence and synergies between the various different areas of EU legislation that are relevant here, such as EU chemicals, product and environmental legislation. It stresses that a sustainable chemicals policy requires alliances with key sectors (e.g. construction, textile, electronic and automotive industries) to work on circular economy initiatives, and the importance of transitioning to a truly circular economy and developing non-toxic material cycles. It considers that virgin materials and recycled materials should fulfil the same chemical standards, whilst reaffirming that prevention takes priority over recycling. It also calls on the Commission to clarify the conditions and criteria under which the use of biodegradable or compostable plastics is not harmful. The Parliament considers that environmental taxes and/or extended producer responsibility (EPR) would be good tools to implement the polluter pays principle for chemicals while stimulating innovation. The resolution stresses that the Strategy should introduce the REACH registration of polymers. It calls for the REACH restriction procedure to be improved by grouping substances, and by considering the costs of inaction, and calls for the level of evidence needed for issuing derogations to proposed restriction to be increased. The European Commission has been [controversially](#) discussing the text of the Strategy internally. It is expected to adopt the policy document at the end of September.

European Commission plans law on greenwashing. Implementing its new Circular Economy Action Plan (CEAP 2.0), the Commission published an IIA on [‘empowering consumers for the green transition’](#). The Commission states that helping consumers play their part in achieving a more sustainable economy is a key goal of the revision of EU consumer policy. The focus on this initiative is to ensure that consumers obtain reliable and useful information on products, e.g. on their lifespan and repair options; to prevent overstated environmental information (‘greenwashing’) and sale of products with a covertly shortened lifespan; and to set minimum requirements for sustainability logos and labels. The Commission will assess the options to amend existing consumer protection legislation or develop a new stand-alone consumer protection instrument. Stakeholders are invited to comment on the planning document until 1 September 2020.

European Commission plans law on green claims. In the same context as the previous initiative, the Commission issued an IIA on [substantiating green claims with the Product and Organisation Environmental Footprint \(PEF and OEF\) methods](#). The Commission notes that competition for green markets is growing. However, there were no detailed positive rules on the substantiation of environmental claims and national authorities could only prohibit environmental claims that they find to be misleading consumers based on a case-by-case application of the existing EU consumer law. The market had failed to agree on a single, reliable method to measure and assess environmental impacts and Commission Recommendation 2013/179 on PEF and OEF was only voluntary and not fully aligned with other initiatives. Therefore, the Commission is considering options to update the 2013 Recommendation. All options would include an appropriate framework for certification/verification of environmental footprint profiles and monitoring and enforcement tools. Stakeholders are invited to comment on the planning document until 31 August. The development of this and the aforementioned legislative proposal will include various additional forms of consultations. The Commission expects to present legislative proposals in Q2 2021.

European Commission reports a 10% increase of actions following product safety alerts (compared to previous year).

The Commission published its latest [report](#) on the system to prevent or restrict the selling of dangerous non-food products on the market, the [‘Rapid Alert System’](#) (RAPEX). 31 countries (EU27 plus the UK, Norway, Iceland and Liechtenstein) participate in RAPEX. The number of actions taken by authorities following an alert is growing year on year, almost 4,500 in 2019 compared to 4050 in 2018. Toys were the most notified product (29%), followed by motor vehicles (23%), and clothing, textiles and fashion items (8%). Cosmetics, electrical appliances and equipment, as well as childcare articles and children’s equipment also had a high number of alerts. The most notified risks related to a product causing injuries (27%), followed by chemical components (23%), and risks of children choking (13%). Almost half of the alerts concerning toys (47%) were due to chemical risks, with phthalates in plastic dolls and a rise of slime toys containing boron, which are both substances toxic to reproduction.





European Commission publishes notice on export and import of hazardous chemicals after Brexit transition. The [notice](#) to stakeholders states that after the end of the post-Brexit transition period (expected) on 31 December 2020, the EU will treat the UK as a third country under the Prior Informed Consent (PIC) Regulation 649/2012. This will require PIC for exports and imports of certain hazardous chemicals between the EU and the UK, and notification of designated national authorities. Due to the Ireland/Northern Ireland Protocol, shipments of chemicals between Northern Ireland and the EU were not treated as EU imports or exports under the PIC Regulation. However, the shipment of certain chemicals listed in the PIC Regulation between Northern Ireland and a third country, including Great Britain, would have to comply with the Regulation.

European Commission adds 22 hazardous chemicals to EU regulation on imports and exports. The Commission published a [delegated regulation amending Annexes I and V to PIC Regulation 649/2012](#). EU exporters who want to export any of the substances added to Annex I, as such or in mixtures, need to notify their designated national authority at least 35 days in advance. 20 of the 22 substances also need consent from the authorities of the importing country. The majority of the 22 substances have been added because they are banned as active substances in plant protection products within the EU. Some are also severely restricted under the Biocidal Products Regulation and, approved only for a limited number of biocidal products. All EU exporters and importers of these substances now have to report their annual imports and exports to and from the EU. A series of mercury-containing articles have also been added to Annex V. Exporting them from the EU is now banned. In addition, two mercury compounds have been added and their export is now only allowed for uses in laboratory scale research and analysis. The amendments will apply from 1 September 2020.

Report for the European Commission sets out possible REACH registration of polymers.

A report drafted by consultancies Wood and Peter Fisk Associates (PFA) has become [available](#). It provides detailed options for data requirements on some 33,000 polymers for which it says the benefits of REACH registration outweigh the costs. This reportedly represents 15% of the estimated number of polymers on the EU market. It proposes adapting REACH registration obligations to accommodate for their registration but with “minimum divergence”, as the fundamentals of REACH registration were “broadly applicable” to polymers. However, determining polymer identity and sameness within groups to enable one registration per polymer would be “very demanding”. The report also highlights issues of confidentiality and compensation for use of data. The Commission intends to publish a staff working document on a number of review obligations in Article 138 REACH, including polymers, later this year. A legislative proposal, based on that provision, is currently expected by 2022.

Contacts



Rob Elvin
Partner, Manchester
T +44 161 830 5257
E rob.elvin@squirepb.com



David Gordon
Partner, Birmingham
T +44 121 222 3204
E dave.gordon@squirepb.com



Ken Huestebeck
Senior Associate, Brussels
T +322 627 11 02
E ken.huestebeck@squirepb.com



Nicola A. Smith
Director, Birmingham
T +44 121 222 3230
E nicola.smith@squirepb.com



Anita Lloyd
Director, Birmingham
T +44 121 222 3504
E anita.lloyd@squirepb.com



Gary Lewis
Director, Manchester
T +44 161 830 5373
E gary.lewis@squirepb.com